

TABLE OF CHAPTERS

REISSUE REVISED STATUTES

Chapter Number	No. of Articles	Chapter Number	No. of Articles
1.	Accountants	45.	Interest, Loans, and Debt
2.	Agriculture	46.	Irrigation and Regulation of Water
3.	Aeronautics	47.	Jails and Correctional Facilities
4.	Aliens	48.	Labor
5.	Apportionment	49.	Law
6.	Assignment for Creditors	50.	Legislature
7.	Attorneys at Law	51.	Libraries and Museums
8.	Banks and Banking	52.	Liens
9.	Bingo and Other Gambling	53.	Liquors
10.	Bonds	54.	Livestock
11.	Bonds and Oaths, Official	55.	Militia
12.	Cemeteries	56.	Milldams
13.	Cities, Counties, and Other Political Subdivisions	57.	Minerals, Oil, and Gas
14.	Cities of the Metropolitan Class	58.	Money and Financing
15.	Cities of the Primary Class	59.	Monopolies and Unlawful Combinations
16.	Cities of the First Class	60.	Motor Vehicles
17.	Cities of the Second Class and Villages	61.	Natural Resources
18.	Cities and Villages; Laws Applicable to All	62.	Negotiable Instruments
19.	Cities and Villages; Particular Classes	63.	Newspapers and Periodicals
20.	Civil Rights	64.	Notaries Public
21.	Corporations and Other Companies	65.	Oaths and Affirmations
22.	Counties	66.	Oils, Fuels, and Energy
23.	County Government and Officers	67.	Partnerships
24.	Courts	68.	Public Assistance
25.	Courts; Civil Procedure	69.	Personal Property
26.	Courts, Municipal; Civil Procedure	70.	Power Districts and Corporations
27.	Courts; Rules of Evidence	71.	Public Health and Welfare
28.	Crimes and Punishments	72.	Public Lands, Buildings, and Funds
29.	Criminal Procedure	73.	Public Lettings and Contracts
30.	Decedents' Estates; Protection of Persons and Property	74.	Railroads
31.	Drainage	75.	Public Service Commission
32.	Elections	76.	Real Property
33.	Fees and Salaries	77.	Revenue and Taxation
34.	Fences, Boundaries, and Landmarks	78.	Salvages
35.	Fire Companies and Firefighters	79.	Schools
36.	Fraud	80.	Soldiers and Sailors
37.	Game and Parks	81.	State Administrative Departments
38.	Health Occupations and Professions	82.	State Culture and History
39.	Highways and Bridges	83.	State Institutions
40.	Homesteads	84.	State Officers
41.	Hotels and Inns	85.	State University, State Colleges, and Postsecondary Education
42.	Husband and Wife	86.	Telecommunications and Technology
43.	Infants and Juveniles	87.	Trade Practices
44.	Insurance	88.	Warehouses
		89.	Weights and Measures
		90.	Special Acts
		91.	Uniform Commercial Code

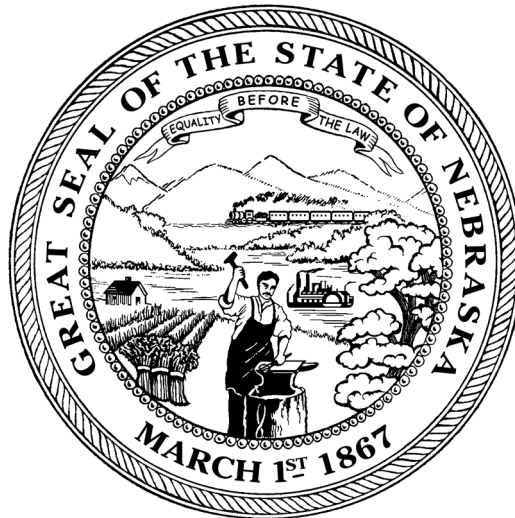


REVISED STATUTES OF NEBRASKA

2012 CUMULATIVE SUPPLEMENT

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Revisor of Statutes

For the benefit of the
State of Nebraska

CHAPTER 80

SOLDIERS AND SAILORS

Article.

3. Nebraska Veterans Homes. 80-316, 80-317.
4. Veterans Aid. 80-401.01, 80-410.

ARTICLE 3

NEBRASKA VETERANS HOMES

Section

- 80-316. Division of Veterans' Homes; purpose; admission; requirements.
- 80-317. Nebraska veterans homes; Veterans' Homes Board; rules of membership; application.

80-316 Division of Veterans' Homes; purpose; admission; requirements.

(1) The purpose of the Division of Veterans' Homes of the Department of Health and Human Services is to provide domiciliary and nursing home care and subsistence to:

(a) All persons who served on active duty in the armed forces of the United States other than active duty for training and who were discharged or otherwise separated with a characterization of honorable or general (under honorable conditions) if, at the time of making an application for admission to one of the Nebraska veterans homes:

(i) The applicant has been a bona fide resident of the State of Nebraska for at least two years;

(ii) The applicant has become disabled due to service, old age, or otherwise to an extent that it would prevent such applicant from earning a livelihood; and

(iii) The applicant's income from all sources is such that the applicant would be dependent wholly or partially upon public charities for support or the type of care needed is available only at a state institution;

(b) The spouse of any such person admitted to one of the homes who has attained the age of fifty years and has been married to such member for at least two years before his or her entrance into the home;

(c) Subject to subsection (2) of this section, the surviving spouses and parents of eligible servicemen and servicewomen as defined in subdivision (a) of this subsection who died while in the service of the United States or who have since died of a service-connected disability as determined by the United States Department of Veterans Affairs; and

(d) Subject to subsection (2) of this section, the surviving spouses of eligible servicemen or servicewomen as defined in subdivision (a) of this subsection who have since died.

(2) The surviving spouses and parents referred to in subdivision (1)(c) or (d) of this section shall be eligible for such care and subsistence if, at the time of applying, they:

(a) Have been bona fide residents of the State of Nebraska for at least two years;

(b) Have attained the age of fifty years;

(c) Are unable to earn a livelihood; and

(d) Are dependent wholly or partially upon public charities or the type of care needed is available only at a state institution.

(3) No one admitted to one of the Nebraska veterans homes under conditions enumerated in this section shall have a vested right to continued residence in such home if such person ceases to meet any of the eligibility requirements of this section, except that no person who has been regularly admitted shall be denied continued residence solely because of his or her marriage to a member of one of the homes.

Source: Laws 1997, LB 396, § 5; Laws 2005, LB 54, § 26; Laws 2007, LB296, § 719; Laws 2009, LB488, § 1.

80-317 Nebraska veterans homes; Veterans' Homes Board; rules of membership; application.

The Veterans' Homes Board shall prescribe rules of membership in the Nebraska veterans homes in accordance with sections 80-314 to 80-331. An application for membership in a Nebraska veterans home shall be made to a county veterans service officer, to a recognized veterans organization as defined in subdivision (1) of section 80-401.01, or to a Nebraska veterans home, and such officer, organization, or Nebraska veterans home shall coordinate the required financial and medical information and, if necessary, provide an opinion regarding its validity. The county veterans service officer, recognized veterans organization, or Nebraska veterans home shall at once forward the application together with a finding in regard to the condition of the applicant to the board, whose duty it is to receive, review, and act upon applications for membership. During the interim between meetings of the board, the secretary of the board is authorized to adjudicate applications, subject to the approval of the full board at its next meeting.

Source: Laws 1887, c. 82, § 1, p. 622; Laws 1889, c. 85, § 1, p. 569; Laws 1891, c. 49, § 1, p. 340; Laws 1901, c. 71, § 1, p. 458; R.S.1913, § 7302; Laws 1919, c. 157, § 1, p. 354; C.S.1922, § 6957; C.S. 1929, § 80-301; Laws 1931, c. 153, § 1, p. 412; Laws 1935, c. 172, § 1, p. 627; C.S.Supp.,1941, § 80-301; Laws 1943, c. 211, § 1, p. 696; R.S.1943, § 80-301; Laws 1949, c. 272, § 1, p. 891; Laws 1953, c. 325, § 1, p. 1075; Laws 1959, c. 421, § 1, p. 1417; Laws 1969, c. 753, § 1, p. 2833; Laws 1969, c. 584, § 93, p. 2402; Laws 1971, LB 334, § 1; Laws 1973, LB 33, § 1; Laws 1975, LB 90, § 2; Laws 1980, LB 184, § 2; Laws 1995, LB 64, § 1; R.S.1943, (1996), § 80-302; Laws 1997, LB 396, § 6; Laws 2007, LB296, § 720; Laws 2012, LB795, § 1.

Effective date July 19, 2012.

Cross References

For official name of homes, see section 83-107.01.

ARTICLE 4
VETERANS AID

Section

80-401.01. Terms, defined.

80-410. Director; Veterans' Advisory Commission; state and county veterans service officers; employees; qualifications.

80-401.01 Terms, defined.

For purposes of sections 80-401 to 80-412, unless the context otherwise requires:

(1) Recognized veterans organization means the American Legion, the American Ex-Prisoners of War, the Disabled American Veterans, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Veterans of Foreign Wars of the United States, the Vietnam Veterans of America, and any other veterans organization which the Director of Veterans' Affairs determines (a) is recognized by the United States Department of Veterans Affairs for claims representation, (b) has a presence in each of this state's congressional districts, and (c) maintains a state headquarters sanctioned by its national organization;

(2) Veteran of the Spanish-American War means a person who served on active duty in the armed forces of the United States between April 21, 1898, and July 4, 1902, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(3) Veteran of World War I means a person who served on active duty in the armed forces of the United States between April 6, 1917, and November 11, 1918, or who, being a resident of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(4) Veteran of World War II means a person who served on active duty in the armed forces of the United States between December 7, 1941, and December 31, 1946, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(5) Veteran of the Korean War means a person who served on active duty in the armed forces of the United States between June 25, 1950, and January 31, 1955, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(6) Veteran of the Vietnam War means a person (a) who served on active duty in the armed forces of the United States (i) between August 5, 1964, and May 7, 1975, or (ii) in the Republic of Vietnam between February 28, 1961, and May 7, 1975, and (b) who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(7) Veteran of Lebanon means a person who served on active duty in the armed forces of the United States between August 25, 1982, and February 26, 1984, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(8) Veteran of Grenada means a person who served on active duty in the armed forces of the United States between October 23, 1983, and November 23, 1983, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(9) Veteran of Panama means a person who served on active duty in the armed forces of the United States between December 20, 1989, and January 31, 1990, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(10) Veteran of the Persian Gulf War means a person who served on active duty in the armed forces of the United States beginning on August 2, 1990, and ending on the date thereafter prescribed by presidential proclamation or by law, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(11) Veteran of the Global War on Terror means a person who served on active duty in the armed forces of the United States beginning on September 14, 2001, and ending on the date thereafter prescribed by presidential proclamation or by law, or who, being a citizen of the United States at the time of his or her entry into such service, served with the military forces of any government allied with the United States in that war;

(12) Active duty means full-time duty in the armed forces other than active duty for training; and

(13) Active duty for training means full-time duty in the armed forces performed by reserves for training purposes.

Source: Laws 1947, c. 306, § 2, p. 927; Laws 1951, c. 302, § 1, p. 993; Laws 1955, c. 328, § 1, p. 1024; Laws 1967, c. 562, § 1, p. 1853; Laws 1967, c. 561, § 2, p. 1849; Laws 1969, c. 754, § 1, p. 2835; Laws 1974, LB 621, § 1; Laws 1975, LB 90, § 3; Laws 1978, LB 571, § 1; Laws 1981, LB 221, § 1; Laws 1985, LB 49, § 1; Laws 1987, LB 626, § 2; Laws 1990, LB 857, § 1; Laws 1991, LB 720, § 1; Laws 1992, LB 835, § 4; Laws 1993, LB 2, § 1; Laws 1994, LB 241, § 1; Laws 2001, LB 368, § 2; Laws 2003, LB 799, § 1; Laws 2005, LB 54, § 29; Laws 2009, LB422, § 1.

80-410 Director; Veterans' Advisory Commission; state and county veterans service officers; employees; qualifications.

(1) The Director of Veterans' Affairs, all members of the Veterans' Advisory Commission, all state service officers, all assistant state service officers, and all personnel, except certain special and clerical help, of the state veterans service offices shall have served in the armed forces of the United States during the dates set forth in section 80-401.01, shall have been discharged or otherwise separated with a characterization of honorable from such service, and shall have been bona fide residents of the State of Nebraska continuously for at least five years immediately prior to their assuming a position in any of the offices mentioned.

(2) All county veterans service officers shall have served on active duty in the armed forces of the United States, other than active duty for training, shall have

been discharged or otherwise separated with a characterization of honorable from the service, and shall have been bona fide residents of the State of Nebraska continuously for at least five years immediately prior to assuming any such position.

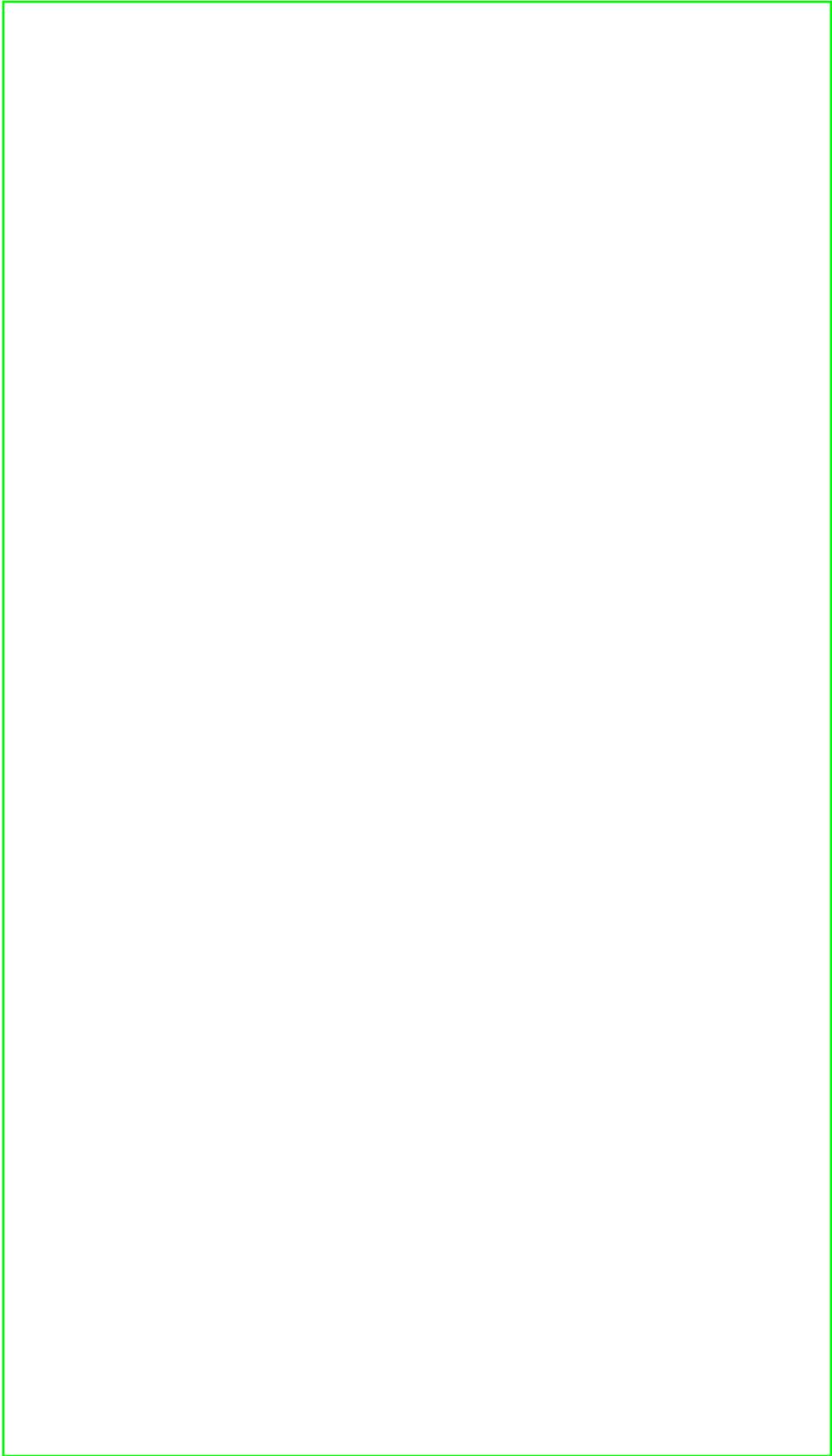
(3) All members of the county veterans service committees and all personnel, except certain special and clerical help, of the county veterans service offices shall have all of the qualifications described in subsection (2) of this section, except that such persons may have been discharged or otherwise separated with a characterization of general (under honorable conditions).

Source: Laws 1947, c. 306, § 18, p. 934; Laws 1953, c. 326, § 4, p. 1080; Laws 1967, c. 563, § 3, p. 1857; Laws 1969, c. 754, § 9, p. 2842; Laws 2005, LB 54, § 33; Laws 2009, LB52, § 1.

Cross References

Director, qualifications of, see section 80-401.02.

Veterans' Advisory Commission, qualifications of members, see section 80-401.06.



STATE ADMINISTRATIVE DEPARTMENTS

CHAPTER 81
STATE ADMINISTRATIVE DEPARTMENTS

Article

1. The Governor and Administrative Departments.
 - (a) General Provisions. 81-106, 81-108.
 - (b) State Budget. 81-132.
 - (d) Materiel Division of Administrative Services. 81-161.
 - (e) Central Mailing Room. 81-166.
 - (f) Deferred Building Renewal and Maintenance. 81-173 to 81-191.01.
2. Department of Agriculture.
 - (a) General Powers. 81-201.05.
 - (m) Seeds. 81-2,147 to 81-2,147.12.
 - (n) Commercial Fertilizer and Soil Conditioner. 81-2,162.22, 81-2,162.28.
 - (p) Beekeeping. 81-2,181.
 - (w) Animal Damage Control. 81-2,236.
 - (x) Nebraska Pure Food Act. 81-2,239 to 81-2,291.
5. State Fire Marshal.
 - (b) General Provisions. 81-520.01 to 81-528.
 - (c) Natural Gas Pipeline Safety. 81-550.
 - (i) Training Division. 81-5,153.
6. Health and Human Services.
 - (h) Research Grants. 81-638.
 - (i) Cancer Registry. 81-650.
 - (o) Outpatient Surgical Procedures Data Act. 81-6,116.
 - (p) Transportation Services. 81-6,120.
7. Department of Roads.
 - (a) General Powers. 81-701.03, 81-701.05.
8. Independent Boards and Commissions.
 - (b) Intergovernmental Cooperation. 81-816 to 81-819.
 - (c) Emergency Management. 81-829.36 to 81-829.67.
 - (d) Office of Homeland Security. 81-830.
 - (g) Real Estate Commission. 81-885 to 81-887.03.
 - (i) Land Surveying. 81-8,110.07.
 - (j) State Athletic Commissioner. 81-8,128 to 81-8,139.01.
 - (o) Professional Landscape Architects. 81-8,183.01 to 81-8,208.
 - (p) Tort Claims, State Claims Board, and Risk Management Program. 81-8,210 to 81-8,239.05.
 - (q) Public Counsel. 81-8,240 to 81-8,251.
 - (r) Commission on the Status of Women. 81-8,255 to 81-8,260.02. Repealed.
 - (s) Commission on Latino-Americans. 81-8,262 to 81-8,271.01.
 - (v) State Miscellaneous Claims Act. 81-8,300.
 - (x) Nebraska Lewis and Clark Bicentennial Commission. 81-8,307, 81-8,308. Repealed.
10. State-Owned Motor Vehicles. 81-1008 to 81-1025.
11. Department of Administrative Services.
 - (a) General Provisions. 81-1107.05 to 81-1125.01.
 - (d) Requests for Payments from the State. 81-1170.01.
 - (e) Payment of Expenses. 81-1174.
12. Department of Economic Development.
 - (a) General Provisions. 81-1201.04 to 81-1213.
 - (d) Property Controlled by Department. 81-1222.01, 81-1222.03.
 - (f) Nebraska Visitors Development Act. 81-1245 to 81-1263. Transferred or Repealed.
 - (g) Venture Capital Network Act. 81-1265 to 81-1271. Repealed.
 - (h) Business Development Partnership Act. 81-1273 to 81-1277.

STATE ADMINISTRATIVE DEPARTMENTS

Article

- (i) Agricultural Products Research. 81-1278.
 - (m) Microenterprise Development Act. 81-1295 to 81-12,105.01. Repealed.
 - (n) Nebraska Venture Capital Forum Act. 81-12,106 to 81-12,116. Repealed.
 - (o) Nebraska Opportunity Zone Act. 81-12,122.
 - (p) Building Entrepreneurial Communities Act. 81-12,125 to 81-12,128. Repealed.
 - (q) Nebraska Operational Assistance Act. 81-12,135.
 - (r) Small Business Innovation Act. 81-12,136 to 81-12,143.
 - (s) Site and Building Development Act. 81-12,144 to 81-12,151.
 - (t) Business Innovation Act. 81-12,152 to 81-12,167.
13. Personnel.
- (a) State Personnel Service. 81-1307.01 to 81-1327.
 - (b) Affirmative Action Program. 81-1360.
 - (c) State Employees Collective Bargaining Act. 81-1369 to 81-1390.
 - (d) State Employees. 81-1394.
14. Law Enforcement.
- (a) Law Enforcement Training. 81-1401 to 81-1414.10.
 - (b) Commission on Law Enforcement and Criminal Justice. 81-1423 to 81-1429.
 - (c) Human Trafficking. 81-1430, 81-1431.
 - (d) Law Enforcement Reserve Forces. 81-1439.
 - (e) Office of Violence Prevention. 81-1447 to 81-1451.
15. Environmental Protection.
- (a) Environmental Protection Act. 81-1503 to 81-1505.04.
 - (b) Litter Reduction and Recycling Act. 81-1566.
 - (g) Petroleum Products and Hazardous Substances Storage and Handling. 81-15,121, 81-15,124.01.
 - (k) Wastewater Treatment Facilities Construction Assistance Act. 81-15,147 to 81-15,158.
 - (l) Waste Reduction and Recycling. 81-15,160 to 81-15,165.
 - (n) Nebraska Environmental Trust Act. 81-15,174, 81-15,175.
 - (p) Superfund Cost Share Cash Fund. 81-15,180.
 - (r) Technical Advisory Committee. 81-15,189, 81-15,190. Repealed.
16. State Energy Office.
- (a) State Energy Office. 81-1606 to 81-1607.01.
 - (b) Lighting and Thermal Efficiency Standards. 81-1608 to 81-1623.
 - (d) School District Energy Efficiency Loans and Grants. 81-1634. Repealed.
 - (e) Petroleum Overcharges. 81-1637.
17. Nebraska Consultants' Competitive Negotiation Act. 81-1701.
18. Crime Victims and Witnesses.
- (a) Crime Victim's Reparations. 81-1801 to 81-1841.
 - (b) Crime Victims and Witnesses Assistance. 81-1845.
19. Truth and Deception Examiners. 81-1917, 81-1918.
20. Nebraska State Patrol.
- (a) General Provisions. 81-2004.01, 81-2004.04.
 - (b) Retirement System. 81-2014 to 81-2041.
21. State Electrical Division. 81-2104, 81-2105.
22. Aging Services.
- (a) Nebraska Community Aging Services Act. 81-2213.
 - (b) Care Management Services. 81-2233.
 - (d) Preadmission Screening. 81-2265 to 81-2271.
24. Prompt Payment Act. 81-2402, 81-2408.
25. Commission on Indian Affairs. 81-2504 to 81-2515.
31. Department of Health and Human Services. 81-3116 to 81-3135.
34. Engineers and Architects Regulation Act. 81-3401 to 81-3453.
35. Geologists Regulation Act. 81-3524.
36. Rural Development Commission. 81-3602 to 81-3606.
37. Nebraska Visitors Development Act. 81-3701 to 81-3724.

ARTICLE 1

THE GOVERNOR AND ADMINISTRATIVE DEPARTMENTS

(a) GENERAL PROVISIONS

Section

81-106. Tax Commissioner; examination and audit of books of Auditor of Public Accounts; report to Governor and Clerk of the Legislature.

81-108. Department heads; restrictions on office holding or employment; exceptions.

(b) STATE BUDGET

81-132. State budget; departmental budget estimates; duty to submit; contents.

(d) MATERIEL DIVISION OF ADMINISTRATIVE SERVICES

81-161. Competitive bids; award to lowest responsible bidder; elements considered; energy star certified appliances.

(e) CENTRAL MAILING ROOM

81-166. Postage records; requirements.

(f) DEFERRED BUILDING RENEWAL AND MAINTENANCE

81-173. Terms, defined.

81-176. Task force; review; report.

81-187. Legislative Fiscal Analyst; receive copy of estimates, reports, and allocation requests.

81-188. Energy audit report.

81-188.01. State Building Renewal Assessment Fund; created; use; investment.

81-188.02. Repealed. Laws 2011, LB 380, § 6.

81-188.03. University Building Renewal Assessment Fund; created; use; investment.

81-188.04. Repealed. Laws 2011, LB 380, § 6.

81-188.05. State College Building Renewal Assessment Fund; created; use; investment.

81-188.06. Repealed. Laws 2011, LB 380, § 6.

81-190. Act, how cited.

81-191.01. Repealed. Laws 2011, LB 228, § 5.

(a) GENERAL PROVISIONS

81-106 Tax Commissioner; examination and audit of books of Auditor of Public Accounts; report to Governor and Clerk of the Legislature.

The Tax Commissioner shall annually examine and audit or supervise and direct the examination and audit of the books, accounts, vouchers, records, and expenditures of the office of Auditor of Public Accounts and report promptly to the Governor and the Clerk of the Legislature the result of such examination and audit. The report submitted to the Clerk of the Legislature shall be submitted electronically. Each member of the Legislature shall receive an electronic copy of such report by making a request for it to the Tax Commissioner.

Source: Laws 1929, c. 51, § 6, p. 211; C.S.1929, § 81-106; Laws 1933, c. 96, § 15, p. 394; Laws 1941, c. 180, § 6, p. 703; C.S.Supp.,1941, § 81-106; Laws 1943, c. 216, § 1, p. 710; R.S.1943, § 81-106; Laws 1951, c. 310, § 1, p. 1063; Laws 1955, c. 231, § 14, p. 724; Laws 1965, c. 538, § 28, p. 1714; Laws 1979, LB 322, § 39; Laws 2012, LB782, § 164.

Operative date July 19, 2012.

Cross References

Legislative purpose, Department of Administrative Services, see section 81-1101.

81-108 Department heads; restrictions on office holding or employment; exceptions.

(1) Except as provided in subsection (2) of this section, no head of any department referred to in section 81-101 shall hold any other public office or receive any profit from any other public or private employment. For purposes of this section, employment shall not be interpreted to mean membership on the board of directors of any corporation, business, or association, whether or not the head of the department receives compensation for such membership.

(2) Nothing in this section shall be interpreted as prohibiting the head of one of the departments referred to in section 81-101 from serving on any public advisory or policymaking board, commission, committee, or council.

Source: Laws 1919, c. 190, § 6, p. 438; C.S.1922, § 7247; C.S.1929, § 81-109; R.S.1943, § 81-108; Laws 1953, c. 335, § 3, p. 1101; Laws 1955, c. 329, § 5, p. 1027; Laws 1959, c. 424, § 2, p. 1423; Laws 1981, LB 249, § 5; Laws 1983, LB 82, § 1; Laws 1991, LB 852, § 1; Laws 2009, LB322, § 4.

(b) STATE BUDGET

81-132 State budget; departmental budget estimates; duty to submit; contents.

All departments, offices, and institutions of the state government requesting appropriations shall file in the office of the Director of Administrative Services the budget forms furnished them by the director under the provisions of sections 81-1113 and 81-1113.01. The budget forms required by this section shall be filed on or before September 15 of each even-numbered year, except that in 2002, the budget administrator of the budget division of the Department of Administrative Services may extend the filing deadline for budget forms to a date no later than October 15, 2002. The forms shall show their total estimated requirements for the next biennium for each unit of their organization and activity classified as to object of expenditure. With such forms, each department, office, institution, and expending agency shall file a report showing all money received by such department, office, institution, or expending agency together with the estimated receipts for the coming biennium. Such estimates shall be accompanied by a statement in writing giving facts and explanations of reasons for each item of increased appropriation requested. The report submitted by the Department of Health and Human Services shall include, but not be limited to, the key goals, benchmarks, and progress reports required pursuant to section 81-3133.

Source: Laws 1921, c. 210, § 8, p. 748; C.S.1922, § 7275; C.S.1929, § 81-308; R.S.1943, § 81-132; Laws 1978, LB 526, § 3; Laws 1986, LB 258, § 25; Laws 2002, Second Spec. Sess., LB 12, § 2; Laws 2012, LB949, § 2.
Effective date April 10, 2012.

(d) MATERIEL DIVISION OF ADMINISTRATIVE SERVICES

81-161 Competitive bids; award to lowest responsible bidder; elements considered; energy star certified appliances.

(1) All purchases, leases, or contracts which by law are required to be based on competitive bids shall be made to the lowest responsible bidder, taking into

consideration the best interests of the state, the quality or performance of the personal property proposed to be supplied, its conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

(a) The ability, capacity, and skill of the bidder to perform the contract required;

(b) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(c) Whether the bidder can perform the contract within the time specified;

(d) The quality of performance of previous contracts;

(e) The previous and existing compliance by the bidder with laws relating to the contract;

(f) The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;

(g) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

(h) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

(i) The information furnished by each bidder concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis;

(j) The results of the United States Environmental Protection Agency tests on fleet performance of motor vehicles. Each bidder shall furnish information relating to such results; and

(k) Such other information as may be secured having a bearing on the decision to award the contract.

(2) Any appliance purchased or leased pursuant to this section shall be energy star certified, except that the materiel administrator may exempt the purchase or lease of an appliance from this subsection if he or she determines that the cost of compliance would exceed the projected energy cost savings.

(3) All political subdivisions may follow the procurement principles set forth in this section if they are deemed applicable by the official authorized to make purchases for such political subdivision.

(4) For purposes of this section, energy star certified means approval of energy usage by the United States Environmental Protection Agency and the United States Department of Energy. Such approval may be signified by the display of the energy star label.

Source: Laws 1943, c. 215, § 17, p. 709; R.S.1943, § 81-161; Laws 1963, c. 508, § 9, p. 1619; Laws 1969, c. 780, § 3, p. 2955; Laws 1975, LB 359, § 8; Laws 1980, LB 954, § 60; Laws 1992, LB 1241, § 17; Laws 2000, LB 654, § 13; Laws 2010, LB978, § 1.

(e) CENTRAL MAILING ROOM

81-166 Postage records; requirements.

The materiel division shall keep an accurate record of the postage used by each state officer, department, commission, board, bureau, court, or other

agency and charge such state officer, department, commission, board, bureau, court, or other agency with the exact amount of postage so used plus administrative and operational costs. Administrative and operational costs shall be charged as a percentage of the amount charged for postage. Such charge shall, as nearly as may be practical, reflect the actual administrative and operational costs of the central mailing room and its related activities. The division shall submit electronically an annual report to the Appropriations Committee of the Legislature of the percentage charge. Rates planned for the coming fiscal year shall be included in the instructions for completion of budget request forms as annually prepared by the Department of Administrative Services' budget division. If rate revisions are required during the fiscal year to reflect changes in the administrative and operational costs, these revisions shall be announced to each state officer, department, commission, board, bureau, court, or other agency at least thirty days prior to their use.

Source: Laws 1943, c. 218, § 3, p. 715; R.S.1943, § 81-166; Laws 1978, LB 961, § 1; Laws 1981, LB 381, § 9; Laws 2000, LB 654, § 19; Laws 2012, LB782, § 165.
Operative date July 19, 2012.

(f) DEFERRED BUILDING RENEWAL AND MAINTENANCE

81-173 Terms, defined.

For purposes of the Deferred Building Renewal Act and sections 85-106 and 85-304, unless the context otherwise requires:

(1) Renewal work means any (a) deferred or preventive maintenance projects that will restore facilities and utility systems as closely as practicable to their original constructed condition as defined by the Task Force for Building Renewal, (b) projects that will bring facilities into compliance with current fire safety, life safety, and hazardous materials abatement requirements, and (c) projects that will bring facilities into compliance with the federal Americans with Disabilities Act of 1990. The standard of quality maintenance shall be set after consideration of the facility users, geographical location, condition, and physical analysis of each building;

(2) Deferred maintenance means any measures taken to: (a) Correct or repair structural or mechanical defects that would endanger the integrity of a building or its components or allow unwanted penetration of the building by the outdoor elements; (b) correct or repair structural, mechanical, or other defects in a building or its components or utility systems which endanger the lives or health of state employees or the general public; (c) bring a building into compliance with the federal Americans with Disabilities Act of 1990; (d) correct a waste of energy, including minor repairs, alteration and maintenance painting, cost of materials, hiring of building maintenance personnel, and other necessary expenses for the maintenance of roofs, exterior walls, retaining walls, foundations, flooring, ceilings, partitions, doors, building hardware, windows, plaster, structural ironwork, screens, plumbing, heating, air-handling, and air conditioning equipment, or electrical systems, but excluding decorative finish or furnishing or building additions; or (e) conduct an energy audit;

(3) Preventive maintenance means any measures taken to maintain the structural or mechanical integrity of a building or its components including those measures listed in subdivision (2) of this section; and

(4) Task force means the Task Force for Building Renewal.

Source: Laws 1977, LB 309, § 1; Laws 1980, LB 835, § 1; Laws 1982, LB 604, § 1; Laws 1993, LB 369, § 1; Laws 1998, LB 1100, § 14; Laws 1998, LB 1129, § 15; Laws 2011, LB228, § 1.

81-176 Task force; review; report.

The task force shall conduct a review of the plans, specifications, and other construction and repair documents and ongoing maintenance requirements for real property, structures, or improvements that may be proposed to be made available to any state agency, board, or commission by means of gift, bequest, or devise and any acquisition of real property or structures by any state agency, board, or commission with the proceeds of donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies, if the combined proceeds of such donations, gifts, bequests, devises, or grants exceed two hundred fifty thousand dollars, pursuant to section 81-1108.33. The task force shall submit a report of its findings and recommendations to the Committee on Building Maintenance.

Source: Laws 1999, LB 369, § 2; Laws 2011, LB264, § 3; Laws 2012, LB761, § 1.
Effective date April 11, 2012.

81-187 Legislative Fiscal Analyst; receive copy of estimates, reports, and allocation requests.

A copy of all estimates, reports, and allocation requests required by the Deferred Building Renewal Act shall be submitted electronically to the Legislative Fiscal Analyst upon his or her request.

Source: Laws 1977, LB 309, § 15; Laws 1985, LB 2, § 6; Laws 1998, LB 1129, § 18; Laws 2012, LB782, § 166.
Operative date July 19, 2012.

81-188 Energy audit report.

A report of the findings of any energy audit conducted under the Deferred Building Renewal Act shall be sent electronically to the state agency operating or managing the state-owned building, utility, or ground on which the audit was conducted and the Committee on Building Maintenance of the Legislature.

Source: Laws 2011, LB228, § 3.

81-188.01 State Building Renewal Assessment Fund; created; use; investment.

(1) The State Building Renewal Assessment Fund is created. The fund shall be under the control of the Governor for allocation to building renewal projects of the various agencies and shall be administered in a manner consistent with the administration of the Building Renewal Allocation Fund pursuant to the Deferred Building Renewal Act. No amounts accruing to the State Building Renewal Assessment Fund shall be expended in any manner for purposes other than as provided in this section or as appropriated by the Legislature to meet the cost of administering the act. Transfers may be made from the fund to the General Fund at the direction of the Legislature.

(2) Revenue credited to the State Building Renewal Assessment Fund shall include amounts derived from charges assessed pursuant to subdivision (4)(b) of section 81-1108.17 and such other revenue as may be incident to the administration of the fund.

(3) Amounts appropriated from the fund shall be expended to conduct renewal work as defined in section 81-173 and to complete other improvements incident to such renewal work as deemed necessary or appropriate by the task force. From amounts accruing to the fund as the result of depreciation charges assessed pursuant to subdivision (4)(b) of section 81-1108.17, expenditures for capital improvements shall be limited to improvements to only those facilities for which such charges have been assessed and remitted. From amounts accruing to the fund as the result of depreciation charges assessed pursuant to section 81-188.02 prior to July 1, 2011, expenditures for capital improvement projects shall be limited to exclude (a) capital improvement projects relating to facilities, structures, or buildings owned, leased, or operated by the (i) University of Nebraska, (ii) Nebraska state colleges, (iii) Department of Aeronautics, (iv) Department of Roads, (v) Game and Parks Commission, or (vi) Board of Educational Lands and Funds and (b) capital improvement projects relating to facilities, structures, or buildings for which depreciation charges are assessed pursuant to subdivision (4)(b) of section 81-1108.17.

(4) 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.

Source: Laws 1998, LB 1100, § 8; Laws 2000, LB 654, § 22; Laws 2002, LB 1310, § 13; Laws 2002, Second Spec. Sess., LB 1, § 6; Laws 2003, LB 410, § 4; Laws 2004, LB 439, § 15; Laws 2004, LB 1092, § 2; Laws 2009, First Spec. Sess., LB3, § 61; Laws 2011, LB380, § 1.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-188.02 Repealed. Laws 2011, LB 380, § 6.

81-188.03 University Building Renewal Assessment Fund; created; use; investment.

(1) The University Building Renewal Assessment Fund is created. The fund shall be under the control of the Governor for allocation to building renewal projects and to building renovation projects of the University of Nebraska. No amounts accruing to the University Building Renewal Assessment Fund shall be transferred to any other fund and no amounts accruing to the fund shall be expended in any manner for purposes other than as provided in this section or as appropriated by the Legislature to meet the cost of administering the Deferred Building Renewal Act.

(2) Revenue credited to the fund shall include amounts as provided by the Legislature and such other revenue as may be incident to the administration of the fund.

(3) Amounts appropriated from the fund shall be expended to conduct renewal work as defined in section 81-173, to conduct renovation work, and to complete other improvements incident to such renewal or renovation work as deemed necessary or appropriate by the task force. Expenditures from the fund

for capital improvements shall be limited to exclude expenditures for capital improvement projects relating to facilities, structures, or buildings from which revenue is derived and pledged for the retirement of revenue bonds issued under sections 85-403 to 85-411.

(4) 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.

(5) For purposes of this section, renovation work means work to replace the interior or exterior systems of an existing building to accommodate changes in use of building space or changes in programmatic need for building space.

Source: Laws 1998, LB 1100, § 10; Laws 2002, LB 1310, § 15; Laws 2003, LB 410, § 6; Laws 2004, LB 1092, § 4; Laws 2011, LB380, § 2.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-188.04 Repealed. Laws 2011, LB 380, § 6.

81-188.05 State College Building Renewal Assessment Fund; created; use; investment.

(1) The State College Building Renewal Assessment Fund is created. The fund shall be under the control of the Governor for allocation to building renewal projects and building renovation projects of the Nebraska state colleges. No amounts accruing to the State College Building Renewal Assessment Fund shall be transferred to any other fund and no amounts accruing to the fund shall be expended in any manner for purposes other than as provided in this section or as appropriated by the Legislature to meet the cost of administering the Deferred Building Renewal Act.

(2) Revenue credited to the fund shall include amounts as provided by the Legislature and such other revenue as may be incident to administration of the fund.

(3) Amounts appropriated from the fund shall be expended to conduct renewal work as defined in section 81-173, to conduct renovation work, and to complete other improvements incident to such renewal or renovation work as deemed necessary or appropriate by the task force. Expenditures from the fund for capital improvements shall be limited to exclude expenditures for capital improvement projects relating to facilities, structures, or buildings from which revenue is derived and pledged for the retirement of revenue bonds issued under sections 85-403 to 85-411.

(4) 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.

(5) For purposes of this section, renovation work means work to replace the interior or exterior systems of an existing building to accommodate changes in use of building space or changes in programmatic need for building space.

Source: Laws 1998, LB 1100, § 12; Laws 2002, LB 1310, § 17; Laws 2003, LB 410, § 8; Laws 2004, LB 1092, § 6; Laws 2011, LB380, § 3.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-188.06 Repealed. Laws 2011, LB 380, § 6.

81-190 Act, how cited.

Sections 81-173 to 81-190 shall be known and may be cited as the Deferred Building Renewal Act.

Source: Laws 1977, LB 309, § 18; Laws 1998, LB 1100, § 20; Laws 1999, LB 369, § 1; Laws 2011, LB228, § 2.

81-191.01 Repealed. Laws 2011, LB 228, § 5.

ARTICLE 2

DEPARTMENT OF AGRICULTURE

(a) GENERAL POWERS

Section

81-201.05. Weed Book Cash Fund; created; use; investment.

(m) SEEDS

81-2,147. Law, how cited.

81-2,147.01. Terms, defined.

81-2,147.03. Sale; unlawful acts.

81-2,147.11. Nebraska Seed Administrative Cash Fund; created; use; investment.

81-2,147.12. Preemption of local law.

(n) COMMERCIAL FERTILIZER AND SOIL CONDITIONER

81-2,162.22. Act, how cited.

81-2,162.28. Preemption of local law.

(p) BEEKEEPING

81-2,181. Honey; Department of Agriculture; adopt standard; label restrictions; violation; remedy or penalty.

(w) ANIMAL DAMAGE CONTROL

81-2,236. Director; contract and cooperate with federal government; expenditure of funds.

(x) NEBRASKA PURE FOOD ACT

81-2,239. Nebraska Pure Food Act; provisions included; how cited.

81-2,244.01. Food Code, defined.

81-2,257. Priority items; designation.

81-2,259. Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food; adoption.

81-2,270. Food establishment, food processing plant, or salvage operation; permits; application; contents; fees; late fee; exemptions.

81-2,271. Food establishment, food processing plant, or salvage operation; permit; posting; change of ownership or location; duties; movement authorized; mobile food unit or pushcart; copy of permit.

81-2,272.01. Potentially hazardous food (time and temperature control for safety food); temperature; equipment.

81-2,272.02. Repealed. Laws 2012, LB 771, § 10.

81-2,272.17. Repealed. Laws 2012, LB 771, § 10.

81-2,272.36. Repealed. Laws 2012, LB 771, § 10.

81-2,277. Food processing plants; compliance required.

81-2,291. Pure Food Cash Fund; created; use; investment.

(a) GENERAL POWERS

81-201.05 Weed Book Cash Fund; created; use; investment.

(1) The Weed Book Cash Fund is created. On July 1, 2005, July 1, 2006, July 1, 2007, July 1, 2008, and July 1, 2009, if there are sufficient funds available, twenty-five thousand dollars shall be transferred from the Weed Book Cash Fund to the Noxious Weed Cash Fund. Transfers may be made from the Weed Book Cash Fund to the General Fund at the direction of the Legislature. Any money in the Weed Book Cash 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.

(2) The sale price of each Weeds of the Great Plains book sold by the Department of Agriculture shall be credited as follows:

(a) Seventy-five percent to the Weed Book Cash Fund to aid in defraying the cost of publishing, preparing, and distributing such books and any supplemental inserts to such books; and

(b) Twenty-five percent to the Noxious Weed Cash Fund.

Source: Laws 1984, LB 976, § 1; Laws 1995, LB 7, § 97; Laws 2004, LB 869, § 9; Laws 2009, First Spec. Sess., LB3, § 62.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(m) SEEDS

81-2,147 Law, how cited.

Sections 81-2,147 to 81-2,147.12 shall be known and cited as the Nebraska Seed Law.

Source: Laws 1969, c. 759, § 1, p. 2860; Laws 1985, LB 460, § 11; Laws 2009, LB263, § 2.

81-2,147.01 Terms, defined.

As used in the Nebraska Seed Law:

(1) Advertisement means all representations, other than those on the label, disseminated in any manner or by any means relating to seed, including farm grain represented as suitable for sowing, within the scope of the Nebraska Seed Law;

(2) Agricultural seed includes the seeds of grass, forage, cereal, oil and fiber crops, and lawn and mixtures of such seeds and any other kinds of seed commonly recognized within this state as agricultural seeds and may include the seed of any plant that is being used as an agricultural crop when the Director of Agriculture establishes in rules and regulations that such seed is being used as agricultural seed;

(3) Blend means seeds consisting of more than one variety of a kind, each in excess of five percent by weight of the whole;

(4) Brand means a word, name, symbol, number, or design to identify seed of one person to distinguish it from seed of another person;

(5) Certifying agency means (a) an agency authorized under the laws of a state, territory, or possession of the United States to officially certify seed and which has standards and procedures approved by the United States Secretary of Agriculture to assure genetic purity and identity of the seed certified or (b) an agency of a foreign country which is determined by the United States Secretary of Agriculture to adhere to procedures and standards for seed certification comparable to those adhered to generally by certifying agencies under subdivision (a) of this subdivision;

(6) Conditioning means drying, cleaning, scarifying, or other operations which could change the purity or germination of the seed and require the seed lot or any definite amount of seed to be retested to determine the label information;

(7) Director means the Director of Agriculture or his or her designated employee or representative or authorized agent;

(8) Dormant seed means viable seeds, other than hard seeds, which fail to germinate when provided the specified germination conditions for the kind of seed in question;

(9) Flower seed includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts and commonly known and sold under the name of flower or wildflower seeds in this state;

(10) Germination means the emergence and development from the seed embryo of those essential structures which for the kind of seed in question are indicative of the ability to produce a normal plant under favorable conditions;

(11) Hard seed means seeds which remain hard at the end of the prescribed test period because they have not absorbed water due to an impermeable seed coat;

(12) Hybrid means the first generation seed of a cross produced by controlling the pollination and by combining (a) two or more inbred lines, (b) one inbred or a single cross with an open-pollinated variety, or (c) two varieties or species except open-pollinated varieties of corn (*Zea mays*). The second generation and subsequent generations from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names;

(13) Inert matter means all matter not seed which includes broken seeds, sterile florets, chaff, fungus bodies, and stones as established by rules and regulations;

(14) Kind means one or more related species or subspecies which singly or collectively are known by one common name, such as corn, oats, alfalfa, and timothy;

(15) Labeling includes all labels and other written, printed, stamped, or graphic representations, in any form whatsoever, accompanying or pertaining to any seed, whether in bulk or in containers, and includes representations on invoices;

(16) Lot means a definite quantity of seed in containers or bulk identified by a lot number or other mark, every portion of which is uniform within recognized tolerances for the factors that appear in the labeling;

(17) Mixture, mix, or mixed means seeds consisting of more than one kind, each present in excess of five percent by weight of the whole;

(18) Mulch means a protective covering of any suitable material placed with seed which acts to retain sufficient moisture to support seed germination and sustain early seedling growth and aids in preventing the evaporation of soil moisture, controlling weeds, and preventing erosion;

(19) Origin means a foreign country or designated portion thereof, a state, the District of Columbia, Puerto Rico, or a possession of the United States, where the seed was grown;

(20) Other crop seed means seed of plants grown as crops, other than the kind or variety included in the pure seed, as established by rules and regulations;

(21) Person includes any corporation, company, society, association, body politic and corporate, community, individual, partnership, limited liability company, or joint-stock company or the public generally;

(22) Primary noxious weed seeds means the seeds of any plant designated by the director as a noxious weed pursuant to the Noxious Weed Control Act. Pursuant to subdivision (1)(c) of section 81-2,147.06, the director may add to or subtract from this primary noxious weed seeds list;

(23) Prohibited noxious weed seeds means the seeds of plants which are highly destructive and difficult to control in this state by ordinary good cultural practice, the use of herbicides, or both and includes field bindweed (*Convolvulus arvensis*), hoary cress (*Cardaria draba*), Russian knapweed (*Centaurea repens*), johnsongrass (*Sorghum halepense*), Scotch thistle (*Onopordum acanthium*), morning glory (*Ipomoea purpurea*) when found in field crop seeds, skeletonleaf bursage (*Ambrosia discolor*), woollyleaf bursage (*Ambrosia tomentosa*), serrated tussock (*Nassella trichotoma*), and puncturevine (*Tribulus terrestris*). Pursuant to subdivision (1)(c) of section 81-2,147.06, the director may add to or subtract from this prohibited noxious weed seeds list;

(24) Pure live seed means the product of the percent of germination plus percent of hard or dormant seed multiplied by the percent of pure seed divided by one hundred. The result shall be expressed as a whole number;

(25) Pure seed means seed exclusive of inert matter and all other seeds not of the seed being considered as established by rules and regulations;

(26) Record means any and all information which relates to the origin, treatment, germination, purity, kind, and variety of each lot or definite amount of seed handled in this state. Such information includes seed samples and records of declarations, labels, purchases, sales, conditioning, bulking, treatment, handling, storage, analyses, tests, and examinations;

(27) Restricted noxious weed seeds means the seeds of plants which are objectionable in fields, lawns, and gardens of this state but can be controlled by ordinary good cultural practice, the use of herbicides, or both and includes dodder (*Cuscuta* spp.), wild mustard (*Brassica* spp.), dock (*Rumex* spp.), quackgrass (*Elytrigia repens*), pennycress (*Thlaspi arvense*), purple looserife (*Lythrum salicaria*), and horsenettle (*Solanum carolinense*). Pursuant to subdivision (1)(c) of section 81-2,147.06, the director may add to or subtract from this restricted noxious weed seeds list;

(28) Sale in any of its variant forms means sale, to barter, exchange, offer for sale, expose for sale, move, or transport, in any of their variant forms, or otherwise supplying;

(29) Screenings means the results of the process which removes, in any way, weed seed, inert matter, and other materials from any agricultural, vegetable, or flower seed in any kind of cleaning process;

(30) Seizure means a legal process carried out by court order against a definite amount or lot of seed;

(31) Stop-sale order means an administrative order provided by law restraining the sale, use, disposition, and movement of a definite amount or lot of seed;

(32) Tetrazolium (TZ) test means a type of test in which chemicals are used to produce differential staining of strong, weak, and dead tissues, which is indicative of the potential viability of seeds;

(33) Treated means that the seed has been given an application of a substance or subjected to a process or coating for which a claim is made or which is designed to reduce, control, or repel disease organisms, insects, or other pests which attack seeds or seedlings growing therefrom;

(34) Variety means a subdivision of a kind which is distinct, uniform, and stable. For purposes of this subdivision: (a) Distinct means that the variety can be differentiated by one or more identifiable morphological, physiological, or other characteristics from all other varieties of public knowledge; (b) uniform means that variations in essential and distinctive characteristics are describable; and (c) stable means that the variety will remain unchanged in its essential and distinctive characteristics and its uniformity when reproduced or reconstituted as required by the different categories of varieties;

(35) Vegetable seed includes the seeds of those crops which are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state; and

(36) Weed seed includes the seeds of any plant generally recognized as a weed within this state as established in rules and regulations and includes the primary noxious weed seeds, prohibited noxious weed seeds, and restricted noxious weed seeds.

Source: Laws 1969, c. 759, § 2, p. 2860; Laws 1980, LB 633, § 3; Laws 1985, LB 460, § 12; Laws 1990, LB 37, § 1; Laws 1992, LB 366, § 25; Laws 1993, LB 121, § 524; Laws 1997, LB 263, § 2; Laws 2012, LB770, § 1.

Effective date July 19, 2012.

Cross References

Noxious Weed Control Act, see section 2-945.01.

81-2,147.03 Sale; unlawful acts.

(1) It shall be unlawful for any person to sell any agricultural, vegetable, or flower seed within this state:

(a) Unless the test to determine the percentage of germination required in section 81-2,147.02 has been completed within a nine-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, except that for those seeds as established in rules and regulations, the test to determine the percentage of germination shall have been completed within a twelve-month period, exclusive of the calendar month in which the test was completed, immediately prior to sale. Seeds packaged in hermetically sealed containers under the conditions established in rules and regulations may be sold for a period of thirty-six months after the last day of the month that the

seeds were tested prior to packaging. If the seeds in hermetically sealed containers are sold more than thirty-six months after the last day of the month in which they were tested prior to packaging, they shall have been retested for germination within a nine-month period, exclusive of the calendar month in which the retest was completed, immediately prior to their sale;

(b) Not labeled in accordance with the provisions of the Nebraska Seed Law or having a false and misleading labeling. In case agricultural seed is sold in bulk or sold from bulk, the information required under section 81-2,147.02 may be supplied by a printed or written statement to be furnished to any purchaser of such seed;

(c) Pertaining to which there has been a false or misleading advertisement, statement, invoice, or declaration;

(d) Consisting of or containing primary noxious weed seeds;

(e) Consisting of or containing prohibited noxious weed seeds, subject to recognized tolerances;

(f) Consisting of or containing restricted noxious weed seeds per pound in excess of the number declared on the label attached to the container of the seed or associated with the seed, subject to recognized tolerances. The recognized tolerances shall not exceed one-half of one percent by weight;

(g) Containing more than two percent by weight of all weed seed other than primary noxious weed seed, prohibited noxious weed seed, and restricted noxious weed seed. This subdivision does not apply to agricultural, vegetable, or flower seeds specifically allowed in the rules and regulations to contain four percent or less by weight of weed seed;

(h) If any labeling, advertising, or other representation subject to the Nebraska Seed Law represents the seed to be certified or registered seed unless (i) it has been determined by a certifying agency that such seed was produced, conditioned, and packaged and conforms to standards of purity as to kind or kind and variety in compliance with rules and regulations of such agency pertaining to such seed and (ii) the seed bears an official label issued for such seed by a certifying agency stating that the seed is certified or registered; and

(i) For reproductive purposes which is not certified by an official certifying agency when it is a variety for which an application has been made or accepted or a certificate of plant variety protection is issued under the federal Plant Variety Protection Act specifying sale only as a class of certified seed, except that seed from a certified lot may be labeled as to variety name when used in a mixture by or with the approval of the owner of the variety.

(2) It shall be unlawful for any person within this state:

(a) To detach, alter, deface, or destroy any label provided for in the Nebraska Seed Law or established in the rules and regulations adopted and promulgated under such law or to alter or substitute seed in a manner that may defeat the purpose of such law;

(b) To disseminate any false or misleading advertisements concerning agricultural, vegetable, or flower seeds in any manner or by any means;

(c) To hinder or obstruct in any way any authorized person in the performance of his or her duties under the Nebraska Seed Law;

(d) To fail to comply with a stop-sale order or to move or otherwise handle or dispose of any lot of seed held under a stop-sale order or tags attached thereto,

except with written permission of the enforcing officer and for the purpose specified thereby;

(e) To sell screenings if they contain any seed of primary, prohibited, or restricted noxious weeds unless they have been conditioned to destroy the viability of such seed;

(f) To use the word trace as a substitute for any statement which is required;

(g) To use the word type in any labeling in connection with the name of any agricultural seed variety;

(h) To plant seed which the person knows contains a prohibited noxious weed seed in excess of the recognized tolerances utilized in subdivision (1)(e) of this section or contains primary noxious weed seed; or

(i) To alter or falsify any seed label, seed test, laboratory report, record, or other document in a manner which creates a false or misleading impression as to kind, variety, history, quality, or origin of the seed.

(3) All seed sold shall be labeled on the basis of tests performed by a seed laboratory using Rules for Testing Seeds adopted by the Association of Official Seed Analysts as of January 1, 2012.

Source: Laws 1969, c. 759, § 4, p. 2869; Laws 1973, LB 263, § 1; Laws 1980, LB 633, § 5; Laws 1985, LB 460, § 15; Laws 1990, LB 37, § 3; Laws 1997, LB 263, § 4; Laws 2012, LB770, § 2.
Effective date July 19, 2012.

81-2,147.11 Nebraska Seed Administrative Cash Fund; created; use; investment.

There is hereby created a fund to be known as the Nebraska Seed Administrative Cash Fund. All money received pursuant to the Nebraska Seed Law shall be remitted to the State Treasurer for credit to such fund. All money credited to the fund shall be used by the Department of Agriculture to aid in defraying the cost of administering such law, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Seed Administrative Cash 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.

Source: Laws 1985, LB 460, § 18; Laws 1995, LB 7, § 98; Laws 2009, First Spec. Sess., LB3, § 63.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-2,147.12 Preemption of local law.

The Nebraska Seed Law and any rules and regulations adopted and promulgated thereunder shall supersede and preempt any ordinance, rule, regulation, or resolution enacted by any political subdivision of the state regarding the regulation of seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, or sale of seeds based upon the type, nature, or genetic makeup of such seeds. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, sale, storage, transportation, distribution, notification of use, planting, or cultivation of seeds that is in addition to or in

conflict with the Nebraska Seed Law and any rules and regulations adopted and promulgated thereunder. Nothing in this section shall be construed to preempt or otherwise limit the authority of any city or county to adopt and enforce zoning regulations.

Source: Laws 2009, LB263, § 1.

(n) COMMERCIAL FERTILIZER AND SOIL CONDITIONER

81-2,162.22 Act, how cited.

Sections 81-2,162.01 to 81-2,162.28 shall be known and may be cited as the Nebraska Commercial Fertilizer and Soil Conditioner Act.

Source: Laws 1955, c. 334, § 22, p. 1046; Laws 1975, LB 333, § 23; Laws 1987, LB 201, § 5; Laws 2009, LB263, § 4.

81-2,162.28 Preemption of local law.

The Nebraska Commercial Fertilizer and Soil Conditioner Act and any rules and regulations adopted and promulgated thereunder shall supersede and preempt any ordinance, rule, regulation, or resolution enacted by any political subdivision of the state regarding the regulation of fertilizer and soil conditioners. No political subdivision shall prohibit or in any other manner regulate any matter relating to the registration, labeling, or sale of fertilizer and soil conditioners. No political subdivision shall prohibit or in any other manner regulate any matter relating to the storage, transportation, distribution, notification of use, or use that is in addition to or in conflict with the Nebraska Commercial Fertilizer and Soil Conditioner Act and any rules and regulations adopted and promulgated thereunder. Nothing in this section shall be construed to preempt or otherwise limit the authority of any city or county to adopt and enforce zoning regulations or any natural resources district to enforce the Nebraska Ground Water Management and Protection Act.

Source: Laws 2009, LB263, § 3.

Cross References

Nebraska Ground Water Management and Protection Act, see section 46-701.

(p) BEEKEEPING

81-2,181 Honey; Department of Agriculture; adopt standard; label restrictions; violation; remedy or penalty.

(1) It is the intent of the Legislature to provide for an identity standard for packaged food products labeled as honey in order to aid consumer information and to protect the integrity of the honey industry in Nebraska.

(2) The Department of Agriculture shall adopt and promulgate rules and regulations that adopt a standard for all honeys produced by honey bees. In promulgating a standard for honey, the department may utilize as a guideline available authoritative references to the composition and grades of honey. Such rules and regulations shall be effective on or before January 1, 2012.

(3) A product shall not be labeled as honey or be labeled as to imply that the product is honey unless the product meets the standard for honey adopted by the Department of Agriculture under subsection (2) of this section.

(4) A violation of subsection (3) of this section shall constitute a deceptive trade practice under the Uniform Deceptive Trade Practices Act and shall be subject to any remedies or penalties available for a violation under the act.

Source: Laws 2011, LB114, § 1.

Cross References

Uniform Deceptive Trade Practices Act, see section 87-306.

(w) ANIMAL DAMAGE CONTROL

81-2,236 Director; contract and cooperate with federal government; expenditure of funds.

The Director of Agriculture may contract and cooperate with the Animal and Plant Health Inspection Service of the United States Department of Agriculture in the management and control of (1) coyotes, bobcats, foxes, and other predatory animals listed in section 23-358 in this state that are injurious to livestock, poultry, and game animals and the public health, (2) black-tailed prairie dogs and other injurious commensal and field rodents, and (3) nuisance birds or other nuisance wildlife in accordance with organized and systematic plans of the Animal and Plant Health Inspection Service of the United States Department of Agriculture for the management and control of such animals. Supervision of the program shall be by the local representative of the Animal and Plant Health Inspection Service of the United States Department of Agriculture. Expenditure of funds appropriated by the Legislature may not be made without the approval in writing by the director. The director in cooperation with the Animal and Plant Health Inspection Service of the United States Department of Agriculture may enter into agreements with other governmental agencies and with counties, associations, corporations, or individuals when such cooperation is deemed to be necessary to promote the management and control of such predatory animals, black-tailed prairie dogs and other injurious commensal and field rodents, nuisance birds, or other nuisance wildlife.

Source: Laws 1965, c. 96, § 1, p. 413; Laws 1967, c. 124, § 2, p. 399; R.S.1943, (1983), § 23-609; Laws 1987, LB 102, § 6; Laws 2012, LB473, § 11.
Effective date July 19, 2012.

Cross References

County animal damage control program, see sections 23-358 to 23-361.

(x) NEBRASKA PURE FOOD ACT

81-2,239 Nebraska Pure Food Act; provisions included; how cited.

Sections 81-2,239 to 81-2,292 and the provisions of the Food Code, the Food Salvage Code, and the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food adopted by reference in sections 81-2,257.01 to 81-2,259, shall be known and may be cited as the Nebraska Pure Food Act.

Source: Laws 1981, LB 487, § 5; Laws 1989, LB 548, § 3; R.S.Supp.,1990, § 81-216.01; Laws 1991, LB 358, § 8; Laws 1992, LB 366, § 55; Laws 1997, LB 199, § 3; Laws 1999, LB 474, § 1; Laws 2003, LB 250, § 3; Laws 2004, LB 1045, § 1; Laws 2005, LB 131, § 1; Laws 2007, LB74, § 1; Laws 2012, LB771, § 1.
Effective date March 8, 2012.

81-2,244.01 Food Code, defined.

Food Code shall mean the 2009 Recommendations of the United States Public Health Service, Food and Drug Administration, except the definitions of adulterated food and food establishment and sections 2-103.11(K), 3-301.11(B), (C), and (D), 3-304.13, 3-501.16, 3-501.17, 3-501.18, 3-502.11, 3-502.12, 4-301.12(C)(5), (D), and (E), 4-603.16(C), 4-802.11(C), 5-104.11, 6-301.14, 8-101, 8-102, 8-201.11, 8-201.12, 8-201.13(A)(2) and (3) and (B), 8-201.14(C), 8-202 through 8-304, 8-401.10(B)(2), 8-402.20 through 8-403.20, 8-403.50 through 8-404.12, and 8-405.20(B). The term Food Code does not include the annexes of such federal recommendations.

Source: Laws 1997, LB 199, § 8; Laws 1999, LB 474, § 3; Laws 2003, LB 250, § 4; Laws 2007, LB74, § 2; Laws 2012, LB771, § 2.
Effective date March 8, 2012.

81-2,257 Priority items; designation.

Priority items are designated in the Food Code and sections 81-2,272.10, 81-2,272.24, 81-2,272.25, and 81-2,272.27.

Source: Laws 1999, LB 474, § 19; Laws 2003, LB 250, § 6; Laws 2007, LB74, § 4; Laws 2012, LB771, § 3.
Effective date March 8, 2012.

81-2,259 Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food; adoption.

The Legislature hereby adopts by reference the Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food found in 21 C.F.R. part 110 as it existed on April 1, 2011.

Source: Laws 1999, LB 474, § 7; Laws 2012, LB771, § 4.
Effective date March 8, 2012.

81-2,270 Food establishment, food processing plant, or salvage operation; permits; application; contents; fees; late fee; exemptions.

(1) No person shall operate: (a) A food establishment; (b) a food processing plant; or (c) a salvage operation, without a valid permit which sets forth the types of operation occurring within the establishment.

(2) Application for a permit shall be made to the director on forms prescribed and furnished by the department. Such application shall include the applicant's full name and mailing address, the names and addresses of any partners, members, or corporate officers, the name and address of the person authorized by the applicant to receive the notices and orders of the department as provided in the Nebraska Pure Food Act, whether the applicant is an individual, partnership, limited liability company, corporation, or other legal entity, the location and type of proposed establishment or operation, and the signature of the applicant. Application for a permit shall be made prior to the operation of a food establishment, food processing plant, or salvage operation. The application shall be accompanied by an initial permit fee and an initial inspection fee in the same amount as the annual inspection fee if inspections are required to be done by the department. If the food establishment, food processing plant, or salvage operation has been in operation prior to applying for a permit or notifying the regulatory authority, the applicant shall pay an additional fee of sixty dollars.

(3) Payment of the initial permit fee, the initial inspection fee, and the fee for failing to apply for a permit prior to operation shall not preclude payment of the annual inspection fees due on August 1 of each year. Except as provided in subsections (7) through (10) of this section and subsection (1) of section 81-2,281, a permitholder shall pay annual inspection fees on or before August 1 of each year regardless of when the initial permit was obtained.

(4)(a) The director shall set the initial permit fee and the annual inspection fees on or before July 1 of each fiscal year to meet the criteria in this subsection. The director may raise or lower the fees each year, but the fees shall not exceed the maximum fees listed in subdivision (4)(b) of this section. The director shall determine the fees based on estimated annual revenue and fiscal year-end cash fund balance as follows:

(i) The estimated annual revenue shall not be greater than one hundred seven percent of program cash fund appropriations allocated for the Nebraska Pure Food Act;

(ii) The estimated fiscal year-end cash fund balance shall not be greater than seventeen percent of program cash fund appropriations allocated for the act; and

(iii) All fee increases or decreases shall be equally distributed between all categories.

(b) The maximum fees are:

Food Handling Activity	Initial Permit Fee	First Food Preparation Area Annual Inspection Fee	Additional Food Preparation Area Annual Inspection Fee (per area)	Unit Or Units Annual Inspection Fee
Convenience Store	\$86.19	\$86.19	\$43.09	N/A
Itinerant Food Vendor	\$86.19	\$86.19	\$43.09	N/A
Licensed Beverage Establishment	\$86.19	\$86.19	\$43.09	N/A
Limited Food Service Establishment	\$86.19	\$86.19	\$43.09	N/A
Temporary Food Establishment	\$86.19	\$86.19	\$43.09	N/A
Mobile Food Unit (for each unit)	\$86.19	N/A	N/A	\$43.09
Pushcart (for each unit)	\$86.19	N/A	N/A	\$17.23
Vending Machine Operations:	\$86.19			
One to ten units		N/A	N/A	\$17.23
Eleven to twenty units		N/A	N/A	\$34.46
Twenty-one to thirty units		N/A	N/A	\$51.69
Thirty-one to forty units		N/A	N/A	\$68.92
Over forty units		N/A	N/A	\$86.15
Food Processing Plant	\$86.19	\$120.64	\$43.09	N/A
Salvage Operation	\$86.19	\$120.64	\$43.09	N/A
Commissary	\$86.19	\$120.64	\$43.09	N/A
All Other Food Establishments	\$86.19	\$120.64	\$43.09	N/A

(5) If a food establishment is engaged in more than one food handling activity listed in subsection (4) of this section, the inspection fee charged shall be based upon the primary activity conducted within the food establishment as determined by the department and any fees assessed for each additional food preparation area within the primary establishment as determined by the department.

(6) If a person fails to pay the inspection fee for more than one month after the fee is due, such person shall pay a late fee equal to fifty percent of the total fee for the first month that the fee is late and one hundred percent for the second month that the fee is late. The purpose of the late fee is to cover the administrative costs associated with collecting fees. All money collected as a late fee shall be remitted to the State Treasurer for credit to the Pure Food Cash Fund.

(7) An educational institution, health care facility, nursing home, or governmental organization operating any type of food establishment, other than a mobile food unit or pushcart, is exempt from the requirements in subsections (1) through (6) of this section.

(8) A person whose primary food-related business activity is determined by the department to be egg handling within the meaning of the Nebraska Graded Egg Act and who is validly licensed and paying fees pursuant to such act is exempt from the permit and inspection fee requirements of the Nebraska Pure Food Act.

(9) A person holding a permit or license and regulated under the Nebraska Milk Act and an egg handler licensed and regulated under the Nebraska Graded Egg Act are exempt from the Nebraska Pure Food Act.

(10) A single event food vendor or a religious, charitable, or fraternal organization operating any type of temporary food establishment, mobile food unit, or pushcart is exempt from the requirements of subsections (1) through (6) of this section. Any such organization operating any nontemporary food establishment prior to July 1, 1985, is exempt from the requirements of subsection (2) of this section.

Source: Laws 1981, LB 487, § 25; Laws 1982, LB 547, § 15; Laws 1985, LB 460, § 9; R.S.1943, (1987), § 81-216.21; Laws 1991, LB 358, § 39; Laws 1993, LB 121, § 526; Laws 1997, LB 199, § 23; Laws 1999, LB 474, § 10; Laws 2003, LB 250, § 8; Laws 2004, LB 1045, § 5; Laws 2007, LB74, § 5; Laws 2007, LB1111, § 29; Laws 2012, LB771, § 5.
Effective date March 8, 2012.

Cross References

Nebraska Graded Egg Act, see section 2-3525.

Nebraska Milk Act, see section 2-3965.

81-2,271 Food establishment, food processing plant, or salvage operation; permit; posting; change of ownership or location; duties; movement authorized; mobile food unit or pushcart; copy of permit.

(1) The permit required by section 81-2,270 shall be posted in a location in the food establishment, food processing plant, or salvage operation which is conspicuous to the public. A salvage operation shall also have a copy of the permit in each vehicle.

(2) The permit is not transferable to any other person or location. Any permit issued lapses automatically upon a change of ownership or location except as provided in subsection (3) of this section. The permitholder shall notify the department in writing at least thirty days prior to any change in ownership, name, or address. The permitholder shall notify the department in writing before there is a change of the name or address of the person authorized to receive the notices and orders of the department. When an establishment is to

be permanently closed, the permit holder shall return the permit to the department within one week after the closing.

(3) A mobile food unit, pushcart, or vending machine may be moved if the permit holder is able to provide the location of such unit, pushcart, or machine to the regulatory authority upon request and the person authorized by the permit holder to receive notices and orders of the department maintains a permanent mailing address on file with the department.

(4) Every mobile food unit or pushcart operator shall have a copy of their permit to operate available at the mobile food unit or pushcart when in operation.

Source: Laws 1991, LB 358, § 40; Laws 1997, LB 199, § 25; Laws 2012, LB771, § 6.
Effective date March 8, 2012.

81-2,272.01 Potentially hazardous food (time and temperature control for safety food); temperature; equipment.

(1) Except during preparation, cooking, or cooling or when time is used as the public health control as specified under the Nebraska Pure Food Act and except as specified under subsection (2) of this section, potentially hazardous food (time and temperature control for safety food) shall be maintained:

(a) At one hundred thirty-five degrees Fahrenheit (fifty-seven degrees Celsius) or above, except that roasts cooked to a temperature and for a time specified in the Nebraska Pure Food Act or reheated as specified in the act may be held at a temperature of one hundred thirty degrees Fahrenheit (fifty-four degrees Celsius) or above; or

(b) At:

(i) Forty-one degrees Fahrenheit (five degrees Celsius) or less; or

(ii) Forty-five degrees Fahrenheit (seven degrees Celsius) or between forty-one degrees Fahrenheit (five degrees Celsius) and forty-five degrees Fahrenheit (seven degrees Celsius) in existing refrigeration equipment that is not capable of maintaining the food at forty-one degrees Fahrenheit (five degrees Celsius) or less if:

(A) The equipment is in place and in use in the food establishment; and

(B) Refrigeration equipment that is not capable of meeting a cold holding temperature of forty-one degrees Fahrenheit (five degrees Celsius) that is in use on March 8, 2012, shall, upon replacement of the equipment or at a change of ownership of the food establishment, be replaced with equipment that is capable of maintaining foods at forty-one degrees Fahrenheit (five degrees Celsius) or below.

(2) Eggs that have not been treated to destroy all viable *Salmonellae* shall be stored in refrigerated equipment that maintains an ambient air temperature of forty-five degrees Fahrenheit (seven degrees Celsius) or less.

(3) Potentially hazardous food (time and temperature control for safety food) in a homogenous liquid form may be maintained outside of the temperature control requirements, as specified under subsection (1) of this section, while

contained within specially designed equipment that complies with the design and construction requirements as specified in the act.

Source: Laws 2012, LB771, § 7.
Effective date March 8, 2012.

81-2,272.02 Repealed. Laws 2012, LB 771, § 10.

81-2,272.17 Repealed. Laws 2012, LB 771, § 10.

81-2,272.36 Repealed. Laws 2012, LB 771, § 10.

81-2,277 Food processing plants; compliance required.

Food processing plants shall comply with the federal Current Good Manufacturing Practice In Manufacturing, Packing, or Holding Human Food found in 21 C.F.R. part 110 as it existed on April 1, 2011.

Source: Laws 1999, LB 474, § 15; Laws 2012, LB771, § 8.
Effective date March 8, 2012.

81-2,291 Pure Food Cash Fund; created; use; investment.

All fees paid to the department in accordance with the Nebraska Pure Food Act shall be remitted to the State Treasurer. The State Treasurer shall credit the fees to the Pure Food Cash Fund, which fund is hereby created. All money credited to such fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering the act, except that transfers may be made from the fund to the General Fund at the direction of the Legislature.

Any money in the Pure Food Cash 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.

Source: Laws 1981, LB 487, § 41; R.S.1943, (1987), § 81-216.37; Laws 1991, LB 358, § 60; Laws 1994, LB 1066, § 98; Laws 2009, First Spec. Sess., LB3, § 64.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 5

STATE FIRE MARSHAL

(b) GENERAL PROVISIONS

Section

- 81-520.01. Statewide open burning ban; waiver; permit; fee.
- 81-520.03. Land-management burning, defined; fire chief of local fire department; designate member of department.
- 81-520.04. Land-management burning; permit; issuance; when.
- 81-520.05. Land-management burning; application for permit; plan; contents; fire chief; duties.
- 81-528. State Fire Marshal Cash Fund; created; use; investment.

(c) NATURAL GAS PIPELINE SAFETY

- 81-550. Nebraska Natural Gas Pipeline Safety Cash Fund; created; use; investment; assessments.

Section

(i) TRAINING DIVISION

81-5,153. Training Division Cash Fund; created; use; investment.

(b) GENERAL PROVISIONS

81-520.01 Statewide open burning ban; waiver; permit; fee.

(1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

(2) The fire chief of a local fire department may waive an open burning ban under subsection (1) of this section for an area under the local fire department's jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the fire chief to a person desiring to conduct open burning shall be in writing, signed by the fire chief, and on a form prescribed by the State Fire Marshal. The State Fire Marshal shall provide local fire departments with such forms.

(3) The fire chief of a local fire department may waive the open burning ban in the local fire department's jurisdiction when conditions are acceptable to the chief. Anyone intending to burn in such jurisdiction when the open burning ban has been waived shall notify the fire chief of his or her intention to burn prior to starting the burn.

(4) The fire chief of a local fire department may adopt standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The local fire department may charge a fee, not to exceed ten dollars, for each such permit issued. This fee shall be remitted to the governing body for inclusion in the general funds allocated to the fire department. Such funds shall not reduce the tax requirements for the fire department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties.

Source: Laws 1980, LB 810, § 2; Laws 1982, LB 790, § 1; Laws 1994, LB 408, § 1; Laws 2011, LB248, § 1.

81-520.03 Land-management burning, defined; fire chief of local fire department; designate member of department.

(1) For purposes of sections 81-520.01 to 81-520.05, the fire chief of a local fire department may designate a member of the local fire department to share the powers and duties of the fire chief under such sections, except adopting standards pursuant to subsection (4) of section 81-520.01.

(2) For purposes of sections 81-520.04 and 81-520.05, land-management burning means the controlled application of fire to existing vegetative matter on land utilized for grazing, pasture, forests, or grassland to control weeds, pests, insects, and disease, prevent wildland fires, manage watersheds, care for windbreaks, and conduct scientific research.

Source: Laws 1994, LB 408, § 3; Laws 2011, LB248, § 2.

81-520.04 Land-management burning; permit; issuance; when.

The fire chief of a local fire department may waive an open burning ban under subsection (1) of section 81-520.01 by issuing a permit for land-management burning only if the land-management burning is to be conducted in accordance with section 81-520.05.

Source: Laws 1994, LB 408, § 4; Laws 2011, LB248, § 3.

81-520.05 Land-management burning; application for permit; plan; contents; fire chief; duties.

(1) A landowner, tenant, or other landowner's agent of the land where land-management burning is proposed shall file an application for a permit and a plan for conducting such burning. The plan shall include:

(a) The name of the landowner of the land on which land-management burning is to occur;

(b) The name of the person who will supervise the land-management burning if such person is different than the landowner;

(c) The land-management objective to be accomplished;

(d) A map showing the areas to be burned, including natural and manmade firebreaks;

(e) Procedures to be used to confine the fire in boundary areas without preexisting firebreaks;

(f) A list of equipment that will be on hand;

(g) The types and conditions of the vegetative matter to be burned on the land and in adjacent areas;

(h) Identification of roads and habitations that may be affected by smoke;

(i) A description of weather conditions believed to be required to safely and successfully conduct the land-management burning, including wind speed and direction, temperature, and relative humidity; and

(j) Such other information as may be prescribed by the fire chief of a local fire department.

(2) The fire chief of a local fire department shall evaluate each plan to determine its compliance with subsection (1) of this section. If a plan fails to comply with all provisions of such subsection, a permit for land-management burning shall not be issued.

(3) The fire chief of a local fire department shall issue a permit for land-management burning if (a) the plan complies with subsection (1) of this section and (b) the fire chief determines that land-management burning conducted in accordance with the plan would be conducted with due regard for the safety of people and property outside the burning areas. No permit shall be valid for more than thirty days.

Source: Laws 1994, LB 408, § 5; Laws 2011, LB248, § 4.

81-528 State Fire Marshal Cash Fund; created; use; investment.

(1) The State Fire Marshal Cash Fund is created. Money collected pursuant to subsections (2) and (3) of this section shall be remitted to the State Treasurer for credit to the fund. The fund shall be used to pay for costs incurred in the general operations program of the State Fire Marshal's office, except that transfers may be made from the fund to the General Fund at the direction of

the Legislature. The State Fire Marshal Cash Fund shall be administered by the State Fire Marshal. 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.

(2) All money received from inspection contracts, penalties, fees, or forfeitures, except fines collected under sections 81-501.01 to 81-531 and 81-5,151 to 81-5,157, shall be remitted to the State Treasurer for credit to the fund.

(3) All fees assessed pursuant to section 81-505.01 for services performed by the State Fire Marshal's office shall be remitted to the State Treasurer for credit to the fund.

Source: Laws 1925, c. 183, § 27, p. 489; C.S.1929, § 81-5527; R.S.1943, § 81-528; Laws 1969, c. 584, § 97, p. 2407; Laws 1973, LB 120, § 1; Laws 1983, LB 498, § 8; Laws 1993, LB 348, § 83; Laws 1994, LB 1066, § 99; Laws 2004, LB 1091, § 15; Laws 2009, First Spec. Sess., LB3, § 65.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(c) NATURAL GAS PIPELINE SAFETY

81-550 Nebraska Natural Gas Pipeline Safety Cash Fund; created; use; investment; assessments.

(1) The Nebraska Natural Gas Pipeline Safety Cash Fund is created. The fund shall consist of money received from assessments pursuant to this section which shall be remitted to the State Treasurer for credit to the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2010. The Nebraska Natural Gas Pipeline Safety Cash Fund shall be used for purposes of administering the Nebraska Natural Gas Pipeline Safety Act of 1969. The fund shall be administered by the State Fire Marshal. 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.

(2) To defray the cost of administering the Nebraska Natural Gas Pipeline Safety Act of 1969, the State Fire Marshal shall on March 1 of each year make an assessment against persons having pipeline facilities in this state subject to the act, which assessment shall be paid within thirty days thereafter.

(3) The assessment against each such person shall be based on the number of meters such person has in service for the retail sale of gas in this state at the end of the calendar year next preceding such assessment. The amount of such assessment shall be set by the State Fire Marshal in an amount not to exceed twenty cents multiplied by the number of such meters for each such person.

(4) It shall be the duty of the State Fire Marshal to make timely application each year to the United States Government for the maximum funds to which this state may be entitled from the United States Government for the administration of the act.

Source: Laws 1969, c. 763, § 9, p. 2890; Laws 1977, LB 410, § 1; Laws 1983, LB 383, § 1; Laws 1992, LB 858, § 2; Laws 2004, LB 1091, § 16; Laws 2009, First Spec. Sess., LB3, § 66.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(i) TRAINING DIVISION

81-5,153 Training Division Cash Fund; created; use; investment.

The Training Division Cash Fund is created. Money collected pursuant to section 81-5,152 shall be remitted to the State Treasurer for credit to the fund. The fund shall be used for the purpose of administering the training program established pursuant to sections 81-5,151 to 81-5,157, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. The Training Division Cash Fund shall be administered by the State Fire Marshal. 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.

Source: Laws 1980, LB 724, § 3; R.S.1943, (1987), § 79-1431; Laws 1993, LB 348, § 88; Laws 2004, LB 1091, § 17; Laws 2007, LB322, § 25; Laws 2009, First Spec. Sess., LB3, § 67.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 6

HEALTH AND HUMAN SERVICES

(h) RESEARCH GRANTS

Section

81-638. Cancer and smoking disease research; appropriation; distribution; contracts; requirements.

(i) CANCER REGISTRY

81-650. Cancer registry; Department of Health and Human Services; annual report.

(o) OUTPATIENT SURGICAL PROCEDURES DATA ACT

81-6,116. Information; use.

(p) TRANSPORTATION SERVICES

81-6,120. Transportation services; restrictions on providers; criminal history record information check required; fingerprinting; costs; release of results; violation; penalty.

(h) RESEARCH GRANTS

81-638 Cancer and smoking disease research; appropriation; distribution; contracts; requirements.

(1) The Legislature shall appropriate for each year from the Health and Human Services Cash Fund to the department an amount derived from one cent of the cigarette tax imposed by section 77-2602, less any amount appropriated from the fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The department shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking

diseases, for funding the cancer registry prescribed in sections 81-642 to 81-650, and for associated expenses due to the establishment and maintenance of such cancer registry. Not more than two hundred thousand dollars shall be appropriated for funding the cancer registry and associated expenses. The University of Nebraska may receive such grants and contracts, and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

(2) The Legislature shall appropriate for each year from the Health and Human Services Cash Fund to the department for cancer research an amount derived from two cents of the cigarette tax imposed by section 77-2602 to be used exclusively for grants and contracts for research on cancer and smoking diseases. No amount shall be appropriated or used pursuant to this subsection for the operation and associated expenses of the cancer registry. Not more than one-half of the funds appropriated pursuant to this subsection shall be distributed to the University of Nebraska Medical Center for research in cancer and allied diseases and the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. The remaining funds available pursuant to this subsection shall be distributed for contracts with other postsecondary educational institutions having colleges of medicine located in Nebraska which have cancer research programs for the purpose of conducting research in cancer and allied diseases.

(3) Any contract between the department and another postsecondary educational institution for cancer research under subsection (2) of this section shall provide that:

(a) Any money appropriated for such contract shall only be used for cancer research and shall not be used to support any other program in the institution;

(b) Full and detailed reporting of the expenditure of all funds under the contract is required. The report shall include, but not be limited to, separate accounting for personal services, equipment purchases or leases, and supplies. Such reports shall be made available electronically to the Legislature; and

(c) No money appropriated for such contract shall be spent for travel, building construction, or any other purpose not directly related to the research that is the subject of the contract.

Source: Laws 1981, LB 506, § 2; Laws 1983, LB 192, § 2; Laws 1986, LB 258, § 33; Laws 1986, LB 925, § 1; Laws 1991, LB 703, § 67; Laws 1993, LB 595, § 3; Laws 1996, LB 1044, § 847; Laws 2007, LB296, § 736; Laws 2012, LB782, § 167.

Operative date July 19, 2012.

(i) CANCER REGISTRY

81-650 Cancer registry; Department of Health and Human Services; annual report.

The department shall submit electronically an annual report to the Legislature's Health and Human Services Committee with the documentation on the operation and performance of the cancer registry program established pursuant to sections 81-642 to 81-650.

Source: Laws 1982, LB 212, § 9; Laws 1992, LB 965, § 4; Laws 2012, LB782, § 168.

Operative date July 19, 2012.

(o) OUTPATIENT SURGICAL PROCEDURES DATA ACT

81-6,116 Information; use.

(1) Information reported under section 81-6,114 may be used by the department for statistical and public health planning purposes and for other public health purposes as identified by the department in rule and regulation.

(2) The department shall periodically review information collected under section 81-6,114 for the purpose of identifying potential policies or practices of any reporting facility which may be detrimental to the public health, including, but not limited to, policies and practices which may have the effect of limiting access to needed health care services for Nebraska residents. The department shall provide electronically recommendations to the Health and Human Services Committee of the Legislature relating to appropriate administrative and legislative responses to such policies and practices and shall provide electronically an annual report to the chairperson of such committee of its findings and its current or planned activities under this section, if any.

Source: Laws 2003, LB 73, § 6; Laws 2012, LB782, § 169.
Operative date July 19, 2012.

(p) TRANSPORTATION SERVICES

81-6,120 Transportation services; restrictions on providers; criminal history record information check required; fingerprinting; costs; release of results; violation; penalty.

(1) No individual who has been convicted of a felony or of any crime involving moral turpitude, or who has been charged with or indicted for a felony or crime involving moral turpitude and there has been no final resolution of the prosecution of the crime, shall provide transportation services under contract with the Department of Health and Human Services, whether as an employee or as a volunteer, for vulnerable adults as defined in section 28-371 or for persons under nineteen years of age.

(2) In order to assure compliance with subsection (1) of this section, any individual who will be providing such transportation services to such vulnerable adults or persons under nineteen years of age and any individual who is providing such services on August 30, 2009, shall be subject to a national criminal history record information check by the Department of Health and Human Services through the Nebraska State Patrol.

(3) In addition to the national criminal history record information check required in subsection (2) of this section, all individuals employed to provide transportation services under contract with the Department of Health and Human Services to vulnerable adults or persons under nineteen years of age shall submit to a national criminal history record information check every two years during the period of such employment.

(4) Individuals shall submit two full sets of fingerprints to the Nebraska State Patrol to be submitted to the Federal Bureau of Investigation for the national criminal history record information check required under this section. The individual shall pay the actual cost of fingerprinting and the national criminal history record information check.

(5)(a) Individuals shall authorize release of the results and contents of a national criminal history record information check under this section to the

employer and the Department of Health and Human Services as provided in this section.

(b) The Nebraska State Patrol shall not release the contents of a national criminal history record information check under this section to the employer or the individual but shall only indicate in writing to the employer and the individual whether the individual has a criminal record.

(c) The Nebraska State Patrol shall release the results and the contents of a national criminal history record information check under this section in writing to the department in accordance with applicable federal law.

(6) The Department of Health and Human Services may develop and implement policies that provide for administrative exceptions to the prohibition in subsection (1) of this section, including, but not limited to, situations in which relatives of the vulnerable adult or person under nineteen years of age provide transportation services for such vulnerable adult or person under nineteen years of age or situations in which the circumstances of the crime or the elapsed time since the commission of the crime do not warrant the prohibition. Any decision made by the department regarding an administrative exception under this section is discretionary and is not appealable.

(7) An individual who does not comply with this section is guilty of a Class V misdemeanor.

Source: Laws 2009, LB97, § 30.

ARTICLE 7

DEPARTMENT OF ROADS

(a) GENERAL POWERS

Section

81-701.03. Department of Roads; assume highway safety program of Department of Motor Vehicles.

81-701.05. Nebraska Railway Council agreement with railroad; oversight.

(a) GENERAL POWERS

81-701.03 Department of Roads; assume highway safety program of Department of Motor Vehicles.

Beginning on July 1, 2009, the Department of Roads shall assume responsibility for the powers and duties of the highway safety program of the Department of Motor Vehicles, except that the Department of Motor Vehicles shall retain jurisdiction over the Motorcycle Safety Education Act.

Source: Laws 2009, LB219, § 2.

Cross References

Motorcycle Safety Education Act, see section 60-2120.

81-701.05 Nebraska Railway Council agreement with railroad; oversight.

The Department of Roads shall oversee any outstanding agreement between a railroad and the Nebraska Railway Council as of August 27, 2011, including making any outstanding payment due to a railroad.

Source: Laws 2011, LB259, § 2.

INDEPENDENT BOARDS AND COMMISSIONS

ARTICLE 8

INDEPENDENT BOARDS AND COMMISSIONS

(b) INTERGOVERNMENTAL COOPERATION

Section

- 81-816. Repealed. Laws 2011, LB 326, § 1.
- 81-817. Repealed. Laws 2011, LB 326, § 1.
- 81-819. Repealed. Laws 2011, LB 326, § 1.

(c) EMERGENCY MANAGEMENT

- 81-829.36. Act, how cited.
- 81-829.42. Governor's Emergency Program; established.
- 81-829.43. Prevention measures; procedure.
- 81-829.47. Interjurisdictional emergency management arrangement; Governor findings.
- 81-829.56. Interstate Civil Defense and Disaster Compact; enactment; other agreements or compacts; approval.
- 81-829.67. Storm spotter or emergency management worker; training, identification, and credentialing.

(d) OFFICE OF HOMELAND SECURITY

- 81-830. Office of Homeland Security; created; Director of State Homeland Security; Homeland Security Policy Group; created; members; duties.

(g) REAL ESTATE COMMISSION

- 81-885. Act, how cited.
- 81-885.01. Terms, defined.
- 81-885.02. Broker, associate broker, real estate salesperson; license required; exemption.
- 81-885.03. Broker, associate broker, salesperson, defined; license required; cease and desist order; violation; fine; procedure.
- 81-885.05. Railroads; public utilities; applicability of act.
- 81-885.09. Attorney General; opinions on questions of law; act as attorney; fees and expenses; paid from State Real Estate Commission's Fund.
- 81-885.10. Commission; powers; licensing; sanctions; consent decrees; civil fine.
- 81-885.14. Fees; license; renewal; procedure.
- 81-885.15. Fees; deposited in State Real Estate Commission's Fund; investment.
- 81-885.16. Real Property Appraiser Act; applicability; broker's price opinion or comparative market analysis; requirements.
- 81-885.17. Nonresident broker's license; nonresident salesperson's license; issuance; requirements; fingerprinting; criminal history record information check; reciprocal agreements.
- 81-885.19. License; form; broker's branch office; license; fee.
- 81-885.20. Broker, salesperson; change in place of business or status; notify commission; fee.
- 81-885.21. Broker; separate trust account; notify commission where maintained; examination by representative of commission; broker entitled to money; when.
- 81-885.24. Commission; investigative powers; disciplinary powers; civil fine; violations of unfair trade practices.
- 81-885.25. Censure, revoke, or suspend license; impose civil fine; cease and desist order; hearing; notice; contents.
- 81-885.29. Findings and determination by commission; license revoked or suspended; when; censure; civil fine; stay of execution; probation.
- 81-885.31. Civil fines; distribution; collection procedure.
- 81-885.43. Violations; Attorney General; maintain action.
- 81-885.44. Complaint for violations of act.
- 81-885.46. License or certificate under prior law; renewal.
- 81-885.47. Repealed. Laws 2009, LB 30, § 17.
- 81-885.48. Terms, how construed.
- 81-885.49. Continuing education and training; purpose.

STATE ADMINISTRATIVE DEPARTMENTS

Section

- 81-885.51. Continuing education and training; evidence of completion.
- 81-885.52. Continuing education and training; certify activities.
- 81-885.53. Continuing education and training; licensee; requirements.
- 81-887.03. Auctioneers; nonresident; additional requirements.

(i) LAND SURVEYING

- 81-8,110.07. Examining board; secretary; duties; Land Surveyor Examiner's Fund; created; purpose; investment.

(j) STATE ATHLETIC COMMISSIONER

- 81-8,128. State Athletic Commissioner; appointment; term; salary; bond or insurance; assistants.
- 81-8,129. State Athletic Commissioner; jurisdiction; activities covered.
- 81-8,130. Amateur mixed martial arts matches or exhibitions; license; fee.
- 81-8,130.01. Professional matches; promoters; licenses and permits; fee.
- 81-8,132. Licensee; bond; conditions.
- 81-8,133. Referees; license; duties; fee.
- 81-8,133.01. Other officials and contestants; license required; fees; revocation of license.
- 81-8,134. Boxing, mixed martial arts, or sparring matches; rules governing.
- 81-8,135. Licensee; reports; contents; gross receipts tax; amounts.
- 81-8,138. Contestants; compensation; when payable; fake contests.
- 81-8,139. State Athletic Commissioner; rules and regulations; powers.
- 81-8,139.01. Athletic Advisory Committee; created; members; qualifications; expenses; duties; appeal.

(o) PROFESSIONAL LANDSCAPE ARCHITECTS

- 81-8,183.01. Act, how cited.
- 81-8,184. Terms, defined.
- 81-8,185. License required; display of certificate of licensure; current certificate holder; how treated.
- 81-8,186. State Board of Landscape Architects; members; appointment.
- 81-8,189. Board; members; compensation; expenses.
- 81-8,190. Board; chairperson; meetings; quorum; personnel; employ.
- 81-8,191.01. Board; powers; rules and regulations; conflict of interest.
- 81-8,192. Board; certificates of licensure; list; filing.
- 81-8,193. Board; seal; adopt.
- 81-8,194. Board; fees; disposition; State Board of Landscape Architects Cash Fund; created; investment.
- 81-8,195. Applications for licensure; statements; fee.
- 81-8,196. Applicant for licensure; requirements.
- 81-8,197. Applicants; examination.
- 81-8,198. Licensee; seal; use; effect.
- 81-8,199. Certificate of licensure; annual fee, payment; issuance.
- 81-8,200. Certificate of licensure; fee; expiration; notice.
- 81-8,200.01. Certificate of licensure; renewal; professional development requirements.
- 81-8,200.02. Professional development programs; rules and regulations.
- 81-8,201. License without examination; when; fee.
- 81-8,202. License; probation, revocation, or suspension; appeal.
- 81-8,203. Warrants for payment of expenses and compensation; issuance.
- 81-8,204. Certificate of licensure; required; violation; injunction.
- 81-8,205. Injunction; prohibited acts; violation; penalty.
- 81-8,206. Persons exempt from act.
- 81-8,208. Transferred to section 81-8,183.01.

(p) TORT CLAIMS, STATE CLAIMS BOARD, AND RISK MANAGEMENT PROGRAM

- 81-8,210. Terms, defined.
- 81-8,219. State Tort Claims Act; claims exempt.
- 81-8,226. Report to Clerk of the Legislature; contents.
- 81-8,227. Tort claim; limitation of action.

INDEPENDENT BOARDS AND COMMISSIONS

§ 81-829.42

Section

- 81-8,239.01. Risk Management Program; risk management and state claims division of the Department of Administrative Services; established; Risk Manager; powers and duties.
- 81-8,239.02. State Insurance Fund; State Self-Insured Property Fund; State Self-Insured Indemnification Fund; State Self-Insured Liability Fund; created; purposes; report.
- 81-8,239.05. Indemnification of state officials and employees; when; Attorney General; duties; report.

(q) PUBLIC COUNSEL

- 81-8,240. Terms, defined.
- 81-8,241. Public Counsel; established; powers and duties; appointment.
- 81-8,244. Public Counsel; personnel; appointment; compensation; authority; appoint Inspector General of Nebraska Child Welfare.
- 81-8,245. Public Counsel; powers; enumerated.
- 81-8,251. Public Counsel; report to Clerk of the Legislature; time; contents.

(r) COMMISSION ON THE STATUS OF WOMEN

- 81-8,255. Repealed. Laws 2009, LB 154, § 27.
- 81-8,256. Repealed. Laws 2009, LB 154, § 27.
- 81-8,257. Repealed. Laws 2009, LB 154, § 27.
- 81-8,258. Repealed. Laws 2009, LB 154, § 27.
- 81-8,259. Repealed. Laws 2009, LB 154, § 27.
- 81-8,260. Repealed. Laws 2009, LB 154, § 27.
- 81-8,260.01. Repealed. Laws 2009, LB 154, § 27.
- 81-8,260.02. Repealed. Laws 2009, LB 154, § 27.

(s) COMMISSION ON LATINO-AMERICANS

- 81-8,262. Commission on Latino-Americans; created; term, defined.
- 81-8,265. Commission; functions.
- 81-8,270. Director; employ personnel.
- 81-8,271.01. Commission on Latino-Americans Cash Fund; created; use; investment.

(v) STATE MISCELLANEOUS CLAIMS ACT

- 81-8,300. Risk Manager; State Claims Board; claims; filing; investigation; duties; review by Legislature; payment.

(x) NEBRASKA LEWIS AND CLARK BICENTENNIAL COMMISSION

- 81-8,307. Repealed. Laws 2009, LB 154, § 27.
- 81-8,308. Repealed. Laws 2009, LB 154, § 27.

(b) INTERGOVERNMENTAL COOPERATION

81-816 Repealed. Laws 2011, LB 326, § 1.

81-817 Repealed. Laws 2011, LB 326, § 1.

81-819 Repealed. Laws 2011, LB 326, § 1.

(c) EMERGENCY MANAGEMENT

81-829.36 Act, how cited.

Sections 81-829.36 to 81-829.75 shall be known and may be cited as the Emergency Management Act.

Source: Laws 1951, c. 315, § 1, p. 1073; R.R.S.1943, § 81-829.05; Laws 1973, LB 494, § 1; Laws 1996, LB 43, § 17; Laws 2011, LB573, § 2.

81-829.42 Governor's Emergency Program; established.

(1) The Legislature recognizes that, while appropriations are adequate to meet the normal needs, the necessity exists for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the state and its political subdivisions by disasters, emergencies, or civil defense emergencies. To meet such situations, it is the intention of the Legislature to confer emergency powers on the Governor, acting through the Adjutant General and the Nebraska Emergency Management Agency, and to vest him or her with adequate power and authority within the limitation of available funds appropriated to the Governor's Emergency Program to meet any disaster, emergency, or civil defense emergency.

(2) There is hereby established the Governor's Emergency Program. Funds appropriated to the program shall be expended, upon direction of the Governor, for any state of emergency. The state of emergency proclamation shall set forth the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Adjutant General shall administer the funds appropriated to the program.

(3) It is the intent of the Legislature that the first recourse shall be to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds are unreasonably great, he or she may make funds available from the Governor's Emergency Program. Expenditures may be made upon the direction of the Governor for any or all emergency management functions or to meet the intent of the state emergency operations plans as outlined in section 81-829.41. Expenditures may also be made to state and federal agencies to meet the matching requirement of any applicable assistance programs.

(4) Assistance shall be provided from the funds appropriated to the Governor's Emergency Program to political subdivisions of this state which have suffered from a disaster, emergency, or civil defense emergency to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the subdivision affected. Applications for aid under this section shall be made to the Nebraska Emergency Management Agency on such forms as shall be prescribed and furnished by the agency. The forms shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The Adjutant General shall review each application for aid under this section and recommend its approval or disapproval, in whole or in part, to the Governor. If the Governor approves, he or she shall determine and certify to the Adjutant General the amount of aid to be furnished. The Adjutant General shall thereupon issue his or her voucher to the Director of Administrative Services who shall issue his or her warrants therefor to the applicant.

(5) When a state of emergency has been proclaimed by the Governor, the Adjutant General, upon order of the Governor, shall have authority to expend funds for purposes including, but not limited to:

(a) The purposes of the Emergency Management Act, including emergency management functions and the responsibilities of the Governor as outlined in the act;

(b) Employing for the duration of the state of emergency additional personnel and contracting or otherwise procuring all necessary appliances, supplies, and equipment;

(c) Performing services for and furnishing materials and supplies to state government agencies and local governments with respect to performance of any duties enjoined by law upon such agencies and local governments which they are unable to perform because of extreme climatic phenomena and receiving reimbursement in whole or in part from such agencies and local governments able to pay therefor under such terms and conditions as may be agreed upon by the Adjutant General and any such agency or local government;

(d) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme climatic phenomena and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the Adjutant General and such individual;

(e) Opening up, repairing, and restoring roads and highways;

(f) Repairing and restoring bridges;

(g) Furnishing transportation for supplies to alleviate suffering and distress;

(h) Restoring means of communication;

(i) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(j) Quelling riots and civil disturbances;

(k) Training individuals or governmental agencies for the purpose of perfecting the performance of emergency management duties as provided in the Nebraska emergency operations plans;

(l) Procurement and storage of special emergency supplies or equipment, determined by the Adjutant General to be required to provide rapid response by state government to assist local governments in impending or actual disasters, emergencies, or civil defense emergencies;

(m) Clearing or removing debris and wreckage which may threaten public health or safety from publicly owned or privately owned land or water; and

(n) Such other measures as are customarily necessary to furnish adequate relief in cases of disaster, emergency, or civil defense emergency.

(6) If aerial fire suppression or hazardous material response is immediately required, the Adjutant General may make expenditures of up to ten thousand dollars per event without a state of emergency proclamation issued by the Governor.

(7) The Governor may receive such voluntary contributions as may be made from any nonfederal source to aid in carrying out the purposes of this section and shall credit the same to the Governor's Emergency Cash Fund.

(8) All obligations and expenses incurred by the Governor in the exercise of the powers and duties vested in the Governor by this section shall be paid by the State Treasurer out of available funds appropriated to the Governor's Emergency Program, and the Director of Administrative Services shall draw his or her warrants upon the State Treasurer for the payment of such sum, or so much thereof as may be required, upon receipt by him or her of proper vouchers duly approved by the Adjutant General.

(9) This section shall be liberally construed in order to accomplish the purposes of the Emergency Management Act and to permit the Governor to adequately cope with any disaster, emergency, or civil defense emergency which may arise, and the powers vested in the Governor by this section shall be

construed as being in addition to all other powers presently vested in him or her and not in derogation of any existing powers.

(10) Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters, emergencies, and civil defense emergencies may be accepted by the State Treasurer and shall be credited to a separate and distinct fund unless otherwise specifically provided in the act of Congress making such funds available or as otherwise allowed and provided by state law.

Source: Laws 1973, LB 494, § 7; Laws 1975, LB 612, § 2; Laws 1986, LB 258, § 34; Laws 1995, LB 7, § 107; Laws 1996, LB 43, § 23; Laws 2003, LB 403, § 8; Laws 2012, LB766, § 1.
Effective date July 19, 2012.

81-829.43 Prevention measures; procedure.

(1) In addition to prevention measures included in the state, city, village, county, and interjurisdictional emergency operations plans, the Governor shall consider on a continuing basis steps that could be taken to prevent or reduce the harmful consequences of disasters, emergencies, and civil defense emergencies. At his or her direction and pursuant to any other authority and competence they have, state agencies, including, but not limited to, those charged with responsibilities in connection with flood plain management, stream encroachment and flow regulation, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of prevention-related matters. The Governor, from time to time, shall make such recommendations to the Legislature, local governments, and other appropriate public and private entities as may facilitate measures for prevention or mitigation of the harmful consequences of disasters, emergencies, and civil defense emergencies. The recommendations submitted to the Legislature shall be submitted electronically.

(2) The appropriate state agencies, in conjunction with the Nebraska Emergency Management Agency, shall keep land uses and construction of structures and other facilities under continuing study and identify areas which are particularly susceptible to severe land shifting, subsidence, flood, or other catastrophic occurrence. The studies under this subsection shall concentrate on means of mitigating or avoiding the dangers caused by any such occurrence or the consequences thereof.

(3) If the agency believes on the basis of the studies or other competent evidence that an area is susceptible to a disaster, emergency, or civil defense emergency of catastrophic proportions without adequate warning, that existing building standards and land-use controls in that area are inadequate and could add substantially to the magnitude thereof, and that changes in zoning regulations, other land-use regulations, or building requirements are essential in order to further the purposes of this section, it shall specify the essential changes to the Governor. If the Governor upon review of the recommendation finds after public hearing that the changes are essential, he or she shall so recommend to the agencies or local governments with jurisdiction over the area and subject matter. If no action or insufficient action pursuant to his or her recommendations is taken within the time specified by the Governor, he or she shall so inform the Legislature electronically and request appropriate

legislative action to mitigate the impact of a disaster, emergency, or civil defense emergency.

(4) The Governor, at the same time that he or she makes recommendations pursuant to subsection (3) of this section, may suspend the standard or control which he or she finds to be inadequate to protect the public safety and by regulation place a new standard or control in effect. The new standard or control shall remain in effect until rejected by resolution of the Legislature or amended by the Governor. During the time it is in effect, the standard or control contained in the Governor's regulation shall be administered and given full effect by all relevant regulatory agencies of the state and local governments to which it applies. The Governor's action shall be subject to judicial review but shall not be subject to temporary stay pending litigation.

Source: Laws 1973, LB 494, § 8; Laws 1988, LB 352, § 168; Laws 1996, LB 43, § 24; Laws 1996, LB 966, § 1; Laws 2012, LB782, § 170. Operative date July 19, 2012.

81-829.47 Interjurisdictional emergency management arrangement; Governor findings.

(1) If the Governor finds that two or more adjoining counties would be better served by an interjurisdictional emergency management arrangement than by maintaining separate emergency management organizations and services, he or she may delineate by order or regulation an interjurisdictional area adequate to plan for, prevent, or respond to a disaster, emergency, or civil defense emergency in that area and direct such steps to be taken as are necessary, including the creation of an interjurisdictional emergency management relationship, a joint emergency operations plan, mutual aid, or an interjurisdictional emergency management organization. A finding of the Governor pursuant to this subsection shall be based on one or more factors related to the difficulty of maintaining an efficient and effective disaster prevention, mitigation, preparedness, response, and recovery and emergency management system without such interjurisdictional arrangement, such as:

- (a) Small or sparse population;
- (b) Limitations on public financial resources severe enough to make maintenance of separate emergency management organizations and services unreasonably burdensome;
- (c) Unusual vulnerability to disaster, emergency, or civil defense emergency as evidenced by past history, topographical features, drainage characteristics, potential for disaster, emergency, or civil defense emergency, and presence of facilities or operations prone to disaster, emergency, or civil defense emergency;
- (d) The interrelated character of the counties in a multicounty area; or
- (e) Other relevant conditions or circumstances.

(2) If the Governor finds that a vulnerable area lies only partly within this state and includes territory in another state or states and that it would be desirable to establish an interstate relationship, mutual aid, or an interstate emergency management organization, he or she shall take steps to that end as desirable. If this action is taken with jurisdictions that have enacted the Interstate Civil Defense and Disaster Compact, any resulting agreements may be considered supplemental agreements pursuant to Article 6 of that compact.

(3) If the other jurisdictions with which the Governor proposes to cooperate pursuant to subsection (2) of this section have not enacted the compact, he or she may negotiate special agreements with the jurisdictions. Any agreement, if sufficient authority for the making thereof does not otherwise exist, shall become effective only after its text has been communicated electronically to the Legislature and if the Legislature has not disapproved it prior to adjournment of the next session competent to consider it or within thirty days of its submission, whichever is later.

Source: Laws 1973, LB 494, § 12; Laws 1996, LB 43, § 27; Laws 2012, LB782, § 171.

Operative date July 19, 2012.

Cross References

Interstate Civil Defense and Disaster Compact, see section 81-829.56.

81-829.56 Interstate Civil Defense and Disaster Compact; enactment; other agreements or compacts; approval.

(1) This state hereby enacts into law and enters into the Interstate Civil Defense and Disaster Compact with all states bordering this state which have enacted or shall hereafter enact the compact in the form substantially as adopted in this state.

(2) The Governor may enter into the compact with any state which does not border this state if he or she finds that joint action with the state is desirable in meeting common intergovernmental problems of emergency disaster planning, prevention, response, and recovery.

(3) Nothing in subsections (1) and (2) of this section shall be construed to limit previous or future entry into the Interstate Civil Defense and Disaster Compact of this state with other states.

(4) If any person holds a license, certificate, or other permit issued by any state or political subdivision thereof evidencing the meeting of qualifications for professional, mechanical, or other skills, the person may render aid involving that skill in this state to meet an emergency or disaster and this state shall give due recognition to the license, certificate, or other permit.

(5) In addition to the Interstate Civil Defense and Disaster Compact, the Governor may enter into and execute on behalf of the State of Nebraska mutual aid agreements or emergency preparedness compacts with other states. Any such agreement or compact shall provide for reimbursement of all costs incurred by the State of Nebraska for actions taken in another state, for indemnification of the State of Nebraska and its employees against all claims, costs, or fees arising from actions taken in another state, and for termination of the agreement or assistance as necessary to meet disasters, emergencies, or other needs of the State of Nebraska. Any mutual aid agreement or emergency preparedness compact other than the Interstate Civil Defense and Disaster Compact which does not meet the requirements specified in this subsection shall be submitted electronically to the Legislature for approval by the Legislature before it can become effective.

Source: Laws 1973, LB 494, § 21; Laws 1996, LB 43, § 36; Laws 2012, LB782, § 172.

Operative date July 19, 2012.

81-829.67 Storm spotter or emergency management worker; training, identification, and credentialing.

(1) The Nebraska Emergency Management Agency shall develop training, identification, and credentialing standards for a storm spotter or emergency management worker.

(2) For purposes of this section, storm spotter means an individual who performs weather spotting services as an employee or a volunteer of a local emergency management organization and who has been credentialed by the Nebraska Emergency Management Agency under this section.

Source: Laws 2011, LB573, § 3.

(d) OFFICE OF HOMELAND SECURITY**81-830 Office of Homeland Security; created; Director of State Homeland Security; Homeland Security Policy Group; created; members; duties.**

(1) The Office of Homeland Security is created. The Governor shall appoint the Director of State Homeland Security who shall serve at the pleasure of the Governor.

(2) The purpose of the office is to ensure preparedness by the State of Nebraska in response to terrorist acts. The office shall coordinate efforts regarding domestic security issues with the United States Department of Homeland Security. The Director of State Homeland Security shall serve as the contact between the state and the United States Department of Homeland Security.

(3)(a) The Homeland Security Policy Group is created. The Director of State Homeland Security shall serve as chairperson of the policy group. The policy group is charged with assessing strategic alternatives and recommending broad courses of action for the development of comprehensive strategies. The Governor shall appoint other members of the policy group who shall serve at the will of the Governor. The Executive Board of the Legislative Council shall select one member of the Government, Military and Veterans Affairs Committee and one member of the Appropriations Committee of the Legislature to serve as ex officio nonvoting members of the policy group.

(b) The policy group shall report electronically by March 1 of each year to the executive board identifying federal funds sent to the state in support of its preparedness activities and indicating the use of federal funds received by the state for homeland security, including specific amounts allocated to any unit of state or local government and the use to which the unit shall apply the funds.

(c) The policy group shall not be subject to the Open Meetings Act or to sections 84-712 to 84-712.09.

Source: Laws 2006, LB 940, § 5; Laws 2012, LB782, § 173.
Operative date July 19, 2012.

Cross References

Open Meetings Act, see section 84-1407.

(g) REAL ESTATE COMMISSION

81-885 Act, how cited.

Sections 81-885 to 81-885.55 shall be known and may be cited as the Nebraska Real Estate License Act.

Source: Laws 2009, LB30, § 1; Laws 2010, LB931, § 26.

81-885.01 Terms, defined.

For purposes of the Nebraska Real Estate License Act, unless the context otherwise requires:

(1) Real estate means and includes condominiums and leaseholds, as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or nonfreehold, and whether the real estate is situated in this state or elsewhere;

(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate;

(3) Associate broker means a person who has a broker's license and who is employed by another broker to participate in any activity described in subdivision (2) of this section;

(4) Designated broker means an individual holding a broker's license who has full authority to conduct the real estate activities of a real estate business. In a sole proprietorship, the owner, or broker identified by the owner, shall be the designated broker. In the event the owner identifies the designated broker, the owner shall file a statement with the commission subordinating to the designated broker full authority to conduct the real estate activities of the sole proprietorship. In a partnership, limited liability company, or corporation, the partners, limited liability company members, or board of directors shall identify the designated broker for its real estate business by filing a statement with the commission subordinating to the designated broker full authority to conduct the real estate activities of the partnership, limited liability company, or corporation. The designated broker shall also be responsible for supervising the real estate activities of any associate brokers or salespersons;

(5) Inactive broker means an associate broker whose license has been returned to the commission by the licensee's broker, a broker who has requested the commission to place the license on inactive status, a new licensee who has failed to designate an employing broker or have the license issued as an individual broker, or a broker whose license has been placed on inactive status under statute, rule, or regulation;

(6) Salesperson means any person, other than an associate broker, who is employed by a broker to participate in any activity described in subdivision (2) of this section;

(7) Inactive salesperson means a salesperson whose license has been returned to the commission by the licensee's broker, a salesperson who has requested the commission to place the license on inactive status, a new licensee who has failed to designate an employing broker, or a salesperson whose license has been placed on inactive status under statute, rule, or regulation;

(8) Person means and includes individuals, corporations, partnerships, and limited liability companies, except that when referring to a person licensed under the act, it means an individual;

(9) Subdivision or subdivided land means any real estate offered for sale and which has been registered under the Interstate Land Sales Full Disclosure Act, 82 Stat. 590 and following, 15 U.S.C. 1701 and following, as such act existed on January 1, 1973, or real estate located out of this state which is divided or proposed to be divided into twenty-five or more lots, parcels, or units;

(10) Subdivider means any person who causes land to be subdivided into a subdivision for himself, herself, or others or who undertakes to develop a subdivision but does not include a public agency or officer authorized by law to create subdivisions;

(11) Purchaser means a person who acquires or attempts to acquire or succeeds to an interest in land;

(12) Commission means the State Real Estate Commission;

(13) Broker's price opinion means an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of (a) listing, purchase, or sale or (b) originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction;

(14) Comparative market analysis means an analysis, opinion, or conclusion prepared by a person licensed under the act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property by comparison to other real property currently or recently in the marketplace for the purpose of (a) listing, purchase, or sale or (b) originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction;

(15) Distance education means courses in which instruction does not take place in a traditional classroom setting, but rather through other media by which instructor and student are separated by distance and sometimes by time;

(16) Regulatory jurisdiction means a state, district, or territory of the United States, a province of Canada or a foreign country, or a political subdivision of a foreign country, which has implemented and administers laws regulating the activities of a broker;

(17) Federal financial institution regulatory agency means (a) the Board of Governors of the Federal Reserve System, (b) the Federal Deposit Insurance Corporation, (c) the Office of the Comptroller of the Currency, (d) the Office of Thrift Supervision, (e) the National Credit Union Administration, or (f) the successors of any of those agencies; and

(18) Federally related transaction means a real-estate-related transaction that (a) requires the services of an appraiser and (b) is engaged in, contracted for, or regulated by a federal financial institution regulatory agency.

Source: Laws 1973, LB 68, § 1; Laws 1979, LB 68, § 1; Laws 1983, LB 182, § 1; Laws 1990, LB 350, § 1; Laws 1991, LB 118, § 2; Laws 1993, LB 121, § 529; Laws 1999, LB 618, § 6; Laws 2002, LB 863, § 10; Laws 2007, LB26, § 1; Laws 2010, LB931, § 27.

81-885.02 Broker, associate broker, real estate salesperson; license required; exemption.

After September 2, 1973, it shall be unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself or herself out as engaging in or conducting the business, or acting in the capacity, of a real estate broker, associate broker, or real estate salesperson within this state without first obtaining a license as such broker, associate broker, or salesperson, as provided in the Nebraska Real Estate License Act, unless he or she is exempted from obtaining a license under section 81-885.04.

Source: Laws 1973, LB 68, § 2; Laws 1983, LB 182, § 2; Laws 2009, LB30, § 2.

81-885.03 Broker, associate broker, salesperson, defined; license required; cease and desist order; violation; fine; procedure.

(1) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act, and such action shall constitute sufficient contact with the state for the exercise of personal jurisdiction over such person in any action arising out of such action. Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare.

(2) Notwithstanding any other provision of the law to the contrary, the director may issue a cease and desist order against any person who violates this section by performing any action described in subsection (1) of this section without the appropriate license. Such order shall be final ten days after issuance unless the violator requests a hearing pursuant to section 81-885.25.

(3) If such person violates a cease and desist order issued pursuant to this section, he or she shall be subject to further proceedings before the commission. If, during such proceedings, the commission makes a finding of guilt, the commission may impose a fine not to exceed (a) one thousand dollars for each day that any action is performed without the appropriate license following the issuance of the order or (b) the amount of all money earned as commission by the violator, whichever is greater. Judgments for the collection of any fine imposed under this section may be filed in the district court of any county in this state.

(4) Notice and hearing requirements under this section shall be in accordance with the Administrative Procedure Act.

Source: Laws 1973, LB 68, § 3; Laws 1983, LB 182, § 3; Laws 2002, LB 863, § 11; Laws 2010, LB691, § 1.

Cross References

Administrative Procedure Act, see section 84-920.

81-885.05 Railroads; public utilities; applicability of act.

The Nebraska Real Estate License Act shall not apply to railroads and other public utilities regulated by the State of Nebraska, or their subsidiaries or affiliated corporations, or to the officers or regular employees thereof, unless performance of any of the acts described in subdivision (2) of section 81-885.01 is in connection with the sale, purchase, lease, or other disposition of real estate or investment therein unrelated to the principal business activity of such railroad or other public utility or affiliated or subsidiary corporation thereof.

Source: Laws 1973, LB 68, § 5; Laws 1983, LB 182, § 5; Laws 2009, LB30, § 3.

81-885.09 Attorney General; opinions on questions of law; act as attorney; fees and expenses; paid from State Real Estate Commission's Fund.

The Attorney General shall render to the State Real Estate Commission opinions on all questions of law relating to the interpretation of the Nebraska Real Estate License Act or arising in the administration thereof and shall act as attorney for the commission in all actions and proceedings brought by or against it under or pursuant to the act. All fees and expenses of the Attorney General arising out of such duties shall be paid out of the State Real Estate Commission's Fund.

Source: Laws 1973, LB 68, § 9; Laws 1983, LB 182, § 8; Laws 2009, LB30, § 4.

81-885.10 Commission; powers; licensing; sanctions; consent decrees; civil fine.

The commission shall have the full power to regulate the issuance of licenses and the activities of licensees and may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare. The commission may revoke or suspend licenses issued under the Nebraska Real Estate License Act, censure licensees, enter into consent decrees, and issue cease and desist orders to violators of section 81-885.03. The commission may, alone or in combination with such disciplinary actions, impose a civil fine on a licensee for each violation alleged in a complaint for which the commission has made a finding of guilt, except that the total fine for such violations shall not exceed two thousand five hundred dollars per complaint. The commission may also impose a civil fine on violators of section 81-885.03 subject to the limits in such section.

The commission shall retain its powers under this section with respect to the actions of a licensee, whether or not he or she continues to be licensed under the act.

Source: Laws 1973, LB 68, § 10; Laws 1983, LB 182, § 9; Laws 2009, LB30, § 5; Laws 2010, LB691, § 2.

81-885.14 Fees; license; renewal; procedure.

(1) To pay the expense of the maintenance and operation of the office of the commission and the enforcement of the Nebraska Real Estate License Act, the commission shall, at the time an application is submitted, collect from an applicant for each broker's or salesperson's examination a fee to be established by the commission of not more than two hundred fifty dollars and an application fee of not more than two hundred fifty dollars. The commission shall also collect a reexamination fee to be established by the commission of not more than two hundred fifty dollars for each reexamination. The commission may direct an applicant to pay the examination or reexamination fee to a third party who has contracted with the commission to administer the examination. Prior to the issuance of an original license, each applicant who has passed the examination required by section 81-885.13 or who has received a license under section 81-885.17 shall pay a license fee to be established by the commission. The license fee established by the commission shall not exceed the following amounts: For a broker's license, not more than two hundred fifty dollars; and for a salesperson's license, not more than two hundred dollars.

(2) After the original issuance of a license, a renewal application and a renewal fee to be established by the commission of not more than five hundred dollars for each broker, and not more than four hundred dollars for each salesperson, shall be due and payable on or before November 30 of each renewal year. A broker or salesperson who: (a) Is required to submit evidence of completion of continuing education pursuant to section 81-885.51 on or before November 30, 2011, shall renew his or her license on or before such date for two years; (b) is not required to submit evidence of completion of continuing education until November 30, 2012, shall renew his or her license on or before November 30, 2011, for one year and shall renew his or her license on or before November 30, 2012, for two years; or (c) receives his or her original license on or after January 1, 2011, shall renew his or her license on or before the immediately following November 30 for two years. Each subsequent renewal under subdivisions (a), (b), and (c) of this subsection shall be for a two-year period and shall be due on or before November 30 of each renewal year. Failure to remit renewal fees when due shall automatically cancel such license on December 31 of the renewal year, but otherwise the license shall remain in full force and effect continuously from the date of issuance unless suspended or revoked by the commission for just cause. Any licensee who fails to file an application for the renewal of any license and pay the renewal fee as provided in this section may file a late renewal application and shall pay, in addition to the renewal fee, an amount to be established by the commission of not more than twenty-five dollars for each month or fraction thereof beginning with the first day of December if such late application is filed before July 1 of the ensuing year.

(3) Any check presented to the commission as a fee for either an original or renewal license or for examination for license which is returned to the State Treasurer unpaid or any electronic payment presented to the commission as a fee for either an original or renewal license or for examination for license that is not accepted against the commission shall be cause for revocation or denial of license.

(4) An inactive broker or salesperson may renew his or her license by submitting an application before December 1 prior to the ensuing year. Such

broker or salesperson shall submit the renewal fee together with the completed renewal application on which he or she has noted his or her present inactive status. Any broker or salesperson whose license has been renewed on such inactive status shall not be permitted to engage in the real estate business until such time as he or she fulfills the requirements for active status. Any license which has been inactive for a continuous period of more than three years shall be reinstated only if the licensee has met the examination requirement of an original applicant.

Source: Laws 1973, LB 68, § 14; Laws 1976, LB 899, § 1; Laws 1978, LB 361, § 7; Laws 1980, LB 936, § 2; Laws 1983, LB 182, § 13; Laws 1990, LB 350, § 6; Laws 1991, LB 118, § 3; Laws 1991, LB 204, § 2; Laws 2009, LB11, § 1; Laws 2011, LB23, § 1.

81-885.15 Fees; deposited in State Real Estate Commission's Fund; investment.

All fees collected under the Nebraska Real Estate License Act shall be deposited in the state treasury in a fund to be known as the State Real Estate Commission's Fund. The commission may use such part of the money in this fund as is necessary to be used by it in the administration and enforcement of the act. Transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. The State Real Estate Commission's Fund shall be paid out only upon proper vouchers and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer, as provided by law. The expenses of conducting the office must always be kept within the income collected and deposited with the State Treasurer by such commission and such office, and the expense thereof shall not be supported or paid from any other state fund. Any money in the State Real Estate Commission's 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.

Source: Laws 1973, LB 68, § 15; Laws 1983, LB 182, § 14; Laws 2009, LB30, § 6; Laws 2009, First Spec. Sess., LB3, § 68.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-885.16 Real Property Appraiser Act; applicability; broker's price opinion or comparative market analysis; requirements.

(1) The Real Property Appraiser Act shall not apply to a person licensed under the Nebraska Real Estate License Act who, in the ordinary course of his or her business, gives a broker's price opinion or comparative market analysis, except that such opinion or analysis shall not be referred to as an appraisal.

(2) No compensation, fee, or other consideration shall be charged for a broker's price opinion or comparative market analysis other than a real estate commission or brokerage fee charged or paid for brokerage services rendered in connection with the sale of the real estate involved unless the opinion or analysis is in writing, is signed by the preparer, includes the date on which it was prepared, and contains or has attached thereto the following disclosure in bold fourteen-point type: This opinion or analysis is not an appraisal. It is intended only for the benefit of the addressee for the purpose of assisting buyers

or sellers or prospective buyers or sellers in deciding the listing, offering, or sale price of the real property or for lending purposes in a transaction other than a federally related transaction. This opinion or analysis is not governed by the Real Property Appraiser Act.

(3) A broker's price opinion or comparative market analysis prepared for an existing or potential lienholder originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction may not be used as the sole basis to determine the value of the real estate for the purpose of originating a loan secured by such real estate, and the person giving the opinion or analysis must be engaged directly by the lienholder or its agent. Such person shall have no duty to inquire as to any other basis used to determine such value.

Source: Laws 2010, LB931, § 28.

Cross References

Real Property Appraiser Act, see section 76-2201.

81-885.17 Nonresident broker's license; nonresident salesperson's license; issuance; requirements; fingerprinting; criminal history record information check; reciprocal agreements.

(1)(a) A nonresident of this state who is actively engaged in the real estate business, who maintains a place of business in his or her resident regulatory jurisdiction, and who has been duly licensed in that regulatory jurisdiction to conduct such business in that regulatory jurisdiction may, in the discretion of the commission, be issued a nonresident broker's license.

(b) A nonresident salesperson employed by a broker holding a nonresident broker's license may, in the discretion of the commission, be issued a nonresident salesperson's license under such nonresident broker.

(c) A nonresident who becomes a resident of the State of Nebraska and who holds a broker's or salesperson's license in his or her prior resident regulatory jurisdiction shall be issued a resident broker's or salesperson's license upon filing an application, paying the applicable license fee, complying with the criminal history record information check under subsection (4) of this section, filing the affidavit required by subsection (7) of this section, and providing to the commission adequate proof of completion of a three-hour class approved by the commission specific to the Nebraska Real Estate License Act and sections 76-2401 to 76-2430.

(2) Obtaining a nonresident broker's license shall constitute sufficient contact with this state for the exercise of personal jurisdiction over the licensee in any action arising out of the licensee's activity in this state.

(3) Prior to the issuance of any license to any nonresident, he or she shall file with the commission a duly certified copy of the license issued to the applicant by the resident regulatory jurisdiction, pay to the commission the nonresident license fee as provided in section 81-885.14 for the obtaining of a broker's or salesperson's license, and provide to the commission adequate proof of completion of a three-hour class approved by the commission specific to the Nebraska Real Estate License Act and sections 76-2401 to 76-2430.

(4) An applicant for an original nonresident broker's or salesperson's license shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through

the Nebraska State Patrol. Each applicant shall furnish to the Nebraska State Patrol a full set of fingerprints to enable a criminal background investigation to be conducted. The applicant shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The applicant shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The applicant shall authorize release of the national criminal history record check to the commission. The criminal history record information check shall be completed within ninety days preceding the date the original application for a license is received in the commission's office, and if not, the application shall be returned to the applicant.

(5) Nothing in this section shall preclude the commission from entering into reciprocal agreements with other regulatory jurisdictions when such agreements are necessary to provide Nebraska residents authority to secure licenses in other regulatory jurisdictions.

(6) Nonresident licenses granted as provided in this section shall remain in force for only as long as the requirements of issuing and maintaining a license are met unless (a) suspended or revoked by the commission for just cause or (b) lapsed for failure to pay the annual renewal fee.

(7) Prior to the issuance of any license to a nonresident applicant, an affidavit shall be filed by the applicant with the commission certifying that the applicant has reviewed and is familiar with the Nebraska Real Estate License Act and the rules and regulations of the commission and agrees to be bound by the act, rules, and regulations. Within ninety days after the issuance of a license to a nonresident licensee prior to July 18, 2008, the licensee shall provide to the commission adequate proof of completion of a three-hour class approved by the commission specific to the Nebraska Real Estate License Act and the law of agency relationships enumerated in sections 76-2401 to 76-2430. If the licensee fails to provide adequate proof of completion of the approved class to the commission within the ninety-day period, the director of the commission or his or her designee shall place the license on inactive status and notify the licensee that he or she must show cause why the license should not be revoked.

Source: Laws 1973, LB 68, § 17; Laws 1980, LB 936, § 3; Laws 1983, LB 182, § 15; Laws 1983, LB 447, § 95; Laws 1990, LB 350, § 7; Laws 2002, LB 863, § 15; Laws 2003, LB 60, § 2; Laws 2006, LB 819, § 2; Laws 2008, LB715, § 1; Laws 2011, LB25, § 16.

81-885.19 License; form; broker's branch office; license; fee.

The commission shall prescribe the form of license. Each license shall have placed thereon the seal of the commission. The license of each salesperson and associate broker shall be delivered or mailed to the broker by whom the salesperson or associate broker is employed and shall be kept in the custody and control of such broker. It is the duty of each broker to display his or her own license and those of his or her associate brokers and salespersons conspicuously in his or her place of business. If a broker maintains more than one place of business within the state, a branch office license shall be issued to such broker for each branch office so maintained by him or her upon the payment of an annual fee to be established by the commission of not more than fifty dollars and the branch office license shall be displayed conspicuously in each branch

office. The broker or an associate broker shall be the manager of a branch office.

Source: Laws 1973, LB 68, § 19; Laws 1983, LB 182, § 17; Laws 1990, LB 350, § 9; Laws 1991, LB 204, § 3; Laws 2002, LB 863, § 17; Laws 2009, LB29, § 1; Laws 2011, LB23, § 2.

81-885.20 Broker, salesperson; change in place of business or status; notify commission; fee.

(1) Should the broker change his or her place of business, he or she shall forthwith notify the commission in writing of such change.

(2) When a salesperson or associate broker leaves the employ of a broker, the employing broker shall immediately forward the license of such employee to the commission and shall furnish such information regarding the termination of employment as the commission may require.

(3) When a salesperson or associate broker transfers from one employing broker to another, when an associate broker changes his or her status from associate broker to that of broker, or when a broker changes his or her status to that of associate broker, a transfer fee to be established by the commission of not more than fifty dollars shall be paid to the commission.

Source: Laws 1973, LB 68, § 20; Laws 1983, LB 182, § 18; Laws 1990, LB 350, § 10; Laws 1991, LB 204, § 4; Laws 2006, LB 819, § 3; Laws 2011, LB23, § 3.

81-885.21 Broker; separate trust account; notify commission where maintained; examination by representative of commission; broker entitled to money; when.

(1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all downpayments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing. Until July 1, 2014, such trust account may be either an interest-bearing or a non-interest-bearing account and, if interest-bearing, shall comply with subsection (7) of this section. On and after July 1, 2014, such trust account shall be a non-interest-bearing account.

(2) Each broker shall notify the commission of the name of the bank, savings bank, building and loan association, or savings and loan association in which the trust account is maintained and also the name of the account on forms provided therefor.

(3) Each broker shall authorize the commission to examine such trust account by a duly authorized representative of the commission. Such examination shall be made annually or at such time as the commission may direct.

(4) A broker may maintain more than one trust account in his or her name or the name under which he or she does business if the commission is advised of such account as required in subsection (2) of this section.

(5) In the event a branch office maintains a separate trust account, a separate bookkeeping system shall be maintained in the branch office.

(6) A broker shall not be entitled to any part of the earnest money or other money paid to him or her or the entity under which he or she does business in connection with any real estate transaction as part or all of his or her compensation or consideration until the transaction has been consummated or terminated.

(7) If the trust account is an interest-bearing account, as authorized under subsection (1) of this section, the interest may only be distributed or otherwise accrue to nonprofit organizations that are exempt from the payment of federal income taxes. The commission may further define policies and procedures for the processing of and distributions from interest-bearing trust accounts by rule and regulation.

Source: Laws 1973, LB 68, § 21; Laws 1975, LB 354, § 2; Laws 1978, LB 361, § 8; Laws 1981, LB 238, § 1; Laws 1991, LB 118, § 4; Laws 2000, LB 932, § 52; Laws 2002, LB 863, § 18; Laws 2011, LB347, § 1.

81-885.24 Commission; investigative powers; disciplinary powers; civil fine; violations of unfair trade practices.

The commission may, upon its own motion, and shall, upon the sworn complaint in writing of any person, investigate the actions of any broker, associate broker, salesperson, or subdivider, may censure the licensee or certificate holder, revoke or suspend any license or certificate issued under the Nebraska Real Estate License Act, or enter into consent orders, and, alone or in combination with such disciplinary actions, may impose a civil fine on a licensee pursuant to section 81-885.10, whenever the license or certificate has been obtained by false or fraudulent representation or the licensee or certificate holder has been found guilty of any of the following unfair trade practices:

(1) Refusing because of religion, race, color, national origin, ethnic group, sex, familial status, or disability to show, sell, or rent any real estate for sale or rent to prospective purchasers or renters;

(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted;

(3) Failing to account for and remit any money coming into his or her possession belonging to others;

(4) Commingling the money or other property of his or her principals with his or her own;

(5) Failing to maintain and deposit in a separate trust account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing;

(6) Accepting, giving, or charging any form of undisclosed compensation, consideration, rebate, or direct profit on expenditures made for a principal;

(7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer;

(8) Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker;

(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;

(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;

(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent;

(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent;

(13) Inducing any party to a contract of sale or lease to break such contract for the purpose of substituting, in lieu thereof, a new contract with another principal;

(14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract;

(15) Discussing or soliciting a discussion of, with an owner of a property which is exclusively listed with another broker, the terms upon which the broker would accept a future listing upon the expiration of the present listing unless the owner initiates the discussion;

(16) Violating any provision of sections 76-2401 to 76-2430;

(17) Soliciting, selling, or offering for sale real estate by offering free lots or conducting lotteries for the purpose of influencing a purchaser or prospective purchaser of real estate;

(18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country;

(19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal;

(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;

(21) Failing by a broker to deliver to the seller in every real estate transaction, at the time the transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller, failing to deliver to the buyer a complete statement showing all money received in the transaction from such buyer and how and

for what the same was disbursed, and failing to retain true copies of such statements in his or her files;

(22) Making any substantial misrepresentations;

(23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts;

(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker;

(25) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists;

(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act;

(27) Failing by a subdivider, after the original certificate has been issued, to comply with all of the requirements of the Nebraska Real Estate License Act;

(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson;

(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section; or

(30) Inducing or attempting to induce a person to transfer an interest in real property, whether or not for monetary gain, or discouraging another person from purchasing real property, by representing that (a) a change has occurred or will or may occur in the composition with respect to religion, race, color, national origin, ethnic group, sex, familial status, or disability of the owners or occupants in the block, neighborhood, or area or (b) such change will or may result in the lowering of property values, an increase in criminal or antisocial behavior, or a decline in the quality of schools in the block, neighborhood, or area.

Source: Laws 1973, LB 68, § 24; Laws 1975, LB 354, § 3; Laws 1978, LB 361, § 10; Laws 1981, LB 238, § 2; Laws 1982, LB 403, § 1; Laws 1983, LB 182, § 20; Laws 1985, LB 109, § 1; Laws 1990, LB 350, § 11; Laws 2002, LB 863, § 19; Laws 2009, LB30, § 7; Laws 2011, LB25, § 17; Laws 2011, LB347, § 2.

81-885.25 Censure, revoke, or suspend license; impose civil fine; cease and desist order; hearing; notice; contents.

(1) Before the commission censures a licensee, imposes a civil fine, revokes or suspends a license, or issues a cease and desist order, the commission shall send to the licensee or violator a copy of the complaint by certified mail which contains the charges against the licensee or violator and, unless the licensee or violator waives the right to a hearing and has executed a consent order, give the licensee or violator a hearing on the matter.

(2) The licensee or violator shall have full authority to be heard in person or by counsel before the commission in reference to such charges. The commission shall, at least twenty days prior to the date set for hearing, notify the

licensee or violator in writing of the date and place of the hearing. Such notice may be served by delivering it personally to the licensee or violator or by sending it by either registered or certified mail to the last-known business address of such licensee or any known address of the violator. If the licensee is an associate broker or a salesperson, the commission shall also notify the broker employing the licensee by mailing a copy of such notice to the broker's last-known business address.

Source: Laws 1973, LB 68, § 25; Laws 1983, LB 182, § 21; Laws 1984, LB 480, § 2; Laws 1990, LB 350, § 12; Laws 2009, LB30, § 8; Laws 2010, LB691, § 3.

81-885.29 Findings and determination by commission; license revoked or suspended; when; censure; civil fine; stay of execution; probation.

After the hearing the commission shall state in writing, officially signed by the chairperson and attested to by the director, its findings and determination and its order in the matter. If the commission determines that the licensee has been guilty of any violation of the Nebraska Real Estate License Act or the rules and regulations of the commission or the violator has been guilty of a violation of section 81-885.03, the commission may revoke or suspend the license, enter an order censuring the licensee, or impose a civil fine on a licensee pursuant to section 81-885.10 or on a violator pursuant to section 81-885.03. The execution of a penalty of suspension may be stayed by the commission and the licensee may be placed on probation for the suspension period, after satisfactory completion of which his or her license shall be fully reinstated. Any violation of the act or the rules and regulations by the licensee during the period of probation shall cause the immediate execution of the suspension penalty.

Source: Laws 1973, LB 68, § 29; Laws 1975, LB 354, § 4; Laws 1983, LB 182, § 23; Laws 1990, LB 350, § 14; Laws 2002, LB 863, § 20; Laws 2009, LB30, § 9; Laws 2010, LB691, § 4.

81-885.31 Civil fines; distribution; collection procedure.

(1) All civil fines collected pursuant to the Nebraska Real Estate License Act shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

(2) Any civil fine imposed pursuant to the act which remains unpaid for more than sixty days shall constitute a debt to the State of Nebraska which may be recovered by the Attorney General, along with reasonable attorney's fees and court costs, in a proper form of action in the name of the state in the district court of the county in which the violator resides. The commission shall consider such debt to be grounds for denial, refusal to renew, or refusal to reinstate a license under the act or grounds for additional disciplinary action by the commission.

Source: Laws 2009, LB30, § 10.

81-885.43 Violations; Attorney General; maintain action.

Except as provided in subsection (2) of section 81-885.31, whenever, in the judgment of the commission, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the Nebraska Real Estate License Act, the Attorney General may maintain an action in the name of the State of Nebraska, in the district court of the county

in which such violation or threatened violation occurred, to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with the act. The plaintiff shall not be required to give any bond nor shall any court costs be adjudged against the plaintiff.

Source: Laws 1973, LB 68, § 43; Laws 1983, LB 182, § 28; Laws 2009, LB30, § 11.

81-885.44 Complaint for violations of act.

The commission by and through its director may prefer a complaint for violation of the Nebraska Real Estate License Act.

Source: Laws 1973, LB 68, § 44; Laws 1983, LB 182, § 29; Laws 2009, LB30, § 12.

81-885.46 License or certificate under prior law; renewal.

Any real estate license or subdivision certificate issued prior to September 2, 1973, shall, for purposes of renewal, be considered to have been originally issued under the Nebraska Real Estate License Act.

Source: Laws 1973, LB 68, § 46; Laws 1983, LB 182, § 30; Laws 2009, LB30, § 13.

81-885.47 Repealed. Laws 2009, LB 30, § 17.

81-885.48 Terms, how construed.

Except for purposes of section 81-885.04, the terms employ, employed, employer, or employee as used in the Nebraska Real Estate License Act shall not necessarily be construed to imply an employer and employee relationship. The use of such terms shall not prohibit the establishment of any independent contract or other relationship between a business and an individual, between individuals, or between businesses, including an employer and employee relationship.

Source: Laws 1978, LB 361, § 13; Laws 2009, LB30, § 14.

81-885.49 Continuing education and training; purpose.

The purpose of sections 81-885.49 to 81-885.54 is to establish requirements for continuing education and training of real estate brokers and salespersons who are licensed in order to maintain and improve the quality of real estate services provided to the public.

Source: Laws 1985, LB 101, § 5; Laws 2011, LB24, § 1.

81-885.51 Continuing education and training; evidence of completion.

In each two-year period, every licensee shall complete twelve hours of approved continuing education activities and six hours of broker-approved training. Evidence of completion of such continuing education and training activities for the two-year period shall be submitted to the commission pursuant to rules and regulations adopted and promulgated by the commission.

Source: Laws 1985, LB 101, § 7; Laws 2002, LB 863, § 25; Laws 2011, LB24, § 2.

81-885.52 Continuing education and training; certify activities.

(1) The commission shall certify as approved continuing education activities those courses, lectures, seminars, or other instructional programs which it determines would protect the public by improving the competency of licensees. The commission may require descriptive information about any continuing education or training activity and refuse approval of any continuing education or training activity which does not advance the purposes of sections 81-885.49 to 81-885.54. The commission shall not approve any provider of continuing education or training courses, lectures, seminars, or other instructional programs unless such provider meets the standards established by the commission.

(2) The commission shall certify the number of hours to be awarded for participation in an approved continuing education activity, based upon contact or classroom hours or other criteria prescribed by rule and regulation of the commission.

(3) The commission may certify the number of hours to be awarded for successful completion of a course delivered in a distance education format, based upon the number of hours which would be awarded in an equivalent classroom course or program or other criteria prescribed by rule and regulation of the commission.

Source: Laws 1985, LB 101, § 8; Laws 2002, LB 863, § 26; Laws 2011, LB24, § 3.

81-885.53 Continuing education and training; licensee; requirements.

Except for inactive licensees, the commission shall not renew a license or issue a new license to any licensee who has failed to comply with the requirements of sections 81-885.49 to 81-885.54. Inactive licensees may renew their licenses at the end of the two-year period without having completed the hours of continuing education and training activities required by section 81-885.51 for each two-year period. Inactive licensees shall not be activated until the licensee has satisfactorily completed the total number of deficient hours of continuing education activities and filed evidence of such completion with the commission, except that no inactive licensee shall be required to make up more than the number of hours of continuing education required by section 81-885.51 for a two-year period.

Source: Laws 1985, LB 101, § 9; Laws 2002, LB 863, § 27; Laws 2011, LB24, § 4.

81-887.03 Auctioneers; nonresident; additional requirements.

Nothing contained in sections 81-887.01 to 81-887.03 shall be construed to permit any person to conduct a sale of real estate without first complying with the requirements of the Nebraska Real Estate License Act.

Source: Laws 1953, c. 339, § 3, p. 1112; Laws 2009, LB30, § 15.

Cross References

Nebraska Real Estate License Act, see section 81-885.

(i) LAND SURVEYING

81-8,110.07 Examining board; secretary; duties; Land Surveyor Examiner's Fund; created; purpose; investment.

The secretary of the examining board shall receive and account for all money derived from the operation of sections 81-8,108 to 81-8,127 and shall remit it to

the State Treasurer for credit to the Land Surveyor Examiner's Fund, which fund is hereby created. This fund shall be continued from year to year. When appropriated by the Legislature, this fund shall be expended only for the purposes of sections 81-8,108 to 81-8,127. When not reappropriated for the succeeding biennium, the money in this fund shall not revert to the General Fund. The fund shall be paid out only upon vouchers approved by the examining board and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer. The expenditures of the examining board shall be kept within the income collected and remitted to the State Treasurer by the examining board. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Land Surveyor Examiner's 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.

Source: Laws 1971, LB 442, § 9; Laws 1986, LB 258, § 35; Laws 1994, LB 874, § 9; Laws 1995, LB 7, § 110; Laws 2009, First Spec. Sess., LB3, § 69.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(j) STATE ATHLETIC COMMISSIONER

81-8,128 State Athletic Commissioner; appointment; term; salary; bond or insurance; assistants.

There is hereby established the position of State Athletic Commissioner. The commissioner shall be appointed by the Governor and shall hold office for a term of two years commencing the first Thursday after the first Tuesday of January in each odd-numbered year. The commissioner shall receive such salary as the Governor may elect and shall be bonded or insured as required by section 11-201. The commissioner may be reappointed for successive terms.

The office of the commissioner shall be located within and under the general supervision of the Charitable Gaming Division of the Department of Revenue. The commissioner may exercise and perform his or her powers and duties at any location in the state. The commissioner may employ assistants and fix their compensation in conjunction with the Charitable Gaming Division. The compensation of assistants and expenses of the office of the commissioner shall be paid through the State Athletic Commissioner's Cash Fund.

Source: Laws 1957, c. 382, § 1, p. 1326; Laws 1978, LB 653, § 33; Laws 1993, LB 397, § 2; Laws 2004, LB 884, § 41; Laws 2006, LB 941, § 1; Laws 2010, LB879, § 21; Laws 2011, LB210, § 11.

81-8,129 State Athletic Commissioner; jurisdiction; activities covered.

The State Athletic Commissioner shall have sole direction, management, control, and jurisdiction over all professional mixed martial arts, professional wrestling, professional boxing, and professional sparring matches and exhibitions and all amateur mixed martial arts matches and exhibitions to be held within the state, except such as are conducted by universities, colleges, high schools, the military, and recognized amateur associations for contestants under sixteen years of age. No professional boxers, professional mixed martial

arts contestants, or professional wrestlers, or amateur mixed martial arts contestants who have attained the age of sixteen, shall participate in a match or exhibition for a prize or purse, or at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, in this state except by a club, association, organization, or person licensed by the commissioner, as provided in section 81-8,130, and in pursuance of a license granted by the commissioner for such match or exhibition under section 81-8,130.01.

Source: Laws 1957, c. 382, § 2, p. 1327; Laws 1980, LB 849, § 2; Laws 2007, LB471, § 1; Laws 2012, LB869, § 1.
Effective date July 19, 2012.

81-8,130 Amateur mixed martial arts matches or exhibitions; license; fee.

The State Athletic Commissioner may issue an annual license for conducting amateur mixed martial arts matches or exhibitions to any club, association, or organization. Each application for a license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than twenty-five dollars and not more than one hundred dollars.

Source: Laws 1957, c. 382, § 3, p. 1327; Laws 1980, LB 849, § 4; Laws 2002, LB 482, § 1; Laws 2012, LB869, § 2.
Effective date July 19, 2012.

81-8,130.01 Professional matches; promoters; licenses and permits; fee.

Licenses and permits may be issued to professional mixed martial arts, professional boxing, or professional wrestling promoters, whether persons, clubs, or associations, for the sole purpose of conducting professional matches under such rules and regulations as the State Athletic Commissioner shall adopt. Each application for such license shall be accompanied by a fee set by the commissioner in rule and regulation. Such fee shall be not less than one hundred dollars and not more than three hundred dollars. If the promoter is an individual, the application shall include his or her social security number.

Source: Laws 1980, LB 849, § 17; Laws 1997, LB 752, § 222; Laws 2002, LB 482, § 2; Laws 2007, LB471, § 2; Laws 2012, LB869, § 3.
Effective date July 19, 2012.

81-8,132 Licensee; bond; conditions.

No license shall be granted unless the licensee has executed a bond in the sum of not less than one thousand dollars in the case of amateur mixed martial arts, nor less than five thousand dollars in the case of professional wrestling, professional mixed martial arts, or professional boxing. The license shall be approved by the State Athletic Commissioner, conditioned on the faithful compliance by the licensee with the provisions of sections 81-8,129 to 81-8,142.01, the rules and regulations of the commissioner, and such other laws of the state as may be applicable to anything done by the licensee in pursuance of the license.

Source: Laws 1957, c. 382, § 5, p. 1328; Laws 1980, LB 849, § 5; Laws 2007, LB471, § 3; Laws 2012, LB869, § 4.
Effective date July 19, 2012.

81-8,133 Referees; license; duties; fee.

The State Athletic Commissioner is authorized to grant licenses to competent referees, upon an application and the payment of a fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than forty dollars per annum. The commissioner may revoke any license so granted for such cause as may be deemed sufficient. At every professional wrestling, professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, there shall be in attendance a duly licensed referee, who shall direct and control the match. The referee shall stop the match whenever he or she deems it advisable, (1) because of the physical condition of the contestants or one of them, (2) when one of the contestants is clearly outclassed by his or her opponent, or (3) for any other sufficient reason. The referee shall, at the termination of every professional wrestling, professional boxing, professional mixed martial arts, amateur mixed martial arts, or professional sparring match or exhibition, indicate a winner. The fees of the referee and other licensed officials may be fixed by the commissioner and shall be paid by the licensed organization.

Source: Laws 1957, c. 382, § 6, p. 1328; Laws 1980, LB 849, § 6; Laws 2002, LB 482, § 3; Laws 2007, LB471, § 4; Laws 2012, LB869, § 5.

Effective date July 19, 2012.

81-8,133.01 Other officials and contestants; license required; fees; revocation of license.

The State Athletic Commissioner may grant licenses to qualified physicians, managers, matchmakers, and professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition judges upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee for matchmakers shall be not less than ten dollars and not more than one hundred dollars. Such fee for physicians, managers, and professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition judges shall be not less than ten dollars and not more than twenty dollars. The commissioner may also grant licenses to qualified timekeepers, contestants, and seconds upon an application and payment of an annual fee set by the commissioner in rule and regulation. Such fee shall be not less than ten dollars and not more than twenty dollars. The application shall include the applicant's social security number. No person shall serve as physician, manager, matchmaker, or judge at any professional mixed martial arts, professional wrestling, professional boxing, or professional sparring match or exhibition who is not licensed as such. No person shall serve as timekeeper or contestant at any professional wrestling, professional mixed martial arts, or professional boxing match who is not licensed as such. The commissioner shall have summary authority to stop any match at which any person is serving in violation of the provisions of this section. Any license granted under the provisions of this section may be revoked for cause.

Source: Laws 1963, c. 501, § 1, p. 1604; Laws 1980, LB 849, § 7; Laws 1984, LB 980, § 1; Laws 1997, LB 752, § 223; Laws 2002, LB 482, § 4; Laws 2007, LB471, § 5; Laws 2012, LB869, § 6.

Effective date July 19, 2012.

81-8,134 Boxing, mixed martial arts, or sparring matches; rules governing.

(1) Any professional boxing match, professional mixed martial arts match, or amateur mixed martial arts match conducted in this state which is labeled or promoted as a championship boxing match or a championship mixed martial arts match shall have regional or national significance and the approval of a nationally recognized professional boxing or mixed martial arts association.

(2) Professional boxing or professional sparring matches or exhibitions shall not exceed ten rounds in length, except in a championship match, which shall not exceed fifteen rounds. No round shall be longer than three minutes. At least one minute shall intervene between rounds. The contestants shall wear during the contest gloves weighing at least eight ounces each.

(3) Professional mixed martial arts matches or exhibitions shall not exceed three rounds in length, except in a championship match, which shall not exceed five rounds in length. No round shall be longer than five minutes. At least one minute shall intervene between rounds.

(4) No professional boxing contestant, professional mixed martial arts contestant, or amateur mixed martial arts contestant shall be allowed to participate or take part in any contest in this state unless a duly licensed physician shall certify in writing that such contestant has taken a physical examination the day of the contest and is physically fit to engage in the proposed contest.

Source: Laws 1957, c. 382, § 7, p. 1328; Laws 1980, LB 849, § 8; Laws 2007, LB471, § 6; Laws 2012, LB869, § 7.
Effective date July 19, 2012.

81-8,135 Licensee; reports; contents; gross receipts tax; amounts.

Every licensee conducting or holding any professional mixed martial arts, amateur mixed martial arts, professional wrestling, or professional boxing match shall furnish to the State Athletic Commissioner a written report showing the articles of agreement between the contestants, the number of tickets sold for each contest, the amount of the gross receipts thereof, the gross receipts from sale of any television rights, and such other matters as the commissioner shall prescribe. Within such time the licensee shall pay to the commissioner a tax of five percent of the total gross receipts of any professional mixed martial arts, professional wrestling, or professional boxing match or exhibition, exclusive of state and federal taxes, except the gross receipts from sale of television rights, and five percent of such rights, and five percent of the total gross receipts of any amateur mixed martial arts match or exhibition, exclusive of state and federal taxes, except that if such match or exhibition is conducted as an incidental feature in any event or entertainment of a different character, such portion of the total receipts shall be paid to the state as the commissioner may determine, or as may be fixed by rule adopted under section 81-8,139.

Source: Laws 1957, c. 382, § 8, p. 1329; Laws 1961, c. 434, § 1, p. 1349; Laws 1963, c. 520, § 1, p. 1638; Laws 1969, c. 778, § 4, p. 2951; Laws 1980, LB 849, § 9; Laws 2007, LB471, § 7; Laws 2012, LB869, § 8.
Effective date July 19, 2012.

81-8,138 Contestants; compensation; when payable; fake contests.

No contestant in any match or exhibition shall be paid for services until the same are rendered, and should it be determined by the State Athletic Commis-

sioner that a contestant did not give an honest exhibition of his or her skill, he or she shall not be paid. Any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur mixed martial arts match or exhibition shall be disqualified and shall not thereafter be permitted to contend in any match or exhibition in this state, and any contestant who shall participate in any sham or fake professional boxing, professional mixed martial arts, or amateur mixed martial arts match or exhibition shall be guilty of a violation of sections 81-8,128 to 81-8,142.01.

Source: Laws 1957, c. 382, § 11, p. 1330; Laws 1980, LB 849, § 12; Laws 2007, LB471, § 8; Laws 2012, LB869, § 9.
Effective date July 19, 2012.

81-8,139 State Athletic Commissioner; rules and regulations; powers.

The State Athletic Commissioner shall adopt and promulgate such rules and regulations for the administration and enforcement of sections 81-8,128 to 81-8,142.01 as he or she may deem necessary. Such rules and regulations shall include, but not be limited to, the establishment of written criteria for the granting and revoking of licenses, the setting of license fees, and the qualification requirements for those to be licensed as referees, physicians, managers, matchmakers, and professional wrestling, professional boxing, professional mixed martial arts, or professional sparring match or exhibition judges. He or she shall have the power and may control and limit the number of professional mixed martial arts, amateur mixed martial arts, professional wrestling, professional boxing, or professional sparring matches or exhibitions given, or to be held, each year, or within one week, in any city or town, or by any organization. He or she may reprimand any amateur or professional athlete or any official or suspend for a period, not to exceed one year, his or her right to participate in any match or exhibition conducted by any licensee for unsportsmanlike conduct while engaged in or arising directly from any match or exhibition, failure to compete in good faith, engaging in any sham match or exhibition, or the use of threatening and abusive language toward officials, other contestants, or spectators.

Source: Laws 1957, c. 382, § 12, p. 1330; Laws 1975, LB 5, § 1; Laws 1980, LB 849, § 13; Laws 2002, LB 482, § 5; Laws 2007, LB471, § 9; Laws 2012, LB869, § 10.
Effective date July 19, 2012.

81-8,139.01 Athletic Advisory Committee; created; members; qualifications; expenses; duties; appeal.

(1) An advisory committee is hereby created which shall be known as the Athletic Advisory Committee. The Governor shall appoint five persons to the committee. The members shall be selected on their experience, training, and interest in mixed martial arts, professional boxing, and professional wrestling. One member shall be or shall have been active in mixed martial arts, one member shall be or shall have been active in professional wrestling, one member shall be or shall have been active in professional boxing, one member shall be a medical doctor with ringside experience, and one member shall be an at-large member. The members shall serve at the pleasure of the Governor, and the commissioner may recommend individuals to serve on the advisory committee. The members shall receive no salaries but shall receive reimbursement

for their expenses as provided in sections 81-1174 to 81-1177. The committee shall meet and be located within the Charitable Gaming Division of the Department of Revenue. The committee may exercise and perform its powers and duties at any location in the state. The committee shall review the rules and regulations drawn up by the commissioner pursuant to section 81-8,139 and shall make recommendations and give advice regarding any proposed or adopted rules and regulations.

(2) The Athletic Advisory Committee shall serve as an appeals board which shall hear and determine all cases of parties who contest any of the State Athletic Commissioner's decisions. The procedure for such appeal shall be designated in the commissioner's rules and regulations, and the decision of the committee shall be by a majority vote of the committee. Any party who wishes to appeal from the committee's decision may appeal the decision, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 1980, LB 849, § 18; Laws 1988, LB 352, § 170; Laws 1993, LB 397, § 3; Laws 2004, LB 1033, § 1; Laws 2007, LB471, § 10; Laws 2012, LB869, § 11.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

(o) PROFESSIONAL LANDSCAPE ARCHITECTS

81-8,183.01 Act, how cited.

Sections 81-8,183.01 to 81-8,206 shall be known and may be cited as the Professional Landscape Architects Act.

Source: Laws 1967, c. 565, § 25, p. 1867; Laws 1984, LB 477, § 15; R.S.1943, (2008), § 81-8,208; Laws 2012, LB1140, § 1.
Effective date July 19, 2012.

81-8,184 Terms, defined.

For purposes of the Professional Landscape Architects Act, unless the context otherwise requires:

(1) Professional landscape architect means a person who, by reason of his or her knowledge acquired by professional education or practical experience, or both, is qualified to engage in the practice of professional landscape architecture as provided in the act;

(2) Practice of professional landscape architecture means the performance of professional services such as consultations, investigations, reconnaissance, research, planning, design, or responsible supervision in connection with projects involving the arranging of land and the elements thereon for public and private use and enjoyment, including the alignment of roadways and the location of buildings, service areas, parking areas, walkways, steps, ramps, pools, and other structures, and the grading of the land, surface and subsoil drainage, erosion control, planting, reforestation, and the preservation of the natural landscape and aesthetic values, in accordance with accepted professional standards of public health, welfare, and safety. Practice of professional landscape architecture includes the location and arrangement of such tangible objects and features as are incidental and necessary to the purposes outlined in

this subdivision but does not include the design of structures or facilities with separate and self-contained purposes for habitation or industry, the design of public streets and highways, utilities, storm and sanitary sewers, and sewage treatment facilities which are ordinarily included in the practice of engineering or architecture, or the making of land surveys or final land plats for official approval or recording. Nothing contained in the act shall preclude a duly licensed professional landscape architect from performing any of the services defined as practice of professional landscape architecture in this subdivision in connection with the settings, approaches, or environment for buildings, structures, or facilities. Nothing contained in the act shall be construed as authorizing a professional landscape architect to engage in the practice of architecture, engineering, or land surveying. Nothing in the act shall prohibit any person, firm, or corporation or their officers, agents, or employees from preparing planting plans for plant materials in connection with the sale of nursery stock, plants, trees, shrubs, flowers, sod, or other plant material, outdoor decorative ornaments, seed, fertilizer, chemicals, gardening tools and equipment, and related items of merchandise or the propagation, planting, or growth of any indoor or outdoor plants; and

(3) Board means the State Board of Landscape Architects created by the act.

Source: Laws 1967, c. 565, § 1, p. 1860; Laws 1971, LB 98, § 1; Laws 2012, LB1140, § 2.
Effective date July 19, 2012.

81-8,185 License required; display of certificate of licensure; current certificate holder; how treated.

(1) No person shall engage in the practice of professional landscape architecture or use or advertise any sign, title, or description tending to imply or designate that such a person is a professional landscape architect unless he or she is licensed as such as provided in the Professional Landscape Architects Act. Every licensee shall display his or her certificate of licensure in a conspicuous place at his or her place of business.

(2) Any person holding a certificate of registration under the act as of July 19, 2012, shall be deemed to be duly licensed under the act until the expiration of such certificate.

Source: Laws 1967, c. 565, § 2, p. 1861; Laws 1971, LB 98, § 2; Laws 2012, LB1140, § 3.
Effective date July 19, 2012.

81-8,186 State Board of Landscape Architects; members; appointment.

There is hereby created a State Board of Landscape Architects consisting of six members who shall be appointed by the Governor. Five members of the board shall be professional landscape architects and one member shall be a layperson of the age of legal majority. All members shall have been residents of this state for at least one year immediately preceding their appointments.

Source: Laws 1967, c. 565, § 3, p. 1861; Laws 1971, LB 98, § 3; Laws 1984, LB 477, § 3; Laws 2012, LB1140, § 4.
Effective date July 19, 2012.

81-8,189 Board; members; compensation; expenses.

Members of the board shall serve without compensation except that they shall be reimbursed for their actual and necessary expenses incurred in the discharge of their duties pursuant to the Professional Landscape Architects Act as provided in sections 81-1174 to 81-1177.

Source: Laws 1967, c. 565, § 6, p. 1862; Laws 1981, LB 204, § 183; Laws 2012, LB1140, § 5.
Effective date July 19, 2012.

81-8,190 Board; chairperson; meetings; quorum; personnel; employ.

The board shall elect annually from its members a chairperson and a vice-chairperson. The board shall meet at least once a year at a time and place fixed by the board. Three members shall constitute a quorum. The board may employ such technical and clerical assistants and incur such expense as may be necessary to properly carry out the Professional Landscape Architects Act.

Source: Laws 1967, c. 565, § 7, p. 1862; Laws 2012, LB1140, § 6.
Effective date July 19, 2012.

81-8,191.01 Board; powers; rules and regulations; conflict of interest.

The board may adopt and promulgate rules and regulations which are needed in performing its duties. Such rules and regulations include, but are not limited to, a definition of conflict of interest for board members and the appropriate procedure to follow when a conflict arises. The rules and regulations or a code of professional conduct developed by the board shall also include definitions of or a list of specific practices which constitute fraud, deceit, gross negligence, incompetence, or misconduct and the punishments for such practices which shall be used as the basis to place a professional landscape architect on probation or revoke or suspend a license pursuant to section 81-8,202.

Source: Laws 1984, LB 477, § 14; Laws 2012, LB1140, § 7.
Effective date July 19, 2012.

81-8,192 Board; certificates of licensure; list; filing.

The board shall keep on file a record of all certificates of licensure granted and shall make annual revisions of such record as may be necessary. On or before January 31 of each year, the board shall file with the Secretary of State a complete list of those licensed under the Professional Landscape Architects Act with their addresses and the dates of licensure.

Source: Laws 1967, c. 565, § 9, p. 1862; Laws 1981, LB 545, § 31; Laws 2012, LB1140, § 8.
Effective date July 19, 2012.

81-8,193 Board; seal; adopt.

The board shall adopt and have an official seal which shall be affixed to all certificates of licensure granted and may adopt and promulgate rules and regulations necessary for the proper performance of such duty.

Source: Laws 1967, c. 565, § 10, p. 1863; Laws 2012, LB1140, § 9.
Effective date July 19, 2012.

81-8,194 Board; fees; disposition; State Board of Landscape Architects Cash Fund; created; investment.

(1) The board shall establish fees of not less than one hundred nor more than three hundred dollars for applications for licensure, examinations, certificates of licensure, reciprocal licenses, and renewals based on the administration costs incurred by the board. The board shall collect, account for, and remit such fees to the State Treasurer for credit to the State Board of Landscape Architects Cash Fund which is hereby created.

(2) Transfers may be made from the State Board of Landscape Architects Cash Fund to the General Fund at the direction of the Legislature. Any money in the State Board of Landscape Architects Cash 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.

Source: Laws 1967, c. 565, § 11, p. 1863; Laws 1971, LB 98, § 4; Laws 1984, LB 477, § 5; Laws 2007, LB396, § 1; Laws 2009, First Spec. Sess., LB3, § 70; Laws 2012, LB1140, § 10.
Effective date July 19, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-8,195 Applications for licensure; statements; fee.

Applications for licensure shall be on forms prescribed and furnished by the board and shall contain statements made under oath showing the applicant's education and a detailed summary of his or her technical work. Applications for licensure shall be accompanied by an application fee in an amount determined by the board.

Source: Laws 1967, c. 565, § 12, p. 1863; Laws 1984, LB 477, § 6; Laws 2012, LB1140, § 11.
Effective date July 19, 2012.

81-8,196 Applicant for licensure; requirements.

Each applicant for licensure as a professional landscape architect shall complete an application that includes the following requirements:

(1) Proof that the applicant has met the eligibility standards set by the board in rules and regulations adopted and promulgated by the board in consultation with the Council of Landscape Architectural Registration Boards;

(2) Successful passage of a written or electronic examination in landscape architecture which is designed to determine the proficiency and qualifications to engage in the practice of professional landscape architecture; and

(3) That the applicant is of good character.

Source: Laws 1967, c. 565, § 13, p. 1863; Laws 1974, LB 811, § 20; Laws 1997, LB 752, § 224; Laws 2012, LB1140, § 12.
Effective date July 19, 2012.

81-8,197 Applicants; examination.

Examinations shall be administered by the board or the Council of Landscape Architectural Registration Boards at times to be set by the board in consultation with the council.

Source: Laws 1967, c. 565, § 14, p. 1864; Laws 1984, LB 477, § 7; Laws 2012, LB1140, § 13.
Effective date July 19, 2012.

81-8,198 Licensee; seal; use; effect.

Each licensee shall provide himself or herself with a suitable seal with a uniform inscription thereon formulated by the board with which he or she shall stamp all plans, specifications, and reports prepared by him or her. The following shall be stated on the seal: State of Nebraska, the licensee's name, the license number, and Professional Landscape Architect. A license shall be presumptive evidence that the person named therein is legally licensed.

Source: Laws 1967, c. 565, § 15, p. 1864; Laws 2012, LB1140, § 14.
Effective date July 19, 2012.

81-8,199 Certificate of licensure; annual fee, payment; issuance.

The board shall issue a certificate of licensure to each successful applicant upon payment of the annual fee. Each certificate shall be signed by two members of the board under the seal of the board. The certificate shall authorize the applicant to practice professional landscape architecture.

Source: Laws 1967, c. 565, § 16, p. 1864; Laws 1984, LB 477, § 8; Laws 2012, LB1140, § 15.
Effective date July 19, 2012.

81-8,200 Certificate of licensure; fee; expiration; notice.

Certificates of licensure shall expire on the last day of December following their issuance or renewal and shall become invalid on that date unless renewed before the expiration date with the payment of a fee in an amount the board shall determine. The board shall notify every licensee of the expiration date of his or her certificate and the amount of the annual renewal fee at least one month in advance. The fee to be paid for the renewal of a certificate after December 31 shall be increased by ten percent for each month or fraction of a month such payment is delayed, except that the maximum fee for a delayed renewal shall not exceed twice the amount of the original renewal fee and no renewals shall be made after a lapse of one year after the original expiration date thereof. Renewal fees shall not be required while the professional landscape architect is on active duty with the armed forces of the United States. Application for renewal of a lapsed license shall be in the same manner as provided for an original application pursuant to section 81-8,196.

Source: Laws 1967, c. 565, § 17, p. 1865; Laws 1984, LB 477, § 9; Laws 2012, LB1140, § 16.
Effective date July 19, 2012.

81-8,200.01 Certificate of licensure; renewal; professional development requirements.

(1) As a condition for renewal of a certificate of licensure issued pursuant to the Professional Landscape Architects Act, a licensee shall be required to

successfully complete fifteen hours of professional development within the preceding calendar year.

(2) The board shall not renew the certificate of licensure of any licensee who has failed to complete the professional development requirements pursuant to subsection (1) of this section, unless he or she can show good cause why he or she was unable to comply with such requirements. If the board determines that good cause was shown, the board shall permit the licensee to make up all outstanding required hours of professional development.

Source: Laws 1984, LB 477, § 12; Laws 2012, LB1140, § 17.
Effective date July 19, 2012.

81-8,200.02 Professional development programs; rules and regulations.

The board shall adopt and promulgate rules and regulations as are necessary for the effective delivery and licensure of all programs of professional development required in section 81-8,200.01.

Source: Laws 1984, LB 477, § 13; Laws 2012, LB1140, § 18.
Effective date July 19, 2012.

81-8,201 License without examination; when; fee.

The board may license without examination any applicant who is legally licensed or registered as a professional landscape architect in any other state, territory, or country whose requirements for licensure or registration are at least substantially equivalent to or higher than the requirements of the Professional Landscape Architects Act and which extends the same privileges of reciprocity to professional landscape architects licensed in this state and who has actively practiced for at least one of the three years immediately preceding the application for licensure without examination. The application for reciprocal licensure shall be accompanied by a fee in an amount the board shall determine.

Source: Laws 1967, c. 565, § 18, p. 1865; Laws 1984, LB 477, § 10; Laws 2012, LB1140, § 19.
Effective date July 19, 2012.

81-8,202 License; probation, revocation, or suspension; appeal.

The board may by a four-fifths vote of the entire board place a licensed professional landscape architect on probation or revoke or suspend the license of any professional landscape architect licensed under the Professional Landscape Architects Act whom it finds guilty of (1) deceit in obtaining a license, (2) fraud, (3) gross negligence, (4) incompetency, or (5) misconduct in the practice of professional landscape architecture. Such person shall have the right to appeal the revocation or suspension of his or her license, and the appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 1967, c. 565, § 19, p. 1865; Laws 1971, LB 98, § 5; Laws 1984, LB 477, § 11; Laws 1988, LB 352, § 171; Laws 2012, LB1140, § 20.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

81-8,203 Warrants for payment of expenses and compensation; issuance.

Warrants for the payment of expenses and compensation provided by the Professional Landscape Architects Act shall be issued by the Director of Administrative Services upon presentation of vouchers drawn by the chairperson, but at no time shall the total amount of warrants exceed the total amount of fees collected as provided by the act.

Source: Laws 1967, c. 565, § 20, p. 1866; Laws 1967, c. 574, § 1, p. 1897; Laws 2012, LB1140, § 21.
Effective date July 19, 2012.

81-8,204 Certificate of licensure; required; violation; injunction.

No person shall practice as a professional landscape architect or in any manner designate himself or herself as a professional landscape architect unless he or she has been issued a certificate of licensure pursuant to the Professional Landscape Architects Act. If such person does practice or attempt to practice under the designation of professional landscape architect, he or she may be restrained under permanent injunction.

Source: Laws 1967, c. 565, § 21, p. 1866; Laws 1971, LB 98, § 6; Laws 2012, LB1140, § 22.
Effective date July 19, 2012.

81-8,205 Injunction; prohibited acts; violation; penalty.

Any person who violates a permanent injunction obtained pursuant to section 81-8,204, presents or attempts to file as his or her own the certificate of licensure of another, gives false or forged evidence of any kind to the board in obtaining a certificate of licensure, indorses any document which he or she did not actually prepare or supervise the preparation thereof, falsely impersonates another practitioner of like or different name, or uses a revoked certificate of licensure shall be deemed guilty of a Class III misdemeanor.

Source: Laws 1967, c. 565, § 22, p. 1866; Laws 1977, LB 39, § 300; Laws 2012, LB1140, § 23.
Effective date July 19, 2012.

81-8,206 Persons exempt from act.

The Professional Landscape Architects Act shall not apply to:

(1) Any person who is an employee of a licensed professional landscape architect and who performs landscape architectural work under the direction and supervision of a licensed professional landscape architect, but such work does not include responsible change of design or administration of construction contracts;

(2) Any full-time employee who performs landscape architectural work for his or her employer when all such work is in connection with a facility owned or operated by the employer and when such work does not endanger the public welfare, health, and safety, and when the service is not offered to the public;

(3) Any architect or professional engineer, but such architect or engineer may not use the title landscape architect or professional landscape architect unless he or she is licensed pursuant to the act; or

(4) Any person who seeks advice or help of any other person in planning, planting, or maintaining the planting or conservation work on any property he or she owns or controls or who does such things himself or herself.

Source: Laws 1967, c. 565, § 23, p. 1866; Laws 1971, LB 98, § 7; Laws 1997, LB 622, § 119; Laws 2012, LB1140, § 24.
Effective date July 19, 2012.

81-8,208 Transferred to section 81-8,183.01.

(p) TORT CLAIMS, STATE CLAIMS BOARD,
AND RISK MANAGEMENT PROGRAM

81-8,210 Terms, defined.

For purposes of the State Tort Claims Act:

(1) State agency includes all departments, agencies, boards, bureaus, and commissions of the State of Nebraska and corporations the primary function of which is to act as, and while acting as, instrumentalities or agencies of the State of Nebraska but shall not include corporations that are essentially private corporations or entities created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. State agency does not include any contractor with the State of Nebraska;

(2) State Claims Board means the board created by section 81-8,220;

(3) Employee of the state means any one or more officers or employees of the state or any state agency and shall include duly appointed members of boards or commissions when they are acting in their official capacity. State employee does not include any employee of an entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act or any contractor with the State of Nebraska;

(4) Tort claim means any claim against the State of Nebraska for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of any employee of the state, while acting within the scope of his or her office or employment, under circumstances in which the state, if a private person, would be liable to the claimant for such damage, loss, injury, or death but does not include any claim accruing before January 1, 1970, any claim against an employee of the state for money only on account of damage to or loss of property or on account of personal injury or death caused by the negligent or wrongful act or omission of the employee while acting within the scope of his or her employment occurring on or after August 25, 1989, and any claim allowed under the Nebraska Claims for Wrongful Conviction and Imprisonment Act;

(5) Award means any amount determined by the Risk Manager or State Claims Board to be payable to a claimant under section 81-8,211 or the amount of any compromise or settlement under section 81-8,218; and

(6) Risk Manager means the Risk Manager appointed under section 81-8,239.01.

Source: Laws 1969, c. 756, § 2, p. 2845; Laws 1988, LB 864, § 20; Laws 1989, LB 541, § 2; Laws 1991, LB 81, § 6; Laws 1999, LB 87, § 92; Laws 2008, LB821, § 1; Laws 2009, LB260, § 10.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Nebraska Claims for Wrongful Conviction and Imprisonment Act, see section 29-4601.

81-8,219 State Tort Claims Act; claims exempt.

The State Tort Claims Act shall not apply to:

(1) Any claim based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute, rule, or regulation, whether or not such statute, rule, or regulation is valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion is abused;

(2) Any claim arising with respect to the assessment or collection of any tax or fee, or the detention of any goods or merchandise by any law enforcement officer;

(3) Any claim for damages caused by the imposition or establishment of a quarantine by the state whether such quarantine relates to persons or property;

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights;

(5) Any claim by an employee of the state which is covered by the Nebraska Workers' Compensation Act;

(6) Any claim based on activities of the Nebraska National Guard when such claim is cognizable under the Federal Tort Claims Act, 28 U.S.C. 2674, or the National Guard Tort Claims Act of the United States, 32 U.S.C. 715, or when such claim accrues as a result of active federal service or state service at the call of the Governor for quelling riots and civil disturbances;

(7) Any claim based upon the failure to make an inspection or making an inadequate or negligent inspection of any property other than property owned by or leased to the state to determine whether the property complies with or violates any statute, ordinance, rule, or regulation or contains a hazard to public health or safety unless the state had reasonable notice of such hazard or the failure to inspect or inadequate or negligent inspection constitutes a reckless disregard for public health or safety;

(8) Any claim based upon the issuance, denial, suspension, or revocation of or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, or order. Such claim shall also not be filed against a state employee acting within the scope of his or her office. Nothing in this subdivision shall be construed to limit the state's liability for any claim based upon the negligent execution by a state employee in the issuance of a certificate of title under the Motor Vehicle Certificate of Title Act and the State Boat Act;

(9) Any claim arising out of the malfunction, destruction, or unauthorized removal of any traffic or road sign, signal, or warning device unless it is not corrected by the governmental entity responsible within a reasonable time after actual or constructive notice of such malfunction, destruction, or removal. Nothing in this subdivision shall give rise to liability arising from an act or omission of any governmental entity in placing or removing any traffic or road signs, signals, or warning devices when such placement or removal is the result of a discretionary act of the governmental entity;

(10) Any claim arising out of snow or ice conditions or other temporary conditions caused by nature on any highway as defined in section 60-624, bridge, public thoroughfare, or other state-owned public place due to weather conditions. Nothing in this subdivision shall be construed to limit the state's liability for any claim arising out of the operation of a motor vehicle by an employee of the state while acting within the course and scope of his or her employment by the state;

(11) Any claim arising out of the plan or design for the construction of or an improvement to any highway as defined in such section or bridge, either in original construction or any improvement thereto, if the plan or design is approved in advance of the construction or improvement by the governing body of the governmental entity or some other body or employee exercising discretionary authority to give such approval;

(12) Any claim arising out of the alleged insufficiency or want of repair of any highway as defined in such section, bridge, or other public thoroughfare. Insufficiency or want of repair shall be construed to refer to the general or overall condition and shall not refer to a spot or localized defect. The state shall be deemed to waive its immunity for a claim due to a spot or localized defect only if the state has had actual or constructive notice of the defect within a reasonable time to allow repair prior to the incident giving rise to the claim;

(13)(a) Any claim relating to recreational activities on property leased, owned, or controlled by the state for which no fee is charged (i) resulting from the inherent risk of the recreational activity, (ii) arising out of a spot or localized defect of the premises unless the spot or localized defect is not corrected within a reasonable time after actual or constructive notice of the spot or localized defect, or (iii) arising out of the design of a skatepark or bicycle motocross park constructed for purposes of skateboarding, inline skating, bicycling, or scootering that was constructed or reconstructed, reasonably and in good faith, in accordance with generally recognized engineering or safety standards or design theories in existence at the time of the construction or reconstruction. For purposes of this subdivision, the state shall be charged with constructive notice only when the failure to discover the spot or localized defect of the premises is the result of gross negligence.

(b) For purposes of this subdivision:

(i) Recreational activities include, but are not limited to, whether as a participant or spectator: Hunting, fishing, swimming, boating, camping, picnicking, hiking, walking, running, horseback riding, use of trails, nature study, waterskiing, winter sports, use of playground equipment, biking, roller blading, skateboarding, golfing, athletic contests; visiting, viewing, or enjoying entertainment events, festivals, or historical, archaeological, scenic, or scientific sites; and similar leisure activities;

(ii) Inherent risk of recreational activities means those risks that are characteristic of, intrinsic to, or an integral part of the activity;

(iii) Gross negligence means the absence of even slight care in the performance of a duty involving an unreasonable risk of harm; and

(iv) Fee means a fee to participate in or be a spectator at a recreational activity. A fee shall include payment by the claimant to any person or organization other than the state only to the extent the state retains control over the premises or the activity. A fee shall not include payment of a fee or charge for parking or vehicle entry.

(c) This subdivision, and not subdivision (7) of this section, shall apply to any claim arising from the inspection or failure to make an inspection or negligent inspection of premises owned or leased by the state and used for recreational activities; or

(14) Any claim arising as a result of a special event during a period of time specified in a notice provided by a political subdivision pursuant to subsection (3) of section 39-1359.

Source: Laws 1969, c. 756, § 11, p. 2848; Laws 1971, LB 28, § 5; Laws 1986, LB 811, § 142; Laws 1988, LB 864, § 30; Laws 1992, LB 262, § 11; Laws 1993, LB 370, § 482; Laws 1993, LB 170, § 9; Laws 1999, LB 228, § 2; Laws 2004, LB 560, § 44; Laws 2005, LB 276, § 111; Laws 2007, LB564, § 4; Laws 2011, LB589, § 5.

Cross References

Motor Vehicle Certificate of Title Act, see section 60-101.

Nebraska Workers' Compensation Act, see section 48-1,110.

State Boat Act, see section 37-1201.

81-8,226 Report to Clerk of the Legislature; contents.

The Risk Manager shall report electronically to the Clerk of the Legislature all claims and judgments paid under the State Tort Claims Act. Such report shall include the name of each claimant, a statement of the amount claimed and the amount awarded, and a brief description of the claim including the agency and program or activity under which the claim arose. Each member of the Legislature shall receive an electronic copy of such report by making a request for it to the Risk Manager.

Source: Laws 1969, c. 756, § 18, p. 2851; Laws 1972, LB 1334, § 7; Laws 1979, LB 322, § 44; Laws 1981, LB 273, § 20; Laws 1988, LB 864, § 37; Laws 2012, LB782, § 174.

Operative date July 19, 2012.

81-8,227 Tort claim; limitation of action.

(1) Except as provided in subsection (2) of this section, every tort claim permitted under the State Tort Claims Act shall be forever barred unless within two years after such claim accrued the claim is made in writing to the Risk Manager in the manner provided by such act. The time to begin suit under such act shall be extended for a period of six months from the date of mailing of notice to the claimant by the Risk Manager or State Claims Board as to the final disposition of the claim or from the date of withdrawal of the claim under section 81-8,213 if the time to begin suit would otherwise expire before the end of such period.

(2) The date of a qualifying pardon from the Board of Pardons, a final order by a court vacating a conviction, or a conviction that was reversed and remanded for a new trial and no subsequent conviction was obtained, whichever is later, shall be the date the claimant's claim shall accrue under the Nebraska Claims for Wrongful Conviction and Imprisonment Act for purposes of complying with the notice and filing requirements of the State Tort Claims Act. The Nebraska Claims for Wrongful Conviction and Imprisonment Act applies to a claimant who would have had a claim if the act had been in effect before August 30, 2009, or who has a claim on or after such date. If a claimant had a qualifying pardon from the Board of Pardons, a final order by a court

vacating a conviction, or a conviction that was reversed and remanded for a new trial and no subsequent conviction was obtained, before August 30, 2009, the claimant's claim shall accrue under the Nebraska Claims for Wrongful Conviction and Imprisonment Act on August 30, 2009, for purposes of complying with the notice and filing requirements of the State Tort Claims Act.

(3) If a claim is made or filed under any other law of this state and a determination is made by a state agency or court that the State Tort Claims Act provides the exclusive remedy for the claim, the time to make a claim and begin suit under such act shall be extended for a period of six months from the date of the court order making such determination or the date of mailing of notice to the claimant of such determination by a state agency if the time to make the claim and to begin suit under such act would otherwise expire before the end of such period. The time to begin a suit under such act may be further extended as provided in subsection (1) of this section.

(4) If a claim is brought under the Nebraska Hospital-Medical Liability Act, the filing of a request for review under section 44-2840 shall extend the time to begin suit under the State Tort Claims Act an additional ninety days following the issuance of the opinion by the medical review panel if the time to begin suit under the State Tort Claims Act would otherwise expire before the end of such ninety-day period.

(5) This section and section 25-213 shall constitute the only statutes of limitations applicable to the State Tort Claims Act.

Source: Laws 1969, c. 756, § 19, p. 2851; Laws 1974, LB 949, § 3; Laws 1984, LB 692, § 21; Laws 1988, LB 864, § 38; Laws 2008, LB821, § 7; Laws 2009, LB260, § 11.

Cross References

Nebraska Claims for Wrongful Conviction and Imprisonment Act, see section 29-4601.
Nebraska Hospital-Medical Liability Act, see section 44-2855.

81-8,239.01 Risk Management Program; risk management and state claims division of the Department of Administrative Services; established; Risk Manager; powers and duties.

(1) For purposes of sections 81-8,239.01 to 81-8,239.08 and 81-8,239.11, unless the context otherwise requires, the definition of state agencies found in section 81-8,210 shall apply, except that such term shall not include the Board of Regents of the University of Nebraska.

(2) There is hereby established a division within the Department of Administrative Services to be known as the risk management and state claims division. The division shall be headed by the Risk Manager who shall be appointed by the Director of Administrative Services. The division shall be responsible for the Risk Management Program, which program is hereby created. The program shall consist of the systematic identification of exposures to risk of loss as provided in sections 11-201 to 11-203, 13-911, 25-2165, 43-1320, 44-1615, 44-1616, 48-194, 48-197, 48-1,103, 48-1,104, 48-1,107, 48-1,109, 81-8,212, 81-8,220, 81-8,225, 81-8,226, 81-8,233, 81-8,239.01 to 81-8,239.08, 81-8,239.11, 81-8,300, and 81-1801.02 and shall include the appropriate methods for dealing with such exposures in relation to the state budget pursuant to such sections. Such program shall be administered by the Risk Manager and shall include the operations of the State Claims Board and other operations provided in such sections.

(3) Under the Risk Management Program, the Risk Manager shall have the authority and responsibility to:

(a) Employ any personnel necessary to administer the Risk Management Program;

(b) Develop and maintain loss and exposure data on all state property and liability risks;

(c) Develop and recommend risk reduction or elimination programs for the state and its agencies and establish, implement, and monitor a statewide safety program;

(d) Determine which risk exposures shall be insured and which risk exposures shall be self-insured or assumed by the state;

(e) Establish standards for the purchase of necessary insurance coverage or risk management services at the lowest costs, consistent with good underwriting practices and sound risk management techniques;

(f) Be the exclusive negotiating and contracting agency to purchase insurance or risk management services and, after consultation with the state agency for which the insurance or services are purchased, enter into such contracts on behalf of the state and its agencies, officials, and employees to the extent deemed necessary and in the best interest of the state, and authorize payment for such purchase out of the appropriate funds created by section 81-8,239.02;

(g) Determine whether the state suffered a loss for which self-insured property loss funds have been created and authorize and administer payments for such loss from the State Self-Insured Property Fund for the purpose of replacing or rebuilding state property;

(h) Perform all duties assigned to the Risk Manager under the Nebraska Workers' Compensation Act and sections 11-201 to 11-203, 81-8,239.05, 81-8,239.07, 81-8,239.11, and 84-1601 to 84-1615;

(i) Approve the use of risk management pools by any department, agency, board, bureau, commission, or council of the State of Nebraska; and

(j) Recommend to the Legislature such legislation as may be necessary to carry out the purposes of the Risk Management Program and make appropriation requests for the administration of the program and the funding of the separate funds administered by the Risk Manager.

(4) No official or employee of any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act shall be considered a state official or employee for purposes of sections 81-8,239.01 to 81-8,239.06.

Source: Laws 1981, LB 273, § 23; Laws 1986, LB 811, § 143; Laws 1986, LB 1208, § 1; Laws 1987, LB 398, § 49; Laws 1989, LB 326, § 2; Laws 1989, LB 77, § 1; Laws 1989, LB 303, § 7; Laws 1991, LB 81, § 7; Laws 1992, LB 169, § 3; Laws 1992, LB 560, § 2; Laws 1992, Third Spec. Sess., LB 14, § 7; Laws 1996, LB 1248, § 2; Laws 1996, LB 1252, § 1; Laws 1999, LB 87, § 93; Laws 2001, LB 3, § 1; Laws 2007, LB256, § 6; Laws 2011, LB390, § 15.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Nebraska Workers' Compensation Act, see section 48-1,110.

81-8,239.02 State Insurance Fund; State Self-Insured Property Fund; State Self-Insured Indemnification Fund; State Self-Insured Liability Fund; created; purposes; report.

The following separate permanent revolving funds are established in the state treasury for use under the Risk Management Program according to the purposes for which each fund is established:

(1) The State Insurance Fund is hereby created for the purpose of purchasing insurance to cover property, fidelity, and liability risks of the state and workers' compensation claims against the state and other risks to which the state or its agencies, officials, or employees are exposed and for paying related expenses, including the costs of administering the Risk Management Program. The fund may receive deposits from assessments against state agencies to provide insurance coverage as directed by the Risk Manager. The Risk Manager may retain in the fund sufficient money to pay for any deductibles, self-insured retentions, or copayments as may be required by such insurance policies and Risk Management Program expenses;

(2) The State Self-Insured Property Fund is hereby created for the purpose of replacing, repairing, or rebuilding state property which has incurred damage or is suffering other loss not fully covered by insurance and for paying related expenses. The fund may receive deposits from assessments against state agencies to provide property coverage as directed by the Risk Manager. The Risk Manager may assess state agencies to provide self-insured property coverage;

(3) The State Self-Insured Indemnification Fund is hereby created for the purpose of paying indemnification claims under section 81-8,239.05. Indemnification claims shall include payments for awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal. The fund may receive deposits from assessments against state agencies to pay for the costs associated with providing and supporting indemnification claims. The creation of this fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees; and

(4) The State Self-Insured Liability Fund is hereby created for the purpose of paying compensable liability and fidelity claims against the state or its agencies, officials, or employees which are not fully covered by insurance and for which there is insufficient agency funding and for which a legislative appropriation is made under the provisions of section 81-8,239.11. The creation of this fund shall not be interpreted as expanding the liability exposure of the state or its agencies, officials, or employees. The Risk Manager shall report electronically all claims and judgments paid from the State Self-Insured Liability Fund to the Clerk of the Legislature annually. The report shall include the name of the claimant, the amount claimed and paid, and a brief description of the claim, including any agency, program, and activity under which the claim arose. Any member of the Legislature may receive an electronic copy of the report by making a request to the Risk Manager.

Source: Laws 1981, LB 273, § 24; Laws 1986, LB 811, § 144; Laws 1986, LB 1208, § 2; Laws 1989, LB 77, § 2; Laws 1994, LB 1211, § 4; Laws 1996, LB 1248, § 3; Laws 2001, LB 3, § 2; Laws 2005, LB 485, § 4; Laws 2007, LB256, § 8; Laws 2011, LB378, § 25; Laws 2012, LB782, § 175.

Operative date July 19, 2012.

81-8,239.05 Indemnification of state officials and employees; when; Attorney General; duties; report.

(1) The State of Nebraska shall indemnify its officials and employees and its past officials and employees for money damages and reasonable costs incurred as a result of an act or omission occurring in the course and scope of employment of such official or employee after May 22, 1981. Such official's or employee's right to indemnification shall include the payments of awards, settlements, and associated costs, including appeal bonds and reasonable costs associated with a required appearance before any tribunal.

(2) Subsection (1) of this section shall not apply in case of malfeasance in office or willful or wanton neglect of duty. This section shall not be interpreted as an expansion of any state official's or employee's personal liability.

(3) The Attorney General shall notify the Risk Manager when an official or employee is being represented by the Attorney General or has engaged competent counsel approved by the Attorney General. The reasonable costs of litigation, including appeal bonds, or the reasonable costs of any appearance before any tribunal shall be paid by the Risk Manager from the State Self-Insured Indemnification Fund.

(4) The Attorney General shall file copies of all awards and settlements and any final court approval with the Risk Manager and shall request that the Risk Manager make the required payments, if funds are available, from the State Self-Insured Indemnification Fund, except that any portion of an award or settlement which is for punitive damages may only be paid with the approval of the Legislature. The official or employee may file a claim under the State Miscellaneous Claims Act if payment is not made.

(5) The Risk Manager shall report electronically all claims and judgments paid from the State Self-Insured Indemnification Fund to the Clerk of the Legislature annually. The report shall include the name of the claimant, the amount claimed and paid, and a brief description of the claim, including any agency, program, and activity under which the claim arose. Any member of the Legislature may receive an electronic copy of the report by making a request to the Risk Manager.

Source: Laws 1981, LB 273, § 27; Laws 1986, LB 1208, § 3; Laws 1989, LB 77, § 3; Laws 2007, LB256, § 11; Laws 2012, LB782, § 176.
Operative date July 19, 2012.

Cross References

State Miscellaneous Claims Act, see section 81-8,294.

(q) PUBLIC COUNSEL**81-8,240 Terms, defined.**

As used in sections 81-8,240 to 81-8,254, unless the context otherwise requires:

(1) Administrative agency shall mean any department, board, commission, or other governmental unit, any official, any employee of the State of Nebraska acting or purporting to act by reason of connection with the State of Nebraska, any corporation, partnership, business, firm, governmental entity, or person who is providing health and human services to individuals or service delivery, service coordination, or case management under contract with the State of

Nebraska and who is subject to the jurisdiction of the office of Public Counsel as required by section 73-401, any regional behavioral health authority, any community-based behavioral health services provider that contracts with a regional behavioral health authority, and any county or municipal correctional or jail facility and employee thereof acting or purporting to act by reason of connection with the county or municipal correctional or jail facility; but shall not include (a) any court, (b) any member or employee of the Legislature or the Legislative Council, (c) the Governor or his or her personal staff, (d) any political subdivision or entity thereof except a county or municipal correctional or jail facility or a regional behavioral health authority, (e) any instrumentality formed pursuant to an interstate compact and answerable to more than one state, or (f) any entity of the federal government; and

(2) Administrative act shall include every action, rule, regulation, order, omission, decision, recommendation, practice, or procedure of an administrative agency.

Source: Laws 1969, c. 762, § 1, p. 2879; Laws 1997, LB 622, § 121; Laws 2008, LB467, § 1; Laws 2012, LB821, § 41.
Effective date April 12, 2012.

81-8,241 Public Counsel; established; powers and duties; appointment.

The office of Public Counsel is hereby established to exercise the authority and perform the duties provided by sections 81-8,240 to 81-8,254 and the Office of Inspector General of Nebraska Child Welfare Act. The Public Counsel shall be appointed by the Legislature, with the vote of two-thirds of the members required for approval of such appointment from nominations submitted by the Executive Board of the Legislative Council.

Source: Laws 1969, c. 762, § 2, p. 2879; Laws 2012, LB821, § 42.
Effective date April 12, 2012.

Cross References

Office of Inspector General of Nebraska Child Welfare Act, see section 43-4301.

81-8,244 Public Counsel; personnel; appointment; compensation; authority; appoint Inspector General of Nebraska Child Welfare.

(1)(a) The Public Counsel may select, appoint, and compensate as he or she sees fit, within the amount available by appropriation, such assistants and employees as he or she deems necessary to discharge the responsibilities under sections 81-8,240 to 81-8,254. He or she shall appoint and designate one assistant to be a deputy public counsel, one assistant to be a deputy public counsel for corrections, one assistant to be a deputy public counsel for institutions, and one assistant to be a deputy public counsel for welfare services.

(b) Such deputy public counsels shall be subject to the control and supervision of the Public Counsel.

(c) The authority of the deputy public counsel for corrections shall extend to all facilities and parts of facilities, offices, houses of confinement, and institutions which are operated by the Department of Correctional Services and all county or municipal correctional or jail facilities.

(d) The authority of the deputy public counsel for institutions shall extend to all mental health and veterans institutions and facilities operated by the Department of Health and Human Services and to all regional behavioral

health authorities that provide services and all community-based behavioral health services providers that contract with a regional behavioral health authority to provide services, for any individual who was a patient within the prior twelve months of a state-owned and state-operated regional center, and to all complaints pertaining to administrative acts of the department, authority, or provider when those acts are concerned with the rights and interests of individuals placed within those institutions and facilities or receiving community-based behavioral health services.

(e) The authority of the deputy public counsel for welfare services shall extend to all complaints pertaining to administrative acts of administrative agencies when those acts are concerned with the rights and interests of individuals involved in the welfare services system of the State of Nebraska.

(f) The Public Counsel may delegate to members of the staff any authority or duty under sections 81-8,240 to 81-8,254 except the power of delegation and the duty of formally making recommendations to administrative agencies or reports to the Governor or the Legislature.

(2) The Public Counsel shall appoint the Inspector General of Nebraska Child Welfare as provided in section 43-4317. The Inspector General of Nebraska Child Welfare shall have the powers and duties provided in the Office of Inspector General of Nebraska Child Welfare Act.

Source: Laws 1969, c. 762, § 5, p. 2880; Laws 1976, LB 687, § 1; Laws 1994, LB 1224, § 87; Laws 2008, LB467, § 2; Laws 2012, LB821, § 43.

Effective date April 12, 2012.

Cross References

Office of Inspector General of Nebraska Child Welfare Act, see section 43-4301.

81-8,245 Public Counsel; powers; enumerated.

The Public Counsel shall have the power to:

(1) Investigate, on complaint or on his or her own motion, any administrative act of any administrative agency;

(2) Prescribe the methods by which complaints are to be made, received, and acted upon; determine the scope and manner of investigations to be made; and, subject to the requirements of sections 81-8,240 to 81-8,254, determine the form, frequency, and distribution of his or her conclusions, recommendations, and proposals;

(3) Conduct inspections of the premises, or any parts thereof, of any administrative agency or any property owned, leased, or operated by any administrative agency as frequently as is necessary, in his or her opinion, to carry out duties prescribed under sections 81-8,240 to 81-8,254;

(4) Request and receive from each administrative agency, and such agency shall provide, the assistance and information the counsel deems necessary for the discharge of his or her responsibilities; inspect and examine the records and documents of all administrative agencies notwithstanding any other provision of law; and enter and inspect premises within any administrative agency's control;

(5) Issue a subpoena, enforceable by action in an appropriate court, to compel any person to appear, give sworn testimony, or produce documentary or other evidence deemed relevant to a matter under his or her inquiry. A

person thus required to provide information shall be paid the same fees and travel allowances and shall be accorded the same privileges and immunities as are extended to witnesses in the district courts of this state and shall also be entitled to have counsel present while being questioned;

(6) Undertake, participate in, or cooperate with general studies or inquiries, whether or not related to any particular administrative agency or any particular administrative act, if he or she believes that they may enhance knowledge about or lead to improvements in the functioning of administrative agencies;

(7) Make investigations, reports, and recommendations necessary to carry out his or her duties under the State Government Effectiveness Act; and

(8) Carry out his or her duties under the Office of Inspector General of Nebraska Child Welfare Act. If any of the provisions of sections 81-8,240 to 81-8,254 conflict with provisions of the Office of Inspector General of Nebraska Child Welfare Act, the provisions of such act shall control.

Source: Laws 1969, c. 762, § 6, p. 2880; Laws 1976, LB 687, § 2; Laws 1993, LB 44, § 11; Laws 2012, LB821, § 44.
Effective date April 12, 2012.

Cross References

Office of Inspector General of Nebraska Child Welfare Act, see section 43-4301.
State Government Effectiveness Act, see section 81-2701.

81-8,251 Public Counsel; report to Clerk of the Legislature; time; contents.

In addition to whatever reports he or she may make from time to time, the Public Counsel shall on or about February 15 of each year report to the Clerk of the Legislature and to the Governor concerning the exercise of his or her functions during the preceding calendar year. The report submitted to the Clerk of the Legislature shall be submitted electronically. In discussing matters with which he or she has dealt, the Public Counsel need not identify those immediately concerned if to do so would cause needless hardship. So far as the annual report may criticize named agencies or officials, it must include also their replies to the criticism. Each member of the Legislature shall receive an electronic copy of such report by making a request for it to the Public Counsel.

Source: Laws 1969, c. 762, § 12, p. 2883; Laws 1979, LB 322, § 45; Laws 2012, LB782, § 177.
Operative date July 19, 2012.

(r) COMMISSION ON THE STATUS OF WOMEN

81-8,255 Repealed. Laws 2009, LB 154, § 27.

81-8,256 Repealed. Laws 2009, LB 154, § 27.

81-8,257 Repealed. Laws 2009, LB 154, § 27.

81-8,258 Repealed. Laws 2009, LB 154, § 27.

81-8,259 Repealed. Laws 2009, LB 154, § 27.

81-8,260 Repealed. Laws 2009, LB 154, § 27.

81-8,260.01 Repealed. Laws 2009, LB 154, § 27.

81-8,260.02 Repealed. Laws 2009, LB 154, § 27.

(s) COMMISSION ON LATINO-AMERICANS

81-8,262 Commission on Latino-Americans; created; term, defined.

There is hereby created the Commission on Latino-Americans. For purposes of sections 81-8,262 to 81-8,271.01, commission means the Commission on Latino-Americans.

Source: Laws 1972, LB 1081, § 1; Laws 2010, LB139, § 1.

81-8,265 Commission; functions.

The functions of the commission shall be to:

- (1) Gather and disseminate information and conduct hearings, conferences, and special studies on problems and programs concerning Latino-Americans;
- (2) Serve the needs of Latino-Americans, especially in the fields of education, employment, health, housing, welfare, and recreation by offering such services as it may establish for the translation of documents and for the direct assistance of clients, exclusive of legal representation, in matters relating to any federal department or agency or any department or agency of the state or a political subdivision thereof;
- (3) Develop, coordinate, and assist public and private organizations and coordinate and assist the efforts of state departments and agencies to serve the needs of Latino-Americans;
- (4) Propose new programs concerning Latino-Americans;
- (5) Evaluate existing programs and proposed legislation concerning Latino-Americans;
- (6) Stimulate public awareness of the problems of Latino-Americans by conducting a program of public education and encourage the Governor and the Legislature to develop programs to deal with these problems; and
- (7) Conduct training programs for community leadership and service project staff.

Source: Laws 1972, LB 1081, § 4; Laws 1983, LB 83, § 1; Laws 2010, LB139, § 2.

81-8,270 Director; employ personnel.

The director may employ any subordinate personnel necessary to assist him or her in the performance of his or her duties, including clerical staff and technical advisors. The director may employ assistant directors if necessary to develop, assist, and cooperate with local commissions on Latino-Americans.

Source: Laws 1972, LB 1081, § 9; Laws 1980, LB 923, § 2; Laws 2010, LB139, § 3.

81-8,271.01 Commission on Latino-Americans Cash Fund; created; use; investment.

The Commission on Latino-Americans Cash Fund is created. The Commission on Latino-Americans shall use the fund for commission functions described in sections 81-8,262 to 81-8,271. Money credited to the fund shall include any monetary gifts, grants, and donations. 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. Any money remaining in the Commission on Mexican-Americans Cash Fund on July 15, 2010, shall be transferred to the Commission on Latino-Americans Cash Fund on such date.

Source: Laws 2000, LB 1363, § 3; Laws 2004, LB 940, § 2; Laws 2010, LB139, § 4.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(v) STATE MISCELLANEOUS CLAIMS ACT

81-8,300 Risk Manager; State Claims Board; claims; filing; investigation; duties; review by Legislature; payment.

(1) After investigation, the Risk Manager or State Claims Board shall either approve, approve with conditions or limitations, or disapprove of each claim or request and append to the claim or request a concise statement of the facts brought out in such investigation upon which its approval or disapproval is based. If any claim is approved in an amount of more than five thousand dollars, the approval of the board is required. Such claim or request, together with the original papers supporting it and the appended statement, shall be filed with the Risk Manager in the manner prescribed by the State Claims Board. The Risk Manager shall promptly notify each claimant of the decision by the Risk Manager or State Claims Board on his or her claim by regular mail. The notification shall include (a) the decision of the Risk Manager or State Claims Board, (b) a statement that a claimant dissatisfied with the decision of the Risk Manager may have his or her claim reviewed by the board or a statement that a claimant dissatisfied with the decision of the board may have his or her claim reviewed by the Legislature upon application, (c) the procedure for making an application for review, and (d) the time limit for making such application.

(2) If the claimant is dissatisfied with the decision of the Risk Manager, he or she may file an application for review by the board. If the claimant is dissatisfied with the decision of the board, he or she may file an application for review by the Legislature. The application for review shall be filed with the Risk Manager in the manner prescribed by the board. The application for review shall be filed within sixty days after the date of the decision which is being reviewed.

(3) Each claim which has been approved or for which an application for review with the Legislature has been filed and each request referred to in section 81-8,297 shall be delivered electronically by the Risk Manager to the chairperson of the Business and Labor Committee of the Legislature at the next regular session of the Legislature convening after the date of the decision of the board. The Risk Manager may direct the payment by the state agency involved of any claim not in excess of five thousand dollars if such payment is agreed to by the head of the agency involved. The State Claims Board may direct payment by the state agency involved of any claim not in excess of fifty thousand dollars if such payment is agreed to by the head of the agency involved and the agency has sufficient funds to pay the claim. If claims

approved by the Risk Manager or State Claims Board arise out of the same facts and circumstances, they shall be aggregated. If the Risk Manager or State Claims Board does not direct the payment of a claim as set forth in this section or the claim exceeds the dollar limitations set forth in this section, the claim shall be reviewed by the Legislature and an appropriation made therefor if appropriate. The Risk Manager shall report electronically all claims and judgments paid under the State Miscellaneous Claims Act to the Clerk of the Legislature and the chairperson of the Business and Labor Committee of the Legislature. The report shall include the name of the claimant, a statement of the amount claimed and paid, and a brief description of the claim including the agency and program or activity under which the claim arose. Any member of the Legislature may receive an electronic copy of the report by making a request to the Risk Manager.

Source: Laws 1943, c. 129, § 5, p. 433; R.S.1943, § 81-861; Laws 1959, c. 438, § 1, p. 1474; Laws 1961, c. 427, § 3, p. 1336; Laws 1967, c. 588, § 3, p. 2001; R.S.Supp.,1967, § 81-861; Laws 1969, c. 756, § 31, p. 2854; Laws 1971, LB 565, § 1; Laws 1981, LB 273, § 29; Laws 1984, LB 1028, § 4; R.S.1943, (1987), § 81-8,239; Laws 1988, LB 864, § 50; Laws 2008, LB821, § 9; Laws 2012, LB782, § 178.

Operative date July 19, 2012.

(x) NEBRASKA LEWIS AND CLARK BICENTENNIAL COMMISSION

81-8,307 Repealed. Laws 2009, LB 154, § 27.

81-8,308 Repealed. Laws 2009, LB 154, § 27.

ARTICLE 10

STATE-OWNED MOTOR VEHICLES

- Section
- 81-1008. Transportation services bureau; created; responsibility.
- 81-1008.01. Transportation services bureau; purposes.
- 81-1010. Chief of transportation services bureau; duties; responsibilities; Transportation Services Bureau Revolving Fund; created; use.
- 81-1011. Terms, defined.
- 81-1015. State-owned vehicles; title in bureau; purchases; restrictions.
- 81-1016. Rules and regulations.
- 81-1017. Sections; exceptions.
- 81-1018. State-owned vehicles; intermediate or compact class or smaller; legislative intent.
- 81-1019. Bureau fleet vehicle; use state fuel; surcharge.
- 81-1020. Permanent assignment of bureau fleet vehicle; approval required.
- 81-1021. Identification requirements; exceptions.
- 81-1023. Identification or marking; violation; penalty.
- 81-1025. Reports; contents; open to public inspection; exception.

81-1008 Transportation services bureau; created; responsibility.

There is hereby created within the Department of Administrative Services the transportation services bureau which shall provide service and guidance to all state agencies in the utilization, operation, and servicing of bureau fleet vehicles and the utilization of privately owned vehicles used for state purposes. The transportation services bureau shall be responsible for monitoring all

transportation requirements of the state and maintaining complete records thereon.

Source: Laws 1969, c. 770, § 1, p. 2918; Laws 2012, LB779, § 1.
Effective date July 19, 2012.

81-1008.01 Transportation services bureau; purposes.

The purposes of the transportation services bureau are to centralize title to and insure efficient utilization and proper maintenance of all state-owned vehicles, to rent passenger vehicles from a third-party fleet primarily for transporting state employees from one job location to another, and to provide vehicle transportation services to all state agencies, boards, and commissions.

Source: Laws 1981, LB 381, § 39; Laws 2012, LB779, § 2.
Effective date July 19, 2012.

81-1010 Chief of transportation services bureau; duties; responsibilities; Transportation Services Bureau Revolving Fund; created; use.

The chief of the transportation services bureau shall have the following duties and responsibilities:

(1) To establish standards which a state agency must meet for the full-time assignment of state-owned vehicles;

(2) To create a motor pool or motor pools of bureau fleet vehicles for the use of agencies whose travel requirements do not meet the standards established under subdivision (1) of this section;

(3) To repair, maintain, and lease to state agencies state-owned vehicles and approve the acquisition, sale, or trade of each and every state-owned vehicle made by the materiel division of the Department of Administrative Services. The bureau may provide for repair and maintenance pursuant to subdivision (8) of this section;

(4) To consult with the various state agencies using bureau fleet vehicles and write specifications for state-owned vehicles to be purchased by the materiel division;

(5) To provide for the purchase only of state-owned vehicles used primarily for the transportation of state employees from funds received from the sale of surplus state-owned vehicles;

(6) To present to the accounting division of the Department of Administrative Services cost and maintenance records of state-owned vehicles and cost records of rented bureau fleet vehicles so that the various state agencies which use bureau fleet vehicles may be billed for such use. Income arising from these billings shall be deposited to the Transportation Services Bureau Revolving Fund, which fund is hereby created. All expenses of acquisition, operation, and maintenance of state-owned vehicles used primarily for transportation of state employees and of rental of bureau fleet vehicles shall be paid from such fund. Money in the Transportation Services Bureau Revolving Fund may be transferred to the General Fund at the direction of the Legislature. The Department of Administrative Services shall develop a system of time and mileage charges for the purpose of billing the various state agencies for their vehicle usage. The daily, weekly, or monthly charge shall cover all fixed expenses of such vehicles, and the mileage charge shall cover the variable costs of operation;

(7) To monitor the utilization of permanently assigned bureau fleet vehicles and enforce minimum utilization standards by withdrawing permanently assigned bureau fleet vehicles from agencies which are not meeting the standards established under subdivision (1) of this section;

(8) To enter into service agreements for the repair and maintenance of bureau fleet vehicles when it is determined that such action would be to the economic advantage of the state;

(9) To insure compliance with section 81-1021 for all state-owned vehicles; and

(10) To enter into rental agreements with any third-party fleet owner in the name of the State of Nebraska for passenger vehicles for use primarily for transportation of state employees for transportation in their official duties from one job location to another when it is determined that such action would be to the economic advantage of the state.

Source: Laws 1969, c. 770, § 3, p. 2919; Laws 1971, LB 28, § 6; Laws 1972, LB 1452, § 2; Laws 1976, LB 977, § 1; Laws 1981, LB 381, § 11; Laws 1983, LB 469, § 7; Laws 1993, LB 370, § 483; Laws 2012, LB779, § 3.
Effective date July 19, 2012.

81-1011 Terms, defined.

For purposes of sections 81-1008 to 81-1025:

(1) Bureau means the transportation services bureau of the Department of Administrative Services;

(2) Bureau fleet vehicle includes any state-owned vehicle and any passenger vehicle rented from a third-party fleet owner for use by a state employee for transportation in his or her official duties from one job location to another; and

(3)(a) State-owned vehicle means all passenger vehicles acquired primarily for the purpose of transporting state employees in their official duties from one job location to another.

(b) State-owned vehicle does not include special-use vehicles, such as buses, laundry trucks, mail trucks, airport security vehicles, or military trucks and cars; vehicles which are considered a duty station, such as vehicles used by the Nebraska State Patrol, the Nebraska Oil and Gas Conservation Commission, or conservation officers of the Game and Parks Commission; or those vehicles which, by nature of their usage, require the installation or carrying of special equipment which precludes the use of such vehicles for multiple agency transportation usage.

Source: Laws 1969, c. 770, § 4, p. 2920; Laws 1975, LB 474, § 1; Laws 1980, LB 709, § 5; Laws 2012, LB779, § 4.
Effective date July 19, 2012.

81-1015 State-owned vehicles; title in bureau; purchases; restrictions.

Subject to section 81-1013, the bureau shall own and hold title, in the name of the State of Nebraska, to all state-owned vehicles. All purchases of state-owned vehicles and automotive equipment shall be made or approved by the

bureau. The Director of Administrative Services shall not approve any voucher for the purchase of any passenger car unless submitted by the bureau.

Source: Laws 1969, c. 770, § 8, p. 2921; Laws 1975, LB 474, § 2; Laws 1981, LB 381, § 15; Laws 2012, LB779, § 5.
Effective date July 19, 2012.

81-1016 Rules and regulations.

The bureau shall adopt and promulgate rules and regulations necessary to administer sections 81-1008 to 81-1025.

Source: Laws 1969, c. 770, § 9, p. 2921; Laws 2012, LB779, § 6.
Effective date July 19, 2012.

81-1017 Sections; exceptions.

Sections 81-1008 to 81-1025 do not apply to any court or the motor vehicles thereof, except that such vehicles shall be titled as provided in section 81-1013.

Source: Laws 1969, c. 770, § 10, p. 2921; Laws 1975, LB 474, § 3; Laws 2010, LB722, § 3; Laws 2012, LB779, § 7.
Effective date July 19, 2012.

81-1018 State-owned vehicles; intermediate or compact class or smaller; legislative intent.

(1) The Legislature hereby declares that the purpose and intent of this section are to take positive steps to reduce the consumption of gasoline in this state and to make the most efficient and economical use of the nation's resources and the state's funds.

(2) After August 24, 1975, all state-owned vehicles purchased, leased, rented, or approved for purchase, lease, or rent by the bureau shall be of the intermediate, compact, or subcompact class. Not less than fifty percent of such state-owned vehicles shall be of the compact or subcompact class unless the costs to operate and maintain such vehicles are not to the advantage of the state or such requirement fails to meet the intent of sections 81-1008 to 81-1025. For purposes of this section, classes shall be as defined by motor vehicle manufacturers.

Source: Laws 1975, LB 474, § 4; Laws 1981, LB 381, § 16; Laws 1984, LB 933, § 14; Laws 2012, LB779, § 8.
Effective date July 19, 2012.

81-1019 Bureau fleet vehicle; use state fuel; surcharge.

(1) Any person using a bureau fleet vehicle shall, whenever possible, obtain fuel from state-owned facilities.

(2) The bureau may place a surcharge on any agency whose employees have not complied with subsection (1) of this section.

Source: Laws 1981, LB 381, § 17; Laws 2012, LB779, § 9.
Effective date July 19, 2012.

81-1020 Permanent assignment of bureau fleet vehicle; approval required.

Any agency which has a permanently assigned bureau fleet vehicle shall, prior to assigning such vehicle to an employee on a twenty-four-hour basis, obtain written approval from the chief of the transportation services bureau.

Source: Laws 1981, LB 381, § 18; Laws 2012, LB779, § 10.

Effective date July 19, 2012.

81-1021 Identification requirements; exceptions.

(1) All motor vehicles acquired by the State of Nebraska except any vehicle rented as a bureau fleet vehicle shall be indelibly and conspicuously lettered, in plain letters of a contrasting color or reflective material:

(a) On each side thereof with the words State of Nebraska and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which the motor vehicle belongs; and

(b) On the back thereof with the words State of Nebraska.

(2) This section shall not apply to motor vehicles used or controlled by:

(a) The Nebraska State Patrol, the Public Service Commission, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named;

(b) The Department of Health and Human Services or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Department of Correctional Services and transporting offenders and personnel of the Department of Correctional Services and patients and personnel of the Department of Health and Human Services who are engaged in off-campus program activities;

(c) The Military Department;

(d) Vocational rehabilitation counselors and the Department of Health and Human Services for the purposes of communicable disease control, for the prevention and control of those communicable diseases which endanger the public health, or used by the Department of Health and Human Services in the enforcement of drug control laws or for other investigation purposes;

(e) The Department of Agriculture for special investigative purposes;

(f) The Nebraska Motor Vehicle Industry Licensing Board for investigative purposes; and

(g) The Insurance Fraud Prevention Division of the Department of Insurance for investigative purposes.

Source: Laws 1939, c. 94, § 2, p. 409; C.S.Supp.,1941, § 60-1201; R.S. 1943, § 60-1001; Laws 1951, c. 202, § 1, p. 758; Laws 1951, c. 203, § 1, p. 759; Laws 1957, c. 278, § 1, p. 1008; Laws 1959, c. 300, § 1, p. 1127; Laws 1965, c. 390, § 1, p. 1247; Laws 1969, c. 512, § 1, p. 2099; Laws 1969, c. 513, § 1, p. 2100; Laws 1972, LB 1295, § 1; Laws 1973, LB 201, § 1; Laws 1973, LB 563, § 5; Laws 1975, LB 253, § 1; Laws 1984, LB 933, § 1; R.S.1943, (1988), § 60-1001; Laws 1993, LB 370, § 484; Laws 1993, LB

575, § 47; Laws 1996, LB 1044, § 862; Laws 1996, LB 1155, § 79; Laws 1999, LB 326, § 11; Laws 2007, LB296, § 753; Laws 2012, LB779, § 11.

Effective date July 19, 2012.

81-1023 Identification or marking; violation; penalty.

Any employee or officer of the State of Nebraska who operates or has under his or her control any state-owned vehicle, any other motor vehicle acquired by the State of Nebraska, or any unit of road machinery which is not numbered, lettered, or marked as required by section 81-1021, or who violates any of the other provisions of sections 60-3,105, 60-3,106, 81-1021, and 81-1022 shall be deemed guilty of official misconduct in office for a palpable omission of duty and upon conviction thereof shall be guilty of a Class II misdemeanor. The court shall have the power to add to the judgment that any officer so convicted shall be removed from office or employment.

Source: Laws 1939, c. 94, § 4, p. 411; C.S.Supp.,1941, § 60-1203; R.S. 1943, § 60-1004; Laws 1978, LB 748, § 34; Laws 1987, LB 22, § 3; R.S.1943, (1988), § 60-1004; Laws 1993, LB 370, § 486; Laws 2005, LB 274, § 282; Laws 2012, LB779, § 12.
Effective date July 19, 2012.

81-1025 Reports; contents; open to public inspection; exception.

(1) Each operator of a bureau fleet vehicle shall report the points between which the bureau fleet vehicle traveled each time used, the odometer readings at such points, the time of arrival and departure, the necessity and purpose for such travel, the license number of such vehicle, and the department to which such vehicle is assigned.

(2)(a) Each operator of a special-use vehicle as prescribed in section 81-1011 or a motor vehicle in which a state agency other than the bureau holds the title shall follow the policy and use the travel report form which shall be established by the director or designated head of the state agency owning such vehicle. The form shall include, but not be limited to, the name of the operator, the license number of the vehicle, the total daily mileage or total hours of daily operation, and any other information the director or designated head deems relevant.

(b) State agencies leasing or renting bureau fleet vehicles from the bureau pursuant to sections 81-1008.01 and 81-1010 shall be required to report bureau fleet vehicle usage pursuant to subsection (1) of this section on travel forms prescribed by the chief of the transportation services bureau.

(3) Such travel reports shall be transmitted at the end of each month by every operator to the director or designated head of the operator's state agency, and such reports, after review by the director or designated head of the agency, shall be retained by the agency except the travel reports on bureau fleet vehicles leased or rented from the bureau. The travel reports on bureau fleet vehicles leased or rented from the bureau shall be transmitted to the chief of the transportation services bureau on or before the seventh day of the month following such use of a bureau fleet vehicle.

(4) Such travel reports shall thereafter be open to public inspection for a period of two years, after which they may be destroyed, except that when public inspection of a particular record would be detrimental to the investigation of a criminal case, such particular record shall be withheld from public inspection

upon written certificate to that effect by the head of the law enforcement agency concerned.

(5) For purposes of this section, state agency shall include an agency, department, board, bureau, or commission of the state except the transportation services bureau.

Source: Laws 1959, c. 301, § 1, p. 1129; Laws 1961, c. 181, § 10, p. 542; R.S.1943, (1988), § 60-1006; Laws 1993, LB 370, § 488; Laws 1993, LB 575, § 48; Laws 2012, LB779, § 13.
Effective date July 19, 2012.

ARTICLE 11

DEPARTMENT OF ADMINISTRATIVE SERVICES

(a) GENERAL PROVISIONS

Section

- 81-1107.05. Director of Administrative Services; interfund borrowing; powers and duties.
- 81-1108.12. State Building Administrator; qualifications.
- 81-1108.15. State building division; functions and responsibilities; facilities planning, construction, and administration.
- 81-1108.17. Department of Administrative Services; custodian of state property; director; administrator; powers and duties; Capitol Buildings Parking Revolving Fund; created; purpose; use.
- 81-1108.22. State building division; responsibility; office space outside the State Capitol; rental; approval; required; lease contract; filed; administrator; duties; State Building Revolving Fund; created; use; investment; applicability of section, when.
- 81-1108.31. State Capitol improvement district; powers.
- 81-1108.32. Nebraska Capitol Commission; creation; members; appointment; expenses.
- 81-1108.33. State building division; Task Force for Building Renewal; reviews required; report; approval; when required.
- 81-1108.40. Repealed. Laws 2009, LB 207, § 5.
- 81-1108.41. State comprehensive capital facilities plan; State Comprehensive Capital Facilities Planning Committee; program statement; appropriation for drawings and construction; contracts; approval; report; contents.
- 81-1113. Budget division; powers; duties.
- 81-1114. Department of Administrative Services; building division; powers, duties, and responsibilities.
- 81-1114.01. Capital construction project; plan required; contents; revisions required; when; to whom submitted.
- 81-1114.02. Capital construction project; state building division; review and comment.
- 81-1117. Information management services administrator; powers, duties, and responsibilities; enumerated; restrictions on agency acquisitions; Information Management Revolving Fund; created; investment.
- 81-1117.05. State employee; payment of wages; methods authorized.
- 81-1118.02. All officers, departments, and agencies; state property; inventory; how stamped; action to recover.
- 81-1118.07. State purchasing bureau; use reverse auction; powers and duties.
- 81-1120.02. Terms, defined.
- 81-1120.15. Director of Communications; powers, duties, and responsibilities.
- 81-1120.16. Director of Communications; powers and duties; investigation; report.
- 81-1120.22. Director of Communications; develop system of billings and charges; payment; deposit.
- 81-1120.23. Communications Cash Fund; established; purpose; investment.
- 81-1120.27. Telecommunications system; uses; member of Legislature; long-distance calls; how made.
- 81-1120.29. Communications Revolving Fund; established; use; investment.
- 81-1125.01. Director of Administrative Services; reports and statements required; to whom made.

Section

(d) REQUESTS FOR PAYMENTS FROM THE STATE

81-1170.01. Requests; examination and adjustment by department; warrants for mileage.

(e) PAYMENT OF EXPENSES

81-1174. Reimbursement for expenses; contents; automobile; airplane; statement required; receipts; limitation.

(a) GENERAL PROVISIONS

81-1107.05 Director of Administrative Services; interfund borrowing; powers and duties.

(1) The Director of Administrative Services may initiate interfund borrowing among the various revolving funds within the Department of Administrative Services, except that at no time shall the aggregate advances from all lending funds exceed five hundred thousand dollars.

(2) The director shall report to the budget administrator of the budget division of the department and the Legislative Fiscal Analyst:

(a) The amount of each interfund loan processed or repaid and the date of the transaction; and

(b) An explanation of each interfund loan transaction.

The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

(3) By July 15 each year, the director shall report to the budget administrator and the Legislative Fiscal Analyst the:

(a) Outstanding aggregate balances advanced from the respective revolving funds within the department as of the preceding June 30; and

(b) Outstanding aggregate balances borrowed by each fund from the respective revolving funds within the department as of the preceding June 30.

The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

Source: Laws 2001, LB 96, § 2; Laws 2012, LB782, § 179.
Operative date July 19, 2012.

81-1108.12 State Building Administrator; qualifications.

The State Building Administrator shall be a person who has (1)(a) a bachelor's degree or higher degree from an accredited college or university or (b) at least five years' experience in property management or building management and (2) at least four years' administrative experience in planning, design, or construction of major construction projects.

Source: Laws 1969, c. 772, § 2, p. 2923; R.R.S.1943, § 81-1108.04; Laws 1974, LB 1048, § 3; Laws 2010, LB721, § 1.

81-1108.15 State building division; functions and responsibilities; facilities planning, construction, and administration.

(1) Except as provided in the Nebraska State Capitol Preservation and Restoration Act, the division shall have the primary functions and responsibilities of statewide facilities planning, facilities construction, and facilities admin-

istration and shall adopt and promulgate rules and regulations to carry out this section.

(2) Facilities planning shall include the following responsibilities and duties:

(a) To maintain utilization records of all state-owned, state-occupied, and vacant facilities;

(b) To coordinate comprehensive capital facilities planning;

(c) To define and review program statements based on space utilization standards;

(d) To prepare or review planning and construction documents;

(e) To develop and maintain time-cost schedules for capital construction projects;

(f) To assist the Governor and the Legislative Fiscal Analyst in the preparation of the capital construction budget recommendations;

(g) To maintain a complete inventory of all state-owned, state-occupied, and vacant sites and structures and to review the proposals for naming such sites and structures;

(h) To determine space needs of all state agencies and establish space-allocation standards; and

(i) To cause a state comprehensive capital facilities plan to be developed.

(3) Facilities construction shall include the following powers and duties:

(a) To maintain close contact with and inspections of each project so as to assure execution of time-cost schedules and efficient contract performance if such project's total design and construction cost is more than fifty thousand dollars;

(b) To perform final acceptance inspections and evaluations; and

(c) To coordinate all change or modification orders and progress payment orders.

(4) Facilities administration shall include the following powers and duties:

(a) To serve as state leasing administrator or agent for all facilities to be leased for use by the state and for all state-owned facilities to be rented to state agencies or other parties subject to section 81-1108.22. The division shall remit the proceeds from any rentals of state-owned facilities to the State Treasurer for credit to the State Building Revolving Fund and the State Building Renewal Assessment Fund;

(b) To provide all maintenance, repairs, custodial duties, security, and administration for all buildings and grounds owned or leased by the State of Nebraska except as provided in subsections (5) and (6) of this section;

(c) To be responsible for adequate parking and the designation of parking stalls or spaces, including access aisles, in offstreet parking facilities for the exclusive use of handicapped or disabled or temporarily handicapped or disabled persons pursuant to section 18-1737;

(d) To ensure that all state-owned, state-occupied, and vacant facilities are maintained or utilized to their maximum capacity or to dispose of such facilities through lease, sale, or demolition;

(e) To submit electronically an annual report to the Appropriations Committee of the Legislature and the Committee on Building Maintenance regarding

the amount of property leased by the state and the availability of state-owned property for the needs of state agencies;

(f) To report monthly time-cost data on projects to the Governor and the Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically;

(g) To administer the State Emergency Capital Construction Contingency Fund;

(h) To submit status reports to the Governor and the Legislative Fiscal Analyst after each quarter of a construction project is completed detailing change orders and expenditures to date. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division; and

(i) To submit a final report on each project to the Governor and the Legislative Fiscal Analyst. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. Such report shall include, but not be limited to, a comparison of final costs and appropriations made for the project, change orders, and modifications and whether the construction complied with the related approved program statement. Such reports shall be required on all projects costing five hundred thousand dollars or more and on such other projects as may be designated by the division.

(5) Subdivisions (4)(b), (c), and (d) of this section shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) buildings and grounds owned or leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) buildings and grounds owned, leased, or operated by the Department of Correctional Services, (d) facilities to be leased for nonoffice use by the Department of Roads, (e) buildings or grounds owned or leased by the Game and Parks Commission if the application of such subdivisions to the buildings or grounds would result in ineligibility for or repayment of federal funding, (f) buildings or grounds of the state park system, state recreation areas, state historical parks, state wildlife management areas, or state recreational trails, or (g) other buildings or grounds owned or leased by the State of Nebraska which are specifically exempted by the division because the application of such subdivisions would result in the ineligibility for federal funding or would result in hardship on an agency, board, or commission due to other exceptional or unusual circumstances, except that nothing in this subdivision shall prohibit the assessment of building rental depreciation charges to tenants of facilities owned by the state and under the direct control and maintenance of the division.

(6) Security for all buildings and grounds owned or leased by the State of Nebraska in Lincoln, Nebraska, except the buildings and grounds described in subsection (5) of this section, shall be the responsibility of the Nebraska State Patrol. The Nebraska State Patrol shall consult with the Governor, the Chief Justice, the Executive Board of the Legislative Council, and the State Capitol Administrator regarding security policy within the State Capitol and capitol grounds.

(7) Each member of the Legislature shall receive an electronic copy of the reports required by subdivisions (4)(f), (h), and (i) of this section by making a

request for them to the State Building Administrator. The information on such reports shall be submitted to the division by the agency responsible for the project.

Source: Laws 1974, LB 1048, § 6; Laws 1976, LB 1006, § 9; Laws 1979, LB 322, § 47; Laws 1981, LB 381, § 19; Laws 1987, LB 32, § 2; Laws 1992, LB 1241, § 21; Laws 1995, LB 530, § 5; Laws 1998, LB 299, § 4; Laws 2000, LB 1216, § 25; Laws 2001, LB 666, § 2; Laws 2001, LB 809, § 10; Laws 2004, LB 439, § 18; Laws 2004, LB 1092, § 8; Laws 2012, LB782, § 180.
Operative date July 19, 2012.

Cross References

Nebraska State Capitol Preservation and Restoration Act, see section 72-2201.

81-1108.17 Department of Administrative Services; custodian of state property; director; administrator; powers and duties; Capitol Buildings Parking Revolving Fund; created; purpose; use.

(1) The Department of Administrative Services shall be the custodian of the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(2) To aid in the performance of his or her duties, the Director of Administrative Services shall appoint an administrator. The administrator, under the direction of the director, shall have complete control and all powers necessary to properly maintain the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act.

(3) Except as provided in the act, the administrator, under the direction of the director, is authorized to (a) lease space or provide facilities for the parking of state officers' and employees' vehicles as well as bureau fleet vehicles as defined in section 81-1011, (b) lease, rent, or permit for use as apartments, dwellings, offices, and parking areas any or all of the property acquired for parking or for future building needs, (c) lease state property to the federal government or political subdivisions of the state using the system of charges in subsection (4) of this section, and (d) lease state property to a private entity to provide services necessary for state operations or for the convenience of state officers and employees when the space is not needed for public use. All leases shall contain the provision that upon notice that such property is needed for public use, the use or occupancy of the property shall cease. All money received as rent from any property acquired shall be remitted to the State Treasurer and credited to the State Building Revolving Fund, except that receipts from parking charges for employee, public, and state vehicle parking shall be credited to the Capitol Buildings Parking Revolving Fund, which fund is hereby created, for the purposes of providing and maintaining parking for state employees and visitors.

(4) The system of charges for state buildings and facilities shall include an amount sufficient to (a) accurately reflect operating costs, including routine maintenance and repair costs, and (b) fund building renewal projects under the

Deferred Building Renewal Act and renovation, remodeling, and repair projects beyond the scope of the act. The proceeds received under subdivision (a) of this subsection shall be remitted to the State Treasurer for credit to the State Building Revolving Fund. The proceeds received under subdivision (b) of this subsection shall be remitted to the State Treasurer for credit to the State Building Renewal Assessment Fund. The administrator shall develop a system of equitable billings and charges for parking facilities under his or her control and used by state employees and state vehicles. The system of charges shall include an amount sufficient to cover the operating, maintenance, and repair costs associated with the parking facilities. The administrator, under policies and procedures established by the Director of Administrative Services, may expend funds from time to time credited to the Capitol Buildings Parking Revolving Fund for the purposes of obtaining, operating, and maintaining parking facilities for employees and visitors. All money derived from any source other than that to be credited to the State Building Revolving Fund, the Capitol Buildings Parking Revolving Fund, the Department of Administrative Services Cash Fund, the State Building Renewal Assessment Fund, or other appropriate revolving fund shall be remitted to the State Treasurer and credited to the General Fund.

(5) The administrator shall see that all parts and apartments of the buildings leased are properly ventilated and kept clean and in order.

(6) The administrator shall at all times have charge of and supervision over the police, janitors, and other employees in and about the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska except as exempted under subsections (5) and (6) of section 81-1108.15 or as provided in the Nebraska State Capitol Preservation and Restoration Act. The administrator shall institute, in the name of the state and with the advice of the Attorney General, civil and criminal proceedings against any person for injury or threatened injury to any public property in the state laboratory and laboratory grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska under his or her control, or for committing or threatening to commit a nuisance in or on the buildings or lands.

(7) The administrator shall keep in his or her office a complete record containing all plans and surveys of the state laboratory and grounds, the Governor's Mansion and grounds, and all other buildings and lands owned or leased by the State of Nebraska and of underground construction under such buildings and lands. This subsection shall not apply to the State Capitol and capitol grounds.

Source: Laws 1929, c. 192, § 1, p. 677; C.S.1929, § 72-707; Laws 1937, c. 161, § 1, p. 625; Laws 1939, c. 94, § 1, p. 407; Laws 1941, c. 144, § 1, p. 573; C.S.Supp.,1941, § 72-707; R.S.1943, § 72-706; Laws 1955, c. 278, § 1, p. 879; Laws 1961, c. 354, § 2, p. 1114; Laws 1965, c. 436, § 2, p. 1388; Laws 1965, c. 439, § 1, p. 1394; Laws 1965, c. 538, § 23, p. 1711; Laws 1967, c. 468, § 1, p. 1457; Laws 1971, LB 675, § 1; R.R.S.1943, § 72-706; Laws 1974, LB 1048, § 8; Laws 1976, LB 986, § 4; Laws 1979, LB 576, § 3; Laws 1981, LB 381, § 21; Laws 1983, LB 607, § 3; Laws 1993, LB 311, § 3; Laws 1995, LB 530, § 7; Laws 1997, LB 314, § 10; Laws

1998, LB 1100, § 21; Laws 2004, LB 439, § 19; Laws 2008, LB744, § 1; Laws 2009, LB207, § 3; Laws 2012, LB779, § 14. Effective date July 19, 2012.

Cross References

Deferred Building Renewal Act, see section 81-190.

Nebraska State Capitol Preservation and Restoration Act, see section 72-2201.

81-1108.22 State building division; responsibility; office space outside the State Capitol; rental; approval; required; lease contract; filed; administrator; duties; State Building Revolving Fund; created; use; investment; applicability of section, when.

(1) The division shall have the responsibility of providing office space in leased and state-owned buildings in the proximity of the State Capitol and in other locations.

(2) When any board, agency, commission, or department of the state government not otherwise specifically authorized by law desires to use funds available for the purpose of renting office space outside of the State Capitol, it shall submit a request to the Director of Administrative Services. If the director approves the lease, the terms and location shall be approved by the director and the administrator in writing and the leases shall be entered into and administered by the administrator on behalf of the board, agency, commission, or department. A copy of all such lease contracts shall be kept on file by the state building division and shall be open to inspection by the Legislature and the public during normal business hours.

(3)(a) The administrator shall develop a system of charges to cover basic rental, maintenance, renovations, and operation of such leased and owned properties. The charges to state agencies, boards, commissions, or departments of state government shall be paid from funds available for the purpose of renting space on a regular basis and placed, as applicable, in the State Building Revolving Fund and the State Building Renewal Assessment Fund. The administrator shall make payments for basic rentals, renovations, and maintenance and operational costs of all leased and owned buildings from the State Building Revolving Fund except for expenses relating to security provided by the Nebraska State Patrol as provided in subdivision (b) of this subsection.

(b) The State Building Revolving Fund is created. The fund shall be administered by the administrator. The fund shall consist of rental charges and other receipts collected pursuant to contractual agreements between the state building division and other entities as authorized by law. The fund shall only be used to support the operation of the state building division as provided by law, except that the Legislature shall make fund transfers each fiscal year through the budget process from the State Building Revolving Fund to the Capitol Security Revolving Fund to help pay non-general-fund costs associated with the operation of the state capitol security division of the Nebraska State Patrol. Any money in the State Building Revolving 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.

(4) The charges for such leased and owned properties shall only be adjusted by the administrator on July 1. Prior to any adjustment in the system of charges, the Department of Administrative Services, on or before December 1 of the year preceding the effective date of such adjustment, shall provide

electronic notification to the Committee on Building Maintenance, the Clerk of the Legislature, and the Legislative Fiscal Analyst of the proposed adjustment to the system of charges.

(5) Commencing on April 18, 1992, all leases of real property entered into by any state agency, board, commission, or department shall be subject to this section. Leases held by a state agency, board, commission, or department on such date shall be valid until the lease contract is terminated or is subject to renewal. The division shall monitor all such leases and determine when the lease is subject to renewal. Once the determination is made, the division shall cancel the lease as of the renewal date and shall treat the need of the agency, board, commission, or department as an original request for space and subject to this section. This subsection shall not apply to (a) state-owned facilities to be rented to state agencies or other parties by the University of Nebraska, the Nebraska state colleges, the Department of Aeronautics, the Department of Roads, and the Board of Educational Lands and Funds, (b) facilities to be leased for use by the University of Nebraska, the Nebraska state colleges, and the Board of Educational Lands and Funds, (c) facilities to be leased for nonoffice use by the Department of Roads, or (d) facilities controlled by the State Department of Education, which were formerly controlled by the Nebraska School for the Visually Handicapped, to be rented to state agencies or other parties by the department.

Source: Laws 1961, c. 353, § 1, p. 1113; Laws 1963, c. 421, § 1, p. 1347; R.R.S.1943, § 72-701.08; Laws 1974, LB 1048, § 13; Laws 1975, LB 359, § 13; Laws 1979, LB 576, § 5; Laws 1992, LB 1241, § 23; Laws 1995, LB 530, § 11; Laws 1998, LB 1100, § 22; Laws 1999, LB 813, § 57; Laws 2004, LB 439, § 22; Laws 2004, LB 1092, § 9; Laws 2007, LB322, § 26; Laws 2012, LB782, § 181. Operative date July 19, 2012.

Cross References

Committee on Building Maintenance, see section 81-185.

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1108.31 State Capitol improvement district; powers.

Whenever any improvement district for the opening, widening, or otherwise improving Fifteenth Street in the city of Lincoln, Nebraska, which connects, adjoins, and is adjacent to the State Capitol and the University of Nebraska, is created by the Mayor and the City Council of the city of Lincoln, Nebraska, the President of the Board of Regents of the University of Nebraska and the State Capitol Administrator are hereby authorized to sign petitions for the creation of an improvement district including that portion of Fifteenth Street in Lincoln, Nebraska, leading from the State Capitol to the university campus. This is for no other purpose than to form a plan and program, with the gathering of data and cost for the improvement of that portion of Fifteenth Street. Such plan shall be submitted electronically to the Legislature which shall render its approval or rejection before any liability whatsoever for the consummation of such plan shall be fixed or made. Neither the Board of Regents of the University of Nebraska nor the administrator shall expend any money, nor shall the provisions of this section be construed to authorize the expenditure of any public funds whatsoever, except for the preliminary survey incident to the formation of such improvement plans, until the same shall have been author-

ized by a specific appropriation of the Legislature for the purpose based on the tentative plans so formulated and submitted to the Legislature as contemplated in this section.

Source: Laws 1927, c. 147, § 1, p. 396; C.S.1929, § 72-801; R.S.1943, § 72-712; Laws 1974, LB 1048, § 22; Laws 2004, LB 439, § 24; Laws 2012, LB782, § 182.
Operative date July 19, 2012.

81-1108.32 Nebraska Capitol Commission; creation; members; appointment; expenses.

The Nebraska Capitol Commission is hereby created. The commission shall consist of the Governor, the Speaker of the Legislature, the Chief Justice of the Supreme Court, the dean of the College of Architecture at the University of Nebraska-Lincoln, the Director of the Nebraska State Historical Society, and three other residents of Nebraska appointed by the Governor. One appointive member shall be appointed from each congressional district. The terms of the appointive members shall be staggered so that one term expires on March 1, 1994, one term expires on March 1, 1995, and one term expires on March 1, 1996. As the terms of the appointive members expire, the Governor shall, on or before March 1 of each year, appoint or reappoint a member of the commission for a term of three years to succeed the member whose term expires. Any member appointed after March 1 shall serve for the remaining portion of the three-year term.

The Governor shall serve as the chairperson of the Nebraska Capitol Commission, the Speaker of the Legislature shall serve as the vice-chairperson of the commission, and the State Capitol Administrator or his or her representative shall serve as the nonvoting secretary of the commission.

In the absence of the Governor, he or she may designate the Lieutenant Governor as his or her representative. In the absence of the Speaker of the Legislature, he or she may designate the chairperson of the Executive Board of the Legislative Council or the Clerk of the Legislature as his or her representative. In the absence of the Chief Justice of the Supreme Court, he or she may designate the State Court Administrator as his or her representative. Representatives of the Governor, the Speaker of the Legislature, and the Chief Justice shall have full voting privileges for the meeting in attendance.

The members of such commission shall be reimbursed for their actual and necessary expenses while away from home engaged in the performance of their duties as members of the commission as provided in sections 81-1174 to 81-1177.

Source: Laws 1949, c. 211, § 1, p. 601; Laws 1965, c. 440, § 1, p. 1396; R.R.S.1943, § 72-716; Laws 1974, LB 1048, § 23; Laws 1981, LB 204, § 189; Laws 1993, LB 311, § 4; Laws 1999, LB 297, § 1; Laws 2004, LB 439, § 25; Laws 2005, LB 684, § 4; Laws 2008, LB752, § 1; Laws 2012, LB1116, § 1.
Effective date July 19, 2012.

81-1108.33 State building division; Task Force for Building Renewal; reviews required; report; approval; when required.

(1) It is the intent of the Legislature that the state will not assume responsibility for the substandard construction, repair, or maintenance of, or for the

excessive maintenance or repair costs for, real property, structures, or improvements which will be made available by gift, bequest, or devise to any state agency, board, or commission or real property or structures acquired by any state agency, board, or commission with the proceeds of donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies. Therefore, any such gift, bequest, devise, or acquisition of such real property, structure, or improvement shall be reviewed and approved as provided in this section as a requirement for acceptance or acquisition by the state of such real property, structure, or improvement.

(2)(a) Any gift of, bequest of, or devise of real property, a structure, or an improvement proposed to be made available to any state agency, board, or commission in excess of ten thousand dollars and any acquisition of real property or structures with the proceeds of donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies, if the combined proceeds of such donations, gifts, bequests, devises, or grants exceed two hundred fifty thousand dollars, shall be reviewed by the state building division and the Task Force for Building Renewal pursuant to sections 81-176, 81-1108.15, and 81-1114. Such review shall include any potential matching of state funds, any plans, specifications, and other construction or repair documents, and any potential maintenance requirements as a condition of acceptance or acquisition. Subsequent to such review, the state building division and the task force shall submit a report to the Governor, the Committee on Building Maintenance, and the Legislative Fiscal Analyst including a summary of the review of the plans, specifications, and other construction or repair documents and potential maintenance requirements and outlining the terms and conditions of the proposed gift, bequest, devise, or acquisition along with its recommendation. The report submitted to the committee and the Legislative Fiscal Analyst shall be submitted electronically.

(b)(i) Any proposed gift of, bequest of, or devise of real property, a structure, or an improvement in excess of ten thousand dollars shall be approved by the Governor and the Legislature prior to acceptance.

(ii) Any acquisition of real property or structures with the proceeds of donations, gifts, bequests, devises, or grants from individuals, organizations, corporations, foundations, or similar entities or from nonfederal governmental agencies, if the combined proceeds of such donations, gifts, bequests, devises, or grants exceed two hundred fifty thousand dollars, shall be approved by the Governor and Legislature prior to such acquisition.

(iii) If the Legislature is not in session, the Executive Board of the Legislative Council, after recommendation by the Committee on Building Maintenance, may approve such gift, bequest, devise, or acquisition along with the Governor.

(c) No construction, repair, maintenance, or other work related to the proposed gift, bequest, devise, or acquisition shall be initiated prior to receiving the review and approval required by this section.

(3) For purposes of this section, gift of, bequest of, or devise of (a) real property, (b) a structure, or (c) an improvement shall include, but not be limited to, a donation of, gift of, bequest of, devise of, or grant of (i) real property, (ii) a structure, or (iii) an improvement from an individual, an organization, a corporation, a foundation, or a similar entity or from a nonfed-

eral governmental agency. For purposes of this section, gift, bequest, or devise shall not include a donation, gift, bequest, devise, or grant of tangible or intangible personal property.

(4) This section shall not apply to the University of Nebraska or any Nebraska state college, since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

Source: Laws 1995, LB 530, § 13; Laws 1999, LB 369, § 3; Laws 2006, LB 1038, § 2; Laws 2008, LB1116, § 8; Laws 2011, LB264, § 4; Laws 2012, LB761, § 2; Laws 2012, LB782, § 183.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB761, section 2, with LB782, section 183, to reflect all amendments.

Note: Changes made by LB761 became effective April 11, 2012. Changes made by LB782 became operative July 19, 2012.

Cross References

Committee on Building Maintenance, see section 81-185.

Coordinating Commission for Postsecondary Education, see Article VII, section 14, Constitution of Nebraska and section 85-1403.
Coordinating Commission for Postsecondary Education Act, see section 85-1401.

81-1108.40 Repealed. Laws 2009, LB 207, § 5.

81-1108.41 State comprehensive capital facilities plan; State Comprehensive Capital Facilities Planning Committee; program statement; appropriation for drawings and construction; contracts; approval; report; contents.

(1) The division shall cause a state comprehensive capital facilities plan to be developed. The plan shall project the state's facilities needs for a period of six years and shall be based on programmatic projections and input from each state agency. To aid in the development of the plan, the Governor shall appoint a State Comprehensive Capital Facilities Planning Committee with representatives from various state agencies. The committee shall develop and adopt comprehensive planning guidelines and a process of project prioritization. The state comprehensive capital facilities plan shall be submitted electronically to the Committee on Building Maintenance for review before such plan shall be submitted to the Governor and the Legislative Fiscal Analyst on or before November 15 prior to the beginning of each biennium. The plan submitted to the Legislative Fiscal Analyst shall be submitted electronically. The plan shall be based on priorities developed by the State Comprehensive Capital Facilities Planning Committee. The University of Nebraska and any Nebraska state college shall not be required to comply with or be subject to the provisions of this section since these agencies are subject to and participate in statewide facilities planning developed by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

(2) An appropriation for drawings and construction may be made only after submission of an acceptable program statement on or before September 15 of the year previous to the initiation of such appropriation. Such program statement shall include, but not be limited to, (a) an assessment of the compatibility of the project with the state comprehensive capital facilities plan and the agency or departmental comprehensive capital facilities plan, (b) the identification of the impact of the project on the space utilization of other facilities under the control of the agency or department, and (c) the identification of the future impact on the agency or departmental programmatic needs, demand for utilities in excess of current capacity, parking needs, street and road needs, and

site acquisition needs. Such program statement shall be submitted to the division and the Legislative Fiscal Analyst. The program statement submitted to the Legislative Fiscal Analyst shall be submitted electronically.

(3) No contract for the planning, design, or construction of a new facility or major modification or repair of an existing facility provided for by any state appropriation may be initiated unless an acceptable program statement has been approved by the Governor, the agency or department has submitted to the division a certificate from the Committee on Building Maintenance that there is no state-owned property which is adequate or which through cost-effective renovation, as determined by the division, could be made adequate to meet the agency's or department's needs, and the conditions of the contracts are approved in writing by the division, except that the provisions of this section shall not apply to projects when the total design and construction cost of the project is less than the limit established by the division. Such program statements and contracts shall be reviewed by the division.

(4) The division shall file a written report on each program statement and contract reviewed with the Governor and the Legislative Fiscal Analyst. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. This report shall cover the consistency of the project with the state comprehensive capital facilities plan and the agency or departmental comprehensive capital facilities plan. A subsequent review and report upon completion of the planning or design phase of the project shall indicate the compatibility of the project with the agency or departmental comprehensive capital facilities plan, compare the probable cost of the project with accepted cost standards for similar construction projects, and review the relationship of the project to other state agency or departmental capital facilities in the same complex.

Source: Laws 1969, c. 772, § 4, p. 2923; R.R.S.1943, § 81-1108.06; Laws 1974, LB 1048, § 34; Laws 1976, LB 986, § 7; Laws 1979, LB 38, § 1; Laws 1981, LB 381, § 22; Laws 1992, LB 1241, § 24; Laws 1995, LB 530, § 14; Laws 2000, LB 654, § 24; Laws 2012, LB782, § 184.

Operative date July 19, 2012.

Cross References

Committee on Building Maintenance, see section 81-185.

Coordinating Commission for Postsecondary Education, see Article VII, section 14, Constitution of Nebraska and section 85-1403.

Coordinating Commission for Postsecondary Education Act, see section 85-1401.

81-1113 Budget division; powers; duties.

The budget division shall prepare the executive budget in accordance with the wishes and policies of the Governor. The budget division shall have the following duties, powers, and responsibilities:

(1) Shall prescribe the forms and procedures to be employed by all departments and agencies of the state in compiling and submitting their individual budget requests and shall set up a budget calendar which shall provide for (a) the date, not later than July 15 of each even-numbered year, for distribution of instructions, (b) the date by which time requests for appropriations by each agency shall be submitted, and (c) the period during which such public hearings as the Governor may elect shall be held for each department and agency. The budget request shall be submitted each even-numbered year no later than the date provided in section 81-132, shall include the intended

receipts and expenditures by programs, subprograms, and activities and such additional information as the administrator may deem appropriate for each fiscal year, shall be made upon a biennial basis, and shall include actual receipts and actual expenditures for each fiscal year of the most recently completed biennium and the first year of the current biennium and estimates for the second year of the current biennium and each year of the next ensuing biennium;

(2) Shall work with each governmental department and agency in developing performance standards for each program, subprogram, and activity to measure and evaluate present as well as projected levels of expenditures. The budget division shall also work with the Division of Children and Family Services of the Department of Health and Human Services to develop key goals, benchmarks, and methods of quantification of progress required pursuant to section 81-3133;

(3) Shall, following passage of legislative appropriations, be responsible for the administration of the approved budget through budgetary allotments;

(4) Shall be responsible for a monthly budgetary report for each department and agency showing comparisons between actual expenditures and allotments, which report shall be subject to review by the director and budget administrator; and

(5) Shall be responsible for the authorization of employee positions. Such authorizations shall be based on the following:

(a) A requirement that a sufficient budget program appropriation and salary limitation exist to fully fund all authorized positions;

(b) A requirement that permanent full-time positions which have been vacant for ninety days or more be reviewed and reauthorized prior to being filled. If requested by the budget division, the personnel division of the Department of Administrative Services shall review such vacant position to determine the proper classification for the position;

(c) A requirement that authorized positions accurately reflect legislative intent contained in legislative appropriation and intent bills; and

(d) Other relevant criteria as determined by the budget administrator.

Source: Laws 1965, c. 538, § 13, p. 1698; Laws 1967, c. 594, § 1, p. 2023; Laws 1969, c. 804, § 7, p. 3035; Laws 1981, LB 381, § 24; Laws 1986, LB 258, § 37; Laws 1992, Third Spec. Sess., LB 14, § 9; Laws 1997, LB 269, § 65; Laws 2002, Second Spec. Sess., LB 12, § 3; Laws 2003, LB 8, § 2; Laws 2012, LB949, § 3.
Effective date April 10, 2012.

81-1114 Department of Administrative Services; building division; powers, duties, and responsibilities.

The building division shall have the following powers, duties, and responsibilities:

(1) Shall prepare, for submittal to the Governor and to the office of the Legislative Fiscal Analyst, analyses of the cost of every desired land and building acquisition, new building construction, either underway or proposed, major repair or remodeling of new, newly acquired, or existing buildings, and each and every structural improvement to land, utilities, roads, walks, and parking lots, costing four hundred thousand dollars or more, but excluding

right-of-way projects of the Department of Roads. The analyses submitted to the Legislative Fiscal Analyst shall be submitted electronically. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, as selected by the department;

(2) Shall record the relationship between the proposed capital facilities and the individual or departmental agencies' operating programs with particular attention to needs of immediate or future operations of the department or agency submitting such plan;

(3) Shall make recommendations to the Governor, the committee of the Legislature which shall from time to time have responsibility for preparing recommendations for appropriations, and the individual department or agency concerned, on the probable costs of such acquisition, construction, repair, or remodeling. The recommendations submitted to the committee shall be submitted electronically; and

(4) Shall require the submission by each department and agency of the state of copies of all written contracts for acquisition, construction, repair, or remodeling, including federal contracts, before such contracts are executed by the executive officer of the state authorized to execute such contracts, and shall maintain copies of such contracts on file for inspection by the Legislative Fiscal Analyst.

Source: Laws 1965, c. 538, § 14, p. 1699; Laws 1967, c. 594, § 2, p. 2024; Laws 1969, c. 804, § 8, p. 3036; Laws 1981, LB 381, § 25; Laws 1998, LB 1129, § 22; Laws 2003, LB 410, § 10; Laws 2012, LB782, § 185.

Operative date July 19, 2012.

81-1114.01 Capital construction project; plan required; contents; revisions required; when; to whom submitted.

Each department and agency of the state prior to submitting a capital construction project request in excess of four hundred thousand dollars shall cause to be prepared a comprehensive capital facilities plan. Such plan shall include, but not be limited to, a projection of future programmatic needs, analysis of existing facilities and the utilization of such facilities, and identification of projects to meet those projected programmatic needs, including addition to, or renovation or replacement of, existing space, parking, streets, and utilities. The comprehensive capital facilities plan shall be updated or revised when a major capital construction project requested for funding is not in compliance with such plan or when revisions in projected programmatic needs would significantly affect the comprehensive capital facilities plan. Such plans and any updates or revisions shall be submitted to the state building division and the Legislative Fiscal Analyst. The plans and any updates or revisions submitted to the Legislative Fiscal Analyst shall be submitted electronically. Such plans and revisions or updates shall be prepared in accordance with rules and regulations adopted and promulgated by the state building division. The Department of Administrative Services shall adjust the dollar amount in this section every four years beginning January 1, 2002, to account for inflationary and market changes. The adjustment shall be based on percentage changes in a

construction cost index and any other published index relevant to operations and utilities costs, as selected by the department.

Source: Laws 1981, LB 381, § 26; Laws 1998, LB 1129, § 23; Laws 2012, LB782, § 186.

Operative date July 19, 2012.

81-1114.02 Capital construction project; state building division; review and comment.

Any state agency, prior to bidding a capital construction project with a total project cost exceeding the limit established by the Department of Administrative Services in accordance with section 81-1114.01, shall submit proposed construction documents to the state building division for review. The state building division shall review the construction documents and submit comments to the budget division, the Legislative Fiscal Analyst, and the affected agencies. The comments submitted to the Legislative Fiscal Analyst shall be submitted electronically. Comments shall include identification of possible cost and design alternatives and a determination whether the construction documents are consistent with approved program statements. The state building division shall, by rules and regulations, establish the elements to be included in the construction documents. Comments and reviews of construction documents shall be completed within thirty days after such documents are submitted to the state building division. No funds shall be expended on actual construction until construction documents have been approved by the state building division. A copy of the approval or disapproval shall be forwarded to the requesting agency, the budget division, and the Legislative Fiscal Analyst. The copy submitted to the Legislative Fiscal Analyst shall be submitted electronically.

Source: Laws 1981, LB 381, § 27; Laws 2000, LB 654, § 25; Laws 2004, LB 819, § 1; Laws 2012, LB782, § 187.

Operative date July 19, 2012.

81-1117 Information management services administrator; powers, duties, and responsibilities; enumerated; restrictions on agency acquisitions; Information Management Revolving Fund; created; investment.

(1) As used in this section, unless the context otherwise requires, information management includes, but is not limited to:

(a) Mainframe computers, minicomputers, microprocessors, word processors, and desktop computers;

(b) Any peripheral device to be used with the equipment listed in subdivision (1)(a) of this section for such purposes as data input and output, data storage, or data communications;

(c) Any code or program to control the operation of the equipment or devices listed in subdivision (1)(a) or (1)(b) of this section; and

(d) Employment of professional expertise for computer system design, operations, or program development.

(2) Subject to review and approval by the Chief Information Officer, the information management services administrator shall have the following powers, duties, and responsibilities:

(a) He or she may review the accounting and other records and reporting systems of all divisions within the Department of Administrative Services and within every other department and agency of the state;

(b) He or she shall systematically review the potential application of information management to any work performed outside the information management services division or by any department or agency of the state or any subdivision of any department or agency of the state, and if the costs of mechanizing such work will not exceed present costs or if efficiencies may be achieved, he or she may accept responsibility for the performance of such work. He or she may also review computer applications being used to determine if revision or deletion of computer applications would be beneficial. The findings of reviews made pursuant to this subdivision shall be reported to the Governor and the Legislative Fiscal Analyst. The findings submitted to the Legislative Fiscal Analyst shall be submitted electronically;

(c) He or she may, with the approval of the Chief Information Officer, make such revisions to internal systems for production of accounting and other reports as may be necessary to permit economical undertaking of work to be performed by the information management services division for any agency or department of the state;

(d) He or she shall organize the information management services division to provide system review, system design, feasibility studies, and machine reviews;

(e) He or she may review the operations of information management installations as may exist in any department or agency of the state and may cause such operations to be merged with those of the information management services division in the event that a cost analysis shows that economic advantage may be achieved. He or she may permit the establishment of departmental or agency information management operations in any department or agency of the state if his or her analysis of feasibility shows a potential economy or a substantial convenience for the state incident to such separate establishment. No state agency shall hire, purchase, lease, or rent any information management item listed in subsection (1) of this section without the written approval of the information management services administrator. All new computer programs developed or acquired for use with information management equipment of any state agency shall be documented according to standards developed or approved by the information management services administrator;

(f) He or she shall prepare a budget in sufficient time in advance of the statutory date for submittal of budget requests by departments and agencies of the state as to permit each department and agency for which services are performed, or are to be performed during the request budget period, to be informed of the cost of maintaining the current fiscal year's production work for inclusion within their respective budget requests;

(g) He or she shall provide for a system of charges for services rendered by the information management services division to any other department or agency of the state when these charges are allocable to a particular project carried on by such department or division. Such standard rate charges shall, as nearly as may be practical, reflect the actual costs incurred in the performance of services for such department or agency. Such system of charges shall be annually reviewed by the Legislature's Committee on Appropriations. Rates planned for the coming fiscal year shall be included in the instructions for completion of budget request forms as annually prepared by the Department of

Administrative Services budget division. If rate revisions are required during the fiscal year to reflect changes in the information management services division's operating costs, these revisions shall be announced to state agencies at least thirty days prior to their use in billing these agencies for service. Miscellaneous supplies shall be billed to using agencies at actual cost. Equipment used primarily by one agency for special applications shall be billed to that agency at actual cost. In the event of saturation of the information management services division with the resulting need for contractual support to be furnished by another information management installation, agencies shall be billed at actual cost. The charges received by the department for information management services shall be credited to a fund hereby created which shall be known as the Information Management Revolving Fund. Expenditures shall be made from such fund to finance the operations of the information management services division in accordance with appropriations made by the Legislature. Any money in the Information Management Revolving 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;

(h) He or she may provide information management services and technical assistance to any subdivision of government as provided for under the Interlocal Cooperation Act or the Joint Public Agency Act;

(i) He or she shall provide for the centralization of all administrative work, including that of educational institutions, into the information management services division;

(j) He or she shall provide definitions of standards and common data elements, coordinate the collection of data, consolidate data files or data banks, and review and approve or disapprove the establishment of separate data banks; and

(k) He or she shall provide assistance as requested by the Nebraska Information Technology Commission to support the technical panel created in section 86-521.

Each member of the Legislature shall receive an electronic copy of the report required by subdivision (2)(b) of this section by making a request for it to the administrator.

Source: Laws 1965, c. 538, § 17, p. 1703; Laws 1969, c. 804, § 11, p. 3039; Laws 1969, c. 584, § 108, p. 2413; Laws 1975, LB 472, § 1; Laws 1979, LB 560, § 1; Laws 1981, LB 381, § 28; Laws 1995, LB 7, § 118; Laws 1998, LB 924, § 37; Laws 1999, LB 87, § 95; Laws 2002, LB 1105, § 506; Laws 2006, LB 921, § 4; Laws 2012, LB782, § 188.

Operative date July 19, 2012.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1117.05 State employee; payment of wages; methods authorized.

The Department of Administrative Services may make payments that include, but are not limited to, wages and reimbursable expenses to state employees by electronic funds transfer or a similar means of direct deposit. For purposes of

this section, state employee means any person or officer employed by the state who works a full-time or part-time schedule on an ongoing basis.

Source: Laws 2001, LB 308, § 1; Laws 2009, LB167, § 2.

81-1118.02 All officers, departments, and agencies; state property; inventory; how stamped; action to recover.

(1) Each executive, department, commission, or other state agency, including the Supreme Court, the Board of Regents of the University of Nebraska, and the Board of Trustees of the Nebraska State Colleges, shall annually make or cause to be made an inventory of all property, including furniture and equipment, belonging to the State of Nebraska and in the possession, custody, or control of any executive, department, commission, or other state agency. The inventory shall include property in the possession, custody, or control of each executive, department, commission, or other state agency as of June 30 and shall be completed and filed with the materiel administrator by August 31 of each year.

(2) If any of the property of the state, referred to in subsection (1) of this section, is lost, destroyed, or unaccounted for by the negligence or carelessness of the executive, department, commission, or other state agency, the administrator shall, with the advice of the Attorney General, take the proper steps to recover such state property or the reasonable value thereof from the executive, department, commission, or other state agency charged with the same and from the person bonding such executive, department, commission, or other state agency, if any.

(3) Each such executive, department, commission, or other state agency shall indelibly tag, mark, or stamp all such property belonging to the State of Nebraska, with the following: Property of the State of Nebraska. In the inventory required by subsection (1) of this section, each such executive, department, commission, or other state agency shall state positively that each item of such property has been so tagged, marked, or stamped.

Source: Laws 1937, c. 161, § 1, p. 625; Laws 1939, c. 94, § 1, p. 407; Laws 1941, c. 144, § 1, p. 573; C.S.Supp.,1941, § 72-707; R.S. 1943, § 72-707; Laws 1955, c. 278, § 3, p. 881; Laws 1957, c. 306, § 1, p. 1112; Laws 1959, c. 331, § 2, p. 1205; Laws 1963, c. 418, § 3, p. 1343; R.R.S.1943, § 72-707; Laws 1974, LB 1048, § 39; Laws 1981, LB 545, § 32; Laws 1984, LB 933, § 17; Laws 1989, LB 256, § 1; Laws 2011, LB59, § 3.

81-1118.07 State purchasing bureau; use reverse auction; powers and duties.

(1) Notwithstanding any other provision of law, the state purchasing bureau created by section 81-1118 may use a reverse auction for the acquisition of goods if the bureau determines that the use of a reverse auction would be advantageous to the state.

(2) If the bureau conducts a reverse auction, the bureau shall provide notification of the intent to use the reverse auction process in the bid solicitation documents and, unless the solicitation is canceled, an award shall be made to the bidder determined by the bureau to be the lowest responsible bidder at the close of the bidding process. The bureau may require bidders to register before the opening date and time of the reverse auction.

(3) The bureau may contract with a third-party vendor to conduct a reverse auction pursuant to this section.

(4) The bureau may adopt and promulgate rules and regulations to implement this section.

(5) For purposes of this section, reverse auction means a process in which (a) bidders compete to provide goods in an open and interactive environment, which may include the use of electronic media, (b) bids are opened and made public immediately, and (c) bidders are given opportunity to submit revised bids until the bidding process is complete.

Source: Laws 2009, LB168, § 1.

81-1120.02 Terms, defined.

As used in sections 81-1120.01 to 81-1120.29, unless the context otherwise requires:

(1) Director means the Director of Communications;

(2) Division means the division of communications of the office of Chief Information Officer;

(3) Communications system means the total communications facilities and equipment owned, leased, or used by all departments, agencies, and subdivisions of state government; and

(4) Communications means any transmission, emission, or reception of signs, signals, writing, images, and sounds or intelligence of any nature by wire, radio, optical, or other electromagnetic systems.

Source: Laws 1967, c. 572, § 2, p. 1880; Laws 1971, LB 675, § 3; Laws 1975, LB 427, § 4; Laws 1984, LB 1125, § 5; Laws 1986, LB 965, § 22; Laws 2000, LB 893, § 2; Laws 2006, LB 921, § 6; Laws 2011, LB378, § 26.

81-1120.15 Director of Communications; powers, duties, and responsibilities.

The Director of Communications shall have the following powers, duties, and responsibilities:

(1) To provide the Legislature and the Governor technical assistance, advice, and information concerning the financial and administrative operations of the communications systems of all agencies of the state;

(2) To provide the Legislature and the Governor recommendations for dealing with financial, management, and organizational problems affecting the communications systems and services of the state, its departments and agencies. The recommendations submitted to the Legislature shall be submitted electronically;

(3) To make inquiries of the agencies as to their communications charges and prepare cost comparisons to insure that uniformity, efficiency, and equality be achieved within the communications system;

(4) To make recommendations to the agencies pertaining to revisions to internal systems as may be necessary to promote frugality and economy in the communications system; and

(5) To provide services such as system review, system design, feasibility studies, equipment reviews, and for long-range planning and management service within the division of communications.

Source: Laws 1975, LB 427, § 6; Laws 1979, LB 322, § 50; Laws 1981, LB 545, § 33; Laws 2012, LB782, § 189.
Operative date July 19, 2012.

81-1120.16 Director of Communications; powers and duties; investigation; report.

It shall be the duty of the director to consult each department, office, board, bureau, commission, or institution in the state for which money is to be appropriated and expended for communications services, equipment, or facilities, including the executive and judicial departments, state colleges, university, and state institutions. The director shall make or cause to be made under his or her supervision an investigation to determine whether the appropriations are being judiciously and economically expended for the purposes for which they were made and shall transmit to the Governor, the Legislative Fiscal Analyst, and the expending agency a complete report of each such investigation. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. In making such investigations he or she shall, at all reasonable times, have access to the offices of all state departments, boards, bureaus, commissions, and institutions and may, for the purpose of obtaining information as to the operation and communications needs thereof, examine the books, papers, and public records therein, and the agencies shall, through their proper officers, furnish such data, information, or statements as may be requested of them.

Source: Laws 1975, LB 427, § 7; Laws 2006, LB 921, § 8; Laws 2012, LB782, § 190.
Operative date July 19, 2012.

81-1120.22 Director of Communications; develop system of billings and charges; payment; deposit.

The Director of Communications shall develop a system of equitable billings and charges for communications services provided in any consolidated or joint-use system of communications. Such system of charges shall reflect, as nearly as may be practical, the actual share of costs incurred on behalf of or for services to each department, agency, or political subdivision provided communications services. Using agencies shall pay for such services out of appropriated or available funds. Prior to July 1, 2011, all payments shall be credited to the Communications Cash Fund. Beginning July 1, 2011, all payments shall be credited to the Communications Revolving Fund. Prior to July 1, 2011, all collections for payment of telephone expenses shall be credited to the Telephone Expense Revolving Fund which is hereby created. Beginning July 1, 2011, all collections for payment of telephone expenses shall be credited to the Communications Revolving Fund. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Telephone Expense Revolving Fund to the Communications Revolving Fund. On July 31, 2011, the Telephone Expense Revolving Fund shall terminate.

Source: Laws 1967, c. 572, § 8, p. 1883; Laws 1969, c. 584, § 109, p. 2416; Laws 1973, LB 431, § 1; Laws 1974, LB 1048, § 42; R.R.S.1943, § 81-1120.08; Laws 1975, LB 427, § 13; Laws 1995, LB 7, § 120; Laws 2011, LB378, § 27.

81-1120.23 Communications Cash Fund; established; purpose; investment.

There is hereby established a cash fund to be known as the Communications Cash Fund. Appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. All funds received under such sections and all funds received for communications services provided to any agency, department, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Communications Cash 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. On July 1, 2011, or as soon thereafter as is administratively possible, the State Treasurer shall transfer any money in the Communications Cash Fund to the Communications Revolving Fund. On July 31, 2011, the Communications Cash Fund shall terminate.

Source: Laws 1967, c. 572, § 9, p. 1883; Laws 1971, LB 675, § 6; Laws 1973, LB 431, § 2; R.R.S.1943, § 81-1120.09; Laws 1975, LB 427, § 14; Laws 1984, LB 1125, § 7; Laws 1986, LB 965, § 24; Laws 1992, LB 858, § 3; Laws 1994, LB 1066, § 103; Laws 2006, LB 921, § 9; Laws 2009, First Spec. Sess., LB3, § 71; Laws 2011, LB378, § 28.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1120.27 Telecommunications system; uses; member of Legislature; long-distance calls; how made.

(1) The facilities of the state's telecommunications systems are provided for the conduct of state business. In addition, the state's telecommunications systems, cellular telephones, electronic handheld devices, or computers may be used by state employees and officials for emails, text messaging, local calls, and long-distance calls to children at home, teachers, doctors, day care centers, baby-sitters, family members, or others to inform them of unexpected schedule changes, and for other essential personal business. Any such use for essential personal business shall be kept to a minimum and shall not interfere with the conduct of state business. A state employee or official shall be responsible for payment or reimbursement of charges, if any, that directly result from any such communication. The Department of Administrative Services may establish procedures for reimbursement of charges pursuant to this section.

(2) A member of the Legislature, while engaged in legislative business, may make personal long-distance calls on the state telecommunications system or by using his or her state credit card. At the end of every month upon the member's receipt of his or her long-distance call record, the personal long-distance calls shall be designated by the member and the member billed for such calls. Reimbursement to the state for such personal long-distance calls by the member shall be made within thirty days from the date of designation.

(3) A member of the Legislature, at his or her own sole discretion, may designate any long-distance call as sensitive or confidential in nature. If a long-

distance call is designated as sensitive or confidential in nature, any long-distance call record used in an audit shall contain only the date the long-distance call was made and the cost of the call. In no case shall the person conducting the audit have access to a long-distance call number designated as sensitive or confidential in nature by the member without the written consent of the member. No calls made to or by a member of the Legislature which are sensitive or confidential in nature shall be required to be disclosed except that such calls shall be so designated by the member, and only the amount of the call and such designation shall be made available to a person conducting an audit.

For purposes of this subsection, sensitive or confidential in nature shall mean that either the member of the Legislature or the caller would reasonably expect that the nature or the content of the call would not be disclosed to another person without the consent of the member and the caller.

Source: Laws 1967, c. 572, § 13, p. 1885; R.R.S.1943, § 81-1120.13; Laws 1975, LB 427, § 18; Laws 1992, LB 722, § 3; Laws 1993, LB 579, § 3; Laws 2009, LB626, § 6.

81-1120.29 Communications Revolving Fund; established; use; investment.

There is hereby established a revolving fund to be known as the Communications Revolving Fund. Beginning July 1, 2011, appropriations made to the division of communications of the office of Chief Information Officer for the purposes of sections 81-1120.01 to 81-1120.28 shall be credited to the fund. Beginning July 1, 2011, all funds received under such sections and all funds received for communications services provided to any agency, department, political subdivision, or other user shall be credited to the fund. The division shall, under policies and procedures established by the director, expend funds from time to time credited to the fund for the communications purposes enumerated in such sections. Any money in the Communications Revolving 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.

Source: Laws 2011, LB378, § 29.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1125.01 Director of Administrative Services; reports and statements required; to whom made.

It shall be the duty of the Director of Administrative Services to digest, prepare, and report to the Governor, the Tax Commissioner, and the Clerk of the Legislature, at least twenty days before the commencement of each regular session of the Legislature:

- (1) A full and detailed statement of the condition of the treasury, and the amount of the expenditures for the last fiscal year;
- (2) A full and detailed statement of the public debt, showing fully all liabilities and resources of the state; and
- (3) Such plans as he or she may deem expedient for (a) the support of public credit, (b) lessening the public expenses, (c) using the public money to the best

advantage, (d) promoting frugality and economy in public offices, and generally for the better management and more perfect understanding of the fiscal affairs of the state, and (e) securing uniformity and efficiency in the levying and collecting of taxes, systematizing the work to be done by officers having duties to perform under the revenue law.

The report submitted to the Clerk of the Legislature shall be submitted electronically. Each member of the Legislature shall receive an electronic copy of the report required by this section by making a request for it to the director.

Source: R.S.1866, c. 4, § 3, p. 19; R.S.1913, § 5545; C.S.1922, § 4847; C.S.1929, § 84-303; R.S.1943, § 84-303; Laws 1965, c. 459, § 24, p. 1464; Laws 1979, LB 322, § 51; Laws 2012, LB782, § 191. Operative date July 19, 2012.

(d) REQUESTS FOR PAYMENTS FROM THE STATE

81-1170.01 Requests; examination and adjustment by department; warrants for mileage.

All requests of whatever nature upon the treasury of this state, before any warrant is drawn for the payment of the same, shall be examined, adjusted, and approved by the Department of Administrative Services. All such requests shall be presented to the Director of Administrative Services with such documentation as required in the Nebraska Accounting System Manual on file with the Clerk of the Legislature and shall be audited and settled within two years after the request accrues. No warrants shall be drawn for any request until an appropriation has been made therefor. No warrant for any request for payment or reimbursement of any mileage or other traveling expense shall be issued unless the same is computed strictly in accordance with sections 81-1174 to 81-1177 except as otherwise provided in section 55-157.

Source: Laws 1877, § 1, p. 202; R.S.1913, § 6680; C.S.1922, § 6217; C.S.1929, § 77-2606; Laws 1933, c. 96, § 14, p. 394; Laws 1941, c. 180, § 5, p. 703; C.S.Supp.,1941, § 77-2606; R.S.1943, § 77-2406; Laws 1965, c. 538, § 26, p. 1714; R.S.1943, (1986), § 77-2406; Laws 1988, LB 864, § 14; Laws 2012, LB1141, § 2. Effective date July 19, 2012.

(e) PAYMENT OF EXPENSES

81-1174 Reimbursement for expenses; contents; automobile; airplane; statement required; receipts; limitation.

Whenever any state officer, state employee, or member of any commission, council, committee, or board of the state is seeking reimbursement for actual expenses incurred by him or her in the line of duty, he or she shall be required to present a request for payment or reimbursement to the Director of Administrative Services not later than sixty days after the final day on which expenses were incurred for which reimbursement is sought. Each request shall be fully itemized, including the amount, date, place, and essential character of the expense incurred.

When reimbursement is requested for mileage by automobile, air travel by commercial carrier, air travel in airplanes chartered by the department or agency, or air travel by personally rented airplane, the points between which

such travel occurred, the times of arrival and departure, and the necessity and purpose of such travel shall be stated on such request. When reimbursement is requested for mileage by automobile, the motor vehicle license plate number, the total miles traveled, and the rate per mile being requested shall also be shown on each request.

The Accounting Administrator may require less supporting detail for requests covered in this section but shall not impose reporting requirements which exceed those listed unless specifically authorized by other provisions of law. No request shall be submitted by an individual for an expense when such expense has been paid by the agency or department concerned.

When reimbursement for expenses incurred in air travel by privately owned airplane is requested, the cost of operating the airplane at rates per mile as established by the Department of Administrative Services shall be shown on such request. Travel by privately owned airplane or personally rented airplane shall only be authorized when it is more economical than surface transportation or will result in a substantial savings of expense or productive time.

The statement of expenses shall be duly verified and supported by receipts for all of such expenditures, except immaterial items identified by the director, for which reimbursement is requested.

No charge for mileage shall be allowed when such mileage accrues while using an automobile owned by the State of Nebraska.

No personal maintenance expenses shall be allowed to any state officer, state employee, or member of any commission, council, committee, or board of the state when such expenses are incurred in the city or town in which the residence or primary work location of such individual is located, except that individuals required to attend official functions, conferences, or hearings within such location, not to include normal day-to-day operations of the department, agency, commission, council, committee, or board, may be paid or reimbursed in accordance with policies established by the Director of Administrative Services. The approval to attend a function, conference, or hearing shall be obtained from the director of the department, agency, commission, council, committee, or board prior to an individual's attendance at such function, conference, or hearing.

Nothing in this section shall be construed to prohibit the furnishing of coffee, tea, and any similar beverage by the Legislature or the Legislative Council to its employees or guests.

Source: Laws 1941, c. 180, § 10, p. 706; C.S.Supp.,1941, § 84-306; R.S.1943, § 84-306; Laws 1945, c. 253, § 1, p. 790; Laws 1949, c. 286, § 2, p. 985; Laws 1949, c. 243, § 4(2), p. 660; Laws 1965, c. 568, § 1, p. 1854; Laws 1977, LB 365, § 1; Laws 1978, LB 869, § 1; Laws 1979, LB 576, § 7; Laws 1979, LB 578, § 1; Laws 1984, LB 663, § 1; Laws 1985, LB 413, § 1; R.S.Supp.,1986, § 84-306.01; Laws 1988, LB 864, § 60; Laws 1999, LB 32, § 2; Laws 2003, LB 292, § 17; Laws 2009, LB533, § 1.

STATE ADMINISTRATIVE DEPARTMENTS

ARTICLE 12

DEPARTMENT OF ECONOMIC DEVELOPMENT

(a) GENERAL PROVISIONS

Section

- 81-1201.04. Commission; members; qualifications; chairperson; coordination.
81-1201.07. Department; divisions and program; advisory committees and programs; authorized.
81-1201.08. Repealed. Laws 2010, LB 947, § 4.
81-1201.11. Department; lead agency; clearinghouse; staff services; coordination; status report; duties.
81-1201.13. Transferred to section 81-3713.
81-1201.18. Department; administer Community Development Block Grant Program.
81-1201.21. Job Training Cash Fund; created; use; investment.
81-1201.22. Administrative Cash Fund; created; use; investment.
81-1203. Job training grant; business plan; project criteria; training grant; partners; training grants for rural areas or high-poverty areas; audit; report.
81-1205. Job training grant or training grant; reports required; department; duties.
81-1207. Job training grant; repayment required; when; training grant; repayment required; when.
81-1210.01. Interns; job training grants; terms, defined.
81-1210.02. Interns; job training grants; internships; application; certification; grants; limitation; department; duties.
81-1210.03. Interns; job training grants; rules and regulations.
81-1211. Repealed. Laws 2011, LB 453, § 1.
81-1212. Lead-Based Paint Hazard Control Program; created; department; duties.
81-1213. Industrial Recovery Fund; created; administration; investment; use.

(d) PROPERTY CONTROLLED BY DEPARTMENT

- 81-1222.01. Repealed. Laws 2011, LB 454, § 1.
81-1222.03. Repealed. Laws 2011, LB 454, § 1.

(f) NEBRASKA VISITORS DEVELOPMENT ACT

- 81-1245. Transferred to section 81-3702.
81-1246. Transferred to section 81-3703.
81-1247. Transferred to section 81-3707.
81-1248. Transferred to section 81-3706.
81-1249. Transferred to section 81-3708.
81-1250. Transferred to section 81-3709.
81-1251. Transferred to section 81-3705.
81-1252. Transferred to section 81-3714.
81-1253. Transferred to section 81-3715.
81-1254. Transferred to section 81-3716.
81-1255. Transferred to section 81-3717.
81-1256. Transferred to section 81-3718.
81-1257. Transferred to section 81-3719.
81-1258. Transferred to section 81-3720.
81-1259. Transferred to section 81-3721.
81-1260. Transferred to section 81-3722.
81-1261. Transferred to section 81-3723.
81-1262. Transferred to section 81-3724.
81-1263. Transferred to section 81-3701.

(g) VENTURE CAPITAL NETWORK ACT

- 81-1265. Repealed. Laws 2011, LB 455, § 1.
81-1266. Repealed. Laws 2011, LB 455, § 1.
81-1267. Repealed. Laws 2011, LB 455, § 1.
81-1268. Repealed. Laws 2011, LB 455, § 1.
81-1269. Repealed. Laws 2011, LB 455, § 1.
81-1270. Repealed. Laws 2011, LB 455, § 1.

DEPARTMENT OF ECONOMIC DEVELOPMENT

Section	
81-1271.	Repealed. Laws 2011, LB 455, § 1. (h) BUSINESS DEVELOPMENT PARTNERSHIP ACT
81-1273.	Legislative findings.
81-1275.	Nebraska Business Development Center; duties.
81-1277.	Existing Business Assistance Division; contracts; reports. (i) AGRICULTURAL PRODUCTS RESEARCH
81-1278.	Nebraska Agricultural Products Research Fund; created; investment. (m) MICROENTERPRISE DEVELOPMENT ACT
81-1295.	Repealed. Laws 2011, LB 387, § 18.
81-1296.	Repealed. Laws 2011, LB 387, § 18.
81-1297.	Repealed. Laws 2011, LB 387, § 18.
81-1298.	Repealed. Laws 2011, LB 387, § 18.
81-1299.	Repealed. Laws 2011, LB 387, § 18.
81-12,100.	Repealed. Laws 2011, LB 387, § 18.
81-12,101.	Repealed. Laws 2011, LB 387, § 18.
81-12,102.	Repealed. Laws 2011, LB 387, § 18.
81-12,103.	Repealed. Laws 2011, LB 387, § 18.
81-12,104.	Repealed. Laws 2011, LB 387, § 18.
81-12,105.	Repealed. Laws 2011, LB 387, § 18.
81-12,105.01.	Repealed. Laws 2011, LB 387, § 18. (n) NEBRASKA VENTURE CAPITAL FORUM ACT
81-12,106.	Repealed. Laws 2009, LB 3, § 1.
81-12,107.	Repealed. Laws 2009, LB 3, § 1.
81-12,108.	Repealed. Laws 2009, LB 3, § 1.
81-12,109.	Repealed. Laws 2009, LB 3, § 1.
81-12,110.	Repealed. Laws 2009, LB 3, § 1.
81-12,111.	Repealed. Laws 2009, LB 3, § 1.
81-12,112.	Repealed. Laws 2009, LB 3, § 1.
81-12,113.	Repealed. Laws 2009, LB 3, § 1.
81-12,114.	Repealed. Laws 2009, LB 3, § 1.
81-12,115.	Repealed. Laws 2009, LB 3, § 1.
81-12,116.	Repealed. Laws 2009, LB 3, § 1. (o) NEBRASKA OPPORTUNITY ZONE ACT
81-12,122.	Repealed. Laws 2012, LB 782, § 253. (p) BUILDING ENTREPRENEURIAL COMMUNITIES ACT
81-12,125.	Repealed. Laws 2011, LB 387, § 18.
81-12,126.	Repealed. Laws 2011, LB 387, § 18.
81-12,127.	Repealed. Laws 2011, LB 387, § 18.
81-12,128.	Repealed. Laws 2011, LB 387, § 18. (q) NEBRASKA OPERATIONAL ASSISTANCE ACT
81-12,135.	Information regarding activities; department; report. (r) SMALL BUSINESS INNOVATION ACT
81-12,136.	Act, how cited.
81-12,137.	Legislative intent.
81-12,138.	Terms, defined.
81-12,139.	Department; contract authorized.
81-12,140.	Pilot program; established.
81-12,141.	Legislative intent for appropriations.
81-12,142.	Report; contents.
81-12,143.	Act; termination. (s) SITE AND BUILDING DEVELOPMENT ACT
81-12,144.	Act, how cited.
81-12,145.	Legislative findings.
81-12,146.	Site and Building Development Fund; created; funding.

§ 81-1201.04

STATE ADMINISTRATIVE DEPARTMENTS

Section

- 81-12,147. Site and Building Development Fund; use; eligible activities.
- 81-12,148. Entities eligible to receive assistance; matching funds.
- 81-12,149. Department; allocate funds; qualified action plan; contents; powers of department.
- 81-12,150. Rules and regulations.
- 81-12,151. Annual report.

(t) BUSINESS INNOVATION ACT

- 81-12,152. Act, how cited.
- 81-12,153. Terms, defined.
- 81-12,154. Purpose of act.
- 81-12,155. Qualified action plan; department; duties; contents.
- 81-12,156. Funding; use.
- 81-12,157. Planning grants; phase one program; limitations.
- 81-12,158. Financial assistance program to create prototype of certain products; established; funds; match required; limitation.
- 81-12,159. Innovation in value-added agriculture program; established; purpose; eligibility; match required; limitation.
- 81-12,160. Financial assistance program to commercialize product or process; established; purpose; funds; match required; limitation.
- 81-12,161. Financial assistance program relating to college or university research and development; established; funds; match required; limitation.
- 81-12,162. Small business investment program; established; award; criteria; considerations; funds; match required; department; contracts authorized; limitation.
- 81-12,163. Appropriations; legislative intent.
- 81-12,164. Rules and regulations.
- 81-12,165. Department; contract authorized.
- 81-12,166. Report; contents.
- 81-12,167. Act; termination.

(a) GENERAL PROVISIONS

81-1201.04 Commission; members; qualifications; chairperson; coordination.

(1) The commission shall consist of nine voting members appointed by the Governor. The chairperson of the commission shall be one of the appointed members and shall be chosen by the commission. Each congressional district in Nebraska shall be represented by three members, and the Governor shall solicit nominations for appointments to the commission from recognized economic development groups in Nebraska. The members of the commission shall be representative, to the extent possible, of the various geographic areas of the state and of both the urban and rural population. The director shall serve as an ad hoc nonvoting member of the commission. In appointing the members, the Governor shall seek to create a broad-based commission representative of the Nebraska economy. To achieve this objective the Governor shall appoint individuals from the following private industry sectors:

- (a) Production agriculture;
- (b) At least two individuals from manufacturing, one such individual shall represent a company with no more than seventy-five employees;
- (c) Transportation and logistics;
- (d) Financial services and insurance;
- (e) Information technology and communications;
- (f) Biotechnology; and
- (g) Community development.

(2) The commission and department are encouraged to involve other essential groups in the work of the commission, including, but not limited to, the (a) University of Nebraska, (b) Department of Agriculture, (c) State Energy Office, (d) educational institutions, (e) Department of Labor, and (f) Nebraska Investment Finance Authority. No more than five voting members of the commission shall belong to the same political party.

(3) The commission shall provide programmatic policy guidance and oversight to the Nebraska Manufacturing Extension Partnership and shall provide regular consultation to the Community Development Block Grant Program.

Source: Laws 1986, LB 965, § 4; Laws 2007, LB388, § 1; Laws 2010, LB947, § 1; Laws 2012, LB1053, § 26.
Operative date July 1, 2012.

81-1201.07 Department; divisions and program; advisory committees and programs; authorized.

The department may have the divisions and program listed in this section to aid in the discharge of its duties but shall not be limited to such divisions and program: (1) An Existing Business Assistance Division; (2) a Business Recruitment Division; (3) a Community and Rural Development Division; and (4) a Community Development Block Grant Program. Each division and program, when deemed appropriate by the director, is encouraged to establish advisory committees and programs to insure public participation and input.

Source: Laws 1986, LB 965, § 7; Laws 1989, LB 639, § 1; Laws 1993, LB 190, § 7; Laws 1998, LB 1053, § 10; Laws 2012, LB1053, § 27.
Operative date July 1, 2012.

81-1201.08 Repealed. Laws 2010, LB 947, § 4.

81-1201.11 Department; lead agency; clearinghouse; staff services; coordination; status report; duties.

The department shall:

(1) Serve as the lead state agency in the area of economic development. The department shall develop a program to promote coordination and cooperation within state government and with institutions of higher education, local governments, other political subdivisions of the state, and the private sector;

(2) Serve as a clearinghouse for information, data, and other materials which may be helpful or necessary to the full development of the state's economy, which may be relevant with regard to the possibilities of future development in Nebraska, and which will be of use to local governments, the Governor, other state agencies, and the Legislature in discharging their responsibilities. The department shall develop a program to ensure cooperation between state agencies, the University of Nebraska, and other entities with related economic information;

(3) Provide staff services when, in the opinion of the director, such services are necessary and appropriate in the areas of economic development to cities of the first class, cities of the second class, and villages on a contractual basis when the terms of such contracts can be mutually accepted;

(4) Assist the Governor in coordinating the efforts of local governments to develop mutual and cooperative solutions to their common problems; and

(5) Prepare annually a status report on the activities and impacts of the department and its programs. The status report shall include information detailing the status of all programs administered by the department for which the Legislature requires reporting. The status report shall be submitted to the Governor and the Legislature on the first working day of July of each year. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1986, LB 965, § 11; Laws 2011, LB404, § 4; Laws 2012, LB782, § 192.

Operative date July 19, 2012.

81-1201.13 Transferred to section 81-3713.

81-1201.18 Department; administer Community Development Block Grant Program.

The department shall administer the Community Development Block Grant Program. In addition to the performance review requirements in section 81-1201.10, the department shall develop an ongoing program of monitoring the impact of grants on the communities receiving the grants. The monitoring program shall include, but not be limited to, the following information: (1) The status of the project for which such grant was awarded; (2) the grant amount; (3) the local government contribution; (4) the private financial contribution; (5) the goals and objectives of the grant; and (6) the impact of the grant relative to the goals and objectives of the grant. The department, in consultation with the commission, shall determine community development objectives, state priorities, and guidelines for the distribution of funds for community development projects within the Community Development Block Grant Program, which shall conform to the objectives as set forth in the Housing and Community Development Act of 1974, as amended, and which shall:

(a) Include statistical community need factors as selected by the commission; and

(b) Require that grant applicants submit evidence of a community assessment process for the project, which assessment process the commission shall design. To the extent possible, the Community Development Block Grant funds shall be allocated on a need and competitive basis.

Source: Laws 1986, LB 965, § 18; Laws 1989, LB 639, § 7; Laws 2010, LB947, § 2.

81-1201.21 Job Training Cash Fund; created; use; investment.

(1) There is hereby created the Job Training Cash Fund. The fund shall be under the direction of the Department of Economic Development. Money may be transferred to the fund pursuant to subdivision (1)(b)(iii) of section 48-621 and from the Cash Reserve Fund at the direction of the Legislature. The department shall establish a subaccount for all money transferred from the Cash Reserve Fund to the Job Training Cash Fund on or after July 1, 2005.

(2) The department shall use the Job Training Cash Fund or the subaccount established in subsection (1) of this section (a) to provide reimbursements for job training activities, including employee assessment, preemployment training, on-the-job training, training equipment costs, and other reasonable costs related to helping industry and business locate or expand in Nebraska, (b) to provide upgrade skills training of the existing labor force necessary to adapt to

new technology or the introduction of new product lines, or (c) to provide job training grants pursuant to section 81-1210.02.

(3) The department shall establish a subaccount within the fund to provide training grants for training employees and potential employees of businesses that (a) employ twenty-five or fewer employees on the application date, (b) employ, or train for potential employment, residents of rural areas of Nebraska, or (c) are located in or employ, or train for potential employment, residents of high-poverty areas as defined in section 81-1203. The department shall calculate the amount of prior year investment income earnings accruing to the fund and allocate such amount to the subaccount for training grants under this subsection. The subaccount shall also be used as provided in the Teleworker Job Creation Act.

(4) 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.

Source: Laws 1989, LB 305, § 3; Laws 1994, LB 1066, § 107; Laws 1995, LB 1, § 15; Laws 2000, LB 953, § 11; Laws 2005, LB 427, § 1; Laws 2007, LB322, § 27; Laws 2008, LB956, § 1; Laws 2009, LB316, § 22; Laws 2009, First Spec. Sess., LB3, § 72; Laws 2010, LB961, § 1; Laws 2010, LB1081, § 12; Laws 2011, LB386, § 4; Laws 2012, LB946, § 11.
Effective date February 14, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

Teleworker Job Creation Act, see section 48-3001.

81-1201.22 Administrative Cash Fund; created; use; investment.

(1) There is hereby created the Administrative Cash Fund to be administered by the department. Revenue from the following sources shall be remitted to the State Treasurer for credit to the fund:

(a) Fees charged for the sale of department publications or subscription to publications;

(b) Fees charged for the sale of Nebraska items promoting economic development of the state;

(c) Deposits charged for the temporary use of Nebraska items promoting economic development of the state;

(d) Fees charged for attendance and participation in department-sponsored conferences, training sessions, and other special events;

(e) Money collected from nondepartment sources in connection with cooperative funding of advertising, marketing, promotional, or consulting activities; and

(f) Money received by the department in the form of gifts, grants, reimbursements, or appropriations from any source intended to be used by the department for carrying out the provisions of Chapter 81, article 12.

(2) Revenue from the fund may be expended for the following purposes:

(a) Production and distribution costs of department publications;

(b) Purchase of items promoting economic development of the state intended for sale;

(c) Reimbursement of deposits collected for the temporary use of promotional items;

(d) Payment of costs in connection with department-sponsored conferences, training sessions, and other special events;

(e) Payment of costs of advertising, marketing, promotional, or consulting activities in cooperative funding partnerships with nondepartment organizations; and

(f) Payment of costs for which fund revenue has been received and which are related to department activities in Chapter 81, article 12.

(3) Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Administrative Cash 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.

Source: Laws 1994, LB 1194, § 19; Laws 1995, LB 7, § 122; Laws 2009, First Spec. Sess., LB3, § 73; Laws 2012, LB1053, § 28.
Operative date July 1, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1203 Job training grant; business plan; project criteria; training grant; partners; training grants for rural areas or high-poverty areas; audit; report.

(1) A business applying for a job training grant, other than a grant provided under subsection (3) of section 81-1201.21, shall submit a business plan to the Department of Economic Development which includes, but is not limited to:

(a) The number of jobs to be created or the number of existing positions that will be retrained;

(b) The nature of the business and the type of jobs to be created or positions to be retrained;

(c) The estimated wage levels of the jobs to be created or positions to be retrained; and

(d) A program schedule for the job training project.

(2) A business applying for a job training grant, other than a grant provided under subsection (3) of section 81-1201.21, must demonstrate that the job training project to be conducted pursuant to the grant meets the following criteria:

(a) The wage level of the jobs created will meet the local prevailing average;

(b) The jobs created will diversify the local economy;

(c) The goods or services produced by the company will be export-oriented;

(d) Seventy-five percent of the jobs created will be full-time jobs; and

(e) The new jobs will be created within three calendar years.

(3) A business applying for a training grant under subsection (3) of section 81-1201.21 may partner with a postsecondary educational institution; a private, nonprofit organization holding a certificate of exemption under section 501(c)(3) of the Internal Revenue Code; or a learning community coordinating

council or school district that has partnered with a private, nonprofit organization. The application shall specify the role of the partnering entity in identifying and training potential job applicants for the applicant business.

(4) A business applying for a training grant under subsection (3) of section 81-1201.21 may apply as a business that has established a program under which residents of rural areas or high-poverty areas are trained for employment or potential employment by documenting:

(a) That the business has established a program designed to fill a minimum of four positions in rural areas and a minimum of eight positions in high-poverty areas for such business;

(b) A program schedule for the training project;

(c) The nature of the business and the number of positions available or to be created;

(d) That the wage level of the positions available or to be created will meet the local prevailing average;

(e) The value of the positions available or to be created in diversifying the local economy;

(f) That a minimum of seventy-five percent of the positions available or to be created will be full-time jobs;

(g) That the business will accept funding on behalf of trainees and will provide a match of a minimum of twenty-five percent of the value of the grant, either monetarily or through in-kind services, as part of the training for each trainee;

(h) That any new position created will be done within three calendar years;

(i) That the number of trainees will not exceed one hundred twenty-five percent of the number of positions that will be available at the time of application; and

(j) That the goods or services produced by the business are generally exportable in nature resulting in additional money to the community or the state and the positions available or to be created are not local retail positions.

(5) Each business participating in a training grant under subsection (3) of section 81-1201.21 shall be subject to an audit by the Department of Economic Development and shall annually report or provide to the department the following information:

(a) The percentage of trainees who have successfully completed the training;

(b) The percentage of trainees that such business hired;

(c) An itemized description of such business's match including expenditures per trainee; and

(d) A copy of the training curriculum.

(6) For purposes of subsections (3) through (5) of this section:

(a) High-poverty area means an area consisting of one or more contiguous census tracts, as determined by the most recent federal decennial census, which contain a percentage of persons with incomes below the poverty line of greater than thirty percent, and all census tracts contiguous to such tract or tracts, as determined by the most recent federal decennial census; and

(b) Private, nonprofit organization means an organization whose purpose is providing basic job and life skills training to individuals in need of such training in rural or high-poverty areas.

Source: Laws 1995, LB 326, § 2; Laws 2008, LB1154, § 27; Laws 2010, LB961, § 2.

81-1205 Job training grant or training grant; reports required; department; duties.

A business which is awarded a job training grant or a training grant shall provide annual performance reports to the Department of Economic Development and a final performance report upon the completion of the project. The department shall include information relating to such grants in the department's annual status report under section 81-1201.11. The status report shall include information on each active grant, including specific information regarding the number of positions to be trained, whether new or existing employees are to be trained, the length of time that the project has been active, the amount of funding committed to the project, the amount of funding paid out to date, and the projected completion date. The status report shall also provide information on grants closed during the reporting year, including the total number of employees trained, whether new or existing employees were trained, total project expenditures, and the duration time of the project. The status report shall also provide information summarizing the use of community college areas to provide training services and list specific projects where a community college area is providing all or a component of the training services. If private or inhouse training services are used, the status report shall provide information regarding the name of the private or inhouse training service and the qualifications of the training service.

Source: Laws 1995, LB 326, § 4; Laws 2008, LB956, § 4; Laws 2010, LB961, § 3; Laws 2011, LB404, § 5.

81-1207 Job training grant; repayment required; when; training grant; repayment required; when.

(1) If a business which receives a job training grant creates fewer jobs than stated in the business plan, the business shall repay the job training grant as provided in this subsection. If less than fifty percent of the proposed jobs are created, one hundred percent of the grant shall be repaid. If fifty percent or more but less than seventy percent of the proposed jobs are created, fifty percent of the grant shall be repaid. If seventy percent or more but less than ninety percent of the proposed jobs are created, twenty-five percent of the grant shall be repaid. If ninety percent or more of the proposed jobs are created, no repayment is required.

(2) If a business receives a training grant and fewer trainees than stated in the business plan complete the training, the business shall repay the grant as provided in this subsection. For every trainee who does not complete the training, the business shall repay fifty percent of the prorated share of such trainee's uncompleted training costs.

Source: Laws 1995, LB 326, § 6; Laws 2010, LB961, § 4.

81-1210.01 Interns; job training grants; terms, defined.

For purposes of sections 81-1210.01 to 81-1210.03:

- (1) Department means the Department of Economic Development;
- (2) Distressed area means a municipality, county with a population of fewer than one hundred thousand inhabitants according to the most recent federal decennial census, unincorporated area within a county, or census tract in Nebraska that (a) has an unemployment rate which exceeds the statewide average unemployment rate, (b) has a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;
- (3) Eligible company has the same meaning as qualified business in subsection (1) of section 77-5715;
- (4) Intern means any person who is working in a professional environment for a limited period of time to gain sufficient practical work experience in a professional or technical position to allow for career decisionmaking and to provide the employer valuable skills to accelerate short-term business objectives and who (a) is enrolled full time in a four-year college or university in Nebraska and has achieved junior or senior status by such institution's criteria, (b) is enrolled full time in a two-year college in Nebraska and has successfully completed a minimum of one-half of the total credit hours required for an associate degree, or (c) having residency in Nebraska, is enrolled full time in a four-year college or university in a state other than Nebraska and has achieved junior or senior status by such institution's criteria; and
- (5) Internship means any internship that did not exist before June 1, 2011.

Source: Laws 2011, LB386, § 1.

81-1210.02 Interns; job training grants; internships; application; certification; grants; limitation; department; duties.

- (1) The intent of sections 81-1210.01 to 81-1210.03 is to connect Nebraska students pursuing postsecondary degrees with targeted industries in order to retain such students and attract workers to Nebraska by assisting companies willing to provide paid internships.
- (2) An eligible company may apply to the department for a job training grant to assist in the hiring of an intern if:
 - (a) The company certifies that the internship meets the definition of internship in section 81-1210.01;
 - (b) The internship pays at least the federal minimum wage;
 - (c) The intern will work a minimum of two hundred hours in a twelve-week period but no more than one thousand hours in a fifty-week period; and
 - (d) The intern applies for the internship prior to graduation, even though the internship may be completed after graduation.
- (3) The department may provide a job training grant of up to the lesser of forty percent of the cost of the internship or three thousand five hundred dollars, except that if the internship is in a distressed area, the job training grant may be up to the lesser of sixty percent of the cost of the internship or five thousand dollars.
- (4) An eligible company may apply for no more than two job training grants for the same intern, shall not be awarded more than five job training grants at any one location in any twelve-month period, and shall not be awarded more than ten job training grants total in any twelve-month period.

(5) An eligible company may allow an intern to telecommute if the eligible company is located more than thirty miles from the college or university in which the intern is enrolled and if the college or university is in Nebraska.

(6) The department shall, to the extent possible, assure that the distribution of job training grants under sections 81-1210.01 to 81-1210.03 provides equitable access to the grants by all geographic areas of the state.

(7) The department shall not allocate more than one million five hundred thousand dollars in each of FY2011-12 and FY2012-13 from the Job Training Cash Fund for purposes of this section. The department may receive funds from public, private, or other sources for purposes of this section.

Source: Laws 2011, LB386, § 2.

81-1210.03 Interns; job training grants; rules and regulations.

The department may adopt and promulgate rules and regulations to govern the award and disbursement of job training grants under section 81-1210.02.

Source: Laws 2011, LB386, § 3.

81-1211 Repealed. Laws 2011, LB 453, § 1.

81-1212 Lead-Based Paint Hazard Control Program; created; department; duties.

(1) The Lead-Based Paint Hazard Control Program is created. The Department of Economic Development shall award a grant to a city of the metropolitan class in the amount of two hundred thousand dollars, contingent upon formal notification by the United States Department of Housing and Urban Development that it intends to award a grant to a city of the metropolitan class to carry out the federal Residential Lead-Based Paint Hazard Reduction Act of 1992, Title X, Section 1011, Public Law 102-550, as such act existed on July 15, 2010.

(2) It is the intent of the Legislature to provide a one-time appropriation for the Lead-Based Paint Hazard Control Program with lapsed funding from the Legislative Council from the Nebraska Health Care Cash Fund.

(3) This section terminates on June 30, 2011.

Source: Laws 2010, LB987, § 1.

Termination date June 30, 2011.

81-1213 Industrial Recovery Fund; created; administration; investment; use.

(1) The Industrial Recovery Fund is created. The fund shall be administered by the Department of Economic Development. 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.

(2) The department may provide assistance from the fund to a political subdivision impacted by a sudden and significant private-sector entity closure or downsizing that will have a significant impact on the community. The assistance shall be used to mitigate the economic impact of the closure or downsizing by making necessary improvements to the buildings and infrastructure, or both, related to the assets of the private-sector entity.

(3) The fund shall consist of funds remitted for deposit in the fund pursuant to section 58-708. If the fund balance exceeds one million dollars, deposits to

the fund pursuant to such section shall cease until the fund balance is less than one million dollars.

Source: Laws 2011, LB388, § 9.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(d) PROPERTY CONTROLLED BY DEPARTMENT

81-1222.01 Repealed. Laws 2011, LB 454, § 1.

81-1222.03 Repealed. Laws 2011, LB 454, § 1.

(f) NEBRASKA VISITORS DEVELOPMENT ACT

81-1245 Transferred to section 81-3702.

81-1246 Transferred to section 81-3703.

81-1247 Transferred to section 81-3707.

81-1248 Transferred to section 81-3706.

81-1249 Transferred to section 81-3708.

81-1250 Transferred to section 81-3709.

81-1251 Transferred to section 81-3705.

81-1252 Transferred to section 81-3714.

81-1253 Transferred to section 81-3715.

81-1254 Transferred to section 81-3716.

81-1255 Transferred to section 81-3717.

81-1256 Transferred to section 81-3718.

81-1257 Transferred to section 81-3719.

81-1258 Transferred to section 81-3720.

81-1259 Transferred to section 81-3721.

81-1260 Transferred to section 81-3722.

81-1261 Transferred to section 81-3723.

81-1262 Transferred to section 81-3724.

81-1263 Transferred to section 81-3701.

(g) VENTURE CAPITAL NETWORK ACT

81-1265 Repealed. Laws 2011, LB 455, § 1.

81-1266 Repealed. Laws 2011, LB 455, § 1.

81-1267 Repealed. Laws 2011, LB 455, § 1.

81-1268 Repealed. Laws 2011, LB 455, § 1.

81-1269 Repealed. Laws 2011, LB 455, § 1.

81-1270 Repealed. Laws 2011, LB 455, § 1.

81-1271 Repealed. Laws 2011, LB 455, § 1.

(h) BUSINESS DEVELOPMENT PARTNERSHIP ACT

81-1273 Legislative findings.

The Legislature finds and declares:

(1) That the availability of business development services at various geographic locations throughout the state would result in the retention, expansion, and diversification of existing businesses and the creation of new businesses;

(2) That the Board of Regents of the University of Nebraska may authorize the Nebraska Business Development Center as a department of the University of Nebraska at Omaha. The Nebraska Business Development Center, if authorized under this section, may provide business development services through a network of small business development centers at: (a) Chadron State College, Peru State College, and Wayne State College, if authorized by the Board of Trustees of the Nebraska State Colleges; and (b) the University of Nebraska at Kearney, the University of Nebraska-Lincoln, and the University of Nebraska at Omaha, if authorized by the Board of Regents of the University of Nebraska;

(3) That business development services may be augmented through specialized research and technical assistance services; and

(4) That the Existing Business Assistance Division of the Department of Economic Development shall coordinate, administer, and support the delivery of such services.

Source: Laws 1987, LB 736, § 2; Laws 1989, LB 639, § 8; Laws 1989, LB 247, § 12; Laws 2011, LB334, § 5.

81-1275 Nebraska Business Development Center; duties.

If the Nebraska Business Development Center is authorized by the Board of Regents of the University of Nebraska pursuant to section 81-1273, the Existing Business Assistance Division shall contract with the Nebraska Business Development Center to administer, manage, and deliver regional small business services, and the Nebraska Business Development Center shall:

(1) Provide such services as close as possible to small businesses through a network of small business development centers located in Omaha, Lincoln, Kearney, Wayne, North Platte, Scottsbluff or Gering, Chadron, Peru, and such other communities as the Existing Business Assistance Division shall determine based on the applications of communities desiring to be the location of a small business development center. Small business development centers in such communities shall not be required if the location within a community is on property under the control of the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges and the governing body with control of such property has not authorized such small business development center pursuant to section 81-1273. In determining the

location of small business development centers, the division shall consider several factors, including, but not limited to: (a) Preexisting small business development centers; (b) geographic accessibility; and (c) existing resources such as building space and office equipment or the willingness of a community to provide some or all of those resources. The division shall prescribe the form of the application for location of a small business development center and take all actions necessary in the processing of such applications;

(2) Integrate activities funded through the Business Development Partnership Act with those funded by the United States Small Business Administration or any other program supporting the Nebraska small business development centers;

(3) Furnish one-to-one individual counseling to small businesses;

(4) Assist in technology transfer, research, and coupling from existing sources to small businesses;

(5) Maintain current information concerning federal, state, and local regulations that affect small businesses and counsel small business on methods of compliance;

(6) Coordinate and conduct research into technical and general small business problems for which there are no ready solutions;

(7) Provide and maintain a comprehensive library that contains current information and statistical data needed by small businesses;

(8) Maintain a working relationship and open communications with the financial and investment communities, legal associations, local and regional private consultants, and local and regional small business groups and associations in order to help address the various needs of the small business community;

(9) Conduct indepth surveys for local small business groups in order to develop general information regarding the local economy and general small business strengths and weaknesses in the locality; and

(10) Provide other services as determined in consultation with the Existing Business Assistance Division.

Source: Laws 1987, LB 736, § 4; Laws 1989, LB 639, § 10; Laws 2011, LB334, § 6.

81-1277 Existing Business Assistance Division; contracts; reports.

The Existing Business Assistance Division shall require, as a condition of contracts awarded under the Business Development Services Program, satisfactory quarterly reports from recipients describing services provided, clients served, and expenditures. The division shall include, as part of the Department of Economic Development's annual status report under section 81-1201.11, a description of the services provided under the Business Development Partnership Act, an analysis of the impact of the services, recommendations regarding the services, and an evaluation of the performance of service deliverers.

Source: Laws 1987, LB 736, § 6; Laws 1989, LB 639, § 12; Laws 2011, LB404, § 6.

(i) AGRICULTURAL PRODUCTS RESEARCH

81-1278 Nebraska Agricultural Products Research Fund; created; investment.

There is hereby created for the use of the Department of Economic Development a fund, to be known as the Nebraska Agricultural Products Research Fund, to consist of any funds appropriated by the Legislature and any funds received by gift or from the federal government to be used for the purpose provided in section 81-1279. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Agricultural Products Research 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.

Source: Laws 1959, c. 10, § 1, p. 117; Laws 1963, c. 14, § 1, p. 92; Laws 1965, c. 478, § 1, p. 1539; Laws 1967, c. 11, § 1, p. 95; Laws 1969, c. 584, § 31, p. 2360; Laws 1979, LB 187, § 258; R.S.1943, (1987), § 2-2501; Laws 1989, LB 10, § 1; Laws 1994, LB 1066, § 108; Laws 2009, First Spec. Sess., LB3, § 74.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(m) MICROENTERPRISE DEVELOPMENT ACT

81-1295 Repealed. Laws 2011, LB 387, § 18.

81-1296 Repealed. Laws 2011, LB 387, § 18.

81-1297 Repealed. Laws 2011, LB 387, § 18.

81-1298 Repealed. Laws 2011, LB 387, § 18.

81-1299 Repealed. Laws 2011, LB 387, § 18.

81-12,100 Repealed. Laws 2011, LB 387, § 18.

81-12,101 Repealed. Laws 2011, LB 387, § 18.

81-12,102 Repealed. Laws 2011, LB 387, § 18.

81-12,103 Repealed. Laws 2011, LB 387, § 18.

81-12,104 Repealed. Laws 2011, LB 387, § 18.

81-12,105 Repealed. Laws 2011, LB 387, § 18.

81-12,105.01 Repealed. Laws 2011, LB 387, § 18.

(n) NEBRASKA VENTURE CAPITAL FORUM ACT

81-12,106 Repealed. Laws 2009, LB 3, § 1.

81-12,107 Repealed. Laws 2009, LB 3, § 1.

81-12,108 Repealed. Laws 2009, LB 3, § 1.

81-12,109 Repealed. Laws 2009, LB 3, § 1.

81-12,110 Repealed. Laws 2009, LB 3, § 1.

81-12,111 Repealed. Laws 2009, LB 3, § 1.

81-12,112 Repealed. Laws 2009, LB 3, § 1.

81-12,113 Repealed. Laws 2009, LB 3, § 1.

81-12,114 Repealed. Laws 2009, LB 3, § 1.

81-12,115 Repealed. Laws 2009, LB 3, § 1.

81-12,116 Repealed. Laws 2009, LB 3, § 1.

(o) NEBRASKA OPPORTUNITY ZONE ACT

81-12,122 Repealed. Laws 2012, LB 782, § 253.

Operative date July 19, 2012.

(p) BUILDING ENTREPRENEURIAL COMMUNITIES ACT

81-12,125 Repealed. Laws 2011, LB 387, § 18.

81-12,126 Repealed. Laws 2011, LB 387, § 18.

81-12,127 Repealed. Laws 2011, LB 387, § 18.

81-12,128 Repealed. Laws 2011, LB 387, § 18.

(q) NEBRASKA OPERATIONAL ASSISTANCE ACT

81-12,135 Information regarding activities; department; report.

The Department of Economic Development shall submit information regarding its activities under the Nebraska Operational Assistance Act as part of the department's annual status report under section 81-1201.11.

Source: Laws 2007, LB425, § 7; Laws 2011, LB404, § 8.

(r) SMALL BUSINESS INNOVATION ACT

81-12,136 Act, how cited.

Sections 81-12,136 to 81-12,143 shall be known and may be cited as the Small Business Innovation Act.

Source: Laws 2011, LB345, § 1.

Termination date December 31, 2013.

81-12,137 Legislative intent.

It is the intent of the Legislature to evolve Nebraska's economic development and job creation policies in order to remain competitive by adopting recommendations from the statewide strategic plan developed by the Innovation and Entrepreneurship Task Force. The strategic plan recognizes that Nebraska's current policy tools targeted to fostering high-wage job growth among small businesses, entrepreneurs, and innovators have not kept pace with other states and jurisdictions. Nebraska has a clear opportunity to improve our entrepreneurial ecosystem by adopting proactive policy solutions with demonstrated positive results.

Source: Laws 2011, LB345, § 2.

Termination date December 31, 2013.

81-12,138 Terms, defined.

For purposes of the Small Business Innovation Act:

- (1) Department means the Department of Economic Development;
- (2) Nebraska-based growth business means a corporation, partnership, limited liability company, limited partnership, or limited liability partnership registered with the Secretary of State that has five to fifty employees and annual sales revenue of no less than five hundred thousand dollars and no more than two million five hundred thousand dollars; and
- (3) Small business innovation means the provision of technical resources to locally owned and operated Nebraska-based growth businesses to foster development, growth, and high-wage job creation.

Source: Laws 2011, LB345, § 3.

Termination date December 31, 2013.

81-12,139 Department; contract authorized.

The department may enter into a contract with a Nebraska-based nonprofit entity, small business development center, community development corporation, Nebraska-based institution of higher education, chamber of commerce, or regional development district for the purpose of carrying out the Small Business Innovation Act.

Source: Laws 2011, LB345, § 4.

Termination date December 31, 2013.

81-12,140 Pilot program; established.

(1) The Legislature hereby establishes a statewide pilot program to support and assist up to forty Nebraska-based growth businesses. At least one-half of the businesses assisted under the Small Business Innovation Act shall be located in counties with a population of fewer than fifty thousand inhabitants.

(2) The pilot program shall provide technical assistance to Nebraska-based growth businesses that includes:

(a) Economic gardening components and information tools, including industry trends, industry financial data, state and national demographic trends, competitive intelligence, and marketing lists; and

(b) Decisionmaking tools, including strategy analysis, management team makeup, capital referrals, and labor referrals.

Source: Laws 2011, LB345, § 5.

Termination date December 31, 2013.

81-12,141 Legislative intent for appropriations.

It is the intent of the Legislature to appropriate two hundred thousand dollars from the General Fund for FY2011-12 and two hundred thousand dollars from the General Fund for FY2012-13 for the purpose of providing funding to carry out the Small Business Innovation Act.

Source: Laws 2011, LB345, § 6.

Termination date December 31, 2013.

81-12,142 Report; contents.

The department shall prepare and present electronically a report to the Legislature by December 1, 2013, on the Small Business Innovation Act that includes, but is not limited to, businesses assisted, aggregate change in sales revenue, number of jobs created, and range of newly created jobs that includes an average wage.

Source: Laws 2011, LB345, § 7; Laws 2012, LB782, § 194.
Operative date July 19, 2012.
Termination date December 31, 2013.

81-12,143 Act; termination.

The Small Business Innovation Act terminates on December 31, 2013.

Source: Laws 2011, LB345, § 8.
Termination date December 31, 2013.

(s) SITE AND BUILDING DEVELOPMENT ACT

81-12,144 Act, how cited.

Sections 81-12,144 to 81-12,151 shall be known and may be cited as the Site and Building Development Act.

Source: Laws 2011, LB388, § 1.

81-12,145 Legislative findings.

The Legislature finds that current economic conditions, lack of available industrial sites and buildings, and declining resources at all levels of government adversely affect the ability of Nebraska's cities and villages to obtain viable industrial sites on which to build businesses, obtain buildings, and create jobs. Lack of industrial sites and buildings also affects the ability of communities to maintain and develop stable and growth-prone economies.

Furthermore, the Legislature finds that Nebraska is at a competitive disadvantage for business development relative to other states in the nation due to a lack of appropriately sized industrial sites and buildings available for business relocations to Nebraska and expansions. The future of investment and jobs in Nebraska will suffer should the state continue to ignore this challenge.

To enhance the economic development of the state and to provide for the general prosperity of all of Nebraska's citizens, it is in the public interest to assist in the provision of industrial-ready sites and buildings in all areas of the state. The establishment of the Site and Building Development Fund will assist in creating conditions favorable to meeting the industrial readiness of the state.

Source: Laws 2011, LB388, § 2.

81-12,146 Site and Building Development Fund; created; funding.

The Site and Building Development Fund is created. The fund shall receive money pursuant to section 76-903 and may include revenue from appropriations from the Legislature, grants, private contributions, repayment of loans, and all other sources. The Department of Economic Development, as part of its comprehensive business development strategy, shall administer the fund.

The State Treasurer shall transfer one million dollars from the Affordable Housing Trust Fund to the Site and Building Development Fund on or after January 1, 2012, but no later than January 10, 2012.

The State Treasurer shall transfer one million dollars from the Affordable Housing Trust Fund to the Site and Building Development Fund on or after January 1, 2013, but no later than January 10, 2013.

Source: Laws 2011, LB388, § 3.

81-12,147 Site and Building Development Fund; use; eligible activities.

The Department of Economic Development shall use the Site and Building Development Fund to finance loans, grants, subsidies, credit enhancements, and other financial assistance for industrial site and building development and for expenses of the department as appropriated by the Legislature for administering the fund. The following activities are eligible for assistance from the fund:

(1) Grants or zero-interest loans to villages, cities, or counties to acquire land, infuse infrastructure, or otherwise make large sites and buildings ready for industrial development;

(2) Matching funds for new construction, rehabilitation, or acquisition of land and buildings to assist villages, cities, and counties;

(3) Technical assistance, design and finance services, and consultation for villages, cities, and counties for the creation of industrial-ready sites and buildings;

(4) Loan guarantees for eligible projects;

(5) Projects making industrial-ready sites and buildings more accessible to business and industry; and

(6) Infrastructure projects necessary for the development of industrial-ready sites and buildings.

Source: Laws 2011, LB388, § 4.

81-12,148 Entities eligible to receive assistance; matching funds.

Governmental subdivisions and Nebraska nonprofit organizations are eligible to receive assistance under the Site and Building Development Act. Any entity receiving assistance under the act shall provide, or cause to be provided, matching funds for the eligible activity in an amount determined by the Department of Economic Development, which amount shall be at least equal to one hundred percent of the amount of assistance provided by the Site and Building Development Fund. Nothing in the act shall be construed to allow individuals or businesses to receive direct loans from the fund.

Source: Laws 2011, LB388, § 5.

81-12,149 Department; allocate funds; qualified action plan; contents; powers of department.

(1) During each calendar year in which funds are available from the Site and Building Development Fund for use by the Department of Economic Development, the department shall allocate a specific amount of funds, not less than forty percent, to nonmetropolitan areas. For purposes of this section, nonmetropolitan areas means counties with fewer than one hundred thousand inhabitants according to the most recent federal decennial census. In selecting projects to receive fund assistance, the department shall develop a qualified action plan by January 1 of each even-numbered year. The plan shall give first priority to

financially viable projects that have an agreement with a business that will locate a site within ninety days of the signed agreement. The plan shall set forth selection criteria to be used to determine priorities of the fund which are appropriate to local conditions, including the community's immediate need for site and building development, proposed increases in jobs and investment, private dollars leveraged, level of local government support and participation, and repayment, in part or in whole, of financial assistance awarded by the fund. The Director of Economic Development, in consultation with the Economic Development Commission, shall submit the plan to the Governor for approval.

(2) The department shall fund in order of priority as many applications as will utilize available funds less actual administrative costs of the department in administering the program. In administering the program the department may contract for services or directly provide funds to other governmental entities or instrumentalities.

Source: Laws 2011, LB388, § 6.

81-12,150 Rules and regulations.

The Department of Economic Development, in consultation with the Economic Development Commission, shall adopt and promulgate rules and regulations to carry out the Site and Building Development Act.

Source: Laws 2011, LB388, § 7.

81-12,151 Annual report.

The Department of Economic Development shall submit electronically an annual report regarding the Site and Building Development Act to the Legislature no later than July 1 of each year beginning July 1, 2012. The report shall contain no information that is protected by state or federal confidentiality laws.

Source: Laws 2011, LB388, § 8; Laws 2012, LB782, § 195.

Operative date July 19, 2012.

(t) BUSINESS INNOVATION ACT

81-12,152 Act, how cited.

Sections 81-12,152 to 81-12,167 shall be known and may be cited as the Business Innovation Act.

Source: Laws 2011, LB387, § 1.

Termination date October 1, 2016.

81-12,153 Terms, defined.

For purposes of the Business Innovation Act:

(1) Department means the Department of Economic Development;

(2) Distressed area means a municipality, a county with a population of fewer than one hundred thousand inhabitants according to the most recent federal decennial census, an unincorporated area within a county, or a census tract in Nebraska that (a) has an unemployment rate which exceeds the statewide average unemployment rate, (b) has a per capita income below the statewide average per capita income, or (c) had a population decrease between the two most recent federal decennial censuses;

(3) Federal grant program means the federal Small Business Administration's Small Business Innovation Research grant program;

(4) Microenterprise means a for-profit business entity with not more than ten full-time equivalent employees;

(5) Prototype means an original model on which something is patterned by a resident of Nebraska or a company located in Nebraska; and

(6) Value-added agriculture means increasing the net worth of food or nonfood agricultural products by processing, alternative production and handling methods, collective marketing, or other innovative practices.

Source: Laws 2011, LB387, § 2.

Termination date October 1, 2016.

81-12,154 Purpose of act.

The purpose of the Business Innovation Act is to encourage and support the transfer of Nebraska-based technology and innovation in rural and urban areas of Nebraska in order to create high growth, high technological companies, small businesses, and microenterprises and to enhance creation of wealth and quality jobs. The Legislature finds that the act will:

(1) Provide technical assistance planning grants pursuant to section 81-12,157 to facilitate phase one applications for the federal grant program;

(2) Provide financial assistance pursuant to section 81-12,157 to companies receiving phase one and phase two grants pursuant to the federal grant program;

(3) Provide financial assistance pursuant to section 81-12,158 to companies or individuals creating prototypes;

(4) Establish a financial assistance program pursuant to section 81-12,159 for innovation in value-added agriculture;

(5) Establish a financial assistance program pursuant to section 81-12,160 to identify commercial products and processes;

(6) Provide financial assistance pursuant to section 81-12,161 to companies using Nebraska public or private college and university researchers and facilities for applied research projects; and

(7) Provide support and funding pursuant to section 81-12,162 for microlending and microenterprise entities.

Source: Laws 2011, LB387, § 3.

Termination date October 1, 2016.

81-12,155 Qualified action plan; department; duties; contents.

In selecting projects to receive financial assistance under the Business Innovation Act, the department shall develop a qualified action plan by January 1 of each even-numbered year. The plan shall set forth selection criteria to be used to determine priorities which are appropriate to local conditions and the state's economy, including the state's immediate need for innovation development, proposed increases in jobs and investment, private dollars leveraged, industry support and participation, and repayment, in part or in whole, of

financial assistance awarded under the act. The Economic Development Commission shall submit the plan to the Governor for approval.

Source: Laws 2011, LB387, § 4.
Termination date October 1, 2016.

81-12,156 Funding; use.

At least forty percent of the funding for financial assistance programs in sections 81-12,157 to 81-12,162 shall be used for projects that best alleviate chronic economic distress in distressed areas.

Source: Laws 2011, LB387, § 5.
Termination date October 1, 2016.

81-12,157 Planning grants; phase one program; limitations.

(1) The department shall establish a phase one program to provide grants to small businesses that qualify under the federal grant program for the purposes of planning for an application under the federal grant program. If a small business receives funding under the federal grant program, the department or a nonprofit entity designated by the department may make grants to match up to sixty-five percent of the amount of the federal grant.

(2) Planning grants under subsection (1) of this section shall not exceed five thousand dollars per project. Federal award matching grants under this section shall not exceed one hundred thousand dollars. No business shall receive funding for more than one project every two years.

(3) The department shall not award more than one million dollars per year for grants under this section.

Source: Laws 2011, LB387, § 6.
Termination date October 1, 2016.

81-12,158 Financial assistance program to create prototype of certain products; established; funds; match required; limitation.

(1) The department shall establish a financial assistance program to provide financial assistance to businesses that employ no more than five hundred employees or to individuals for the purposes of creating a prototype of a product stemming from research and development at a business operating in Nebraska or a public or private college or university in Nebraska.

(2) Funds shall be matched by nonstate funds equivalent in money equal to fifty percent of the funds requested. Matching funds may be from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities, or commercial lending institutions, or any other funds whose source does not include funds appropriated by the Legislature. The amount the department may provide shall not exceed fifty thousand dollars per project.

(3) A business or individual applying for financial assistance under this section shall include a business plan that includes a proof-of-concept demonstration.

(4) Financial assistance under this section shall be expended within twenty-four months after the date of the awarding decision.

(5) The department shall not award more than one million dollars per year for financial assistance under this section.

Source: Laws 2011, LB387, § 7.

Termination date October 1, 2016.

81-12,159 Innovation in value-added agriculture program; established; purpose; eligibility; match required; limitation.

(1) The department shall establish an innovation in value-added agriculture program. The purpose of this program is to provide financial assistance to:

(a) Support small enterprise formation in the agricultural sector of Nebraska's rural economy, including innovative efforts for value-added enterprises;

(b) Support the development of agricultural communities and economic opportunity through innovation in farming and ranching operations, rural communities, and businesses for the development of value-added agricultural products;

(c) Enhance the income and opportunity for farming and ranching operations in Nebraska in order to stem the decline in their numbers;

(d) Increase the farming and ranching operations' share of the food-system profit;

(e) Enhance opportunities for farming and ranching operations to participate in electronic commerce and new and emerging markets that strengthen rural economic opportunities; and

(f) Encourage the production and marketing of specialty crops in Nebraska and support the creation and development of agricultural enterprises and businesses that produce and market specialty crops in Nebraska.

(2) Agricultural cooperatives, farming or ranching operations, and private businesses and enterprises operating in Nebraska shall be eligible for financial assistance under this section.

(3) An entity receiving financial assistance shall provide a match of twenty-five percent for such assistance.

(4) The department shall not award more than one million dollars per year for financial assistance under this section.

Source: Laws 2011, LB387, § 8.

Termination date October 1, 2016.

81-12,160 Financial assistance program to commercialize product or process; established; purpose; funds; match required; limitation.

(1) The department shall establish a financial assistance program to provide financial assistance to businesses operating in Nebraska that employ no more than five hundred employees or to individuals that have a prototype of a product or process for the purposes of commercializing such product or process. The applicant shall submit a feasibility study stating the potential sales and profit projections for the product or process.

(2) The department shall create a program with the following provisions to support commercialization of a product or process:

(a) Commercialization infrastructure documentation, including market assessments and start-up strategic planning;

- (b) Promotion, marketing, advertising, and consulting;
- (c) Management and business planning support;
- (d) Linking companies and entrepreneurs to mentors;
- (e) Preparing companies and entrepreneurs to acquire venture capital; and
- (f) Linking companies to sources of capital.

(3) Funds shall be matched by nonstate funds equal to fifty percent of the funds requested. Matching funds may be from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities, or commercial lending institutions, or any other funds whose source does not include funds appropriated by the Legislature.

(4) The department shall not provide more than five hundred thousand dollars to any one project, and such financial assistance shall not exceed fifty percent of the cost of the project. The department shall not award more than two million dollars per year for financial assistance under this section.

(5) Financial assistance provided under this section shall be expended within twenty-four months after the date of the awarding decision.

Source: Laws 2011, LB387, § 9.

Termination date October 1, 2016.

81-12,161 Financial assistance program relating to college or university research and development; established; funds; match required; limitation.

(1) The department shall establish a financial assistance program to provide financial assistance to businesses operating in Nebraska that use the faculty or facilities of a public or private college or university in Nebraska for applied research and development of new products or use intellectual property generated at a public or private college or university in Nebraska.

(2) A business may apply for up to two awards in any four-year period per project. The department may provide up to one hundred thousand dollars for the first phase of a project. If the first phase is successful and agreed-upon contractual requirements are met during the first phase, the department may provide up to four hundred thousand dollars for the second phase of the project.

(3) Funds shall be matched by nonstate funds equivalent in money equal to one hundred percent of the funds requested for both phases of the program. Matching funds may be from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities, or commercial lending institutions, or any other funds whose source does not include funds appropriated by the Legislature.

(4) The department shall not award more than three million dollars per year for financial assistance under this section.

Source: Laws 2011, LB387, § 10.

Termination date October 1, 2016.

81-12,162 Small business investment program; established; award; criteria; considerations; funds; match required; department; contracts authorized; limitation.

(1) The department shall establish a small business investment program. The program:

(a) Shall provide grants to microloan delivery or microloan technical assistance organizations to:

(i) Better assure that Nebraska's microenterprises are able to realize their full potential to create jobs, enhance entrepreneurial skills and activity, and increase low-income households' capacity to become self-sufficient;

(ii) Provide funding to foster the creation of microenterprises;

(iii) Establish the department as the coordinating office for the facilitation of microlending and microenterprise development;

(iv) Facilitate the development of a permanent, statewide infrastructure of microlending support organizations to serve Nebraska's microenterprise and self-employment sectors;

(v) Enable the department to provide grants to community-based microenterprise development organizations in order to encourage the development and growth of microenterprises throughout Nebraska; and

(vi) Enable the department to engage in contractual relationships with statewide microlending support organizations which have the capacity to leverage additional nonstate funds for microenterprise lending.

To the maximum extent possible, the selection process should assure that the distribution of such financial assistance provides equitable access to the benefits of the Business Innovation Act by all geographic areas of the state; and

(b) May identify and coordinate other state and federal sources of funds which may be available to the department to enhance the state's ability to facilitate financial assistance pursuant to the program.

(2) To establish the criteria for making an award to a microloan delivery or microloan technical assistance organization, the department shall consider:

(a) The plan for providing business development services and microloans to microenterprises;

(b) The scope of services to be provided by the microloan delivery or microloan technical assistance organization;

(c) The plan for coordinating the services and loans provided by the microloan delivery or microloan technical assistance organization with commercial lending institutions;

(d) The geographic representation of all regions of the state, including both urban and rural communities and neighborhoods;

(e) The ability of the microloan delivery or microloan technical assistance organization to provide for business development in areas of chronic economic distress and low-income regions of the state;

(f) The ability of the microloan delivery or microloan technical assistance organization to provide business training and technical assistance to microenterprise clients;

(g) The ability of the microloan delivery or microloan technical assistance organization to monitor and provide financial oversight of recipients of microloans; and

(h) Sources and sufficiency of operating funds for the microenterprise development organization.

(3) Awards made by the department to a microloan delivery or microloan technical assistance organization may be used to:

- (a) Satisfy matching fund requirements for other federal or private grants;
 - (b) Establish a revolving loan fund from which the microloan delivery or microloan technical assistance organization may make loans to microenterprises;
 - (c) Establish a guaranty fund from which the microloan delivery or microloan technical assistance organization may guarantee loans made by commercial lending institutions to microenterprises;
 - (d) Provide funding for the operating costs of a microloan delivery or microloan technical assistance organization not to exceed twenty percent; and
 - (e) Provide grants to establish loan-loss reserve funds to match loan capital borrowed from other sources, including federal microenterprise loan programs.
- (4) Any award of financial assistance to a microloan delivery or microloan technical assistance organization shall meet the following qualifications:
- (a) Funds shall be matched by nonstate funds equivalent in money or in-kind contributions or a combination of both equal to thirty-five percent of the grant funds requested. Such matching funds may be from any nonstate source, including private foundations, federal or local government sources, quasi-governmental entities, or commercial lending institutions, or any other funds whose source does not include funds appropriated by the Legislature;
 - (b) At least seventy percent of microloan funds shall be disbursed in microloans which do not exceed fifty thousand dollars or used to capitalize loan-loss reserve funds for such loans; and
 - (c) At least thirty percent of the microloan funds shall be used by microenterprise development assistance organizations for small business technical assistance.
- The department may contract with one or more statewide microenterprise development assistance organizations to carry out this section.
- (5) Each year the department shall award at least five hundred thousand dollars but not more than one million dollars under this section.

Source: Laws 2011, LB387, § 11.
Termination date October 1, 2016.

81-12,163 Appropriations; legislative intent.

- (1) It is the intent of the Legislature to appropriate seven million dollars from the General Fund to the department for the Business Innovation Act for each of fiscal years 2011-12 and 2012-13.
- (2) Up to five percent of the funds appropriated may be used by the department, or by a nonprofit entity with which the department contracts, for administrative expenses.

Source: Laws 2011, LB387, § 12.
Termination date October 1, 2016.

81-12,164 Rules and regulations.

The department, in consultation with the Economic Development Commission, may adopt and promulgate rules and regulations to carry out the Business Innovation Act, including application procedures.

Source: Laws 2011, LB387, § 13.
Termination date October 1, 2016.

81-12,165 Department; contract authorized.

The department may enter into a contract with a Nebraska-based nonprofit entity for the purposes of carrying out any or all of the provisions of the Business Innovation Act.

Source: Laws 2011, LB387, § 14.
Termination date October 1, 2016.

81-12,166 Report; contents.

The department shall submit an annual report to the Governor and the Legislature on or before July 1 of each year which includes, but is not limited to, a description of the demand for financial assistance and programs under the Business Innovation Act from all geographic regions in Nebraska, a listing of the recipients and amounts of financial assistance awarded pursuant to the act in the previous fiscal year, the impact of the financial assistance, and an evaluation of the act's performance based on the documented goals of the recipients. The report submitted to the Legislature shall be submitted electronically. The department may require recipients to provide periodic performance reports to enable the department to fulfill the requirements of this section. The report shall contain no information that is protected by state or federal confidentiality laws.

Source: Laws 2011, LB387, § 15; Laws 2012, LB782, § 196.
Operative date July 19, 2012.
Termination date October 1, 2016.

81-12,167 Act; termination.

The Business Innovation Act terminates on October 1, 2016.

Source: Laws 2011, LB387, § 16.
Termination date October 1, 2016.

ARTICLE 13 PERSONNEL

(a) STATE PERSONNEL SERVICE

Section

- 81-1307.01. Director of Personnel; salary survey; duties.
81-1316. State Personnel System; exemptions.
81-1327. World Day on the Mall Cash Fund; created; use; investment.

(b) AFFIRMATIVE ACTION PROGRAM

- 81-1360. Affirmative Action Administrator; duties; enumerated.

(c) STATE EMPLOYEES COLLECTIVE BARGAINING ACT

- 81-1369. Act, how cited.
81-1371. Terms, defined.
81-1372. Act; supplementary to Industrial Relations Act.
81-1373. Bargaining units; created; other employee units.
81-1374. Repealed. Laws 2011, LB 397, § 36.
81-1375. Certified collective-bargaining agents; procedures applicable.
81-1376. Division of Employee Relations; created; Chief Negotiator; powers and duties.
81-1378. Computation of dates; effect.
81-1379. Negotiations; when commenced and completed; negotiated agreements; requirements; supplementary bargaining.
81-1380. Repealed. Laws 2011, LB 397, § 36.

Section

- 81-1381. Submission to mediator; selection of mediator.
 81-1382. Unresolved issues; final offers; prehearing conference; commission; authority.
 81-1383. Commission order; commission; powers; duties; procedure; modification; appeal.
 81-1384. Chief or appointed negotiator; report.
 81-1385. Commission proceeding; effect on employment; order; interest.
 81-1386. Prohibited practices; enumerated; expressions permitted.
 81-1387. Prohibited practices; proceedings; appeal; grounds.
 81-1389. Repealed. Laws 2011, LB 397, § 36.
 81-1390. Repealed. Laws 2011, LB 397, § 36.

(d) STATE EMPLOYEES

- 81-1394. Participation in employee discount program; authorized.

(a) STATE PERSONNEL SERVICE

81-1307.01 Director of Personnel; salary survey; duties.

The Director of Personnel shall measure, through the use of salary surveys, the competitive standing of state salaries with salary levels of the labor market. The State Personnel Board shall review the methodology and results of the survey. A report of the survey findings, including the board's review, shall be provided to the Legislature and the Governor along with the recommendations regarding wages, hours, and terms and conditions of employment for unorganized employees by the Chief Negotiator pursuant to section 81-1376. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1987, LB 661, § 33; Laws 2012, LB782, § 197.
 Operative date July 19, 2012.

81-1316 State Personnel System; exemptions.

(1) All agencies and personnel of state government shall be covered by sections 81-1301 to 81-1319 and shall be considered subject to the State Personnel System, except the following:

- (a) All personnel of the office of the Governor;
- (b) All personnel of the office of the Lieutenant Governor;
- (c) All personnel of the office of the Secretary of State;
- (d) All personnel of the office of the State Treasurer;
- (e) All personnel of the office of the Attorney General;
- (f) All personnel of the office of the Auditor of Public Accounts;
- (g) All personnel of the Legislature;
- (h) All personnel of the court systems;
- (i) All personnel of the Board of Educational Lands and Funds;
- (j) All personnel of the Public Service Commission;
- (k) All personnel of the Nebraska Brand Committee;
- (l) All personnel of the Commission of Industrial Relations;
- (m) All personnel of the State Department of Education;
- (n) All personnel of the Nebraska state colleges and the Board of Trustees of the Nebraska State Colleges;
- (o) All personnel of the University of Nebraska;

(p) All personnel of the Coordinating Commission for Postsecondary Education;

(q) All personnel of the Governor’s Policy Research Office, but not to include personnel within the State Energy Office;

(r) All personnel of the Commission on Public Advocacy;

(s) All agency heads;

(t)(i) The Director of Behavioral Health of the Division of Behavioral Health; (ii) the Director of Children and Family Services of the Division of Children and Family Services; (iii) the Director of Developmental Disabilities of the Division of Developmental Disabilities; (iv) the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care; (v) the Director of Public Health of the Division of Public Health; and (vi) the Director of Veterans’ Homes of the Division of Veterans’ Homes;

(u) The chief medical officer established under section 81-3115, the Administrator of the Office of Juvenile Services, and the chief executive officers of the Beatrice State Developmental Center, Lincoln Regional Center, Norfolk Regional Center, Hastings Regional Center, Grand Island Veterans’ Home, Norfolk Veterans’ Home, Eastern Nebraska Veterans’ Home, Western Nebraska Veterans’ Home, Youth Rehabilitation and Treatment Center-Kearney, and Youth Rehabilitation and Treatment Center-Geneva;

(v) The chief executive officers of all facilities operated by the Department of Correctional Services and the medical director for the department appointed pursuant to section 83-4,156;

(w) All personnel employed as pharmacists, physicians, psychiatrists, or psychologists by the Department of Correctional Services;

(x) All personnel employed as pharmacists, physicians, psychiatrists, psychologists, service area administrators, or facility operating officers of the Department of Health and Human Services;

(y) Deputies and examiners of the Department of Banking and Finance and the Department of Insurance as set forth in sections 8-105 and 44-119, except for those deputies and examiners who remain in the State Personnel System; and

(z) All personnel of the Tax Equalization and Review Commission.

(2) At each agency head’s discretion, up to the following number of additional positions may be exempted from the State Personnel System, based on the following agency size categories:

Number of Agency Employees	Number of Noncovered Positions
less than 25	0
25 to 100	1
101 to 250	2
251 to 500	3
501 to 1000	4
1001 to 2000	5
2001 to 3000	8
3001 to 4000	11
4001 to 5000	14
over 5000	50

The purpose of having such noncovered positions shall be to allow agency heads the opportunity to recruit, hire, and supervise critical, confidential, or policymaking personnel without restrictions from selection procedures, compensation rules, career protections, and grievance privileges. Persons holding the noncovered positions shall serve at the pleasure of the agency head and shall be paid salaries set by the agency head. An agency with over five thousand employees shall provide notice in writing to the Health and Human Services Committee of the Legislature when forty noncovered positions have been filled by the agency head pursuant to this subsection.

(3) No changes to this section or to the number of noncovered positions within an agency shall affect the status of personnel employed on the date the changes become operative without their prior written agreement. A state employee's career protections or coverage by personnel rules and regulations shall not be revoked by redesignation of the employee's position as a noncovered position without the prior written agreement of such employee.

Source: Laws 1967, c. 573, § 16, p. 1896; Laws 1969, c. 802, § 8, p. 3025; Laws 1971, LB 637, § 1; Laws 1987, LB 491, § 13; Laws 1988, LB 1106, § 1; Laws 1996, LB 1044, § 867; Laws 1998, LB 1073, § 165; Laws 2000, LB 654, § 41; Laws 2002, LB 876, § 86; Laws 2002, LB 1062, § 65; Laws 2003, LB 85, § 3; Laws 2003, LB 245, § 16; Laws 2006, LB 994, § 114; Laws 2007, LB296, § 756; Laws 2008, LB745, § 1; Laws 2008, LB965, § 23; Laws 2011, LB218, § 1.

Cross References

For other exemptions, see sections 49-14,121 and 72-1242.

81-1327 World Day on the Mall Cash Fund; created; use; investment.

The World Day on the Mall Cash Fund is created. The fund shall consist of sums that are contributed as gifts, donations, grants, or bequests to provide multicultural or diversity education, training, and events. The fund shall be used by the personnel division of the Department of Administrative Services for the administration of multicultural or diversity education, training, and events. 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.

Source: Laws 2012, LB969, § 13.
Operative date April 3, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(b) AFFIRMATIVE ACTION PROGRAM

81-1360 Affirmative Action Administrator; duties; enumerated.

The administrator shall be the head of the office. The administrator shall be given all necessary top management support to insure that there is compliance with Nebraska's program and shall be provided with sufficient staff and budget support to carry out the duties of the office. The administrator shall:

(1) Have the authority and responsibility for coordinating, directing, and implementing the program;

- (2) Adopt and promulgate rules and regulations for the implementation of the agencies' plans;
- (3) Provide counseling and technical assistance to the agencies in the development of their plans;
- (4) Review agency plans and direct modification to insure the effectiveness of the plans and their compliance with the program;
- (5) Monitor the progress of agency plans by establishing reporting forms as required by the program;
- (6) Review the quarterly reports of the agencies;
- (7) Monitor the progress of the program and report quarterly to the Governor;
- (8) Make formal recommendations for legislation, when necessary, in order to make changes in the program;
- (9) Serve as liaison between the state and federal compliance agencies;
- (10) Plan, coordinate, and conduct training in equal employment opportunity, racial awareness, and concerns of women, the disabled, and aging for all segments of the state government work force;
- (11) Coordinate the activities of the agency affirmative action individual in each agency;
- (12) Investigate any complaints involving unfair treatment, terms and conditions of employment, or perceived acts or policies involving discrimination;
- (13) Conduct contract compliance reviews on all vendors, grantees, and contractors who have programs or projects which are funded in whole or in part by state funds;
- (14) Coordinate the Disadvantage Business Enterprise and Women Business Enterprise programs which are funded in whole or in part by state or federal funds; and
- (15) Submit an annual report to the Governor and Legislature. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1979, LB 500, § 6; Laws 1987, LB 491, § 20; Laws 2012, LB782, § 198.
Operative date July 19, 2012.

(c) STATE EMPLOYEES COLLECTIVE BARGAINING ACT

81-1369 Act, how cited.

Sections 81-1369 to 81-1388 shall be known and may be cited as the State Employees Collective Bargaining Act.

Source: Laws 1987, LB 661, § 1; Laws 2011, LB397, § 19.

81-1371 Terms, defined.

For purposes of the State Employees Collective Bargaining Act, unless the context otherwise requires:

- (1) Chief Negotiator shall mean the Chief Negotiator of the Division of Employee Relations of the Department of Administrative Services;
- (2) Commission shall mean the Commission of Industrial Relations;

(3) Division shall mean the Division of Employee Relations of the Department of Administrative Services;

(4) Employee or state employee shall mean any employee of the State of Nebraska;

(5) Employer or state employer shall mean the State of Nebraska and shall not include any political subdivision thereof;

(6) Employer-representative shall mean (a) for negotiations involving employees of the University of Nebraska, the Board of Regents, (b) for negotiations involving employees of the Nebraska state colleges, the Board of Trustees of the Nebraska State Colleges, (c) for negotiations involving employees of other constitutional agencies, the governing officer or body for each such agency, and (d) for negotiations involving other state employees, the Governor;

(7) Grievance shall mean a management action resulting in an injury, injustice, or wrong involving a misinterpretation or misapplication of applicable labor contracts if so agreed to by the appropriate parties;

(8) Issue shall mean broad subjects of negotiation which are presented to the commission pursuant to section 81-1382. All aspects of wages shall be a single issue, all aspects of insurance shall be a single issue, and all other subjects of negotiations classified in broad categories shall be single issues;

(9) Mandatory topic or topics of bargaining shall mean those subjects of negotiation on which employers must negotiate pursuant to the Industrial Relations Act, including terms and conditions of employment which may otherwise be provided by law for state employees, except when specifically prohibited by law from being a subject of bargaining; and

(10) Meet-and-confer rights shall mean the rights of employees to discuss wages, hours, and other terms and conditions of employment with the appropriate employer-representative but shall not require either party to enter into a written agreement. Employees afforded meet-and-confer rights shall not be entitled to utilize the impasse resolution procedures provided in the State Employees Collective Bargaining Act or to file a petition with the commission invoking its jurisdiction as provided in the Industrial Relations Act for the purpose of obtaining an order or orders under section 48-818. Meet-and-confer rights shall not apply to any bargaining unit other than a supervisory unit.

Source: Laws 1987, LB 661, § 3; Laws 1992, Third Spec. Sess., LB 14, § 25; Laws 2011, LB397, § 20.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1372 Act; supplementary to Industrial Relations Act.

The State Employees Collective Bargaining Act shall be deemed controlling for state employees and state employers covered by such act and is supplementary to the Industrial Relations Act except when otherwise specifically provided or when inconsistent with the Industrial Relations Act, in which case the State Employees Collective Bargaining Act shall prevail.

The State of Nebraska, its employees, employee organizations, and exclusive collective-bargaining agents shall have all the rights and responsibilities afforded employers, employees, employee organizations, and exclusive collective-

bargaining agents pursuant to the Industrial Relations Act to the extent that such act is not inconsistent with the State Employees Collective Bargaining Act.

Source: Laws 1987, LB 661, § 4; Laws 2011, LB397, § 21.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1373 Bargaining units; created; other employee units.

(1) For the purpose of implementing the state employees' right to organize for the purpose of collective bargaining, there are hereby created twelve bargaining units for all state agencies except the University of Nebraska, the Nebraska state colleges, and other constitutional offices. The units shall consist of state employees whose job classifications are occupationally and functionally related and who share a community of interest. The bargaining units shall be:

(a) Maintenance, Trades, and Technical, which unit is composed of generally recognized blue collar and technical classes, including highway maintenance workers, carpenters, plumbers, electricians, print shop workers, auto mechanics, engineering aides and associates, and similar classes;

(b) Administrative Support, which unit is composed of clerical and administrative nonprofessional classes, including typists, secretaries, accounting clerks, computer operators, office service personnel, and similar classes;

(c) Health and Human Care Nonprofessional, which unit is composed of institutional care classes, including nursing aides, psychiatric aides, therapy aides, and similar classes;

(d) Social Services and Counseling, which unit is composed of generally professional-level workers providing services and benefits to eligible persons. Classes shall include job service personnel, income maintenance personnel, social workers, counselors, and similar classes;

(e) Administrative Professional, which unit is composed of professional employees with general business responsibilities, including accountants, buyers, personnel specialists, data processing personnel, and similar classes;

(f) Protective Service, which unit is composed of institutional security personnel, including correctional officers, building security guards, and similar classes;

(g) Law Enforcement, which unit is composed of employees holding powers of arrest, including Nebraska State Patrol officers and sergeants, conservation officers, fire marshal personnel, and similar classes. Sergeants, investigators, and patrol officers employed by the Nebraska State Patrol as authorized in section 81-2004 shall be presumed to have a community of interest with each other and shall be included in this bargaining unit notwithstanding any other provision of law which may allow for the contrary;

(h) Health and Human Care Professional, which unit is composed of community health, nutrition, and health service professional employees, including nurses, doctors, psychologists, pharmacists, dietitians, licensed therapists, and similar classes;

(i) Examining, Inspection, and Licensing, which unit is composed of employees empowered to review certain public and business activities, including driver-licensing personnel, revenue agents, bank and insurance examiners who

remain in the State Personnel System under sections 8-105 and 44-119, various public health and protection inspectors, and similar classes;

(j) Engineering, Science, and Resources, which unit is composed of specialized professional scientific occupations, including civil and other engineers, architects, chemists, geologists and surveyors, and similar classes;

(k) Teachers, which unit is composed of employees required to be licensed or certified as a teacher; and

(l) Supervisory, which unit is composed of employees who are supervisors as defined in section 48-801.

All employees who are excluded from bargaining units pursuant to the Industrial Relations Act, all employees of the personnel division of the Department of Administrative Services, and all employees of the Division of Employee Relations of the Department of Administrative Services shall be excluded from any bargaining unit of state employees.

(2) Any employee organization, including one which represents other state employees, may be certified or recognized as provided in the Industrial Relations Act as the exclusive collective-bargaining agent for a supervisory unit, except that such unit shall not have full collective-bargaining rights but shall be afforded only meet-and-confer rights.

(3) It is the intent of the Legislature that professional and managerial employee classifications and office and service employee classifications be grouped in broad occupational units for the University of Nebraska and the Nebraska state colleges established on a university-wide or college-system-wide basis, including all campuses within the system. Any unit entirely composed of supervisory employees of the University of Nebraska or the Nebraska state colleges shall be afforded only meet-and-confer rights. The bargaining units for academic, faculty, and teaching employees of the University of Nebraska and the Nebraska state colleges shall continue as they existed on April 9, 1987, plus the addition of Kearney State College, and any adjustments thereto or new units therefor shall continue to be determined pursuant to the Industrial Relations Act.

(4) Other constitutional offices shall continue to subscribe to the procedures for unit determination in the Industrial Relations Act, except that the commission is further directed to determine the bargaining units in such manner as to (a) reduce the effect of overfragmentation of bargaining units on the efficiency of administration and operations of the constitutional office and (b) be consistent with the administrative structure of the constitutional office. Any unit entirely composed of supervisory employees of a constitutional office shall be afforded only meet-and-confer rights.

Source: Laws 1987, LB 661, § 5; Laws 1988, LB 684, § 2; Laws 1989, LB 247, § 13; Laws 1992, Third Spec. Sess., LB 14, § 26; Laws 2003, LB 85, § 4; Laws 2011, LB397, § 22.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1374 Repealed. Laws 2011, LB 397, § 36.

81-1375 Certified collective-bargaining agents; procedures applicable.

Certified collective-bargaining agents representing bargaining units other than those prescribed in section 81-1373 shall not utilize the impasse proce-

dures provided for in sections 81-1381 to 81-1385 nor file a petition with the commission invoking its jurisdiction as provided in the Industrial Relations Act.

Source: Laws 1987, LB 661, § 7; Laws 2011, LB397, § 23.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1376 Division of Employee Relations; created; Chief Negotiator; powers and duties.

There is hereby created within the Department of Administrative Services the Division of Employee Relations to be headed by the Chief Negotiator who shall be appointed by, serve at the pleasure of, and represent the Governor. The Director of Administrative Services may serve as the Chief Negotiator. The division shall be responsible for negotiating and administering all labor contracts entered into by the State of Nebraska, except that the division shall not be responsible for contracts entered into by constitutional offices, the Board of Trustees of the Nebraska State Colleges, and the Board of Regents of the University of Nebraska.

The Chief Negotiator shall for agencies within the jurisdiction of the division:

(1) Negotiate or supervise the negotiations of labor contracts on a statewide basis;

(2) Be responsible for the administration of all collective-bargaining agreements, except that the Chief Negotiator may delegate such responsibility to designated representatives who may be employees of state agencies when the Chief Negotiator deems it appropriate;

(3) Be vested with authority on all mandatory topics of bargaining to negotiate the contracts. Contracts may adjust or change rates of pay and other terms and conditions of employment that are mandatory topics of bargaining pursuant to the Industrial Relations Act and the State Employees Collective Bargaining Act;

(4) Make recommendations to the Governor and Legislature regarding wages, hours, and conditions of employment for all unorganized employees. The recommendations submitted to the Legislature shall be submitted electronically;

(5) Consult with agency and department heads regarding possible terms of labor contracts and administration of agreements when appropriate; and

(6) Manage the day-to-day operations of the division.

The division and the Chief Negotiator may represent any of the constitutional offices in labor contract negotiations and administration of contracts if requested to do so by such offices by resolution of the governing officer or body submitted to the Chief Negotiator and affected collective-bargaining agent and filed with the commission.

The responsibilities for negotiating contracts with employees of the Nebraska state colleges and the University of Nebraska shall not be exercised by the division and the Chief Negotiator. The Board of Regents and the Board of

Trustees of the Nebraska State Colleges shall be responsible for negotiating contracts with exclusive collective-bargaining agents for their employees.

Source: Laws 1987, LB 661, § 8; Laws 1992, Third Spec. Sess., LB 14, § 28; Laws 1997, LB 314, § 21; Laws 2012, LB782, § 199. Operative date July 19, 2012.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1378 Computation of dates; effect.

(1) The dates indicated in sections 81-1379 to 81-1384 shall refer to those dates immediately preceding the beginning of the contract period for which negotiations are being conducted.

(2) When any date provided in sections 81-1379 to 81-1384 falls on a Saturday, a Sunday, or any day declared by statutory enactment or proclamations of the Governor to be a holiday, the next following day which is not a Saturday, a Sunday, or a day declared by the enactment or proclamation to be a holiday shall be deemed to be the day indicated by such date.

(3) The dates indicated in sections 81-1382 and 81-1383 are jurisdictional. Failure of either party to act in a timely manner shall result in a jurisdictional bar for either the commission or Supreme Court.

Source: Laws 1987, LB 661, § 10; Laws 2011, LB397, § 24.

81-1379 Negotiations; when commenced and completed; negotiated agreements; requirements; supplementary bargaining.

The Chief Negotiator and any other employer-representative and the exclusive collective-bargaining agent shall commence negotiations on or prior to the second Wednesday in September of the year preceding the beginning of the contract period, except that the first negotiations commenced by any bargaining unit may commence after such September date in order to accommodate any unresolved representation proceedings. All negotiations shall be completed on or before March 15 of the following year.

All negotiated agreements shall be in writing and signed by the parties. The authority to enter into the agreed-upon contract shall be vested in the following:

- (1) For the University of Nebraska, the Board of Regents;
- (2) For the Nebraska state colleges, the Board of Trustees of the Nebraska State Colleges;
- (3) For other constitutional offices, the head of such office;
- (4) For all other agencies, the Governor; and
- (5) For the bargaining unit, a majority of those voting on ratification after notice of the contract terms is given and a secret ballot vote has been taken.

Nothing in the State Employees Collective Bargaining Act shall be construed to prohibit supplementary bargaining on behalf of employees in part of a bargaining unit concerning matters uniquely affecting such employees or cooperation and coordination of bargaining between two or more bargaining units. Supplementary bargaining in regard to employees for whom the Governor is the employer-representative shall be the responsibility of the Chief Negotiator and may be assigned to his or her designated representative.

Any agreements entered into pursuant to this section may be adjusted after March 15 only to reflect any order issued by the commission or the Supreme Court.

Source: Laws 1987, LB 661, § 11; Laws 1991, LB 732, § 149; Laws 2011, LB397, § 25.

81-1380 Repealed. Laws 2011, LB 397, § 36.

81-1381 Submission to mediator; selection of mediator.

If the parties in labor contract negotiations do not reach a voluntary agreement by January 1, the dispute shall be submitted to a mediator mutually selected by the parties or appointed by the Federal Mediation and Conciliation Service. Mediation may continue indefinitely at the request of either party or when appropriate in the judgment of the mediator. If necessary, mediation may continue after the exchange of final offers.

Source: Laws 1987, LB 661, § 13; Laws 2011, LB397, § 26.

81-1382 Unresolved issues; final offers; prehearing conference; commission; authority.

(1) No later than January 10, the parties in labor contract negotiations shall reduce to writing and sign all agreed-upon issues and exchange final offers on each unresolved issue. Final offers may not be amended or modified without the concurrence of the other party.

(2) No later than January 15, the parties in labor contract negotiations shall submit all unresolved issues that resulted in impasse to the commission. No party shall submit an issue to the commission that was not subject to negotiations. The commission shall conduct a prehearing conference and shall have the authority to:

- (a) Determine whether the issues are ready for adjudication;
- (b) Accept stipulations;
- (c) Schedule hearings;
- (d) Prescribe rules of conduct for the hearings;
- (e) Order additional mediation if necessary; and
- (f) Take any other actions which may aid in the disposal of the action.

The commission may consult with the parties ex parte only with the concurrence of both parties.

Source: Laws 1987, LB 661, § 14; Laws 2011, LB397, § 27.

81-1383 Commission order; commission; powers; duties; procedure; modification; appeal.

(1) No later than March 1, the commission shall enter an order on each unresolved issue.

(2)(a) The commission's order shall establish rates of pay and conditions of employment which are comparable to the prevalent wage rates paid and conditions of employment maintained by peer employers for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions.

(b)(i) In establishing wage rates, the commission shall take into consideration the overall compensation received by the employees at the time of the negotiations, having regard to:

(A) Wages for time actually worked;

(B) Wages for time not worked, including vacations, holidays, and other excused time, and all benefits received, including insurance and pensions; and

(C) The continuity and stability of employment enjoyed by the employees.

(ii) The commission shall determine whether the total compensation of the members of the bargaining unit or classification falls within a ninety-eight percent to one hundred two percent range of the array's midpoint. If the total compensation falls within the ninety-eight percent to one hundred two percent range, the commission shall order no change in wage rates. If the total compensation is less than ninety-eight percent of the midpoint, the commission shall enter an order increasing wage rates to ninety-eight percent of the midpoint. If the total compensation is more than one hundred two percent of the midpoint, the commission shall enter an order decreasing wage rates to one hundred two percent of the midpoint. If the total compensation is more than one hundred seven percent of the midpoint, the commission shall enter an order reducing wage rates to one hundred two percent of the midpoint in three equal annual reductions. If the total compensation is less than ninety-three percent of the midpoint, the commission shall enter an order increasing wage rates to ninety-eight percent of the midpoint in three equal annual increases. If the commission finds that the year in dispute occurred during a time of recession, the applicable range will be ninety-five percent to one hundred two percent. For purposes of this section, recession occurrence means the two nearest quarters in time, excluding the immediately preceding quarter, to the effective date of the contract term in which the sum of the net state sales and use tax, individual income tax, and corporate income tax receipts are less than the same quarters for the prior year. Each of these receipts shall be rate and base adjusted for state law changes. The Department of Revenue shall report and publish such receipts on a quarterly basis.

(c) For purposes of determining peer employer comparability, the following factors shall be used by the commission:

(i) Geographic proximity of the employer;

(ii) Size of the employer, which shall not be more than twice or less than one-half, unless evidence establishes that there are substantial differences which cause the work or conditions of employment to be dissimilar;

(iii) The employer's budget for operations and personnel; and

(iv) Nothing in this subdivision (2)(c) of this section shall prevent parties from stipulating to an array member that does not otherwise meet the criteria in such subdivision, and nothing in such subdivision shall prevent parties from stipulating to less than seven or more than nine array members.

(d) To determine comparability for employees of the Board of Regents of the University of Nebraska or employees of the Board of Trustees of the Nebraska State Colleges, the commission shall utilize peer institutions with similar enrollments and similar educational missions which may exclude land grant institutions or institutions that have a medical center or hospital. Additionally, the commission shall refer to peer institutions with similar program offerings including the level of degrees offered.

(e) Any order or orders entered may be modified on the commission's own motion or on application by any of the parties affected, but only upon a showing of a new and material change in the conditions from those prevailing at the time the original order was entered.

(3) In cases filed under the State Employees Collective Bargaining Act, the commission shall not be bound by the usual common law or statutory rules of evidence or by any technical or formal rules of procedure, other than those adopted pursuant to section 48-809. The commission shall receive evidence relating to array selection, job match, and wages and benefits which have been assembled by telephone, electronic transmission, or mail delivery and any such evidence shall be accompanied by an affidavit from the employer or any other person with personal knowledge which affidavit shall demonstrate the affiant's personal knowledge and competency to testify on the matters therein. The commission, with the consent of the parties to the dispute and in the presence of the parties to the dispute, may contact an individual employed by an employer under consideration as an array member by telephone to inquire as to the nature or value of a working condition, wage, or benefit provided by that particular employer as long as the individual in question has personal knowledge about the information being sought. The commission may rely upon information gained in such inquiry for its decision. Opinion testimony shall be received by the commission based upon evidence provided in accordance with this subsection. Testimony concerning job match shall be received if job match inquiries were conducted by telephone, electronic transmission, or mail delivery if the witness providing such testimony verifies the method of such job match inquiry and analysis.

(4) The commission shall file its findings of fact and conclusions of law with its order.

(5) Either party may, within thirty days after the date such order is filed, appeal to the Supreme Court. The standard of review for any appeal to the Supreme Court shall be as provided in subsection (4) of section 48-825.

(6) The commission or the Supreme Court shall not enter an order for any period which is not the same as or included within the budget period for which the contract is being negotiated.

(7) All items agreed upon during the course of negotiations and not submitted as an unresolved issue to the commission shall, when ratified by the parties, take effect concurrent with the biennial budget period and shall constitute the parties' contract. Upon final resolution of appeals of all unresolved issues, the parties shall reduce the orders of the commission or the Supreme Court to writing and incorporate them into the contract without ratification.

Source: Laws 1987, LB 661, § 15; Laws 1991, LB 732, § 150; Laws 2011, LB397, § 28.

81-1384 Chief or appointed negotiator; report.

On March 16, the Chief Negotiator, any appointed negotiator for the Board of Regents, any appointed negotiator for the Board of Trustees of the Nebraska State Colleges, and any appointed negotiator for other constitutional offices shall report to the Legislature and the Governor on the status of negotiations.

The report submitted to the Legislature shall be submitted electronically. The Governor may amend his or her budget recommendations accordingly.

Source: Laws 1987, LB 661, § 16; Laws 2011, LB397, § 29; Laws 2012, LB782, § 200.

Operative date July 19, 2012.

81-1385 Commission proceeding; effect on employment; order; interest.

When an unresolved issue proceeds to the commission, there shall be no change in the term or condition of employment in effect in that issue or issues until the commission has ruled and any subsequent appeal to the Supreme Court has been concluded. Orders adjusting the term or condition of employment in an issue or issues shall be effective beginning with final resolution of the appeal. Upon final resolution, the commission or Supreme Court shall order increases or other changes in a term or condition of employment to be concurrent with the biennial budget. Interest shall be paid, at the rate established by section 45-103 which is in effect at the time of the final order, by the state on all withheld wages or insurance premium payments.

Source: Laws 1987, LB 661, § 17; Laws 1991, LB 732, § 151; Laws 2011, LB397, § 30.

81-1386 Prohibited practices; enumerated; expressions permitted.

(1) It shall be a prohibited practice for any employer, employee, employee organization, or exclusive collective-bargaining agent to refuse to negotiate in good faith with respect to mandatory topics of bargaining.

(2) It shall be a prohibited practice for any employer or the employer's negotiator to:

(a) Interfere with, restrain, or coerce state employees in the exercise of rights granted by the State Employees Collective Bargaining Act or the Industrial Relations Act;

(b) Dominate or interfere in the administration of any employee organization;

(c) Encourage or discourage membership in any employee organization, committee, or association by discrimination in hiring, tenure, or other terms or conditions of employment;

(d) Discharge or discriminate against a state employee because the employee has filed an affidavit, petition, or complaint or given any information or testimony under the Industrial Relations Act or the State Employees Collective Bargaining Act or because the employee has formed, joined, or chosen to be represented by any employee organization;

(e) Refuse to negotiate collectively with representatives of exclusive collective-bargaining agents as required in the Industrial Relations Act and the State Employees Collective Bargaining Act;

(f) Deny the rights accompanying certification or exclusive recognition granted in the Industrial Relations Act or the State Employees Collective Bargaining Act; and

(g) Refuse to participate in good faith in any impasse procedures for state employees as set forth in sections 81-1381 to 81-1385.

(3) It shall be a prohibited practice for any employees, employee organization, or bargaining unit or for any of their representatives or exclusive collective-bargaining agents to:

(a) Interfere with, restrain, coerce, or harass any state employee with respect to any of the employee's rights under the Industrial Relations Act or the State Employees Collective Bargaining Act;

(b) Interfere, restrain, or coerce an employer with respect to rights granted in the Industrial Relations Act or the State Employees Collective Bargaining Act or with respect to selecting a representative for the purposes of negotiating collectively on the adjustment of grievances;

(c) Refuse to bargain collectively with an employer as required in the Industrial Relations Act or the State Employees Collective Bargaining Act; and

(d) Refuse to participate in good faith in any impasse procedures for state employees set forth in sections 81-1381 to 81-1385.

(4) The expressing of any views, argument, or opinion, or the dissemination thereof, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of any unfair labor practice under any of the provisions of the Industrial Relations Act or the State Employees Collective Bargaining Act if such expression contains no threat of reprisal or force or promise of benefit.

Source: Laws 1987, LB 661, § 18; Laws 2011, LB397, § 31.

Cross References

Industrial Relations Act, see section 48-801.01.

81-1387 Prohibited practices; proceedings; appeal; grounds.

(1) Proceedings against a party alleging a violation of section 81-1386 shall be commenced by filing a complaint with the commission within one hundred eighty days of the alleged violation thereby causing a copy of the complaint to be served upon the accused party. The accused party shall have ten days within which to file a written answer to the complaint. If the commission determines that the complaint has no basis in fact, the commission may dismiss the complaint. If the complaint has a basis in fact, the commission shall set a time for hearing. The parties shall be permitted to be represented by counsel, summon witnesses, and request the commission to subpoena witnesses on the requester's behalf.

(2) The commission shall file its findings of fact and conclusions of law. If the commission finds that the party accused has committed a prohibited practice, the commission, within thirty days of its decision, shall order an appropriate remedy. Any party may petition the district court for injunctive relief pursuant to rules of civil procedure.

(3) Any party aggrieved by any decision or order of the commission may, within thirty days from the date such decision or order is filed, appeal therefrom to the Supreme Court.

(4) Any order or decision of the commission may be modified, reversed, or set aside by the appellate court on one or more of the following grounds and on no other:

(a) If the commission acts without or in excess of its powers;

(b) If the order was procured by fraud or is contrary to law;

(c) If the facts found by the commission do not support the order; and

(d) If the order is not supported by a preponderance of the competent evidence on the record considered as a whole.

Source: Laws 1987, LB 661, § 19; Laws 1991, LB 732, § 152; Laws 1992, LB 360, § 38; Laws 2011, LB397, § 32.

81-1389 Repealed. Laws 2011, LB 397, § 36.

81-1390 Repealed. Laws 2011, LB 397, § 36.

(d) STATE EMPLOYEES

81-1394 Participation in employee discount program; authorized.

Notwithstanding any other provision of law, any state employee may participate in an employee discount program administered by the personnel division of the Department of Administrative Services. Any such program shall be made available to all state employees.

Source: Laws 2009, LB167, § 1.

ARTICLE 14

LAW ENFORCEMENT

(a) LAW ENFORCEMENT TRAINING

Section

- 81-1401. Terms, defined.
- 81-1403. Council; duties; administrative fine.
- 81-1404. Director of Nebraska Law Enforcement Training Center; duties.
- 81-1406. Nebraska Police Standards Advisory Council; created; purpose and duties; meetings.
- 81-1412.02. Handgun qualification register; requirements; fine.
- 81-1413. Training center; tuition, fees, and expenses; how paid.
- 81-1413.01. Nebraska Law Enforcement Training Center Cash Fund; created; purpose; investment.
- 81-1414. Law enforcement officers; certificate or diploma; when required; issuance; waiver.
- 81-1414.01. Repealed. Laws 2012, LB 817, § 21.
- 81-1414.02. Repealed. Laws 2012, LB 817, § 21.
- 81-1414.04. Nebraska Law Enforcement Training Center Fund; created; deposits; investment.
- 81-1414.05. Nebraska Law Enforcement Training Center Fund; proceeds; how expended.
- 81-1414.07. Continuing education requirements; course offerings.
- 81-1414.08. Continuing education requirements; certified reports; central registry.
- 81-1414.09. Continuing education requirements; failure to complete; effect; fine.
- 81-1414.10. Continuing education requirements; suspended while on active duty with armed forces.

(b) COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE

- 81-1423. Commission; powers; duties.
- 81-1425. Executive director; powers; duties.
- 81-1428. Law Enforcement Improvement Fund; created; use; investment.
- 81-1429. Law Enforcement Improvement Fund; how funded.

(c) HUMAN TRAFFICKING

- 81-1430. Task force; established; members; terms; duties; quorum; report; Department of Labor; posters.
- 81-1431. Training regarding issues in human trafficking; task force; duties.

§ 81-1401

STATE ADMINISTRATIVE DEPARTMENTS

Section

(d) LAW ENFORCEMENT RESERVE FORCES

81-1439. Law enforcement reserve force; commission; duties; delegation of responsibilities; continuing education requirements; reserve force manual; contents.

(e) OFFICE OF VIOLENCE PREVENTION

81-1447. Office of Violence Prevention; established; director; advisory council; members; terms; vacancy.

81-1448. Membership on advisory council; no effect on other office or position.

81-1449. Advisory council members; expenses.

81-1450. Office of Violence Prevention; director; administration and supervision; responsibilities; advisory council; meetings; duties.

81-1451. Violence Prevention Cash Fund; created; administration; investment.

(a) LAW ENFORCEMENT TRAINING

81-1401 Terms, defined.

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

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

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

(3) Director means the director of the Nebraska Law Enforcement Training Center;

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

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

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

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

(ii) A county sheriff;

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

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

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

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

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

(b) Law enforcement officer does not include employees of the Department of Correctional Services, probation officers under the Nebraska Probation System, parole officers appointed by the Parole Administrator, or employees of the Department of Revenue under section 77-366; and

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

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

(8) Training center means the Nebraska Law Enforcement Training Center; and

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

Source: Laws 1969, c. 773, § 1, p. 2925; Laws 1971, LB 929, § 1; Laws 1979, LB 565, § 1; Laws 1980, LB 834, § 63; Laws 1981, LB 205, § 3; Laws 1986, LB 529, § 53; Laws 1996, LB 1055, § 11; Laws 1999, LB 36, § 38; Laws 1999, LB 205, § 1; Laws 2000, LB 994, § 2; Laws 2007, LB334, § 105; Laws 2012, LB817, § 5.

Operative date January 1, 2014.

81-1403 Council; duties; administrative fine.

Subject to review and approval by the commission, the council shall:

(1) Adopt and promulgate rules and regulations for law enforcement pre-certification, certification, continuing education, and training requirements. Such rules and regulations may include the authority to impose a fine on any individual, political subdivision, or agency who or which violates sections 81-1401 to 81-1414.10 or any of such rules and regulations. The fine for each separate violation of sections 81-1401 to 81-1414.10 or of any rule or regulation adopted and promulgated by the council pursuant to such sections shall not exceed either (a) a one-time maximum fine of five hundred dollars or (b) a maximum fine of one hundred dollars per day until the individual, political subdivision, or agency complies with such rules or regulations. All fines collected pursuant to this subdivision shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska;

(2) Adopt and promulgate rules and regulations for the operation of the training center;

(3) Recommend to the executive director of the commission the names of persons to be appointed to the position of director of the training center;

(4) Establish requirements for satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(5) Issue certificates or diplomas attesting satisfactory completion of pre-certification programs, certification programs, and advanced training programs;

(6) Revoke or suspend such certificates or diplomas according to rules and regulations adopted and promulgated by the council pursuant to sections 81-1401 to 81-1414.10 for reasons which shall include, but not be limited to, (a)

incompetence, (b) neglect of duty, (c) physical, mental, or emotional incapacity, and (d) final conviction of or pleading guilty or nolo contendere to a felony. The rules and regulations shall provide for revocation of a certificate without a hearing upon the certificate holder's final conviction of or pleading guilty or nolo contendere to a felony. For purposes of this subdivision, felony means a crime punishable by imprisonment for a term of more than one year or a crime committed outside of Nebraska which would be punishable by imprisonment for a term of more than one year if committed in Nebraska. The rules and regulations shall include a procedure for hearing appeals of any person who feels that the revocation or suspension of his or her certificate or diploma was in error;

(7) Set the tuition and fees for the training center and all officers of other training academies not employed by that training academy's agency. The tuition and fees set for the training center pursuant to this subdivision shall be adjusted annually pursuant to the training center budget approved by the Legislature. All other tuition and fees shall be set in order to cover the costs of administering sections 81-1401 to 81-1414.10. All tuition and fees shall be remitted to the State Treasurer for credit to the Nebraska Law Enforcement Training Center Cash Fund;

(8) Annually certify any training academies providing a basic course of law enforcement training which complies with the qualifications and standards promulgated by the council and offering training that meets or exceeds training that is offered by the training center. The council shall set the maximum and minimum applicant enrollment figures for training academies training non-agency officers;

(9) Extend the programs of the training center throughout the state on a regional basis;

(10) Establish the qualifications, standards, and continuing education requirements and provide the training required by section 81-1439; and

(11) Do all things necessary to carry out the purpose of the training center, except that functional authority for budget and personnel matters shall remain with the commission.

Any administrative fine imposed under this section shall constitute a debt to the State of Nebraska which may be collected by lien foreclosure or sued for and recovered in any proper form of action by the office of the Attorney General in the name of the State of Nebraska in the district court of the county where the final agency action was taken. All fines imposed by the council shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska.

Source: Laws 1969, c. 773, § 3, p. 2926; Laws 1971, LB 929, § 3; Laws 1984, LB 673, § 1; Laws 1988, LB 666, § 1; Laws 1994, LB 971, § 3; Laws 2000, LB 994, § 4; Laws 2005, LB 115, § 1; Laws 2011, LB390, § 16; Laws 2012, LB817, § 6.

Operative date January 1, 2014.

81-1404 Director of Nebraska Law Enforcement Training Center; duties.

The director of the Nebraska Law Enforcement Training Center shall devote full time to the duties of the office and shall not engage in any other business or profession or hold any other state public office. The director shall be responsi-

ble to the executive director of the commission for the operation of the training center and the conducting of training programs. The director of the training center shall:

- (1) Appoint and remove for cause such employees as may be necessary for the operation of the training center and delegate appropriate powers and duties to them;
- (2) Conduct research for the purpose of evaluating and improving the effectiveness of law enforcement training programs;
- (3) Consult with the council on all matters pertaining to training schools, training academies, and continuing education;
- (4) Supervise the administration of the pre-certification competency test;
- (5) Ensure that all council rules and regulations with respect to law enforcement pre-certification, certification, continuing education, and training requirements are implemented and complied with and, in that capacity, act as the director of standards for the council;
- (6) Advise the council concerning the operation of the training center, the requirements, as set by the council, for all training schools and training academies, and the formulation of training policies and regulations;
- (7) Issue diplomas to students who successfully complete the prescribed basic course of study; and
- (8) Maintain continuing education records in a central registry.

Source: Laws 1969, c. 773, § 4, p. 2927; Laws 1971, LB 929, § 4; Laws 1994, LB 971, § 4; Laws 2000, LB 994, § 5; Laws 2011, LB390, § 17; Laws 2012, LB817, § 7.
Operative date January 1, 2014.

81-1406 Nebraska Police Standards Advisory Council; created; purpose and duties; meetings.

There is hereby created the Nebraska Police Standards Advisory Council. The council shall be a special standing committee of the commission with the express purpose of overseeing all training schools and training academies and the operation of the training center and ensuring that all rules, regulations, and policies with respect to pre-certification, certification, continuing education, and training requirements are implemented and complied with. The council shall act for the commission in all matters relating to law enforcement training, the training center, and continuing education but shall not have any other powers and duties with respect to the commission or any of its duties. The council shall conduct regular meetings in order to carry out its statutory duties.

Source: Laws 1969, c. 773, § 6, p. 2927; Laws 1994, LB 971, § 5; Laws 2000, LB 994, § 6; Laws 2012, LB817, § 8.
Operative date January 1, 2014.

81-1412.02 Handgun qualification register; requirements; fine.

The person in charge of any agency employing law enforcement officers shall submit to the council a register of full-time, part-time, and reserve law enforcement officers employed by his or her agency and whether each law enforcement officer passed or failed the handgun qualification. The council shall adopt and promulgate rules and regulations governing the submission of agency

registers. The register shall include the name of each law enforcement officer, whether the law enforcement officer passed or failed the handgun qualification, the name of the instructor who administered the course, the date of handgun qualification, and the type of handgun used in handgun qualification. An agency that fails to submit a handgun qualification register pursuant to this section shall be subject to a fine of one hundred dollars for each day of noncompliance. All fines collected under this section shall be remitted to the State Treasurer for credit to the Law Enforcement Improvement Fund.

Source: Laws 1996, LB 1055, § 15; Laws 1999, LB 205, § 4; Laws 2012, LB817, § 9.

Operative date January 1, 2014.

81-1413 Training center; tuition, fees, and expenses; how paid.

Tuition, fees, and such other expenses incurred in the pre-certification and certification training of applicants shall be the responsibility of the person or his or her employing agency. Such expenses also may be financed by the training center through other appropriated funds as determined by the council.

Source: Laws 1969, c. 773, § 13, p. 2930; Laws 1994, LB 971, § 9; Laws 2000, LB 994, § 8; Laws 2004, LB 1162, § 3; Laws 2006, LB 746, § 7; Laws 2010, LB844, § 1.

81-1413.01 Nebraska Law Enforcement Training Center Cash Fund; created; purpose; investment.

There is hereby created the Nebraska Law Enforcement Training Center Cash Fund. All receipts for tuition and fees paid to the Nebraska Law Enforcement Training Center shall be paid into the state treasury and by the State Treasurer credited to the Nebraska Law Enforcement Training Center Cash Fund. Such fund shall be used to defray the expenses of the training center, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Law Enforcement Training Center Cash 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.

Source: Laws 1971, LB 223, § 1; Laws 2009, First Spec. Sess., LB3, § 75.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1414 Law enforcement officers; certificate or diploma; when required; issuance; waiver.

(1) On and after January 1, 1972, law enforcement officers already serving under permanent appointment shall not be required to meet any requirement of subsection (2) of this section as a condition of tenure or continued employment.

(2) On and after January 1, 1972, no person shall receive appointment as a law enforcement officer unless he or she has been awarded a certificate or diploma by the commission attesting to satisfactory completion of the minimum curriculum of the training center as established by the council or has been awarded a certificate or diploma attesting to satisfactory completion of a training program which the council finds equivalent thereto. Any person who

has not been awarded such a certificate or diploma may receive an appointment conditioned on satisfactory completion of such training if he or she immediately applies for admission to the training center or any training academy and enrolls in the next available basic training class. If such training is not completed within one year after the appointment, the person's employment shall not be renewed by a political subdivision appointment or otherwise and such person shall no longer be recognized as a law enforcement officer, except that in cases of extreme hardship, upon application by the officer, the council may grant a waiver to allow the officer to complete the basic training program as soon as is practicable after the one-year time allowance. Any individual who is not certified in accordance with this section and has worked as a law enforcement officer for multiple law enforcement agencies or political subdivisions shall have his or her time of employment aggregated in order to determine if he or she has worked for more than one year. If that law enforcement officer's aggregate time of employment exceeds one year, that officer shall not be recognized as a law enforcement officer for any political subdivision until he or she has satisfactorily completed such certification training. For purposes of this section, the council shall deem the successful completion of the federal Bureau of Indian Affairs basic police training program as administered by the Federal Law Enforcement Training Center to constitute such equivalent training, and officers certified by virtue of such equivalent training may exercise full law enforcement authority exclusively on tribal lands.

(3) Law enforcement officers who are promoted in rank shall satisfactorily complete such council-approved training within one year of such promotion.

(4) At the direction of the council, the director shall issue a certificate or diploma attesting to a compliance with the requirements of subsection (2) or (3) of this section to any applicant who presents evidence of satisfactory completion of a council-approved training program.

Source: Laws 1969, c. 773, § 14, p. 2930; Laws 1971, LB 929, § 7; Laws 1994, LB 971, § 10; Laws 1996, LB 1055, § 12; Laws 1997, LB 161, § 1; Laws 2000, LB 994, § 9; Laws 2012, LB817, § 10. Operative date January 1, 2014.

81-1414.01 Repealed. Laws 2012, LB 817, § 21.

Operative date January 1, 2014

81-1414.02 Repealed. Laws 2012, LB 817, § 21.

Operative date January 1, 2014

81-1414.04 Nebraska Law Enforcement Training Center Fund; created; deposits; investment.

There is hereby created, for the use of the commission, a fund to be known as the Nebraska Law Enforcement Training Center Fund, to consist of such money as appropriated to such fund by the Legislature. 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.

Source: Laws 1978, LB 877, § 4; Laws 1995, LB 7, § 126; Laws 2012, LB817, § 11.

Operative date January 1, 2014.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1414.05 Nebraska Law Enforcement Training Center Fund; proceeds; how expended.

The proceeds of the Nebraska Law Enforcement Training Center Fund shall be expended by the commission, as and when appropriated by the Legislature, to be used for the costs and payments to be made by the State of Nebraska to the city of Grand Island for the use by the state of such building or facility or portion thereof and equipping the same.

Source: Laws 1978, LB 877, § 5; Laws 2012, LB817, § 12.

Operative date January 1, 2014.

81-1414.07 Continuing education requirements; course offerings.

(1) In order to maintain his or her professional status and serve the law enforcement profession, the community, and the residents of Nebraska, each law enforcement officer shall attend at least twenty hours of continuing education courses in the areas of criminal justice and law enforcement during each calendar year beginning on January 1 and ending on December 31. A law enforcement officer is not required to meet the continuing education requirements in the year in which he or she first becomes fully certified.

(2) Continuing education courses may be offered in the form of seminars, advanced education which may include college or university classes, conferences, instruction conducted within the law enforcement officer's law enforcement agency, or instruction conducted over the Internet, except that instruction conducted over the Internet shall be limited to ten hours annually, and shall be of a type which has application to and seeks to maintain and improve the skills of the law enforcement officer in carrying out his or her duties and responsibilities.

Source: Laws 2012, LB817, § 13.

Operative date January 1, 2014.

81-1414.08 Continuing education requirements; certified reports; central registry.

Every law enforcement agency of the state or any of its political subdivisions shall send the director certified reports, on a form designed by the director, of the completion of the continuing education requirements by its law enforcement officers at such time and in such manner and detail as the director may prescribe. The director shall maintain a record of the reports in a central registry.

Source: Laws 2012, LB817, § 14.

Operative date January 1, 2014.

81-1414.09 Continuing education requirements; failure to complete; effect; fine.

(1) Failure to complete the continuing education requirements of sections 81-1414.07 and 81-1414.08 shall result in the suspension of a law enforcement officer's certificate or diploma from the Nebraska Law Enforcement Training Center and a fine under section 81-1403 until the continuing education is completed unless the officer is able to show good cause for not completing the continuing education requirements or unless a waiver has been granted.

(2) Any law enforcement officer who fails to fulfill his or her continuing education requirements for two consecutive reporting periods may have his or her certificate or diploma from the Nebraska Law Enforcement Training Center revoked and a fine incurred under section 81-1403 unless the officer is able to show good cause for not completing the continuing education requirements or unless a waiver has been granted.

Source: Laws 2012, LB817, § 15.
Operative date January 1, 2014.

81-1414.10 Continuing education requirements; suspended while on active duty with armed forces.

The continuing education requirements of sections 81-1414.07 to 81-1414.09 shall be suspended for any law enforcement officer while he or she is on active duty with the armed forces of the United States.

Source: Laws 2012, LB817, § 16.
Operative date January 1, 2014.

(b) COMMISSION ON LAW ENFORCEMENT AND CRIMINAL JUSTICE**81-1423 Commission; powers; duties.**

The commission shall have authority to:

(1) Adopt and promulgate rules and regulations for its organization and internal management and rules and regulations governing the exercise of its powers and the fulfillment of its purposes under sections 81-1415 to 81-1426;

(2) Delegate to one or more of its members such powers and duties as it may deem proper;

(3) Coordinate and jointly pursue its activities with the Governor's Policy Research Office;

(4) Appoint and abolish such advisory committees as may be necessary for the performance of its functions and delegate appropriate powers and duties to them;

(5) Plan improvements in the administration of criminal justice and promote their implementation;

(6) Make or encourage studies of any aspect of the administration of criminal justice;

(7) Conduct research and stimulate research by public and private agencies which shall be designed to improve the administration of criminal justice;

(8) Coordinate activities relating to the administration of criminal justice among agencies of state and local government;

(9) Cooperate with the federal and other state authorities concerning the administration of criminal justice;

(10) Accept and administer loans, grants, and donations from the United States, its agencies, the State of Nebraska, its agencies, and other sources, public and private, for carrying out any of its functions, except that no communications equipment shall be acquired and no approval for acquisition of communications equipment shall be granted without receiving the written approval of the Director of Communications of the office of Chief Information Officer;

(11) Enter into contracts, leases, and agreements necessary, convenient, or desirable for carrying out its purposes and the powers granted under sections 81-1415 to 81-1426 with agencies of state or local government, corporations, or persons;

(12) Acquire, hold, and dispose of personal property in the exercise of its powers;

(13) Conduct random annual audits of criminal justice agencies to verify the accuracy and completeness of criminal history record information maintained by such agencies and to determine compliance with laws and regulations dealing with the dissemination, security, and privacy of criminal history information;

(14) Do all things necessary to carry out its purposes and for the exercise of the powers granted in sections 81-1415 to 81-1426, except that no activities or transfers or expenditures of funds available to the commission shall be inconsistent with legislative policy as reflected in substantive legislation, legislative intent legislation, or appropriations legislation;

(15) Exercise budgetary and administrative control over the Crime Victim's Reparations Committee and the Jail Standards Board; and

(16) Do all things necessary to carry out sections 81-1843 to 81-1851.

Source: Laws 1969, c. 774, § 9, p. 2934; Laws 1971, LB 225, § 1; Laws 1975, LB 427, § 20; Laws 1978, LB 713, § 27; Laws 1979, LB 412, § 11; Laws 1979, LB 322, § 57; Laws 1981, LB 477, § 7; Laws 1981, LB 545, § 36; Laws 1981, LB 328, § 1; Laws 1986, LB 540, § 1; Laws 1994, LB 971, § 15; Laws 2003, LB 46, § 16; Laws 2004, LB 270, § 4; Laws 2005, LB 538, § 21; Laws 2006, LB 921, § 10; Laws 2011, LB390, § 18.

Cross References

Crime victim's reparations, see Chapter 81, article 18.

Jail Standards Board, see sections 83-4,124 to 83-4,134.

81-1425 Executive director; powers; duties.

The executive director of the commission shall:

(1) Supervise and be responsible for the administration of the policies established by the commission;

(2) Establish a Jail Standards subdivision and a Community Corrections Division within the commission and establish, consolidate, or abolish any administrative subdivision within the commission and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

- (3) Establish and administer projects and programs for the operation of the commission;
- (4) Appoint and remove employees of the commission and delegate appropriate powers and duties to them;
- (5) Make rules and regulations for the management and the administration of policies of the commission and the conduct of employees under his or her jurisdiction;
- (6) Collect, develop, maintain, and analyze statistical information, records, and reports as the commission may determine relevant to its functions, including, but not limited to, the statistical information set forth in section 47-627;
- (7) Transmit monthly to the commission a report of the operations of the commission for the preceding calendar month;
- (8) Execute and carry out the provisions of all contracts, leases, and agreements authorized by the commission with agencies of federal, state, or local government, corporations, or persons;
- (9) Perform such additional duties as may be assigned to him or her by the commission, by the chairperson of the commission, or by law;
- (10) Appoint and remove for cause the director of the Nebraska Law Enforcement Training Center;
- (11) Appoint and remove for cause the director of the Office of Violence Prevention; and
- (12) Exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Source: Laws 1969, c. 774, § 11, p. 2935; Laws 1981, LB 328, § 2; Laws 2000, LB 1008, § 3; Laws 2003, LB 46, § 17; Laws 2005, LB 538, § 22; Laws 2011, LB390, § 19.

81-1428 Law Enforcement Improvement Fund; created; use; investment.

The Law Enforcement Improvement Fund is created and shall be maintained by the State Treasurer as a cash fund. The fund shall consist of revenue credited pursuant to section 81-1429 and investment income. The fund shall be used for payment of administrative and operations expenses of the Nebraska Law Enforcement Training Center and such other expenses as budgeted by the Legislature for the improvement of law enforcement, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. The Law Enforcement Improvement Fund shall be administered by the director. 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.

Source: Laws 1971, LB 929, § 9; Laws 1972, LB 1485, § 1; Laws 2000, LB 994, § 10; Laws 2006, LB 746, § 8; Laws 2009, First Spec. Sess., LB3, § 76.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1429 Law Enforcement Improvement Fund; how funded.

A Law Enforcement Improvement Fund fee of two dollars shall be taxed as costs in each criminal proceeding, including traffic infractions and misdemeanors, filed in all courts of this state for violations of state law or city or village ordinances. No such fee shall be collected in any juvenile court proceeding or when waived under section 29-2709. Such fee shall be remitted to the State Treasurer on forms prescribed by the State Treasurer within ten days after the close of each calendar quarter. The State Treasurer shall credit the money to the Law Enforcement Improvement Fund.

Source: Laws 1971, LB 929, § 10; Laws 1972, LB 1485, § 2; Laws 1981, LB 45, § 1; Laws 1982, LB 717, § 1; Laws 1989, LB 233, § 10; Laws 2000, LB 994, § 11; Laws 2006, LB 746, § 9; Laws 2009, LB35, § 31.

(c) HUMAN TRAFFICKING

81-1430 Task force; established; members; terms; duties; quorum; report; Department of Labor; posters.

(1) A task force is hereby established within the Nebraska Commission on Law Enforcement and Criminal Justice for the purposes of investigating and studying human trafficking, the methods for advertising human trafficking services, and the victimization of individuals coerced to participate in human trafficking.

(2) The task force shall examine the extent to which human trafficking is prevalent in this state, the scope of efforts being taken to prevent human trafficking from occurring, and the services available to victims of human trafficking in this state. The task force shall also investigate the limitations upon victims who wish to come forward and seek medical attention; investigate the potential to stop human trafficking; and investigate the potential to promote recovery, to protect families and children who may be profoundly impacted by such abuse, and to save lives.

(3)(a) The Department of Labor shall work with the task force to develop or select informational posters for placement around the state. The posters shall be in English, Spanish, and any other language deemed appropriate by the task force. The posters shall include a toll-free telephone number a person may call for assistance, preferably the National Human Trafficking Resource Center Hotline (888)373-7888.

(b) Posters shall be placed in rest stops and strip clubs. The task force shall work with local businesses and nonprofit entities associated with the prevention of human trafficking to voluntarily place additional signs in high schools, postsecondary educational institutions, gas stations, hotels, hospitals, health care clinics, urgent care centers, airports, train stations, bus stations, and other locations around the state deemed appropriate by the task force.

(4) The task force shall consist of the following members:

- (a) The Attorney General or his or her designee;
- (b) The executive director of the Nebraska Commission on Law Enforcement and Criminal Justice;
- (c) The Superintendent of Law Enforcement and Public Safety or his or her designee;
- (d) The Director of Correctional Services or his or her designee;

(e) The chief of police or director of public safety of a city of two hundred thousand inhabitants or more;

(f) The chief of police or director of public safety of a city of less than two hundred thousand inhabitants;

(g) A county sheriff;

(h) A county attorney;

(i) A county commissioner;

(j) A mayor or city manager;

(k) A person involved with the control or prevention of juvenile delinquency;

(l) A person involved with the control or prevention of child abuse;

(m) The Commissioner of Education or his or her designee;

(n) The director of the Commission on Latino-Americans or his or her designee; and

(o) Six members, at least three of whom shall be women, from the public at large.

(5) The Governor shall appoint the members of the task force listed in subdivisions (4)(e) through (l) and (o) of this section for terms as provided in subsection (6) of this section. The membership of the task force shall represent varying geographic areas and large and small political subdivisions. One member from the public at large shall be a professional representing child welfare, and one member of the public at large shall represent juvenile pretrial diversion programs.

(6) The members of the task force appointed by the Governor shall serve six-year terms, except that of the members first appointed, four shall serve initial two-year terms, four shall serve initial four-year terms, and six shall serve initial six-year terms from January 1 next succeeding their appointments. Thereafter, all members shall serve six-year terms. A member may be reappointed at the expiration of his or her term. Any vacancy occurring otherwise than by expiration of a term shall be filled for the balance of the unexpired term in the same manner as the original appointment.

(7) No member shall serve beyond the time when he or she holds the office, employment, or status by reason of which he or she was initially eligible for appointment. Any member of the task force appointed by the Governor may be removed from the task force for cause upon notice and an opportunity to be heard at a public hearing. One of the causes for removal shall be absence from three regularly scheduled meetings of the task force during any six-month period when the member has failed to advise the task force in advance of such meeting that he or she will be absent and stating a reason therefor.

(8) The chairperson of the task force shall be designated by the Governor to serve at the pleasure of the Governor. The chairperson shall be the chief executive officer of the task force but may delegate such of his or her duties to other members of the task force as may be authorized by the task force.

(9) Notwithstanding any provision of law, ordinance, or charter provision to the contrary, membership on the task force shall not disqualify any member from holding any other public office or employment or cause the forfeiture thereof.

(10) The members of the task force shall serve on the task force without compensation, but they shall be entitled to receive reimbursement for any

actual expenses incurred as necessary incident to such service as provided in sections 81-1174 to 81-1177.

(11) Eleven members of the task force shall constitute a quorum for the transaction of any business or the exercise of any power of the task force. The task force shall have the power to act by a majority of the members present at any meeting at which a quorum is in attendance.

(12) All appointments shall be made not later than thirty days after July 19, 2012. The chairperson shall meet with the task force not later than sixty days after July 19, 2012.

(13) Not later than one year after July 19, 2012, and every July 1 and December 1 thereafter, the task force shall report to the Clerk of the Legislature the results of its investigation and study and its recommendations, if any, together with drafts of legislation necessary to carry its recommendations into effect by filing the report with the clerk.

Source: Laws 2012, LB1145, § 2.

Effective date July 19, 2012.

81-1431 Training regarding issues in human trafficking; task force; duties.

(1) It is the intent of the Legislature that law enforcement agencies, prosecutors, public defenders, judges, juvenile detention center staff, and others involved in the juvenile justice system and the criminal justice system and other relevant officials be provided mandatory training regarding issues in human trafficking. The task force established in section 81-1430 shall work with such agencies, persons, and staff to develop a proper curriculum for the training and to determine how the training should be provided. The determination and accompanying legislative recommendations shall be made by December 1, 2012. Such training shall focus on:

(a) State and federal law regarding human trafficking;

(b) Methods used in identifying victims of human trafficking who are United States citizens and foreign nationals, including preliminary interview techniques and appropriate questioning methods;

(c) Methods for prosecuting human traffickers;

(d) Methods of increasing effective collaboration with nongovernmental organizations and other relevant social service organizations in the course of investigating and prosecuting a human trafficking case;

(e) Methods for protecting the rights of victims of human trafficking, taking into account the need to consider human rights and the special needs of women and minor victims;

(f) The necessity of treating victims of human trafficking as crime victims rather than as criminals; and

(g) Methods for promoting the safety and well-being of all victims of human trafficking.

(2) The task force shall also seek the input and participation of appropriate nongovernmental organizations and other relevant organizations regarding the provision, preparation, and presentation of the training called for in this section.

Source: Laws 2012, LB1145, § 3.

Effective date July 19, 2012.

(d) LAW ENFORCEMENT RESERVE FORCES

81-1439 Law enforcement reserve force; commission; duties; delegation of responsibilities; continuing education requirements; reserve force manual; contents.

(1) The Nebraska Commission on Law Enforcement and Criminal Justice shall establish minimum physical, mental, educational, and moral qualifications for all members of any law enforcement reserve force. The commission shall also establish training and continuing education standards and be responsible for providing such training for all members. The commission shall delegate its responsibilities pursuant to this section to the Nebraska Police Standards Advisory Council.

(2) Individuals appointed to a law enforcement reserve force shall receive training through or under the supervision of the Nebraska Law Enforcement Training Center and shall achieve the minimum training standards within one year after the date of appointment. Such training may be provided by the training center through regional workshops, training sessions, or similar means of instruction anywhere in the state.

(3) Members of the law enforcement reserve force shall be subject to the same continuing education requirements as all other law enforcement officers pursuant to sections 81-1401 to 81-1414.10.

(4) The governing body establishing a law enforcement reserve force shall adopt and publish a reserve force manual setting forth the minimum qualifications, training standards, standard operating procedures, and continuing education requirements for such force and such higher qualifications, standards, and operating procedures as may actually be used.

Source: Laws 1976, LB 782, § 2; Laws 1994, LB 971, § 16; Laws 2012, LB817, § 17.

Operative date January 1, 2014.

(e) OFFICE OF VIOLENCE PREVENTION

81-1447 Office of Violence Prevention; established; director; advisory council; members; terms; vacancy.

(1) There is established within the Nebraska Commission on Law Enforcement and Criminal Justice the Office of Violence Prevention. The office shall consist of a director, appointed by the executive director of the Nebraska Commission on Law Enforcement and Criminal Justice, and other necessary support staff. There also is established an advisory council to the Office of Violence Prevention. The members of the advisory council shall be appointed by the Governor and serve at his or her discretion. The advisory council shall consist of six members and, of those members, each congressional district, as such districts existed on May 28, 2009, shall have at least one member on the council. The Governor shall consider appointing members representing the following areas, if practicable: Two members representing local government; two members representing law enforcement; one member representing community advocacy; and one member representing education with some expertise in law enforcement and juvenile crime.

(2) Members of the advisory council shall serve for terms of four years. A member may be reappointed at the expiration of his or her term. Any vacancy

occurring other than by expiration of a term shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

Source: Laws 2009, LB63, § 37; Laws 2011, LB390, § 20.

81-1448 Membership on advisory council; no effect on other office or position.

Notwithstanding any other provision of law, membership on the advisory council to the Office of Violence Prevention shall not disqualify any member from holding his or her office or position or cause the forfeiture thereof.

Source: Laws 2009, LB63, § 38.

81-1449 Advisory council members; expenses.

Members of the advisory council to the Office of Violence Prevention shall serve without compensation but may be reimbursed for their actual and necessary expenses incurred in the performance of their duties as provided in sections 81-1174 to 81-1177.

Source: Laws 2009, LB63, § 39.

81-1450 Office of Violence Prevention; director; administration and supervision; responsibilities; advisory council; meetings; duties.

(1) The Office of Violence Prevention and its director shall be administered and supervised, respectively, by the Nebraska Commission on Law Enforcement and Criminal Justice. Among its responsibilities, the Office of Violence Prevention and its director shall be responsible for developing, fostering, promoting, and assessing violence prevention programs. To accomplish this mission, the duties of the director shall include, but not be limited to, program fundraising, program evaluation, coordination of programs, and assistance with the administration and distribution of funds to violence prevention programs.

(2) The advisory council to the Office of Violence Prevention shall meet at least quarterly. Among its responsibilities, the advisory council shall recommend to the commission rules and regulations regarding program fundraising, program evaluation, coordination of programs, and the criteria used to assess and award funds to violence prevention programs. Priority for funding shall be given to communities and organizations seeking to implement violence prevention programs which appear to have the greatest benefit to the state and which have, as goals, the reduction of street and gang violence and the reduction of homicides and injuries caused by firearms. The duties of the advisory council shall include, but not be limited to, receiving applications for violence prevention funds, evaluating such applications, and making recommendations to the commission regarding the merits of each application and the amount of any funds that should be awarded. If any funds are awarded to a violence prevention program, the advisory council shall continuously monitor how such funds are being used by the program, conduct periodic evaluations of such programs, assess the progress and success regarding the stated goals of each program awarded funds, and recommend to the commission any modification, continuation, or discontinuation of funding.

Source: Laws 2009, LB63, § 40.

81-1451 Violence Prevention Cash Fund; created; administration; investment.

The Violence Prevention Cash Fund is created. The fund shall be administered by the Nebraska Commission on Law Enforcement and Criminal Justice. The State Treasurer shall credit to the fund such money as is transferred to the fund by the Legislature, donated as gifts, bequests, or other contributions to such fund from public or private entities, and made available by any department or agency of the United States if so directed by such department or agency. 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.

Source: Laws 2009, LB63, § 41.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 15**ENVIRONMENTAL PROTECTION**

(a) ENVIRONMENTAL PROTECTION ACT

Section

- 81-1503. Environmental Quality Council; membership; appointment; compensation; Director of Environmental Quality; appointment; oath; duties.
 81-1504.01. Department of Environmental Quality; reports required; contents.
 81-1505. Council; rules and regulations; standards of air, land, and water quality.
 81-1505.04. Annual emission fee; payment; amount; adjustment; allocation of costs; department; duties; report.

(b) LITTER REDUCTION AND RECYCLING ACT

- 81-1566. Act; termination; extension; considerations.

(g) PETROLEUM PRODUCTS AND HAZARDOUS SUBSTANCES STORAGE AND HANDLING

- 81-15,121. Tanks; permit; when required; fees; application; Underground Storage Tank Fund; created; investment.
 81-15,124.01. Environmental Quality Council; rules and regulations.

(k) WASTEWATER TREATMENT FACILITIES CONSTRUCTION ASSISTANCE ACT

- 81-15,147. Act, how cited.
 81-15,153. Department; powers and duties.
 81-15,158. Repealed. Laws 2011, LB 383, § 9.

(l) WASTE REDUCTION AND RECYCLING

- 81-15,160. Waste Reduction and Recycling Incentive Fund; created; use; investment; grants; restrictions.
 81-15,162. Fees on tires; collection; disbursement.
 81-15,164. Collection of fees; manner.
 81-15,165. Tax Commissioner; collection fee; Waste Reduction and Recycling Incentive Fees Collection Fund; created; investment.

(n) NEBRASKA ENVIRONMENTAL TRUST ACT

- 81-15,174. Nebraska Environmental Trust Fund; created; use; investment.
 81-15,175. Fund allocations; board; powers and duties; grant award to Water Resources Cash Fund; payments; legislative intent; additional grant; additional reporting.

§ 81-1503

STATE ADMINISTRATIVE DEPARTMENTS

Section

(p) SUPERFUND COST SHARE CASH FUND

81-15,180. Superfund Cost Share Cash Fund; created; use; investment.

(r) TECHNICAL ADVISORY COMMITTEE

81-15,189. Repealed. Laws 2009, LB 154, § 27.

81-15,190. Repealed. Laws 2009, LB 154, § 27.

(a) ENVIRONMENTAL PROTECTION ACT

81-1503 Environmental Quality Council; membership; appointment; compensation; Director of Environmental Quality; appointment; oath; duties.

(1) (a) The Environmental Quality Council is hereby created.

(b) Until April 28, 2005, the council shall consist of sixteen members to be appointed by the Governor with the advice and consent of the Legislature as follows:

(i) One representative of the food products manufacturing industry;

(ii) One representative of conservation;

(iii) One representative of the agricultural processing industry;

(iv) One representative of the automotive or petroleum industry;

(v) One representative of the chemical industry;

(vi) One representative of heavy industry;

(vii) One representative of the power generating industry;

(viii) One representative of agriculture actively engaged in crop production;

(ix) One representative of labor;

(x) One professional engineer experienced in control of air and water pollution and solid wastes;

(xi) One physician knowledgeable in the health aspects of air, water, and land pollution;

(xii) One representative from county government;

(xiii) Two representatives from municipal government, one of whom shall represent cities other than those of the primary or metropolitan class;

(xiv) One representative of the livestock industry; and

(xv) One representative of the public at large.

(c) On and after April 28, 2005, the council shall consist of seventeen members to be appointed by the Governor with the advice and consent of the Legislature as follows:

(i) One representative of the food products manufacturing industry;

(ii) One representative of conservation;

(iii) One representative of the agricultural processing industry;

(iv) One representative of the automotive or petroleum industry;

(v) One representative of the chemical industry;

(vi) One representative of heavy industry;

(vii) One representative of the power generating industry;

(viii) One representative of agriculture actively engaged in crop production;

(ix) One representative of labor;

(x) One professional engineer experienced in control of air and water pollution and solid wastes;

(xi) One physician knowledgeable in the health aspects of air, water, and land pollution;

(xii) One representative from county government;

(xiii) Two representatives from municipal government, one of whom shall represent cities other than those of the primary or metropolitan class;

(xiv) One representative of the livestock industry;

(xv) One representative of minority populations; and

(xvi) One biologist.

(d)(i) Except as otherwise provided in this subdivision, members of the council serving on April 28, 2005, shall continue to serve on the council as representatives of the entity they were appointed to represent until their current terms of office expire and their successors are appointed and confirmed. The member representing the public at large shall serve until the member representing minority populations is appointed.

(ii) The Governor shall appoint members pursuant to subdivisions (1)(c)(xv) and (1)(c)(xvi) of this section within ninety days after April 28, 2005.

(2) Members shall serve for terms of four years. All appointments shall be subject to confirmation by the Legislature when initially made. As the term of an appointee to the council expires, the succeeding appointee shall be a representative of the same segment of the public as the previous appointee. In the case of appointees to vacancies occurring from unexpired terms, each successor shall serve out the term of his or her predecessor. Members whose terms have expired shall continue to serve until their successors have been appointed. All members shall be citizens and residents of the State of Nebraska.

(3) Members may be removed by the Governor for inefficiency, neglect of duty, or misconduct in office but only after delivering to the member a copy of the charges and affording him or her an opportunity to be publicly heard in person or by counsel, in his or her own defense, upon not less than ten days' notice. Such hearing shall be held before the Governor. When a member is removed, the Governor shall file, in the office of the Secretary of State, a complete statement of all charges made against such member and the findings thereon, together with a complete record of the proceedings.

(4) The council shall elect from its members a chairperson and a vice-chairperson, who shall hold office at the pleasure of the council. The vice-chairperson shall serve as chairperson in case of the absence or disability of the chairperson. The director shall serve as secretary of the council and shall keep all records of meetings of and actions taken by the council. He or she shall be promptly advised as to such actions by the chairperson.

(5) The members of the council, while engaged in the performance of their official duties, shall receive a per diem of forty dollars while so serving, including travel time. In addition, members of the council shall receive reimbursement for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(6) The council shall hold at least two regular meetings each year, at a time and place fixed by the council and shall keep a record of its proceedings which shall be open to the public for inspection. Special meetings may be called by

the chairperson. Such special meetings must be called by him or her upon receipt of a written request signed by two or more members of the council. Written notice of the time and place of all meetings shall be mailed in advance to the office of each member of the council by the secretary. A majority of the members of the council shall constitute a quorum.

(7) The council shall submit to the Governor a list of names from which he or she shall appoint the Director of Environmental Quality who shall be experienced in air, water, and land pollution control and who may be otherwise an employee of state government. The director shall be responsible for administration of the department and all standards, rules, and regulations adopted pursuant to Chapter 81, article 15, the Integrated Solid Waste Management Act, and the Livestock Waste Management Act. All such standards, rules, and regulations shall be adopted by the council after consideration of the recommendations of the director. All grants to political subdivisions under the control of the department shall be made by the director in accordance with priorities established by the council, unless otherwise directed by statute. A majority of the members of the council shall constitute a quorum for the transaction of business. The affirmative vote of a majority of all members of the council shall be necessary for the adoption of standards, rules, and regulations.

(8) Before the director enters upon the duties of his or her office, he or she shall take and subscribe to the constitutional oath of office and shall, in addition thereto, swear and affirm that he or she holds no other public office nor any position under any political committee or party, that he or she has not during the two years immediately prior to his or her appointment received a significant portion of his or her income directly or indirectly from permitholders or applicants for a permit under the Environmental Protection Act, and that he or she will not receive such income during his or her term as director, except that such requirements regarding income prior to the term of office shall not apply to employees of any agency of the State of Nebraska or any political subdivision which may be a permitholder under the Environmental Protection Act. Such oath and affirmation shall be filed with the Secretary of State.

Source: Laws 1971, LB 939, § 3; Laws 1972, LB 1435, § 2; Laws 1974, LB 1029, § 1; Laws 1979, LB 321, § 2; Laws 1981, LB 204, § 195; Laws 1983, LB 356, § 3; Laws 1992, LB 1257, § 77; Laws 1998, LB 1209, § 19; Laws 2005, LB 351, § 1; Laws 2012, LB760, § 1.

Effective date July 19, 2012.

Cross References

Integrated Solid Waste Management Act, see section 13-2001.

Livestock Waste Management Act, see section 54-2416.

81-1504.01 Department of Environmental Quality; reports required; contents.

The Department of Environmental Quality shall provide the following information to the Governor and to the Clerk of the Legislature by December 1 of each year:

(1) A report by type of service or aid provided by the use and distribution of federal funds received by the department. The report shall also include user fees, permit fees, license fees, and application fees authorized by the federal Environmental Protection Agency as follows:

(a) Actual expenditure of each grant or authorized fees for the most recently completed state fiscal year, including state matching funds;

(b) Current budget and planned use and distribution of each grant and authorized fees for the current state fiscal year, including state matching funds;

(c) A summary of the projected funding level of each grant and authorized fees and the impact of federal mandates and regulations upon the future use of each grant and authorized fees; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(2) A summary of regulations of the federal Environmental Protection Agency which the department is required to implement and which do not include federal funding assistance and the possible financial impact to the state and political subdivisions;

(3) A report by type of service or aid provided by the use and distribution of state general and cash funds, including user fees, permit fees, license fees, and application fees, to carry out activities that are not funded by federal grants as follows:

(a) Actual expenditure of state funds, by agency sections, for the most recently completed state fiscal year, including a breakdown of expenditures by personal services, operations, travel, capital outlay, and consulting and contractual services;

(b) Current budget and planned use and distribution of state funds, by agency sections, for the current state fiscal year, including a breakdown of expenditures for personal services, operations, travel, capital outlay, and consulting and contractual services;

(c) A summary of projected program funding needs based upon the statutory requirements and public demand for services and the department's assessment of anticipated needs statewide; and

(d) Program summaries including statistical summaries when applicable for the most recently completed state fiscal year and program activity goals for the current state fiscal year;

(4) A report regarding staff turnover by job class and the department's assessment of its ability to hire and retain qualified staff considering the state's personnel pay plan;

(5) A report listing the method used by each new or existing licensee, permittee, or other person who is required by the department to establish proof of financial responsibility; and

(6) A report for the previous state fiscal year relating to the purpose of the Nebraska Litter Reduction and Recycling Act and of funds credited to the Nebraska Litter Reduction and Recycling Fund.

The reports and summaries submitted to the Clerk of the Legislature shall be submitted electronically.

Source: Laws 1991, LB 528, § 1; Laws 1993, LB 3, § 47; Laws 1993, LB 203, § 1; Laws 1994, LB 1034, § 2; Laws 2003, LB 143, § 9; Laws 2007, LB79, § 1; Laws 2012, LB782, § 201.
Operative date July 19, 2012.

Cross References

Nebraska Litter Reduction and Recycling Act, see section 81-1534.

81-1505 Council; rules and regulations; standards of air, land, and water quality.

(1) In order to carry out the purposes of the Environmental Protection Act, the Integrated Solid Waste Management Act, and the Livestock Waste Management Act, the council shall adopt and promulgate rules and regulations which shall set standards of air, water, and land quality to be applicable to the air, waters, and land of this state or portions thereof. Such standards of quality shall be such as to protect the public health and welfare. The council shall classify air, water, and land contaminant sources according to levels and types of discharges, emissions, and other characteristics which relate to air, water, and land pollution and may require reporting for any such class or classes. Such classifications and standards made pursuant to this section may be made for application to the state as a whole or to any designated area of the state and shall be made with special reference to effects on health, economic and social factors, and physical effects on property. Such standards and classifications may be amended as determined necessary by the council.

(2) In adopting the classifications of waters and water quality standards, the primary purpose for such classifications and standards shall be to protect the public health and welfare and the council shall give consideration to:

(a) The size, depth, surface area, or underground area covered, the volume, direction, and rate of flow, stream gradient, and temperature of the water;

(b) The character of the area affected by such classification or standards, its peculiar suitability for particular purposes, conserving the value of the area, and encouraging the most appropriate use of lands within such area for domestic, agricultural, industrial, recreational, and aquatic life purposes;

(c) The uses which have been made, are being made, or are likely to be made, of such waters for agricultural, transportation, domestic, and industrial consumption, for fishing and aquatic culture, for the disposal of sewage, industrial waste, and other wastes, or other uses within this state and, at the discretion of the council, any such uses in another state on interstate waters flowing through or originating in this state;

(d) The extent of present pollution or contamination of such waters which has already occurred or resulted from past discharges therein; and

(e) Procedures pursuant to section 401 of the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., for certification by the department of activities requiring a federal license or permit which may result in a discharge.

(3) In adopting effluent limitations or prohibitions, the council shall give consideration to the type, class, or category of discharges and the quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources into navigable or other waters of the state, including schedules of compliance, best practicable control technology, and best available control technology.

(4) In adopting standards of performance, the council shall give consideration to the discharge of pollutants which reflect the greatest degree of effluent reduction which the council determines to be achievable through application of the best available demonstrated control technology, processes, operating meth-

ods, or other alternatives, including, when practicable, a standard permitting no discharge of pollutants.

(5) In adopting toxic pollutant standards and limitations, the council shall give consideration to the combinations of pollutants, the toxicity of the pollutant, its persistence, degradability, the usual or potential presence of the affected organisms in any waters, the importance of the affected organisms, and the nature and extent of the effect of the toxic pollutant on such organisms.

(6) In adopting pretreatment standards, the council shall give consideration to the prohibitions or limitations to noncompatible pollutants, prohibitions against the passage through a publicly owned treatment works of pollutants which would cause interference with or obstruction to the operation of publicly owned treatment works, damage to such works, and the prevention of the discharge of pollutants therefrom which are inadequately treated.

(7) In adopting treatment standards, the council shall give consideration to providing for processes to which wastewater shall be subjected in a publicly owned wastewater treatment works in order to make such wastewater suitable for subsequent use.

(8) In adopting regulations pertaining to the disposal of domestic and industrial liquid wastes, the council shall give consideration to the minimum amount of biochemical oxygen demand, suspended solids, or equivalent in the case of industrial wastewaters, which must be removed from the wastewaters and the degree of disinfection necessary to meet water quality standards with respect to construction, installation, change of, alterations in, or additions to any wastewater treatment works or disposal systems, including issuance of permits and proper abandonment, and requirements necessary for proper operation and maintenance thereof.

(9)(a) The council shall adopt and promulgate rules and regulations for controlling mineral exploration holes and mineral production and injection wells. The rules and regulations shall include standards for the construction, operation, and abandonment of such holes and wells. The standards shall protect the public health and welfare and air, land, water, and subsurface resources so as to control, minimize, and eliminate hazards to humans, animals, and the environment. Consideration shall be given to:

(i) Area conditions such as suitability of location, geologic formations, topography, industry, agriculture, population density, wildlife, fish and other aquatic life, sites of archeological and historical importance, mineral, land, and water resources, and the existing economic activities of the area including, but not limited to, agriculture, recreation, tourism, and industry;

(ii) A site-specific evaluation of the geologic and hydrologic suitability of the site and the injection, disposal, and production zones;

(iii) The quality of the existing ground water, the effects of exemption of the aquifer from any existing water quality standards, and requirements for restoration of the aquifer;

(iv) Standards for design and use of production facilities, which shall include, but not be limited to, all wells, pumping equipment, surface structures, and associated land required for operation of injection or production wells; and

(v) Conditions required for closure, abandonment, or restoration of mineral exploration holes, injection and production wells, and production facilities in

order to protect the public health and welfare and air, land, water, and subsurface resources.

(b) The council shall establish fees for regulated activities and facilities and for permits for such activities and facilities. The fees shall be sufficient but shall not exceed the amount necessary to pay the department for the direct and indirect costs of evaluating, processing, and monitoring during and after operation of regulated facilities or performance of regulated activities.

(c) With respect to mineral production wells, the council shall adopt and promulgate rules and regulations which require restoration of air, land, water, and subsurface resources and require mineral production well permit applications to include a restoration plan for the air, land, water, and subsurface resources affected. Such rules and regulations may provide for issuance of a research and development permit which authorizes construction and operation of a pilot plant by the permittee for the purpose of demonstrating the permittee's ability to inject and restore in a manner which meets the standards required by this subsection and the rules and regulations.

The rules and regulations adopted and promulgated may also provide for issuance of a commercial permit after a finding by the department that the injection and restoration procedures authorized by the research and development permit have been successful in demonstrating the applicant's ability to inject and restore in a manner which meets the standards required by this subsection and the rules and regulations.

(d) For the purpose of this subsection, unless the context otherwise requires, restoration shall mean the employment, during and after an activity, of procedures reasonably designed to control, minimize, and eliminate hazards to humans, animals, and the environment, to protect the public health and welfare and air, land, water, and subsurface resources, and to return each resource to a quality of use consistent with the uses for which the resource was suitable prior to the activity.

(10) In adopting livestock waste control regulations, the council shall consider the discharge of livestock wastes into the waters of the state or onto land not owned by the livestock operator, conditions under which permits for such operations may be issued, including design, location, and proper management of such facilities, protection of ground water from such operations, and revocation, modification, or suspension of such permits for cause and all requirements of the Livestock Waste Management Act.

(11) In adopting regulations for the issuance of permits under the National Pollutant Discharge Elimination System created by the Clean Water Act, as amended, 33 U.S.C. 1251 et seq., the council shall consider when such permits shall be required and exemptions, application and filing requirements, terms and conditions affecting such permits, notice and public participation, duration and review of such permits, and monitoring, recording, and reporting under the system.

(12) The council shall adopt and promulgate rules and regulations for air pollution control which shall include:

(a) A construction permit program which requires the owner or operator of an air contaminant source to obtain a permit prior to construction. Application fees shall be according to section 81-1505.06;

(b) An operating permit program consistent with requirements of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and an operating permit program for minor sources of air pollution, which programs shall require permits for both new and existing sources;

(c) Provisions for operating permits to be issued after public notice, to be terminated, modified, or revoked for cause, and to be modified to incorporate new requirements;

(d) Provisions for applications to be on forms provided by the department and to contain information necessary to make a determination on the appropriateness of issuance or denial. The department shall make a completeness determination in a timely fashion and after such determination shall act on the application within time limits set by the council. Applications for operating permits shall include provisions for certification of compliance by the applicant;

(e) Requirements for operating permits which may include such conditions as necessary to protect public health and welfare, including, but not limited to (i) monitoring and reporting requirements on all sources subject to the permit, (ii) payment of annual fees sufficient to pay the reasonable direct and indirect costs of developing and administering the air quality permit program, (iii) retention of records, (iv) compliance with all air quality standards, (v) a permit term of no more than five years from date of issuance, (vi) any applicable schedule of compliance leading to compliance with air quality regulations, (vii) site access to the department for inspection of the facility and records, (viii) emission limits or control technology requirements, (ix) periodic compliance certification, and (x) other conditions necessary to carry out the purposes of the Environmental Protection Act. For purposes of this subsection, control technology shall mean a design, equipment, a work practice, an operational standard which may include a requirement for operator training or certification, or any combination thereof;

(f) Classification of air quality control regions;

(g) Standards for air quality that may be established based upon protection of public health and welfare, emission limitations established by the United States Environmental Protection Agency, and maximum achievable control technology standards for sources of toxic air pollutants. For purposes of this subdivision, maximum achievable control technology standards shall mean an emission limit or control technology standard which requires the maximum degree of emission reduction that the council, taking into consideration the cost of achieving such emission reduction, any health and environmental impacts not related to air quality, and energy requirements, determines is achievable for new or existing sources in the category or subcategory to which the standard applies through application of measures, processes, methods, systems, or techniques, including, but not limited to, measures which accomplish one or a combination of the following:

(i) Reduce the volume of or eliminate emissions of the pollutants through process changes, substitution of materials, or other modifications;

(ii) Enclose systems or processes to eliminate emissions; or

(iii) Collect, capture, or treat the pollutants when released from a process, stack, storage, or fugitive emission point;

(h) Restrictions on open burning and fugitive emissions;

(i) Provisions for issuance of general operating permits, after public notice, for sources with similar operating conditions and for revoking such general authority to specific permittees;

(j) Provisions for implementation of any emissions trading programs as defined by the department. Such programs shall be consistent with the Clean Air Act, as amended, 42 U.S.C. 7401 et seq., and administered through the operating permit program;

(k) A provision that operating permits will not be issued if the Environmental Protection Agency objects in a timely manner;

(l) Provisions for periodic reporting of emissions;

(m) Limitations on emissions from process operations, fuel-burning equipment, and incinerator emissions and such other restrictions on emissions as are necessary to protect the public health and welfare;

(n) Time schedules for compliance;

(o) Requirements for owner or operator testing and monitoring of emissions;

(p) Control technology requirements when it is not feasible to prescribe or enforce an emission standard; and

(q) Procedures and definitions necessary to carry out payment of the annual emission fee set in section 81-1505.04.

(13)(a) In adopting regulations for hazardous waste management, the council shall give consideration to generation of hazardous wastes, labeling practices, containers used, treatment, storage, collection, transportation including a manifest system, processing, resource recovery, and disposal of hazardous wastes. It shall consider the permitting, licensing, design and construction, and development and operational plans for hazardous waste treatment, storage, and disposal facilities, and conditions for licensing or permitting of hazardous waste treatment, storage, and disposal areas. It shall consider modification, suspension, or revocation of such licenses and permits, including requirements for waste analysis, site improvements, fire prevention, safety, security, restricted access, and covering and handling of hazardous liquids and materials. Licenses and permits for hazardous waste, treatment, storage, and disposal facilities shall not be issued until certification by the State Fire Marshal as to fire prevention and fire safety has been received by the department. The council shall further consider the need at treatment, storage, or disposal facilities for required equipment, communications and alarms, personnel training, and contingency plans for any emergencies that might arise and for a coordinator during such emergencies.

In addition the council shall give consideration to (i) ground water monitoring, (ii) use and management of containers and tanks, (iii) surface impoundments, (iv) waste piles, (v) land treatment, (vi) incinerators, (vii) chemical or biological treatment, (viii) landfills including the surveying thereof, and (ix) special requirements for ignitable, reactive, or incompatible wastes.

In considering closure and postclosure of hazardous waste treatment, storage, or disposal facilities, the council shall consider regulations that would result in the owner or operator closing his or her facility so as to minimize the need for future maintenance, and to control, minimize, or eliminate, to the extent necessary to protect humans, animals, and the environment, postclosure escape of hazardous waste, hazardous waste constituents, and leachate to the ground water or surface waters, and to control, minimize, or eliminate, to the

extent necessary to protect humans, animals, and the environment, waste decomposition to the atmosphere. In considering corrective action for hazardous waste treatment, storage, or disposal facilities, the council shall consider regulations that would require the owner or operator, or any previous owner or operator with actual knowledge of the presence of hazardous waste at the facility, to undertake corrective action or such other response measures necessary to protect human health or the environment for all releases of hazardous waste or hazardous constituents from any treatment, storage, or disposal facility or any solid waste management unit at such facility regardless of the time at which waste was placed in such unit.

Such regulations adopted pursuant to this subsection shall in all respects comply with the Environmental Protection Act and the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.

(b) In adopting regulations for hazardous waste management, the council shall consider, in addition to criteria in subdivision (a) of this subsection, establishing criteria for (i) identifying hazardous waste including extraction procedures, toxicity, persistence, and degradability in nature, potential for accumulation in tissue, flammability or ignitability, corrosiveness, reactivity, and generation of pressure through decomposition, heat, or other means, and other hazardous characteristics, (ii) listing all materials it deems hazardous and which should be subject to regulation, and (iii) locating treatment, storage, or disposal facilities for such wastes. In adopting criteria for flammability and ignitability of wastes pursuant to subdivision (b)(i) of this subsection, no regulation shall be adopted without the approval of the State Fire Marshal.

(c) In adopting regulations for hazardous waste management, the council shall establish a schedule of fees to be paid to the director by licensees or permittees operating hazardous waste processing facilities or disposal areas on the basis of a monetary value per cubic foot or per pound of the hazardous wastes, sufficient but not exceeding the amount necessary to reimburse the department for the costs of monitoring such facilities or areas during and after operation of such facilities or areas. The licensees may assess a cost against persons using the facilities or areas. The director shall remit any money collected from fees paid to him or her to the State Treasurer who shall credit the entire amount thereof to the General Fund.

(d) In adopting regulations for solid waste disposal, the council shall consider storage, collection, transportation, processing, resource recovery, and disposal of solid waste, developmental and operational plans for solid waste disposal areas, conditions for permitting of solid waste disposal areas, modification, suspension, or revocation of such permits, regulations of operations of disposal areas, including site improvements, fire prevention, ground water protection, safety and restricted access, handling of liquid and hazardous materials, insect and rodent control, salvage operations, and the methods of disposing of accumulations of junk outside of solid waste disposal areas. Such regulations shall in all respects comply with the Environmental Protection Act, the Integrated Solid Waste Management Act, and the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq.

(14) In adopting regulations governing discharges or emissions of oil and other hazardous materials into the waters, in the air, or upon the land of the state, the council shall consider the requirements of the Integrated Solid Waste Management Act, methods for prevention of such discharges or emissions, and

the responsibility of the discharger or emitter for cleanup, toxicity, degradability, and dispersal characteristics of the substance.

(15) In adopting regulations governing composting and composting sites, the council shall give consideration to:

(a) Approval of a proposed site by the local governing body, including the zoning authority, if any, prior to issuance of a permit by the department;

(b) Issuance of permits by the department for such composting operations, with conditions if necessary;

(c) Submission of construction and operational plans by the applicant for a permit to the department, with approval of such plans before issuance of such permit;

(d) A term of up to ten years for such permits;

(e) Renewal of permits if the operation has been in substantial compliance with composting regulations adopted pursuant to this subsection, permit conditions, and operational plans;

(f) Review by the department of materials to be composted, including chemical analysis when found by the department to be necessary;

(g) Inspections of such compost sites by the department. Operations out of compliance with composting regulations, permit conditions, or operational plans shall be given a reasonable time for voluntary compliance, and failure to do so within the specified time shall result in a hearing after notice is given, at which time the owner or operator shall appear and show cause why his or her permit should not be revoked;

(h) Special permits of the department for demonstration projects not to exceed six months;

(i) Exemptions from permits of the department; and

(j) The Integrated Solid Waste Management Act.

(16) Any person operating or responsible for the operation of air, water, or land contaminant sources of any class for which the rules and regulations of the council require reporting shall make reports containing information as may be required by the department concerning quality and quantity of discharges and emissions, location, size, and height of contaminant outlets, processes employed, fuels used, and the nature and time periods or duration of discharges and emissions, and such other information as is relevant to air, water, or land pollution and is available.

(17) Prior to adopting, amending, or repealing standards and classifications of air, water, and land quality and rules and regulations under the Integrated Solid Waste Management Act or the Livestock Waste Management Act, the council shall, after due notice, conduct public hearings thereon. Notice of public hearings shall specify the waters or the area of the state for which standards of air, water, or land are sought to be adopted, amended, or repealed and the time, date, and place of such hearing. Such hearing shall be held in the general area to be affected by such standards. Such notice shall be given in accordance with the Administrative Procedure Act.

(18) Standards of quality of the air, water, or land of the state and rules and regulations adopted under the Integrated Solid Waste Management Act or the Livestock Waste Management Act or any amendment or repeal of such standards or rules and regulations shall become effective upon adoption by the

council and filing in the office of the Secretary of State. In adopting standards of air, water, and land quality or making any amendment thereof, the council shall specify a reasonable time for persons discharging wastes into the air, water, or land of the state to comply with such standards and upon the expiration of any such period of time may revoke or modify any permit previously issued which authorizes the discharge of wastes into the air, water, or land of this state which results in reducing the quality of such air, water, or land below the standards established therefor by the council.

(19) All standards of quality of air, water, or land and all rules and regulations adopted pursuant to law by the council prior to May 29, 1981, and applicable to specified air, water, or land are hereby approved and adopted as standards of quality of and rules and regulations for such air, water, or land.

(20) In addition to such standards as are heretofore authorized, the council shall adopt and promulgate rules and regulations to set standards of performance, effluent standards, pretreatment standards, treatment standards, toxic pollutant standards and limitations, effluent limitations, effluent prohibitions, and quantitative limitations or concentrations which shall in all respects conform with and meet the requirements of the National Pollutant Discharge Elimination System in the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

(21)(a) The council shall adopt and promulgate rules and regulations requiring all new or renewal permit or license applicants regulated under the Environmental Protection Act, the Integrated Solid Waste Management Act, or the Livestock Waste Management Act to establish proof of financial responsibility by providing funds in the event of abandonment, default, or other inability of the permittee or licensee to meet the requirements of its permit or license or other conditions imposed by the department pursuant to the acts. The council may exempt classes of permittees or licensees from the requirements of this subdivision when a finding is made that such exemption will not result in a significant risk to the public health and welfare.

(b) Proof of financial responsibility shall include any of the following made payable to or held in trust for the benefit of the state and approved by the department:

(i) A surety bond executed by the applicant and a corporate surety licensed to do business in this state;

(ii) A deposit of cash, negotiable bonds of the United States or the state, negotiable certificates of deposit, or an irrevocable letter of credit of any bank or other savings institution organized or transacting business in the United States in an amount or which has a market value equal to or greater than the amount of the bonds required for the bonded area under the same terms and conditions upon which surety bonds are deposited;

(iii) An established escrow account; or

(iv) A bond of the applicant without separate surety upon a satisfactory demonstration to the director that such applicant has the financial means sufficient to self-bond pursuant to bonding requirements adopted by the council consistent with the purposes of this subdivision.

(c) The director shall determine the amount of the bond, deposit, or escrow account which shall be reasonable and sufficient so the department may, if the permittee or licensee is unable or unwilling to do so and in the event of forfeiture of the bond or other financial responsibility methods, arrange to

rectify any improper management technique committed during the term of the permit or license and assure the performance of duties and responsibilities required by the permit or license pursuant to law, rules, and regulations.

(d) In determining the amount of the bond or other method of financial responsibility, the director shall consider the requirements of the permit or license or any conditions specified by the department, the probable difficulty of completing the requirements of such permit, license, or conditions due to such factors as topography, geology of the site, and hydrology, and the prior history of environmental activities of the applicant.

This subsection shall apply to hazardous waste treatment, storage, or disposal facilities which have received interim status.

(22) The council shall adopt and promulgate rules and regulations no more stringent than the provisions of section 1453 et seq. of the federal Safe Drinking Water Act, as amended, 42 U.S.C. 300j-13 et seq., for public water system source water assessment programs.

The council may adopt and promulgate rules and regulations to implement a source water petition program no more stringent than section 1454 et seq. of the federal Safe Drinking Water Act, as amended, 42 U.S.C. 300j-14 et seq.

Source: Laws 1971, LB 939, § 5; Laws 1972, LB 1435, § 4; Laws 1973, LB 538, § 2; Laws 1974, LB 1029, § 3; Laws 1979, LB 342, § 2; Laws 1980, LB 853, § 3; Laws 1981, LB 216, § 3; Laws 1983, LB 356, § 5; Laws 1984, LB 1078, § 3; Laws 1986, LB 1008, § 2; Laws 1992, LB 1257, § 79; Laws 1993, LB 623, § 3; Laws 1994, LB 570, § 7; Laws 1994, LB 1031, § 1; Laws 1997, LB 517, § 25; Laws 1998, LB 1209, § 21; Laws 1999, LB 784, § 1; Laws 2001, LB 126, § 1; Laws 2001, LB 667, § 49; Laws 2004, LB 449, § 1; Laws 2006, LB 872, § 3; Laws 2011, LB30, § 1.

Cross References

Administrative Procedure Act, see section 84-920.

Integrated Solid Waste Management Act, see section 13-2001.

Livestock Waste Management Act, see section 54-2416.

81-1505.04 Annual emission fee; payment; amount; adjustment; allocation of costs; department; duties; report.

(1)(a) The department shall collect an annual emission fee from major sources of air pollution. Each major source shall pay the emission fee for regulated pollutants in the amount of twenty-five dollars per ton per pollutant or as adjusted pursuant to this section. The fee shall be based upon the amount of emissions of each regulated pollutant as reported or estimated by the source in the previous calendar year, but fees shall not be paid on amounts in excess of four thousand tons per year for any regulated pollutant.

(b) Beginning with calendar year 2001 emissions, fees shall not be paid for a mid-sized electric generation facility on amounts in excess of four hundred tons per year for any regulated pollutant.

(c) A mid-sized electric generation facility owned by a municipality shall continue to be considered a separate mid-sized electric generation facility for purposes of this section even if the facility is subsequently permitted with another general unit larger than one hundred fifteen megawatts under separate ownership. Each facility under separate ownership shall be considered a separate major source for purposes of this section.

(d) For purposes of this section, mid-sized electric generation facility means a facility that:

(i) Uses coal as the primary source of fuel in the facility's largest generation unit;

(ii) Has a name plate generating capacity of between seventy and one hundred fifteen megawatts in the facility's largest generation unit; and

(iii) Is not operating in a political subdivision which has been delegated the authority to enforce the air quality permit program within its jurisdiction.

(2)(a) The emission fee may be increased or decreased annually by the department by the percentage difference between the Consumer Price Index for the most recent year ending before the beginning of such year and the Consumer Price Index for the year 1989 or as required to pay all reasonable direct and indirect costs of developing and administering the air quality permit program. For purposes of this section, Consumer Price Index means the change in the price of goods and services for all urban consumers published by the United States Department of Labor at the close of the twelve-month period ending on August 31 of each year.

(b) For purposes of this section, reasonable direct and indirect costs of developing and administering the air quality permit program, as required under the federal Clean Air Act, as the act existed on May 31, 2001, 42 U.S.C. 7661a through f, include:

(i) Consideration of any associated overhead charges for personnel, equipment, buildings, and vehicles;

(ii) Reviewing and acting on any application for a permit or permit revision;

(iii) Implementing and enforcing the terms of any permit, not including any court costs or other costs associated with any formal enforcement action;

(iv) Emissions and ambient monitoring, including adequate resources to audit and inspect source-operated monitoring programs;

(v) Preparing generally applicable regulations or guidance;

(vi) Modeling, analyses, or demonstrations;

(vii) Preparing inventories and tracking emissions;

(viii) Developing and implementing any emissions trading programs as defined by the department; and

(ix) Providing support to sources under the Small Business Compliance Advisory Panel.

(c) The council shall establish procedures for the method of calculation and payment of the emission fee in a manner consistent with this section and shall establish the definition of or a table listing the pollutants which are regulated pollutants and a definition of major source. Such definitions or listing shall comply with and not be more stringent than the requirements of the federal Clean Air Act, as the act existed on May 31, 2001, 42 U.S.C. 7401 et seq.

(3) On or before January 1 of each year, the department shall submit electronically a report to the Legislature in sufficient detail to document all direct and indirect program costs incurred in the previous fiscal year in carrying out the air quality permit program. The Appropriations Committee of the Legislature shall review such report in its analysis of executive programs in order to verify that revenue generated from emission fees was used solely to offset appropriate and reasonable costs associated with the air quality permit

program. The report shall identify costs incurred by the department to administer the permit program for each major source. In addition, the department shall identify costs incurred by primary activity not specific to a major source.

(4) The department shall administer a cost tracking system which shall show costs for each major source and costs for each primary activity that is not specific to a major source. The department shall consult with interested parties regarding identification of primary activities to be tracked by the cost tracking system.

Source: Laws 1992, LB 1257, § 82; Laws 1996, LB 634, § 1; Laws 2001, LB 461, § 7; Laws 2005, LB 94, § 1; Laws 2006, LB 872, § 4; Laws 2011, LB156, § 1; Laws 2012, LB782, § 202.
Operative date July 19, 2012.

(b) LITTER REDUCTION AND RECYCLING ACT

81-1566 Act; termination; extension; considerations.

The Nebraska Litter Reduction and Recycling Act shall terminate on October 30, 2015, unless extended by the Legislature. In order to determine whether such extension shall occur, the department shall review and evaluate the extent to which the purposes of the act have been and are being achieved and the need for continuation of the program and requirements established by the act. Such review and evaluation shall be completed at least six months prior to the date established by this section for termination of the act.

Source: Laws 1979, LB 120, § 33; Laws 1981, LB 253, § 24; Laws 1985, LB 127, § 1; Laws 1992, LB 1257, § 93; Laws 2001, LB 337, § 1; Laws 2005, LB 33, § 1; Laws 2010, LB798, § 1.
Termination date October 30, 2015.

(g) PETROLEUM PRODUCTS AND HAZARDOUS
SUBSTANCES STORAGE AND HANDLING

81-15,121 Tanks; permit; when required; fees; application; Underground Storage Tank Fund; created; investment.

(1) A person shall not (a) maintain or use any tank for the storage of regulated substances, (b) install any new tank, or (c) permanently close a tank without first securing a permit from the State Fire Marshal.

(2) A fee shall not be charged for a permit under subdivision (1)(a) or (c) of this section. The fee for a permit for installation shall be fifty dollars. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Underground Storage Tank Fund.

(3) All owners of operating tanks, except those provided for in subsection (4) of this section, shall annually register each tank. All registration permits shall expire on December 31 of the year for which the permit was issued. The registration fee shall be thirty dollars per tank. The State Fire Marshal shall remit the fee to the State Treasurer for credit to the Underground Storage Tank Fund. Such permits shall contain the information specified in subsection (5) of this section.

(4) In the case of tanks permanently abandoned on or after January 1, 1974, an annual permit shall not be required and an initial registration permit shall be sufficient.

(5) The application for a registration permit shall be provided by and filed with the State Fire Marshal's office and shall require, but not be limited to, the following information:

- (a) The date the tank was placed in or taken out of operation;
- (b) The age of the tank;
- (c) The size, type, and location of the tank; and
- (d) The type of substances stored in the tank and the quantity of such substances remaining in the tank if the tank has been permanently closed.

(6) The registration permit fee collected pursuant to this section shall be deposited in the Underground Storage Tank Fund which is hereby created as a cash fund. The fund shall also consist of any money appropriated to the fund by the state. The fund shall be administered by the State Fire Marshal to carry out the purposes of the Petroleum Products and Hazardous Substances Storage and Handling Act. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Underground Storage Tank 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.

Source: Laws 1986, LB 217, § 5; Laws 1987, LB 365, § 2; Laws 1989, LB 816, § 2; Laws 1994, LB 1066, § 120; Laws 1998, LB 1161, § 42; Laws 2009, First Spec. Sess., LB3, § 77.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-15,124.01 Environmental Quality Council; rules and regulations.

(1) The Environmental Quality Council shall adopt and promulgate rules and regulations consistent with principles of risk-based corrective action governing all phases of remedial action to be taken by owners, operators, and other persons in response to a release or suspected release of a regulated substance from a tank. Such rules and regulations shall include:

- (a) Provisions governing remedial action to be taken by owners and operators pursuant to section 81-15,124;
- (b) Provisions by which the Department of Environmental Quality may determine the cleanup levels to be achieved through soil or water remediation and the applicable limitations for air emissions at the petroleum release site or occurring by reason of such remediation; and
- (c) Such other provisions necessary to carry out the Petroleum Products and Hazardous Substances Storage and Handling Act.

(2) In developing rules and regulations, the Environmental Quality Council shall take into account risk-based corrective action assessment principles which identify the risks presented to the public health and safety or the environment by each release in a manner that will protect the public health and safety and the environment using, to the extent appropriate, a tiered approach consistent with the American Society for Testing of Materials guidance for risk-based corrective action applicable to petroleum release sites.

Source: Laws 1989, LB 289, § 34; Laws 1993, LB 3, § 61; Laws 1996, LB 1226, § 18; Laws 1998, LB 1161, § 44; Laws 2009, LB154, § 19.

(k) WASTEWATER TREATMENT FACILITIES
CONSTRUCTION ASSISTANCE ACT**81-15,147 Act, how cited.**

Sections 81-15,147 to 81-15,157 shall be known and may be cited as the Wastewater Treatment Facilities Construction Assistance Act.

Source: Laws 1988, LB 766, § 1; Laws 1989, LB 311, § 7; Laws 2011, LB383, § 5.

81-15,153 Department; powers and duties.

The department shall have the following powers and duties:

(1) The power to establish a program to make loans to municipalities or to counties, individually or jointly, for construction or modification of publicly owned wastewater treatment works in accordance with the Wastewater Treatment Facilities Construction Assistance Act and the rules and regulations of the council adopted and promulgated pursuant to such act;

(2) The power to establish a program to make loans to municipalities or to counties for construction, rehabilitation, operation, or maintenance of nonpoint source control systems in accordance with the Wastewater Treatment Facilities Construction Assistance Act and the rules and regulations of the council adopted and promulgated pursuant to such act;

(3) The power, if so authorized by the council pursuant to section 81-15,152, to execute and deliver documents obligating the Wastewater Treatment Facilities Construction Loan Fund and the assets thereof to the extent permitted by section 81-15,151 to repay, with interest, loans to or deposits into the fund and to execute and deliver documents pledging to the extent permitted by section 81-15,151 all or part of the fund and its assets to secure, directly or indirectly, the loans or deposits;

(4) The duty to prepare an annual report for the Governor and the Legislature containing information which shows the financial status of the program. The report submitted to the Legislature shall be submitted electronically;

(5) The duty to establish fiscal controls and accounting procedures sufficient to assure proper accounting during appropriate accounting periods, including the following:

(a) Accounting from the Nebraska Investment Finance Authority for the costs associated with the issuance of bonds pursuant to the act;

(b) Accounting for payments or deposits received by the fund;

(c) Accounting for disbursements made by the fund; and

(d) Balancing the fund at the beginning and end of the accounting period;

(6) The duty to establish financial capability requirements that assure sufficient revenue to operate and maintain a facility for its useful life and to repay the loan for such facility;

(7) The power to determine the rate of interest to be charged on a loan in accordance with the rules and regulations adopted and promulgated by the council;

(8) The power to enter into required agreements with the United States Environmental Protection Agency pursuant to the Clean Water Act;

(9) The power to enter into agreements to provide grants concurrent with loans to municipalities with populations of ten thousand inhabitants or less which demonstrate serious financial hardships. The department may authorize grants for up to one-half of the eligible project cost. Such grants shall contain a provision that payment of the amount allocated is conditional upon the availability of appropriated funds;

(10) The power to authorize emergency grants to municipalities with wastewater treatment facilities which have been damaged or destroyed by natural disaster or other unanticipated actions or circumstances. Such grants shall not be used for routine repair or maintenance of facilities;

(11) The power to provide financial assistance to municipalities with populations of ten thousand inhabitants or less for completion of engineering studies, research projects, investigating low-cost options for achieving compliance with the Clean Water Act, encouraging wastewater reuse, and conducting other studies for the purpose of enhancing the ability of communities to meet the requirements of the Clean Water Act. The department may authorize financial assistance for up to ninety percent of the eligible project cost. Such state allocation shall contain a provision that payment of the amount obligated is conditional upon the availability of appropriated funds; and

(12) Such other powers as may be necessary and appropriate for the exercise of the duties created under the Wastewater Treatment Facilities Construction Assistance Act.

Source: Laws 1988, LB 766, § 7; Laws 1989, LB 311, § 11; Laws 1993, LB 3, § 69; Laws 1994, LB 1139, § 42; Laws 1996, LB 1226, § 26; Laws 2000, LB 1234, § 15; Laws 2003, LB 164, § 2; Laws 2008, LB726, § 2; Laws 2012, LB782, § 203.
Operative date July 19, 2012.

81-15,158 Repealed. Laws 2011, LB 383, § 9.

(I) WASTE REDUCTION AND RECYCLING

81-15,160 Waste Reduction and Recycling Incentive Fund; created; use; investment; grants; restrictions.

(1) The Waste Reduction and Recycling Incentive Fund is created. The department shall deduct from the fund amounts sufficient to reimburse itself for its costs of administration of the fund. The fund shall be administered by the Department of Environmental Quality. The fund shall consist of proceeds from the fees imposed pursuant to the Waste Reduction and Recycling Incentive Act.

(2) The fund may be used for purposes which include, but are not limited to:

(a) Technical and financial assistance to political subdivisions for creation of recycling systems and for modification of present recycling systems;

(b) Recycling and waste reduction projects, including public education, planning, and technical assistance;

(c) Market development for recyclable materials separated by generators, including public education, planning, and technical assistance;

(d) Capital assistance for establishing private and public intermediate processing facilities for recyclable materials and facilities using recyclable materials in new products;

(e) Programs which develop and implement composting of yard waste and composting with sewage sludge;

(f) Technical assistance for waste reduction and waste exchange for waste generators;

(g) Programs to assist communities and counties to develop and implement household hazardous waste management programs;

(h) Capital assistance for establishing private and public facilities to manufacture combustible waste products and to incinerate combustible waste to generate and recover energy resources, except that no disbursements shall be made under this section for scrap tire processing related to tire-derived fuel; and

(i) Grants for reimbursement of costs to cities of the second class, villages, and counties of five thousand or fewer population for the deconstruction of abandoned buildings. Eligible deconstruction costs will be related to the recovery and processing of recyclable or reusable material from the abandoned buildings.

(3) Grants up to one million dollars annually shall be available until June 30, 2014, for new scrap tire projects only, if acceptable scrap tire project applications are received. Eligible categories of disbursement under section 81-15,161 may include, but are not limited to:

(a) Reimbursement for the purchase of crumb rubber generated and used in Nebraska, with disbursements not to exceed fifty percent of the cost of the crumb rubber;

(b) Reimbursement for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content, with disbursements not to exceed twenty-five percent of the product's retail cost, except that persons who applied for a grant between June 1, 1999, and May 31, 2001, for the purchase of tire-derived product which utilizes a minimum of twenty-five percent recycled tire content may apply for reimbursement on or before July 1, 2002. Reimbursement shall not exceed twenty-five percent of the product's retail cost and may be funded in fiscal years 2001-02 and 2002-03;

(c) Participation in the capital costs of building, equipment, and other capital improvement needs or startup costs for scrap tire processing or manufacturing of tire-derived product, with disbursements not to exceed fifty percent of such costs or five hundred thousand dollars, whichever is less;

(d) Participation in the capital costs of building, equipment, or other startup costs needed to establish collection sites or to collect and transport scrap tires, with disbursements not to exceed fifty percent of such costs;

(e) Cost-sharing for the manufacturing of tire-derived product, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(f) Cost-sharing for the processing of scrap tires, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually;

(g) Cost-sharing for the use of scrap tires for civil engineering applications for specified projects, with disbursements not to exceed twenty dollars per ton or two hundred fifty thousand dollars, whichever is less, to any person annually; and

(h) Disbursement to a political subdivision up to one hundred percent of costs incurred in cleaning up scrap tire collection and disposal sites.

The director shall give preference to projects which utilize scrap tires generated and used in Nebraska.

(4) Priority for grants made under section 81-15,161 shall be given to grant proposals demonstrating a formal public/private partnership except for grants awarded from fees collected under subsection (6) of section 13-2042.

(5) Grants awarded from fees collected under subsection (6) of section 13-2042 may be renewed for up to a five-year grant period. Such applications shall include an updated integrated solid waste management plan pursuant to section 13-2032. Annual disbursements are subject to available funds and the grantee meeting established grant conditions. Priority for such grants shall be given to grant proposals showing regional participation and programs which address the first integrated solid waste management hierarchy as stated in section 13-2018 which shall include toxicity reduction. Disbursements for any one year shall not exceed fifty percent of the total fees collected after rebates under subsection (6) of section 13-2042 during that year.

(6) Any person who stores waste tires in violation of section 13-2033, which storage is the subject of abatement or cleanup, shall be liable to the State of Nebraska for the reimbursement of expenses of such abatement or cleanup paid by the Department of Environmental Quality.

(7) The Department of Environmental Quality may receive gifts, bequests, and any other contributions for deposit in the Waste Reduction and Recycling Incentive Fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Waste Reduction and Recycling Incentive 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.

Source: Laws 1990, LB 163, § 2; Laws 1992, LB 1257, § 95; Laws 1993, LB 203, § 20; Laws 1993, LB 444, § 1; Laws 1994, LB 1034, § 7; Laws 1994, LB 1066, § 122; Laws 1997, LB 495, § 9; Laws 1999, LB 592, § 3; Laws 2001, LB 461, § 16; Laws 2002, Second Spec. Sess., LB 1, § 7; Laws 2003, LB 143, § 11; Laws 2007, LB568, § 3; Laws 2009, LB180, § 2; Laws 2009, LB379, § 1; Laws 2009, First Spec. Sess., LB3, § 78.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-15,162 Fees on tires; collection; disbursement.

(1) There is hereby imposed a fee of one dollar on each tire of every new motor vehicle, trailer, or semitrailer sold at retail in this state. Such fee shall be collected by the county treasurer at the time of registration of the motor vehicle, trailer, or semitrailer and remitted to the Department of Revenue.

(2) There is hereby imposed a fee of one dollar on every tire sold at retail in this state, including every farm tractor tire, which tires are not on a motor vehicle, trailer, or semitrailer pursuant to subsection (1) of this section. Such fee shall be collected from the purchaser by the tire retailer at the time of purchase and shall be remitted to the Department of Revenue.

(3) For purposes of this section, tire shall have the definition found in section 81-15,159.02 and shall include a pneumatic and solid tire but shall not include a recapped or regrooved tire.

(4) Subject to section 81-15,165, the fees remitted to the Department of Revenue under this section shall be remitted to the State Treasurer for credit to the Waste Reduction and Recycling Incentive Fund. Fees collected in excess of one million dollars shall be available for grants to political subdivisions under rules and regulations adopted pursuant to subdivision (6)(b)(i) of section 13-2042.

Source: Laws 1990, LB 163, § 4; Laws 1994, LB 1034, § 10; Laws 1999, LB 592, § 4; Laws 2003, LB 143, § 13; Laws 2011, LB29, § 3.

81-15,164 Collection of fees; manner.

(1) Except as provided in subsections (2) and (3) of this section, the fees imposed by sections 81-15,159 to 81-15,165 shall be collected in the same manner as the sales tax under the Nebraska Revenue Act of 1967, including provisions of the act relating to interest, penalties, and collection procedures. No fees shall be charged for any permits under section 81-15,162, and no collection fees shall be allowed any retailer.

(2) The fees imposed by section 81-15,162 shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period.

(3) The fees imposed by section 81-15,163 shall be collected in the same manner as the litter fee under the Nebraska Litter Reduction and Recycling Act, including provisions of the act relating to due dates, interest, penalties, and collection procedures. No fees shall be charged for any permits, and no collection fees shall be allowed any retailer.

Source: Laws 1990, LB 163, § 6; Laws 1993, LB 203, § 22; Laws 1994, LB 1034, § 18; Laws 1999, LB 59, § 2; Laws 2011, LB210, § 13.

Cross References

Nebraska Litter Reduction and Recycling Act, see section 81-1534.

Nebraska Revenue Act of 1967, see section 77-2701.

81-15,165 Tax Commissioner; collection fee; Waste Reduction and Recycling Incentive Fees Collection Fund; created; investment.

The Tax Commissioner shall deduct and withhold from the fees collected pursuant to sections 81-15,159 to 81-15,165 a fee sufficient to reimburse himself or herself for the actual cost of collecting and administering such fees and shall credit such collection fee to the Waste Reduction and Recycling Incentive Fees Collection Fund which is hereby created. The Legislature shall appropriate money from the fund to the Department of Revenue to cover the actual costs of the department in administering the Waste Reduction and Recycling Incentive Act. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Waste Reduction and Recycling Incentive Fees Collection 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.

Source: Laws 1990, LB 163, § 7; Laws 1993, LB 203, § 23; Laws 1994, LB 1034, § 19; Laws 1994, LB 1066, § 123; Laws 2009, First Spec. Sess., LB3, § 79.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(n) NEBRASKA ENVIRONMENTAL TRUST ACT

81-15,174 Nebraska Environmental Trust Fund; created; use; investment.

The Nebraska Environmental Trust Fund is created. The fund shall be maintained in the state accounting system as a cash fund. Except as otherwise provided in this section, the fund shall be used to carry out the purposes of the Nebraska Environmental Trust Act, including the payment of administrative costs. Money in the fund shall include proceeds credited pursuant to section 9-812 and proceeds designated by the board pursuant to section 81-15,173. 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.

Source: Laws 1992, LB 1257, § 51; Laws 1994, LB 1066, § 124; Laws 2000, LB 957, § 10; Laws 2002, Second Spec. Sess., LB 1, § 8; Laws 2003, LB 408, § 6; Laws 2004, LB 962, § 111; Laws 2006, LB 1061, § 12; Laws 2011, LB229, § 2.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-15,175 Fund allocations; board; powers and duties; grant award to Water Resources Cash Fund; payments; legislative intent; additional grant; additional reporting.

(1) The board may make an annual allocation each fiscal year from the Nebraska Environmental Trust Fund to the Nebraska Environmental Endowment Fund as provided in section 81-15,174.01. The board shall make annual allocations from the Nebraska Environmental Trust Fund and may make annual allocations each fiscal year from the Nebraska Environmental Endowment Fund for projects which conform to the environmental categories of the board established pursuant to section 81-15,176 and to the extent the board determines those projects to have merit. The board shall establish a calendar annually for receiving and evaluating proposals and awarding grants. To evaluate the economic, financial, and technical feasibility of proposals, the board may establish subcommittees, request or contract for assistance, or establish advisory groups. Private citizens serving on advisory groups shall be reimbursed for their actual and necessary expenses pursuant to sections 81-1174 to 81-1177.

(2) The board shall establish rating systems for ranking proposals which meet the board's environmental categories and other criteria. The rating systems shall include, but not be limited to, the following considerations:

- (a) Conformance with categories established pursuant to section 81-15,176;
- (b) Amount of funds committed from other funding sources;
- (c) Encouragement of public-private partnerships;
- (d) Geographic mix of projects over time;
- (e) Cost-effectiveness and economic impact;
- (f) Direct environmental impact;

(g) Environmental benefit to the general public and the long-term nature of such public benefit; and

(h) Applications recommended by the Director of Natural Resources and submitted by the Department of Natural Resources pursuant to subsection (7) of section 61-218 shall be awarded fifty priority points in the ranking process for the 2011 grant application if the Legislature has authorized annual transfers of three million three hundred thousand dollars to the Water Resources Cash Fund for each of fiscal years 2011-12 and 2012-13 and has stated its intent to transfer three million three hundred thousand dollars to the Water Resources Cash Fund in fiscal year 2013-14. Priority points shall be awarded if the proposed programs set forth in the grant application are consistent with the purposes of reducing consumptive uses of water, enhancing streamflows, recharging ground water, or supporting wildlife habitat in any river basin determined to be fully appropriated pursuant to section 46-714 or designated as overappropriated pursuant to section 46-713.

(3) A grant awarded under this section pursuant to an application made under subsection (7) of section 61-218 shall be paid out in the following manner:

(a) The initial three million three hundred thousand dollar installment shall be remitted to the State Treasurer for credit to the Water Resources Cash Fund no later than fifteen business days after the date that the grant is approved by the board;

(b) The second three million three hundred thousand dollar installment shall be remitted to the State Treasurer for credit to the Water Resources Cash Fund no later than May 15, 2013; and

(c) The third three million three hundred thousand dollar installment shall be remitted to the State Treasurer for credit to the Water Resources Cash Fund no later than May 15, 2014, if the Legislature has authorized a transfer of three million three hundred thousand dollars from the General Fund to the Water Resources Cash Fund for fiscal year 2013-14.

(4) It is the intent of the Legislature that the Department of Natural Resources apply for an additional three-year grant from the Nebraska Environmental Trust Fund that would begin in fiscal year 2014-15 and such application shall be awarded fifty priority points in the ranking process as set forth in subdivision (2)(h) of this section if the following criteria are met:

(a) The Natural Resources Committee of the Legislature has examined options for water funding and has submitted a report electronically to the Clerk of the Legislature and the Governor by December 1, 2012, setting forth:

(i) An outline and priority listing of water management and funding needs in Nebraska, including instream flows, residential, agricultural, recreational, and municipal needs, interstate obligations, water quality issues, and natural habitats preservation;

(ii) An outline of statewide funding options which create a dedicated, sustainable funding source to meet the needs set forth in the report; and

(iii) Recommendations for legislation;

(b) The projects and activities funded by the department through grants from the Nebraska Environmental Trust Fund under this section have resulted in enhanced streamflows, reduced consumptive uses of water, recharged ground water, supported wildlife habitat, or otherwise contributed towards conserving,

enhancing, and restoring Nebraska's ground water and surface water resources. On or before July 1, 2014, the department shall submit electronically a report to the Natural Resources Committee of the Legislature providing demonstrable evidence of the benefits accrued from such projects and activities; and

(c) In addition to the grant reporting requirements of the trust, on or before July 1, 2014, the department provides to the board a report which includes documentation that:

(i) Expenditures from the Water Resources Cash Fund made to natural resources districts have met the matching fund requirements provided in subdivision (5)(a) of section 61-218;

(ii) Ten percent or less of the matching fund requirements has been provided by in-kind contributions for expenses incurred for projects enumerated in the grant application. In-kind contributions shall not include land or land rights; and

(iii) All other projects and activities funded by the department through grants from the Nebraska Environmental Trust Fund under this section were matched not less than forty percent of the project or activity cost by other funding sources.

(5) The board may establish a subcommittee to rate grant applications. If the board uses a subcommittee, the meetings of such subcommittee shall be subject to the Open Meetings Act. The subcommittee shall (a) use the rating systems established by the board under subsection (2) of this section, (b) assign a numeric value to each rating criterion, combine these values into a total score for each application, and rank the applications by the total scores, (c) recommend an amount of funding for each application, which amount may be more or less than the requested amount, and (d) submit the ranked list and recommended funding to the board for its approval or disapproval.

(6) The board may commit funds to multiyear projects, subject to available funds and appropriations. No commitment shall exceed three years without formal action by the board to renew the grant or contract. Multiyear commitments may be exempt from the rating process except for the initial application and requests to renew the commitment.

(7) The board shall adopt and promulgate rules and regulations and publish guidelines governing allocations from the fund. The board shall conduct annual reviews of existing projects for compliance with project goals and grant requirements.

(8) Every five years the board may evaluate the long-term effects of the projects it funds. The evaluation may assess a sample of such projects. The board may hire an independent consultant to conduct the evaluation and may report the evaluation findings to the Legislature and the Governor. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1992, LB 1257, § 52; Laws 1993, LB 138, § 81; Laws 2000, LB 957, § 12; Laws 2002, LB 1003, § 51; Laws 2004, LB 832, § 2; Laws 2011, LB229, § 3; Laws 2011, LB366, § 1; Laws 2012, LB782, § 204.

Operative date July 19, 2012.

Cross References

Open Meetings Act, see section 84-1407.

(p) SUPERFUND COST SHARE CASH FUND

81-15,180 Superfund Cost Share Cash Fund; created; use; investment.

The Superfund Cost Share Cash Fund is created. The Department of Environmental Quality shall remit grants and gifts received by the department for purposes of providing cost share for remediation of superfund sites to the State Treasurer for credit to the fund. The department shall administer the Superfund Cost Share Cash Fund to pay for nonfederal costs, including costs for in-kind services, required as cost share for remediation of superfund sites. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Superfund Cost Share Cash 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.

Source: Laws 2005, LB 426, § 3; Laws 2009, First Spec. Sess., LB3, § 80.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(r) TECHNICAL ADVISORY COMMITTEE

81-15,189 Repealed. Laws 2009, LB 154, § 27.

81-15,190 Repealed. Laws 2009, LB 154, § 27.

ARTICLE 16

STATE ENERGY OFFICE

(a) STATE ENERGY OFFICE

Section

81-1606. Director of the State Energy Office; energy statistics and information; develop and maintain; report.

81-1607. Director of the State Energy Office; comprehensive report; contents.

81-1607.01. State Energy Office Cash Fund; created; use; investment.

(b) LIGHTING AND THERMAL EFFICIENCY STANDARDS

81-1608. Uniform energy efficiency standards; legislative findings.

81-1609. Terms, defined.

81-1611. Nebraska Energy Code; adoption; alternative standards; used; when.

81-1614. Nebraska Energy Code; applicability.

81-1615. Nebraska Energy Code; exemptions.

81-1616. Procedures for insuring compliance with Nebraska Energy Code; costs; appeal.

81-1620. State Energy Office; establish technical assistance program.

81-1623. Repealed. Laws 2009, LB 316, § 29.

(d) SCHOOL DISTRICT ENERGY EFFICIENCY LOANS AND GRANTS

81-1634. Repealed. Laws 2012, LB 708, § 1.

(e) PETROLEUM OVERCHARGES

81-1637. Predisbursement plan; contents; hearing.

(a) STATE ENERGY OFFICE

81-1606 Director of the State Energy Office; energy statistics and information; develop and maintain; report.

The Director of the State Energy Office shall develop and maintain a program of collection, compilation, and analysis of energy statistics and infor-

mation. Existing information reporting requests, maintained at the state and federal levels, shall be utilized whenever possible in any data collection required under the provisions of sections 81-1601 to 81-1607. A central state repository of energy data shall be developed and coordinated with other governmental data-collection and record-keeping programs. The director shall, on at least an annual basis, with monthly compilations, submit to the Governor and the Clerk of the Legislature a report identifying state energy consumption by fuel type and by use to the extent that such information is available. The report submitted to the Clerk of the Legislature shall be submitted electronically. Nothing in this section shall be construed as permitting or authorizing the revealing of confidential information. For purposes of this section confidential information shall mean any process, formula, pattern, decision, or compilation of information which is used, directly or indirectly, in the business of the producer, refiner, distributor, transporter, or vendor, and which gives such producer, refiner, distributor, transporter, or vendor an advantage or an opportunity to obtain an advantage over competitors who do not know or use it.

Source: Laws 1980, LB 954, § 57; Laws 1983, LB 124, § 9; Laws 2012, LB782, § 205.

Operative date July 19, 2012.

81-1607 Director of the State Energy Office; comprehensive report; contents.

(1) On or before February 15 of each year, the Director of the State Energy Office shall transmit to the Governor and the Clerk of the Legislature a comprehensive report designed to identify emerging trends related to energy supply, demand, and conservation and to specify the level of statewide energy need within the following sectors: Agricultural, commercial, residential, industrial, transportation, utilities, government, and any other sector that the director determines to be useful. The report submitted to the Clerk of the Legislature shall be submitted electronically.

(2) The report shall include, but not be limited to:

(a) An assessment of the state's energy resources, including examination of the current energy supplies and any feasible alternative sources;

(b) The estimated reduction in annual energy consumption resulting from various energy conservation measures;

(c) The status of the office's ongoing studies;

(d) Recommendations to the Governor and the Legislature for administrative and legislative actions to accomplish the purposes of sections 70-625, 70-704, 81-161, 81-1602, 81-1606, and 81-1607; and

(e) The use of funds disbursed during the previous year under sections 81-1635 to 81-1641. The use of such funds shall be reported each year until the funds are completely disbursed and all contractual obligations have expired or otherwise terminated.

Source: Laws 1980, LB 954, § 59; Laws 1987, LB 23, § 3; Laws 1988, LB 764, § 1; Laws 2012, LB782, § 206.

Operative date July 19, 2012.

81-1607.01 State Energy Office Cash Fund; created; use; investment.

The State Energy Office Cash Fund is hereby created. The fund shall consist of funds received pursuant to section 57-705. The fund shall be used for the administration of sections 81-1601 to 81-1607, for energy conservation activities, and for providing technical assistance to communities in the area of natural gas other than assistance regarding ownership of regulated utilities, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the State Energy Office Cash 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.

Source: Laws 1989, LB 727, § 3; Laws 1994, LB 1066, § 126; Laws 2009, First Spec. Sess., LB3, § 81.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(b) LIGHTING AND THERMAL EFFICIENCY STANDARDS

81-1608 Uniform energy efficiency standards; legislative findings.

The Legislature finds that consumers have an expectation that newly built houses or buildings they buy meet uniform energy efficiency standards. Therefore, the Legislature finds that there is a need to adopt the 2009 International Energy Conservation Code in order (1) to ensure that a minimum energy efficiency standard is maintained throughout the state, (2) to harmonize and clarify energy building code statutory references, (3) to ensure compliance with the National Energy Policy Act of 1992, (4) to increase energy savings for all Nebraska consumers, especially low-income Nebraskans, (5) to reduce the cost of state programs that provide assistance to low-income Nebraskans, (6) to reduce the amount of money expended to import energy, (7) to reduce the growth of energy consumption, (8) to lessen the need for new power plants, and (9) to provide training for local code officials and residential and commercial builders who implement the 2009 International Energy Conservation Code.

Source: Laws 1980, LB 954, § 32; Laws 2004, LB 888, § 4; Laws 2011, LB329, § 4.

81-1609 Terms, defined.

As used in sections 81-1608 to 81-1626, unless the context otherwise requires:

- (1) Office means the State Energy Office;
- (2) Contractor means the person or entity responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building;
- (3) Architect or engineer means any person licensed as an architect or professional engineer under the Engineers and Architects Regulation Act;
- (4) Building means any new structure, renovated building, or addition which is used or intended for supporting or sheltering any use or occupancy, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of three and four-tenths British Thermal Units per hour or one watt per square foot;

(5) Residential building means a building three stories or less that is used primarily as one or more dwelling units;

(6) Renovation means alterations on an existing building which will cost more than fifty percent of the replacement cost of such building at the time work is commenced or which was not previously heated or cooled, for which a heating or cooling system is now proposed, except that the restoration of historical buildings shall not be included;

(7) Addition means an extension or increase in the height, conditioned floor area, or conditioned volume of a building or structure;

(8) Floor area means the total area of the floor or floors of a building, expressed in square feet, which is within the exterior faces of the shell of the structure which is heated or cooled;

(9) Nebraska Energy Code means the 2009 International Energy Conservation Code;

(10) Traditional energy sources means electricity, petroleum-based fuels, uranium, coal, and all nonrenewable forms of energy; and

(11) Equivalent or equivalent code means standards that meet or exceed the requirements of the Nebraska Energy Code.

Source: Laws 1980, LB 954, § 33; Laws 1982, LB 799, § 6; Laws 1983, LB 124, § 10; Laws 1997, LB 622, § 126; Laws 2000, LB 1135, § 25; Laws 2004, LB 888, § 5; Laws 2011, LB329, § 5.

Cross References

Engineers and Architects Regulation Act, see section 81-3401.

81-1611 Nebraska Energy Code; adoption; alternative standards; used; when.

The Legislature hereby adopts the 2009 International Energy Conservation Code as the Nebraska Energy Code. The State Energy Office may adopt regulations specifying alternative standards for building systems, techniques, equipment designs, or building materials that shall be deemed equivalent to the Nebraska Energy Code. Regulations specifying alternative standards may be deemed equivalent to the Nebraska Energy Code and may be approved for general or limited use if the use of such alternative standards would not result in energy consumption greater than would result from the strict application of the Nebraska Energy Code.

Source: Laws 1980, LB 954, § 35; Laws 1983, LB 124, § 12; Laws 2000, LB 1135, § 26; Laws 2004, LB 888, § 6; Laws 2011, LB329, § 6.

81-1614 Nebraska Energy Code; applicability.

The Nebraska Energy Code shall apply to all new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after August 27, 2011.

Source: Laws 1980, LB 954, § 38; Laws 1981, LB 2, § 2; Laws 1983, LB 124, § 15; Laws 2004, LB 888, § 8; Laws 2011, LB329, § 7.

81-1615 Nebraska Energy Code; exemptions.

The following shall be exempt from sections 81-1608 to 81-1626:

(1) Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area;

(2) Any building which is neither heated nor cooled;

(3) Any building or portion thereof which is owned by the United States of America;

(4) Any manufactured home as defined by section 71-4603;

(5) Any modular housing unit as defined by subdivision (1) of section 71-1557; and

(6) Any building or structure (a) that is listed on the state or National Register of Historic Places, (b) that is designated as a historic property under local or state designation law or survey, (c) that is certified as a contributing resource with a National Register-listed or locally designated historic district, or (d) with an opinion or certification that the property is eligible to be listed on the state or National Register of Historic Places either individually or as a contributing building to a historic district by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places.

Source: Laws 1980, LB 954, § 39; Laws 1983, LB 124, § 16; Laws 1985, LB 313, § 30; Laws 2004, LB 888, § 9; Laws 2011, LB329, § 8.

81-1616 Procedures for insuring compliance with Nebraska Energy Code; costs; appeal.

For purposes of insuring compliance with section 81-1614:

(1) The office, or its authorized agent, may conduct such inspections and investigations as are necessary to make a determination pursuant to section 81-1625 and may issue an order containing and resulting from the findings of such inspections and investigations; and

(2) A building owner may submit a written request that the office undertake a determination pursuant to subdivision (1) of this section. Such request shall include a list of reasons why the building owner believes such a determination is necessary.

A building owner aggrieved by the office's determination, or refusal to make such determination, may appeal such determination or refusal as provided in the Administrative Procedure Act.

The office may charge an amount sufficient to recover the costs of providing such determinations.

Source: Laws 1980, LB 954, § 40; Laws 1981, LB 799, § 7; Laws 1983, LB 124, § 17; Laws 2000, LB 1135, § 28; Laws 2004, LB 888, § 10; Laws 2011, LB329, § 9.

Cross References

Administrative Procedure Act, see section 84-920.

81-1620 State Energy Office; establish technical assistance program.

The State Energy Office shall establish a training program to provide initial technical assistance to local code officials and residential and commercial builders upon adoption and implementation of a new Nebraska Energy Code. The program shall include the training of local code officials in building technology and local enforcement procedure related to implementation of the

NEBRASKA CONSULTANTS' COMPETITIVE NEGOTIATION ACT § 81-1701

Nebraska Energy Code and the development of training programs suitable for presentation by local governments, educational institutions, and other public or private entities. Subsequent requests for training shall be fulfilled at a fee that pays for the State Energy Office's costs for such training.

Source: Laws 1980, LB 954, § 44; Laws 1983, LB 124, § 20; Laws 2004, LB 888, § 13; Laws 2011, LB329, § 10.

81-1623 Repealed. Laws 2009, LB 316, § 29.

(d) SCHOOL DISTRICT ENERGY EFFICIENCY LOANS AND GRANTS

81-1634 Repealed. Laws 2012, LB 708, § 1.

(e) PETROLEUM OVERCHARGES

81-1637 Predisbursement plan; contents; hearing.

(1) The Governor shall submit electronically a predisbursement plan to the Legislature if in session or the Executive Board of the Legislative Council if the Legislature is not in session.

(2) The predisbursement plan shall generally outline the uses and beneficiaries of proposed disbursements from the fund, as well as the expected benefits to the state as a whole.

(3) The predisbursement plan shall also include a policy statement which shall indicate (a) a perception of the current and anticipated trends regarding energy availability, costs, and needs in the state, (b) assumptions regarding the impacts on energy needs of the state of current and anticipated state and federal policies and market forces affecting energy use, and (c) generally, how the types of projects to be selected will address those trends and assumptions.

(4) The Legislature may hold a public hearing within thirty days of receipt of the predisbursement plan to solicit testimony on such plan. The Legislature may, no later than fifteen days following such hearing, make recommendations to the State Energy Office concerning the plan. No disbursement of or obligation to disburse any money in the fund shall be made after July 9, 1988, until forty-five days after the predisbursement plan referring to such disbursement has been submitted to the Legislature or the Executive Board of the Legislative Council, as the case may be.

Source: Laws 1987, LB 683, § 3; Laws 1988, LB 764, § 3; Laws 2012, LB782, § 207.

Operative date July 19, 2012.

ARTICLE 17

NEBRASKA CONSULTANTS' COMPETITIVE NEGOTIATION ACT

Section
81-1701. Act; purpose; applicability.

81-1701 Act; purpose; applicability.

The purpose of the Nebraska Consultants' Competitive Negotiation Act is to provide managerial control over competitive negotiations by the state for acquisition of professional architectural, engineering, landscape architecture,

or land surveying services. The act does not apply to contracts under section 57-1503.

Source: Laws 1978, LB 715, § 1; Laws 2011, First Spec. Sess., LB4, § 6. Effective date November 23, 2011.

ARTICLE 18

CRIME VICTIMS AND WITNESSES

(a) CRIME VICTIM'S REPARATIONS

Section

- 81-1801. Terms, defined.
- 81-1801.02. Community Trust; authorized; powers and duties; board of directors; create separate funds; distribution committee.
- 81-1802. Crime Victim's Reparations Committee; created; members.
- 81-1803. Committee; members; appointment; terms.
- 81-1805. Committee; members; expenses.
- 81-1813. Committee; adopt rules and regulations; forms and materials; provide.
- 81-1818. Personal injury or death; situations for which compensation is permitted.
- 81-1820. Hearing officer; emergency award of compensation; when; conditions; review.
- 81-1822. Compensation; situations when not awarded.
- 81-1823. Award; limitations; how paid.
- 81-1825. Committee; subrogation rights.
- 81-1833. Committee; report; contents.
- 81-1834. Award; payment.
- 81-1835. Victim's Compensation Fund; created; use; investment.
- 81-1839. Committee; payments for legal representation; when.
- 81-1840. Action to defeat purpose of sections; null and void.
- 81-1841. Act, how cited.

(b) CRIME VICTIMS AND WITNESSES ASSISTANCE

- 81-1845. Victim and witness assistance center; selection and establishment; Nebraska Commission on Law Enforcement and Criminal Justice; duties; funding.

(a) CRIME VICTIM'S REPARATIONS

81-1801 Terms, defined.

For purposes of the Nebraska Crime Victim's Reparations Act, unless the context otherwise requires:

- (1) Commission shall mean the Nebraska Commission on Law Enforcement and Criminal Justice;
- (2) Committee shall mean the Crime Victim's Reparations Committee;
- (3) Dependent shall mean a relative of a deceased victim who was dependent upon the victim's income at the time of death, including a child of a victim born after a victim's death;
- (4) Executive director shall mean the executive director of the commission;
- (5) Personal injury shall mean actual bodily harm;
- (6) Relative shall mean spouse, parent, grandparent, stepparent, natural born child, stepchild, adopted child, grandchild, brother, sister, half brother, half sister, or spouse's parent; and
- (7) Victim shall mean a person who is injured or killed as a result of conduct specified in section 81-1818.

Source: Laws 1978, LB 910, § 1; Laws 1981, LB 328, § 4; Laws 1986, LB 540, § 2; Laws 1991, LB 186, § 1; Laws 2009, LB598, § 2; Laws 2011, LB390, § 21.

81-1801.02 Community Trust; authorized; powers and duties; board of directors; create separate funds; distribution committee.

(1) A nonprofit organization, to be known as the Community Trust, may be created. After a tragedy, the Community Trust shall accept contributions from the public, manage such funds, and make distributions to help individuals, families, and communities in Nebraska that have suffered from a tragedy of violence or natural disaster. The committee shall oversee the Community Trust. The committee shall require at least annual reports from the Community Trust.

(2) The Community Trust shall be a qualified organization under section 501(c)(3) of the Internal Revenue Code thereby enabling contributions to the Community Trust to be tax deductible for the donor if the donor itemizes deductions for income tax purposes and distributions to be tax-free to the extent allowed under applicable sections of the Internal Revenue Code.

(3) The Community Trust shall be governed by a board of directors. A director may be represented by the Attorney General in the same manner as a state officer or employee under sections 81-8,239.05 and 81-8,239.06 in any civil action that arises as a result of any alleged act or omission occurring in the course and scope of the director's duties. A director shall also be indemnified for liability in the same manner as a state officer or employee under section 81-8,239.05.

(4) The Community Trust shall create a separate fund for each tragedy and shall begin accepting contributions immediately after a tragedy. The Community Trust shall report the distributions made for each tragedy to the committee, and the Community Trust shall acknowledge all contributions as soon as reasonably possible after receipt.

(5) The Community Trust may use up to ten percent of the contributions received for administrative costs of the Community Trust.

(6) The board of directors of the Community Trust shall establish procedures for receiving contributions and making distributions from the Community Trust. The board of directors shall establish a distribution committee for the tragedy within one week after the tragedy, establish eligible recipient criteria and eligible uses of the fund, and complete all distributions as soon as reasonably possible after the tragedy.

(7) In the event that the Community Trust receives contributions for a tragedy and the volume and size of claims, along with the amount of contributions, make it impractical for the Community Trust to follow its normal procedures for the distribution of the funds, the board of directors, at its sole discretion, may elect to forward such funds, in their entirety, to another nonprofit organization that is also serving individuals who are affected by the tragedy. In such case, the Community Trust shall designate such contributions to be for the specific individuals who are affected by the tragedy.

Source: Laws 2009, LB598, § 1; Laws 2011, LB390, § 22.

81-1802 Crime Victim's Reparations Committee; created; members.

A Crime Victim's Reparations Committee is hereby created. The committee shall consist of five members of the commission and two public members to be appointed by the Governor subject to approval by the Legislature. One public member shall represent charitable organizations, and one public member shall

represent businesses. The members of the committee shall select a chairperson who is a member of the commission.

Source: Laws 1978, LB 910, § 2; Laws 1981, LB 328, § 5; Laws 1986, LB 540, § 3; Laws 2009, LB598, § 3.

81-1803 Committee; members; appointment; terms.

Members of the committee shall serve for terms of four years, except that of the public members first appointed one shall be appointed for a term of two years and one for a term of four years.

Source: Laws 1978, LB 910, § 3; Laws 1986, LB 540, § 4; Laws 2009, LB598, § 4.

81-1805 Committee; members; expenses.

Members of the committee shall receive no reimbursement for the performance of their duties as members of the committee, except that such members shall receive reimbursement for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source: Laws 1978, LB 910, § 5; Laws 1981, LB 204, § 199; Laws 1986, LB 540, § 6; Laws 2009, LB598, § 5.

81-1813 Committee; adopt rules and regulations; forms and materials; provide.

The committee may, subject to the approval of the commission, adopt and promulgate rules and regulations prescribing the procedures to be followed in the filing of applications and proceedings under the Nebraska Crime Victim's Reparations Act and any other matters the committee considers appropriate, including special circumstances, such as when expenses of job retraining or similar employment-related rehabilitative services are involved, under which an award from the Victim's Compensation Fund may exceed ten thousand dollars. The committee shall make available all forms and educational materials necessary to promote the existence of the programs to persons throughout the state.

Source: Laws 1978, LB 910, § 13; Laws 1981, LB 328, § 7; Laws 1986, LB 540, § 14; Laws 2009, LB598, § 6.

81-1818 Personal injury or death; situations for which compensation is permitted.

The committee or hearing officer may order the payment of compensation from the Victim's Compensation Fund for personal injury or death which resulted from:

- (1) An attempt on the part of the applicant to prevent the commission of crime, to apprehend a suspected criminal, to aid or attempt to aid a police officer in the performance of his or her duties, or to aid a victim of a crime; or
- (2) The commission or attempt on the part of one other than the applicant of an unlawful criminal act committed or attempted in the State of Nebraska.

Source: Laws 1978, LB 910, § 18; Laws 1986, LB 540, § 19; Laws 2009, LB598, § 7; Laws 2011, LB390, § 23.

81-1820 Hearing officer; emergency award of compensation; when; conditions; review.

(1) Prior to the hearing officer taking action on an application for compensation from the Victim's Compensation Fund, the applicant may request that a hearing officer make an emergency award of compensation to the applicant. If it appears to the hearing officer that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the hearing officer may make an emergency award of compensation to the applicant pending a final decision in the case, except that:

(a) The amount of the emergency compensation shall not exceed five hundred dollars;

(b) The amount of the emergency compensation shall be deducted from the final compensation made to the applicant; and

(c) The excess amount of the emergency compensation over the final amount shall be repaid by the applicant to the committee.

(2) If the hearing officer refuses to make an emergency award of compensation to the applicant, the applicant may request an emergency hearing before the committee which may be conducted by means of teleconference. The committee shall forthwith specify a time and place for an emergency hearing and shall give written notice to the applicant. If it appears to the committee that the claim is one for which compensation is probable and undue hardship will result to the applicant if immediate payment is not made, the committee may make an emergency award of compensation to the applicant pending a final decision in the case, subject to the conditions and limitations stated in subsection (1) of this section.

Source: Laws 1978, LB 910, § 20; Laws 1986, LB 540, § 21; Laws 2009, LB598, § 8.

81-1822 Compensation; situations when not awarded.

No compensation shall be awarded from the Victim's Compensation Fund:

(1) If the victim aided or abetted the offender in the commission of the unlawful act;

(2) If the offender will receive economic benefit or unjust enrichment from the compensation;

(3) If the victim violated a criminal law of the state, which violation caused or contributed to his or her injuries or death;

(4) If the victim is injured as a result of the operation of a motor vehicle, boat, or airplane (a) unless the vehicle was used in a deliberate attempt to injure or kill the victim, (b) unless the operator is charged with a violation of section 60-6,196 or 60-6,197 or a city or village ordinance enacted in conformance with either of such sections, or (c) unless any chemical test of the operator's breath or blood indicates an alcohol concentration equal to or in excess of the limits prescribed in section 60-6,196; or

(5) If the victim incurs an economic loss which does not exceed ten percent of his or her net financial resources. For purposes of this subdivision, a victim's net financial resources shall not include the present value of future earnings and shall be determined by the committee by deducting from the victim's total financial resources:

- (a) One year's earnings;
- (b) The victim's equity in his or her home, not exceeding thirty thousand dollars;
- (c) One motor vehicle; and
- (d) Any other property which would be exempt from execution under section 25-1552 or 40-101.

Nothing in this section shall limit payments to a victim by an offender which are made as full or partial restitution of the victim's actual pecuniary loss.

Source: Laws 1978, LB 910, § 22; Laws 1982, LB 942, § 7; Laws 1986, LB 540, § 23; Laws 1990, LB 87, § 7; Laws 1993, LB 370, § 489; Laws 2001, LB 773, § 18; Laws 2009, LB598, § 9; Laws 2011, LB390, § 24.

81-1823 Award; limitations; how paid.

Except as provided in section 81-1813, no compensation shall be awarded under the Nebraska Crime Victim's Reparations Act from the Victim's Compensation Fund in an amount in excess of ten thousand dollars for each applicant per incident unless expenses for job retraining or similar employment-related rehabilitative services for the victim are deemed necessary. In such case, amounts in excess of ten thousand dollars shall be used only for such purposes. Each award shall be paid in installments unless the hearing officer or committee decides otherwise.

Source: Laws 1978, LB 910, § 23; Laws 1986, LB 540, § 24; Laws 2009, LB598, § 10.

81-1825 Committee; subrogation rights.

When an order for the payment of compensation for personal injury or death is made from the Victim's Compensation Fund, the committee shall be subrogated to the cause of action of the applicant against the person responsible for the injury or death and shall be entitled to bring an action against such person for the amount of the damages sustained by the applicant. If an amount greater than that paid under the order is recovered and collected in the action, the committee shall pay the balance to the applicant.

Source: Laws 1978, LB 910, § 25; Laws 1986, LB 540, § 26; Laws 2009, LB598, § 11.

81-1833 Committee; report; contents.

(1) The committee shall prepare and submit to the commission a biennial report of its activities under the Nebraska Crime Victim's Reparations Act, including the name of each applicant, a brief description of the facts in each case, and the amount of compensation awarded, except that if the applicant was the victim of a sexual assault the victim's name shall not be included in the report, but shall be available to the Governor or a member of the Legislature upon request to the committee. Such report shall be submitted to the Governor and Clerk of the Legislature as part of the commission's report submitted pursuant to section 81-1423.

(2) The committee shall act as the oversight committee for the Community Trust and shall annually report its activities and findings as the oversight committee to the commission, the Governor, and the Clerk of the Legislature.

The report submitted to the Clerk of the Legislature shall be submitted electronically. If any questionable or improper actions or inactions on the part of the Community Trust are observed, the committee shall immediately notify the Attorney General who shall investigate the matter.

Source: Laws 1978, LB 910, § 33; Laws 1979, LB 322, § 60; Laws 1980, LB 319, § 6; Laws 1981, LB 545, § 37; Laws 1981, LB 328, § 8; Laws 1986, LB 540, § 31; Laws 2009, LB598, § 12; Laws 2012, LB782, § 208.

Operative date July 19, 2012.

81-1834 Award; payment.

Any award to a claimant and any judgment in favor of a claimant under the Nebraska Crime Victim's Reparations Act from the Victim's Compensation Fund shall be certified by the committee to the Director of Administrative Services who shall promptly issue a warrant for payment of such award of judgment out of the fund if sufficient money is available in such fund.

Source: Laws 1978, LB 910, § 34; Laws 1986, LB 540, § 32; Laws 2009, LB598, § 13.

81-1835 Victim's Compensation Fund; created; use; investment.

The Victim's Compensation Fund is created. The fund shall be used to pay awards or judgments under the Nebraska Crime Victim's Reparations Act other than distributions from the Community Trust. The fund shall include deposits pursuant to sections 29-2286, 33-157, 81-1836, 83-183.01, and 83-184 and donations or contributions from public or private sources and shall be in such amount as the Legislature shall determine to be reasonably sufficient to meet anticipated claims. When the amount of money in the fund is not sufficient to pay any awards or judgments under the act, the Director of Administrative Services shall immediately advise the Legislature and request an emergency appropriation to satisfy such awards and judgments. 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.

Source: Laws 1978, LB 910, § 35; Laws 1986, LB 540, § 33; Laws 1987, LB 353, § 2; Laws 1995, LB 7, § 132; Laws 2009, LB598, § 14; Laws 2010, LB510, § 4.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-1839 Committee; payments for legal representation; when.

Notwithstanding the provisions of sections 81-1836 to 81-1838, the committee shall make payments from the Victim's Compensation Fund to any person accused of crime upon the order of a court of competent jurisdiction after a showing by such person that such money shall be used for the exclusive purpose of retaining legal representation at any stage of the proceedings against such person, including the appeals process.

Source: Laws 1978, LB 910, § 39; Laws 1986, LB 540, § 36; Laws 2009, LB598, § 15.

81-1840 Action to defeat purpose of sections; null and void.

Any action taken by any person convicted of a crime, whether by way of execution of a power of attorney, creation of corporate entities or otherwise, to defeat the purpose of sections 81-1836 to 81-1839 shall be null and void as against the public policy of this state.

Source: Laws 1978, LB 910, § 40; Laws 2009, LB598, § 16.

81-1841 Act, how cited.

Sections 81-1801 to 81-1842 shall be known and may be cited as the Nebraska Crime Victim's Reparations Act.

Source: Laws 1978, LB 910, § 41; Laws 2004, LB 270, § 6; Laws 2009, LB598, § 17.

(b) CRIME VICTIMS AND WITNESSES ASSISTANCE

81-1845 Victim and witness assistance center; selection and establishment; Nebraska Commission on Law Enforcement and Criminal Justice; duties; funding.

(1) Any public or private nonprofit agency may apply to the Nebraska Commission on Law Enforcement and Criminal Justice for selection and funding as a victim and witness assistance center pursuant to sections 81-1843 to 81-1851.

(2) The commission shall consider the following factors, together with any other factors it deems appropriate, in selecting applicants to receive funds and be designated as a victim and witness assistance center:

(a) The number of volunteers that the proposed center will utilize;

(b) The stated goals of the applicant;

(c) The potential number of people that may be served by the proposed center and the needs of the community for such a center;

(d) Evidence of community support for the establishment of the proposed center; and

(e) The organizational structure of the agency which will operate the proposed center and provide services to victims and witnesses of crimes.

(3) Upon evaluation of all applicants, the Nebraska Commission on Law Enforcement and Criminal Justice shall select a number of public or private nonprofit agencies which the commission deems qualified for designation to receive funding for the establishment and operation of such centers.

(4) The commission shall, upon the establishment of such centers, conduct appraisals of their performance to determine which of the centers shall receive continuation grants. The commission shall report its finding to the Governor and the Clerk of the Legislature. The report submitted to the Clerk of the Legislature shall be submitted electronically.

Source: Laws 1981, LB 477, § 3; Laws 2004, LB 270, § 10; Laws 2012, LB782, § 209.

Operative date July 19, 2012.

ARTICLE 19

TRUTH AND DECEPTION EXAMINERS

Section

81-1917. Voice stress analysis; license to operate; applicant; qualifications; affidavit; contents.

81-1918. Course of study or training; certified facility; proof of completion.

81-1917 Voice stress analysis; license to operate; applicant; qualifications; affidavit; contents.

(1) Each applicant for a truth and deception examiner's license to operate a voice stress analysis instrument shall submit to the Secretary of State a sworn affidavit that the applicant:

- (a) Is at least nineteen years of age;
- (b) Is a citizen of the United States and a resident of the State of Nebraska;
- (c) Has not been under sentence for the commission of a felony within five years prior to application, including parole, probation, or actual incarceration, and has never been convicted of a felony or a misdemeanor involving moral turpitude;
- (d) Has an academic degree at the baccalaureate level from an accredited college or university, has at least four years of investigative experience at the federal, state, political subdivision, or private licensed investigator level immediately prior to application, or has had at least four years experience administering voice stress examinations;
- (e) Has satisfactorily completed a minimum of sixty classroom hours of formal voice stress analysis instruction recognized and approved by the secretary and has satisfactorily completed at least one year of internship training or its equivalent as approved by the secretary; and
- (f) Has not previously had an examiner's license or its equivalent refused or revoked, or otherwise invalidated for cause duly shown which would also represent lawful grounds for revoking or denying the applicant's license under the Licensing of Truth and Deception Examiners Act.

(2) Each applicant shall also:

- (a) Provide the secretary with proof that the applicant has completed a course of study at a training facility approved pursuant to subdivision (e) of subsection (1) of this section;
- (b) Furnish the secretary with satisfactory proof that he or she has had suitable experience in the personal administration of voice stress analysis examinations during his or her training course;
- (c) Furnish the secretary with completed fingerprint cards, in duplicate, bearing the applicant's fingerprints and such other identifying information or certification as to the authenticity thereof as the secretary may reasonably require; and
- (d) After satisfying all of the other requirements of this section, be required to satisfactorily pass a written examination regarding the voice stress analysis instruments, conducted by the secretary or under his or her supervision, given to determine competency to practice as an examiner.

Source: Laws 1980, LB 485, § 17; Laws 2012, LB860, § 1.
Effective date July 19, 2012.

81-1918 Course of study or training; certified facility; proof of completion.

For purposes of sections 81-1916 and 81-1917, the secretary shall accept as proof of completion of a course of study or training a copy of a diploma or certificate attesting to the applicant's completion of a training course at an approved or certified training facility or institution, including, but not limited to, those training facilities or institutions which have been certified by (1) the American Polygraph Association as a course of study and training in the use of the polygraph instrument or (2) the National Institute for Truth Verification and the National Association of Computer Voice Stress Analysts as a course of study and training in the use of voice stress instruments.

Source: Laws 1980, LB 485, § 18; Laws 2012, LB860, § 2.
Effective date July 19, 2012.

ARTICLE 20**NEBRASKA STATE PATROL**

(a) GENERAL PROVISIONS

Section

- 81-2004.01. Carrier Enforcement Cash Fund; created; use; investment.
81-2004.04. Funds and accounts; records; report; accounting.

(b) RETIREMENT SYSTEM

- 81-2014. Terms, defined.
81-2014.01. Act, how cited.
81-2016. Retirement system; membership; requirements; new employee; participation in another governmental plan; how treated; separate employment; effect.
81-2017. Retirement system; contributions; payment; funding of system.
81-2022. Retirement system; funds; investment; charges; report.
81-2023. Auditor of Public Accounts; annual audit; report to Clerk of the Legislature.
81-2026. Retirement; annuity; officers; surviving spouse; children; benefit; disability or death in line of duty; benefit; maximum benefit; direct transfer to retirement plan; death while performing qualified military service; additional death benefit.
81-2027.03. Repealed. Laws 2011, LB 509, § 55.
81-2027.05. Repealed. Laws 2011, LB 509, § 55.
81-2027.06. Repealed. Laws 2011, LB 509, § 55.
81-2027.07. Repealed. Laws 2011, LB 509, § 55.
81-2027.08. Annual benefit adjustment; cost-of-living adjustment calculation method.
81-2031.03. Direct rollover; terms, defined; distributee; powers; board; duties.
81-2032. Retirement system; funds; exemption from legal process; exception; payment for civil damages; conditions.
81-2041. DROP participation authorized; requirements; fees.

(a) GENERAL PROVISIONS

81-2004.01 Carrier Enforcement Cash Fund; created; use; investment.

(1) The Carrier Enforcement Cash Fund is created. The fund shall be established within the Nebraska State Patrol and administered by the Superintendent of Law Enforcement and Public Safety. The fund shall consist of fund transfers made each fiscal year from the Roads Operations Cash Fund as authorized by the Legislature through the budget process.

(2) The Carrier Enforcement Cash Fund shall only be used to pay the costs associated with the operation of the carrier enforcement division of the patrol,

except that (a) the Legislature may authorize fund transfers each fiscal year through the budget process from the Carrier Enforcement Cash Fund to the Nebraska Public Safety Communication System Cash Fund to pay the carrier enforcement division's share of operations costs of the Nebraska Public Safety Communication System and (b) transfers may be made from the Carrier Enforcement Cash Fund to the General Fund at the direction of the Legislature.

(3) Any money in the Carrier Enforcement Cash 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.

Source: Laws 2007, LB322, § 2; Laws 2009, First Spec. Sess., LB3, § 83.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-2004.04 Funds and accounts; records; report; accounting.

(1) For the purpose of establishing and maintaining legislative oversight and accountability, the Nebraska State Patrol shall maintain records of all expenditures, disbursements, and transfers of cash from the Nebraska State Patrol Cash Fund and the Investigation Petty Cash Fund.

(2) By September 15 of each year, the patrol shall report to the budget division of the Department of Administrative Services and the Legislative Fiscal Analyst the unexpended balance existing on June 30 of the previous fiscal year relating to investigative expenses in (a) the Nebraska State Patrol Cash Fund, (b) the Investigation Petty Cash Fund, (c) any special checking account or accounts used by the patrol in carrying out the duties specified in section 81-2004.02, and (d) any funds existing on June 30 of the previous fiscal year in the possession of personnel of the patrol involved in investigations. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

(3) The Legislature may require a separate accounting of the investigation funds according to specific types of investigations.

Source: Laws 1986, LB 851, § 3; Laws 2012, LB782, § 210.

Operative date July 19, 2012.

(b) RETIREMENT SYSTEM

81-2014 Terms, defined.

For purposes of the Nebraska State Patrol Retirement Act:

(1) Actuarial equivalent means the equality in value of the aggregate amounts expected to be received under different forms of payment or to be received at an earlier retirement age than the normal retirement age. The determinations shall be based on the 1994 Group Annuity Mortality Table reflecting sex-distinct factors blended using seventy-five percent of the male table and twenty-five percent of the female table. An interest rate of eight percent per annum shall be reflected in making the determinations until such percent is amended by the Legislature;

(2) Board means the Public Employees Retirement Board;

(3)(a) Compensation means gross wages or salaries payable to the member for personal services performed during the plan year. Compensation does not include insurance premiums converted into cash payments, reimbursement for

expenses incurred, fringe benefits, per diems, or bonuses for services not actually rendered, including, but not limited to, early retirement inducements, cash awards, and severance pay, except for retroactive salary payments paid pursuant to court order, arbitration, or litigation and grievance settlements. For any officer employed after January 4, 1979, compensation does not include compensation for unused sick leave or unused vacation leave converted to cash payments. Compensation includes overtime pay, member retirement contributions, and amounts contributed by the member to plans under sections 125 and 457 of the Internal Revenue Code as defined in section 49-801.01 or any other section of the code which defers or excludes such amounts from income.

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

(4) Creditable service means service granted pursuant to section 81-2034 and all service rendered while a contributing member of the retirement system. Creditable service includes working days, sick days, vacation days, holidays, and any other leave days for which the officer is paid regular wages. Creditable service does not include eligibility and vesting credit nor service years for which member contributions are withdrawn and not repaid;

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

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

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

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

(9) Initial benefit means the retirement benefit calculated at the time of retirement;

(10) Officer means an officer provided for in sections 81-2001 to 81-2009;

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

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

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

(14) Service means employment as a member of the Nebraska State Patrol and shall not be deemed to be interrupted by (a) temporary or seasonal suspension of service that does not terminate the employee's employment, (b)

leave of absence authorized by the employer for a period not exceeding twelve months, (c) leave of absence because of disability, or (d) military service, when properly authorized by the board. Service does not include any period of disability for which disability retirement benefits are received under subsection (1) of section 81-2025;

(15) Surviving spouse means (a) the spouse married to the member on the date of the member's death if married for at least one year prior to death or if married on the date of the member's retirement or (b) the spouse or former spouse of the member if survivorship rights are provided under a qualified domestic relations order filed with the board pursuant to the Spousal Pension Rights Act. The spouse or former spouse shall supersede the spouse married to the member on the date of the member's death as provided under a qualified domestic relations order. If the benefits payable to the spouse or former spouse under a qualified domestic relations order are less than the value of benefits entitled to the surviving spouse, the spouse married to the member on the date of the member's death shall be the surviving spouse for the balance of the benefits; and

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

Source: Laws 1947, c. 211, § 1, p. 687; Laws 1969, c. 511, § 1, p. 2092; R.S.1943, (1978), § 60-441; Laws 1989, LB 506, § 13; Laws 1991, LB 549, § 47; Laws 1994, LB 833, § 34; Laws 1995, LB 501, § 7; Laws 1996, LB 700, § 13; Laws 1996, LB 847, § 34; Laws 1996, LB 1076, § 32; Laws 1996, LB 1273, § 27; Laws 1997, LB 624, § 27; Laws 1999, LB 674, § 7; Laws 2000, LB 1192, § 19; Laws 2001, LB 408, § 19; Laws 2002, LB 470, § 7; Laws 2003, LB 451, § 21; Laws 2007, LB324, § 1; Laws 2012, LB916, § 28.
Effective date April 7, 2012.

Cross References

Spousal Pension Rights Act, see section 42-1101.

81-2014.01 Act, how cited.

Sections 81-2014 to 81-2041 shall be known and may be cited as the Nebraska State Patrol Retirement Act.

Source: Laws 1996, LB 847, § 33; Laws 1997, LB 624, § 28; Laws 1998, LB 532, § 9; Laws 1998, LB 1191, § 64; Laws 2001, LB 408, § 20; Laws 2002, LB 407, § 48; Laws 2007, LB324, § 2; Laws 2011, LB509, § 40.

81-2016 Retirement system; membership; requirements; new employee; participation in another governmental plan; how treated; separate employment; effect.

(1) Every member of the Nebraska State Patrol who was employed by the State of Nebraska as such, on September 7, 1947, and every person employed as a member of such patrol thereafter, shall be a member of the system, except for those members of the Nebraska State Patrol who elected pursuant to section 60-1304 to remain members of the State Employees Retirement System of the State of Nebraska. On and after July 1, 2010, no employee shall be authorized to participate in the retirement system provided for in the Nebraska State Patrol Retirement Act unless the employee (a) is a United States citizen or (b) is a qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is lawfully present in the United States.

(2) Within the first thirty days of employment, a member may apply to the board for eligibility and vesting credit for years of participation in another Nebraska governmental plan, as defined by section 414(d) of the Internal Revenue Code. During the years of participation in the other Nebraska governmental plan, the employee must have been a full-time employee, as defined in the Nebraska governmental plan in which the credit was earned.

(3) Any officer who qualifies for membership pursuant to subsection (1) of this section may not be disqualified from membership in the retirement system solely because such officer also maintains separate employment which qualifies the officer for membership in another public retirement system, nor may membership in this retirement system disqualify such an officer from membership in another public retirement system solely by reason of separate employment which qualifies such officer for membership in this retirement system.

(4) Information necessary to determine membership shall be provided by the Nebraska State Patrol.

(5) The board may adopt and promulgate rules and regulations governing the assessment and granting of eligibility and vesting credit.

Source: Laws 1947, c. 211, § 3, p. 687; R.S.1943, (1978), § 60-443; Laws 1995, LB 501, § 8; Laws 1996, LB 1076, § 33; Laws 1997, LB 624, § 29; Laws 1998, LB 1191, § 65; Laws 2000, LB 1192, § 20; Laws 2002, LB 407, § 49; Laws 2002, LB 470, § 8; Laws 2010, LB950, § 19.

81-2017 Retirement system; contributions; payment; funding of system.

(1) Commencing July 1, 2010, and until July 1, 2011, each officer while in the service of the Nebraska State Patrol shall pay or have paid on his or her behalf a sum equal to sixteen percent of his or her monthly compensation. Commencing July 1, 2011, and until July 1, 2013, each officer while in the service of the

Nebraska State Patrol shall pay or have paid on his or her behalf a sum equal to nineteen percent of his or her monthly compensation. Commencing July 1, 2013, each officer while in the service of the Nebraska State Patrol shall pay or have paid on his or her behalf a sum equal to sixteen percent of his or her monthly compensation. Such amounts shall be deducted monthly by the Director of Administrative Services who shall draw a warrant monthly in the amount of the total deductions from the compensation of members of the Nebraska State Patrol in accordance with subsection (4) of this section, and the State Treasurer shall credit the amount of such warrant to the State Patrol Retirement Fund. The director shall cause a detailed report of all monthly deductions to be made each month to the board.

(2) In addition, commencing July 1, 2010, and until July 1, 2011, there shall be assessed against the appropriation of the Nebraska State Patrol a sum equal to the amount of sixteen percent of each officer's monthly compensation which shall be credited to the State Patrol Retirement Fund. Commencing July 1, 2011, and until July 1, 2013, there shall be assessed against the appropriation of the Nebraska State Patrol a sum equal to the amount of nineteen percent of each officer's monthly compensation which shall be credited to the State Patrol Retirement Fund. Commencing July 1, 2013, there shall be assessed against the appropriation of the Nebraska State Patrol a sum equal to the amount of sixteen percent of each officer's monthly compensation which shall be credited to the State Patrol Retirement Fund.

(3) For the fiscal year beginning on July 1, 2002, and each fiscal year thereafter, the actuary for the board shall perform an actuarial valuation of the system using the entry age actuarial cost method. Under this method, the actuarially required funding rate is equal to the normal cost rate, plus the contribution rate necessary to amortize the unfunded actuarial accrued liability on a level payment basis. The normal cost under this method shall be determined for each individual member on a level percentage of salary basis. The normal cost amount is then summed for all members. Beginning July 1, 2006, any existing unfunded liabilities shall be reinitialized and amortized over a thirty-year period, and during each subsequent actuarial valuation, changes in the funded actuarial accrued liability due to changes in benefits, actuarial assumptions, the asset valuation method, or actuarial gains or losses shall be measured and amortized over a thirty-year period beginning on the valuation date of such change. If the unfunded actuarial accrued liability under the entry age actuarial cost method is zero or less than zero on an actuarial valuation date, then all prior unfunded actuarial accrued liabilities shall be considered fully funded and the unfunded actuarial accrued liability shall be reinitialized and amortized over a thirty-year period as of the actuarial valuation date. If the actuarially required contribution rate exceeds the rate of all contributions required pursuant to the Nebraska State Patrol Retirement Act, there shall be a supplemental appropriation sufficient to pay for the differences between the actuarially required contribution rate and the rate of all contributions required pursuant to the Nebraska State Patrol Retirement Act. Such valuation shall be on the basis of actuarial assumptions recommended by the actuary, approved by the board, and kept on file with the board.

(4) The state shall pick up the member contributions required by this section for all compensation paid on or after January 1, 1985, and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the Internal Revenue Code as defined in section 49-801.01,

except that the state shall continue to withhold federal income taxes based upon these contributions until the Internal Revenue Service or the federal courts rule that, pursuant to section 414(h) of the code, these contributions shall not be included as gross income of the member until such time as they are distributed or made available. The state shall pay these member contributions from the same source of funds which is used in paying earnings to the member. The state shall pick up these contributions by a compensation deduction through a reduction in the cash compensation of the member. Member contributions picked up shall be treated for all purposes of the Nebraska State Patrol Retirement Act in the same manner and to the extent as member contributions made prior to the date picked up.

Source: Laws 1947, c. 211, § 4, p. 688; Laws 1959, c. 286, § 6, p. 1085; Laws 1965, c. 387, § 1, p. 1243; Laws 1971, LB 987, § 10; Laws 1975, LB 235, § 1; R.S.1943, (1978), § 60-444; Laws 1981, LB 462, § 5; Laws 1984, LB 218, § 4; Laws 1989, LB 506, § 14; Laws 1991, LB 549, § 49; Laws 1994, LB 833, § 36; Laws 1994, LB 1287, § 1; Laws 1995, LB 369, § 6; Laws 1995, LB 574, § 81; Laws 2001, LB 408, § 21; Laws 2002, LB 407, § 50; Laws 2004, LB 514, § 1; Laws 2005, LB 503, § 12; Laws 2006, LB 1019, § 12; Laws 2007, LB324, § 4; Laws 2009, LB188, § 7; Laws 2011, LB382, § 7.

81-2022 Retirement system; funds; investment; charges; report.

Any funds of the Nebraska State Patrol Retirement System available for investment shall be invested by the Nebraska Investment Council pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act. Payment for investment services by the council shall be charged directly against the gross investment returns of the funds. Charges so incurred shall not be a part of the board's annual budget request. The amounts of payment for such services, as of December 31 of each year, shall be reported not later than March 31 of the following year to the council, the board, and the Nebraska Retirement Systems Committee of the Legislature. The report submitted to the committee shall be submitted electronically.

The state investment officer shall sell any securities upon request from the director so as to provide money for the payment of benefits or annuities.

Source: Laws 1947, c. 211, § 9, p. 689; Laws 1967, c. 486, § 40, p. 1530; Laws 1969, c. 584, § 59, p. 2382; R.S.1943, (1978), § 60-449; Laws 1986, LB 311, § 24; Laws 1991, LB 549, § 54; Laws 1994, LB 1066, § 128; Laws 2012, LB782, § 211.

Operative date July 19, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-2023 Auditor of Public Accounts; annual audit; report to Clerk of the Legislature.

It shall be the duty of the Auditor of Public Accounts to make an annual audit of the retirement system and submit electronically an annual report to the Clerk of the Legislature of its condition. Each member of the Legislature shall receive

an electronic copy of such report by making a request for it to the Auditor of Public Accounts.

Source: Laws 1947, c. 211, § 10, p. 689; Laws 1971, LB 987, § 14; Laws 1979, LB 322, § 24; R.S.Supp.,1980, § 60-450; Laws 2012, LB782, § 212.

Operative date July 19, 2012.

81-2026 Retirement; annuity; officers; surviving spouse; children; benefit; disability or death in line of duty; benefit; maximum benefit; direct transfer to retirement plan; death while performing qualified military service; additional death benefit.

(1)(a) Any officer qualified for an annuity as provided in section 81-2025 for reasons other than disability shall be entitled to receive a monthly annuity for the remainder of the officer's life. The annuity payments shall continue until the end of the calendar month in which the officer dies. The amount of the annuity shall be a percentage of the officer's final average monthly compensation. For retirement on or after the fifty-fifth birthday of the member or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033, the percentage shall be three percent multiplied by the number of years of creditable service, as calculated in section 81-2033, except that the percentage shall never be greater than seventy-five percent.

(b) For retirement pursuant to subsection (2) of section 81-2025 on or after the fiftieth birthday of the member but prior to the fifty-fifth birthday of the member who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one percent for each month by which the early retirement date precedes age fifty-five or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five years, whichever is earlier. Any officer who has completed thirty years of creditable service with the Nebraska State Patrol shall have retirement benefits computed as if the officer had reached age fifty-five.

(c) For purposes of this computation, final average monthly compensation shall mean the sum of the officer's total compensation during the three twelve-month periods of service as an officer in which compensation was the greatest divided by thirty-six, and for any officer employed on or before January 4, 1979, the officer's total compensation shall include payments received for unused vacation and sick leave accumulated during the final three years of service.

(2) Any officer qualified for an annuity as provided in section 81-2025 for reasons of disability shall be entitled to receive a monthly annuity for the remainder of the period of disablement as provided in sections 81-2028 to 81-2030. The amount of the annuity shall be fifty percent of the officer's monthly compensation at the date of disablement if the officer has completed seventeen or fewer years of creditable service. If the officer has completed more than seventeen years of creditable service, the amount of the annuity shall be three percent of the final monthly compensation at the date of disablement multiplied by the total years of creditable service but not to exceed seventy-five percent of the final average monthly compensation as defined in subsection (1)

of this section. The date of disablement shall be the date on which the benefits as provided in section 81-2028 have been exhausted.

(3) Upon the death of an officer after retirement for reasons other than disability, benefits shall be provided as a percentage of the amount of the officer's annuity, calculated as follows:

(a) If there is a surviving spouse but no dependent child or children of the officer under nineteen years of age, the surviving spouse shall receive a benefit equal to seventy-five percent of the amount of the officer's annuity for the remainder of the surviving spouse's life;

(b) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen years of age and there is no other dependent child or children of the officer not in the care of the surviving spouse under nineteen years of age, the benefit shall be equal to one hundred percent of the officer's annuity. When there is no remaining dependent child of the officer under nineteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(c) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen years of age or there is another dependent child or children of the officer under nineteen years of age not in the care of the surviving spouse, the benefit shall be twenty-five percent of the amount of the officer's annuity to the surviving spouse and seventy-five percent of the amount of the officer's annuity to the dependent children of the officer under nineteen years of age to be divided equally among such dependent children but in no case shall the benefit received by a surviving spouse and dependent children residing with such spouse be less than fifty percent of the amount of the officer's annuity. At such time as any dependent child of the officer attains nineteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen years of age. When there is no remaining dependent child of the officer under nineteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(d) If there is no surviving spouse and a dependent child or children of the officer under nineteen years of age, the benefit shall be equal to seventy-five percent of the officer's annuity to the dependent children of the officer under nineteen years of age to be divided equally among such dependent children. At such time as any dependent child of the officer attains nineteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen years of age; and

(e) If there is no surviving spouse or no dependent child or children of the officer under nineteen years of age, the amount of benefit such officer has received under the Nebraska State Patrol Retirement Act shall be computed. If such amount is less than the contributions to the State Patrol Retirement Fund made by such officer, plus regular interest, the difference shall be paid to the officer's designated beneficiary or estate.

(4) Upon the death of an officer after retirement for reasons of disability, benefits shall be provided as if the officer had retired for reasons other than disability.

(5) Upon the death of an officer before retirement, benefits shall be provided as if the officer had retired for reasons of disability on the date of such officer's death, calculated as follows:

(a) If there is a surviving spouse but no dependent child or children of the officer under nineteen years of age, the surviving spouse shall receive a benefit equal to seventy-five percent of the amount of the officer's annuity for the remainder of the surviving spouse's life;

(b) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen years of age and there is no other dependent child or children of the officer not in the care of the surviving spouse under nineteen years of age, the benefit shall be equal to one hundred percent of the officer's annuity. When there is no remaining dependent child of the officer under nineteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(c) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen years of age or there is another dependent child or children of the officer under nineteen years of age not in the care of the surviving spouse, the benefit shall be twenty-five percent of the amount of the officer's annuity to the surviving spouse and seventy-five percent of the amount of the officer's annuity to the dependent children of the officer under nineteen years of age to be divided equally among such dependent children but in no case shall the benefit received by a surviving spouse and dependent children residing with such spouse be less than fifty percent of the amount of the officer's annuity. At such time as any dependent child of the officer attains nineteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen years of age. When there is no remaining dependent child of the officer under nineteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(d) If there is no surviving spouse and a dependent child or children of the officer under nineteen years of age, the benefit shall be equal to seventy-five percent of the officer's annuity to the dependent children of the officer under nineteen years of age to be divided equally among such dependent children. At such time as any dependent child of the officer attains nineteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen years of age; and

(e) If no benefits are paid to a surviving spouse or dependent child or children of the officer, benefits will be paid as described in subsection (1) of section 81-2031.

(6) A lump-sum death benefit paid to the member's beneficiary, other than the member's estate, that is an eligible distribution may be distributed in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal Revenue Code.

(7) For any member whose death occurs on or after January 1, 2007, while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member's beneficiary shall be entitled to any additional death benefit that would have been provided, other than the accrual of any benefit relating to the period of qualified military service. The additional death

benefit shall be determined as if the member had returned to employment with the Nebraska State Patrol and such employment had terminated on the date of the member's death.

(8) Any changes made to this section by Laws 2004, LB 1097, shall apply only to retirements, disabilities, and deaths occurring on or after July 16, 2004.

Source: Laws 1953, c. 333, § 2, p. 1093; Laws 1957, c. 276, § 1, p. 1004; Laws 1959, c. 296, § 1, p. 1104; Laws 1961, c. 307, § 6, p. 973; Laws 1965, c. 386, § 2, p. 1241; Laws 1969, c. 510, § 4, p. 2090; Laws 1969, c. 511, § 8, p. 2095; Laws 1974, LB 1004, § 1; Laws 1975, LB 235, § 3; Laws 1976, LB 644, § 1; Laws 1977, LB 347, § 1; Laws 1979, LB 80, § 107; R.S.Supp.,1980, § 60-452.01; Laws 1981, LB 462, § 6; Laws 1986, LB 311, § 26; Laws 1987, LB 493, § 1; Laws 1989, LB 506, § 16; Laws 1990, LB 953, § 2; Laws 1991, LB 549, § 55; Laws 1993, LB 724, § 16; Laws 1994, LB 833, § 41; Laws 1994, LB 1306, § 6; Laws 1996, LB 847, § 37; Laws 1996, LB 1273, § 28; Laws 1997, LB 623, § 36; Laws 1997, LB 624, § 31; Laws 2004, LB 1097, § 30; Laws 2006, LB 1019, § 13; Laws 2011, LB509, § 42; Laws 2012, LB916, § 29. Effective date April 7, 2012.

81-2027.03 Repealed. Laws 2011, LB 509, § 55.

81-2027.05 Repealed. Laws 2011, LB 509, § 55.

81-2027.06 Repealed. Laws 2011, LB 509, § 55.

81-2027.07 Repealed. Laws 2011, LB 509, § 55.

81-2027.08 Annual benefit adjustment; cost-of-living adjustment calculation method.

(1) Beginning July 1, 2011, and each July 1 thereafter, the board shall determine the number of retired members or beneficiaries described in subdivision (4)(b) of this section in the retirement system and an annual benefit adjustment shall be made by the board for each retired member or beneficiary under one of the cost-of-living adjustment calculation methods found in subsection (2), (3), or (4) of this section. Each retired member or beneficiary, if eligible, shall receive an annual benefit adjustment under the cost-of-living adjustment calculation method that provides the retired member or beneficiary the greatest annual benefit adjustment increase. No retired member or beneficiary shall receive an annual benefit adjustment under more than one of the cost-of-living adjustment calculation methods provided in this section.

(2) The current benefit paid to a retired member or beneficiary under this subsection shall be adjusted so that the purchasing power of the benefit being paid is not less than sixty percent of the purchasing power of the initial benefit. The purchasing power of the initial benefit in any year following the year in which the initial benefit commenced shall be calculated by dividing the United States Department of Labor, Bureau of Labor Statistics, Consumer Price Index for Urban Wage Earners and Clerical Workers factor on June 30 of the current year by the Consumer Price Index for Urban Wage Earners and Clerical Workers factor on June 30 of the year in which the benefit commenced. The result shall be multiplied by the product that results when the amount of the initial benefit is multiplied by sixty percent. In any year in which applying the

adjustment provided in subsection (3) of this section results in a benefit which would be less than sixty percent of the purchasing power of the initial benefit as calculated in this subsection, the adjustment shall instead be equal to the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers factor from the prior year to the current year.

(3) The current benefit paid to a retired member or beneficiary under this subsection shall be increased annually by the lesser of (i) the percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the period between June 30 of the prior year to June 30 of the present year or (ii) two and one-half percent.

(4)(a) The current benefit paid to a retired member or beneficiary under this subsection shall be calculated by multiplying the retired member's or beneficiary's total monthly benefit by the lesser of (i) the cumulative change in the Consumer Price Index for Urban Wage Earners and Clerical Workers from the last adjustment of the total monthly benefit of each retired member or beneficiary through June 30 of the year for which the annual benefit adjustment is being calculated or (ii) an amount equal to three percent per annum compounded for the period from the last adjustment of the total monthly benefit of each retired member or beneficiary through June 30 of the year for which the annual benefit adjustment is being calculated.

(b) In order for a retired member or beneficiary to receive the cost-of-living adjustment calculation method in this subsection, the retired member or beneficiary shall be (i) a retired member or beneficiary who has been receiving a retirement benefit for at least five years if the member had at least twenty-five years of creditable service, (ii) a member who has been receiving a disability retirement benefit for at least five years pursuant to section 81-2025, or (iii) a beneficiary who has been receiving a death benefit pursuant to section 81-2026 for at least five years, if the member's or beneficiary's monthly accrual rate is less than or equal to the minimum accrual rate as determined by this subsection.

(c) The monthly accrual rate under this subsection is the retired member's or beneficiary's total monthly benefit divided by the number of years of creditable service earned by the retired or deceased member.

(d) The total monthly benefit under this subsection is the total benefit received by a retired member or beneficiary pursuant to the Nebraska State Patrol Retirement Act and previous adjustments made pursuant to this section or any other provision of the act that grants a benefit or cost-of-living increase, but the total monthly benefit shall not include sums received by an eligible retired member or eligible beneficiary from federal sources.

(e) The minimum accrual rate under this subsection is thirty-eight dollars and eighty-four cents until adjusted pursuant to this subsection. Beginning July 1, 2011, the board shall annually adjust the minimum accrual rate to reflect the cumulative percentage change in the Consumer Price Index for Urban Wage Earners and Clerical Workers from the last adjustment of the minimum accrual rate.

(5) Beginning July 1, 2011, and each July 1 thereafter, each retired member or beneficiary shall receive the sum of the annual benefit adjustment and such retiree's total monthly benefit less withholding, which sum shall be the retired member's or beneficiary's adjusted total monthly benefit. Each retired member or beneficiary shall receive the adjusted total monthly benefit until the expira-

tion of the annuity option selected by the member or until the retired member or beneficiary again qualifies for the annual benefit adjustment, whichever occurs first.

(6) The annual benefit adjustment pursuant to this section shall not cause a current benefit to be reduced, and a retired member or beneficiary shall never receive less than the adjusted total monthly benefit until the annuity option selected by the member expires.

(7) The board shall adjust the annual benefit adjustment provided in this section so that the cost-of-living adjustment provided to the retired member or beneficiary at the time of the annual benefit adjustment does not exceed the change in the Consumer Price Index for Urban Wage Earners and Clerical Workers for the period between June 30 of the prior year to June 30 of the present year. If the consumer price index used in this section is discontinued or replaced, a substitute index published by the United States Department of Labor shall be selected by the board which shall be a reasonable representative measurement of the cost-of-living for retired employees.

(8) The state shall contribute to the State Patrol Retirement Fund an annual level dollar payment certified by the board. For the 2011-12 fiscal year through the 2012-13 fiscal year, the annual level dollar payment certified by the board shall equal 3.04888 percent of six million eight hundred ninety-five thousand dollars.

Source: Laws 2011, LB509, § 41.

81-2031.03 Direct rollover; terms, defined; distributee; powers; board; duties.

(1) For purposes of this section and section 81-2031.04:

(a) Distributee means the member, the member's surviving spouse, or the member's former spouse who is an alternate payee under a qualified domestic relations order as defined in section 414(p) of the Internal Revenue Code;

(b) Direct rollover means a payment by the retirement system to the eligible retirement plan or plans specified by the distributee;

(c) Eligible retirement plan means (i) an individual retirement account described in section 408(a) of the Internal Revenue Code, (ii) an individual retirement annuity described in section 408(b) of the code, except for an endowment contract, (iii) a qualified plan described in section 401(a) of the code, (iv) an annuity plan described in section 403(a) or 403(b) of the code, (v) except for purposes of section 81-2031.04, an individual retirement plan described in section 408A of the code, and (vi) a plan described in section 457(b) of the code and maintained by a governmental employer. For eligible rollover distributions to a surviving spouse, an eligible retirement plan means subdivisions (1)(c)(i) through (vi) of this section; and

(d) Eligible rollover distribution means any distribution to a distributee of all or any portion of the balance to the credit of the distributee in the plan, except such term shall not include any distribution which is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life of the distributee or joint lives of the distributee and the distributee's beneficiary or for the specified period of ten years or more and shall not include any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code.

(2) For distributions made to a distributee on or after January 1, 1993, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee.

(3) A member's surviving spouse or former spouse who is an alternate payee under a qualified domestic relations order and, on or after July 1, 2010, any designated beneficiary of a member who is not a surviving spouse or former spouse who is entitled to receive an eligible rollover distribution from the retirement system may, in accordance with such rules, regulations, and limitations as may be established by the board, elect to have such distribution made in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal Revenue Code.

(4) An eligible rollover distribution on behalf of a designated beneficiary of a member who is not a surviving spouse or former spouse of the member may be transferred to an individual retirement account or annuity described in section 408(a) or section 408(b) of the Internal Revenue Code that is established for the purpose of receiving the distribution on behalf of the designated beneficiary and that will be treated as an inherited individual retirement account or individual retirement annuity described in section 408(d)(3)(C) of the Internal Revenue Code.

(5) The board shall adopt and promulgate rules and regulations for direct rollover procedures which are consistent with section 401(a)(31) of the Internal Revenue Code and which include, but are not limited to, the form and time of direct rollover distributions.

Source: Laws 1996, LB 847, § 39; Laws 2002, LB 407, § 51; Laws 2012, LB916, § 30.
Effective date April 7, 2012.

81-2032 Retirement system; funds; exemption from legal process; exception; payment for civil damages; conditions.

(1) Except as provided in subsection (2) of this section, all annuities or benefits which any person shall be entitled to receive under sections 81-2014 to 81-2036 shall not be subject to garnishment, attachment, levy, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever and shall not be assignable except to the extent that such annuities or benefits are subject to a qualified domestic relations order under the Spousal Pension Rights Act. The payment of any annuities or benefits subject to such order shall take priority over any payment made pursuant to subsection (2) of this section.

(2) If a member of the retirement system is convicted of or pleads no contest to a felony that is defined as assault, sexual assault, kidnapping, child abuse, false imprisonment, or theft by embezzlement and is found liable for civil damages as a result of such felony, following distribution of the member's annuities or benefits from the retirement system, the court may order the payment of the member's annuities or benefits under the retirement system for such civil damages, except that the annuities or benefits to the extent reasonably necessary for the support of the member or any of his or her beneficiaries shall be exempt from such payment. Any order for payment of annuities or benefits shall not be stayed on the filing of any appeal of the conviction. If the conviction is reversed on final judgment, all annuities or benefits paid as civil damages shall be forfeited and returned to the member. The changes made to this section by Laws 2012, LB916, shall apply to persons convicted of or who

have pled no contest to such a felony and who have been found liable for civil damages as a result of such felony prior to, on, or after April 7, 2012.

Source: Laws 1947, c. 211, § 15, p. 692; Laws 1969, c. 511, § 11, p. 2098; R.S.1943, (1978), § 60-459; Laws 1986, LB 311, § 28; Laws 1989, LB 506, § 18; Laws 1994, LB 833, § 45; Laws 1995, LB 574, § 84; Laws 1996, LB 1273, § 29; Laws 2012, LB916, § 31. Effective date April 7, 2012.

Cross References

Spousal Pension Rights Act, see section 42-1101.

81-2041 DROP participation authorized; requirements; fees.

(1) Any member who meets the participation requirements of subsection (2) of this section may participate in DROP. DROP provides that subsequent to attaining normal age and service retirement eligibility, a member may voluntarily choose to participate in DROP upon its adoption which, for purposes of this section, shall be the earlier of September 1, 2008, or the first of the month following a favorable letter determination by the Internal Revenue Service. If the member chooses to participate in DROP, the member shall be deemed to have retired but shall not be deemed to be terminated, and the member may continue in active employment for up to a five-year period. During the DROP period, the member's retirement benefit payments shall be deposited into the DROP account for the benefit of the member until the member actually retires from active employment at or before the expiration of the DROP period. Thereafter, future retirement benefit payments shall be made directly to the member, and the member shall have access to all funds in the DROP account designated for the benefit of the member.

(2) To participate in the DROP program, a member shall meet the following requirements:

(a) A member shall be eligible to enter DROP at any time subsequent to the date when the member has (i) attained normal retirement age and (ii) completed twenty-five years of service. Members having attained normal retirement age and completed twenty-five years of service on or before the date of adoption of DROP shall be eligible to enter DROP at any future date;

(b) A member who elects to enter DROP shall be entitled to receive regular age and service retirement benefits in accordance with section 81-2026. A member is entitled to remain in DROP for a maximum of five years subsequent to the date of the member's DROP election. A member may separate from service and thereby exit DROP at any time during the DROP period. On or before the completion of the DROP period, the member must separate from active employment and exit DROP. During the DROP period, a member's retirement benefit shall be payable to the DROP account vendor designated in the member's name. Amounts transferred or paid to a participating member's DROP account shall not constitute annual additions under section 415 of the Internal Revenue Code;

(c) A member electing to enter DROP shall choose an annuity payment option. After the option is chosen, the member shall not be entitled to any retirement benefit changes, for reasons including, but not limited to, wage increases, promotions, and demotions, except that the restriction on retirement benefit changes shall not apply in the event of duty-related death or duty-related disability. The benefit amount shall be fixed as of the date of election and shall

be payable as if the employee retired on that date and separated from active employment. Upon the death of a member during the DROP period, monthly benefits shall be provided as a percentage of the amount of the member's annuity as set forth in subsection (3) of section 81-2026 based upon the annuity benefit calculation made at commencement of the DROP period. In addition, the balance of the DROP account, if any, shall be provided to the beneficiary or beneficiaries of the member in accordance with subsection (6) of section 81-2026 or, if no beneficiary is provided, to the estate of the member. Upon the disability of a member during the DROP period, the member shall be deemed to have completed the DROP period, shall begin receiving the annuity benefit as calculated at the commencement of the DROP period, and shall be paid the balance of the DROP account, if any;

(d) No member shall be allowed to continue making the required contributions while the member is enrolled in DROP;

(e) During the DROP period, the Nebraska State Patrol shall not be assessed the amount required under subsection (2) of section 81-2017 nor shall such amount be credited to the State Patrol Retirement Fund;

(f) The member shall be paid the balance of the DROP account upon the member's separation from active employment or at the expiration of the DROP period thereby ending the member's participation in DROP. If a member has not voluntarily separated from active employment on or before the completion of the DROP period, the member's retirement benefit shall be paid directly to the member thereby ending the member's active employment. The member's DROP account shall consist of accrued retirement benefits and interest on such benefits;

(g) Any member that is enrolled in DROP shall be responsible for directing the DROP account designated for the benefit of the member by investing the account in any DROP investment options. There shall be no guaranteed rate of investment return on DROP account assets. Any losses, charges, or expenses incurred by the participating DROP member in such member's DROP account by virtue of the investment options selected by the participating DROP member shall not be made up by the retirement system but all of the same shall be borne by the participating DROP member. The retirement system, the state, the board, and the state investment officer shall not be responsible for any investment results under the DROP agreement. Transfers between investment options shall be in accordance with the rules and regulations of DROP. A DROP account shall be established for each participating DROP member. Such DROP account shall be adjusted no less frequently than annually for the member's retirement benefit distributions and net investment earnings and losses;

(h) If the DROP account is subject to administrative or other fees or charges, such fees or charges shall be charged to the participating DROP member's DROP account; and

(i) Cost-of-living adjustments as provided for in section 81-2027.08 shall not be applied to retirement benefits during the DROP period.

Source: Laws 2007, LB324, § 3; Laws 2011, LB509, § 43; Laws 2012, LB916, § 32.

Effective date April 7, 2012.

ARTICLE 21

STATE ELECTRICAL DIVISION

Section

81-2104. State Electrical Board; powers enumerated.

81-2105. Electrical Division Fund; created; how funded; board; expenses.

81-2104 State Electrical Board; powers enumerated.

The board shall have power to:

- (1) Elect its own officers;
- (2) Engage and fix the compensation of such officers, inspectors, and employees as may be required in the performance of its duties;
- (3) Pay such other expenses as may be necessary in the performance of its duties;
- (4) Provide upon request such additional voluntary inspections and reviews as it deems appropriate;
- (5) Adopt, promulgate, and revise rules and regulations necessary to enable it to carry into effect the State Electrical Act. In adopting and promulgating such rules and regulations, the board shall be governed by the minimum standards set forth in the National Electrical Code issued and adopted by the National Fire Protection Association in 2011, Publication Number 70-2011, which code shall be filed in the offices of the Secretary of State and the board and shall be a public record. The board shall adopt and promulgate rules and regulations establishing wiring standards that protect public safety and health and property and that apply to all electrical wiring which is installed subject to the State Electrical Act;
- (6) Revoke, suspend, or refuse to renew any license or registration granted pursuant to the State Electrical Act when the licensee or registrant (a) violates any provision of the National Electrical Code as adopted pursuant to subdivision (5) of this section, the act, or any rule or regulation adopted and promulgated pursuant to the act, (b) fails or refuses to pay any examination, registration, or license renewal fee required by law, (c) is an electrical contractor or master electrician and fails or refuses to provide and keep in force a public liability insurance policy as required by the board, or (d) violates any political subdivision's approved inspection ordinances;
- (7) Order disconnection of power to any electrical installation that is proximately dangerous to health and property;
- (8) Order removal of electrical wiring and apparatus from premises when such wiring and apparatus is proximately dangerous to health and property;
- (9) Investigate, for the purpose of identifying dangerous electrical wiring or violations of the National Electrical Code as adopted pursuant to subdivision (5) of this section, any death by electrocution that occurs within the State of Nebraska;
- (10) Refuse to renew any license granted pursuant to the act when the licensee fails to submit evidence of completing the continuing education requirements under section 81-2117.01;
- (11) Provide for the amount and collection of fees for inspection and other services;

(12) Adopt a seal, and the executive secretary shall have the care and custody thereof; and

(13) Enforce the provisions of the National Electrical Code as adopted pursuant to subdivision (5) of this section.

Source: Laws 1975, LB 525, § 5; Laws 1978, LB 906, § 1; Laws 1978, LB 833, § 3; Laws 1981, LB 77, § 1; R.S.Supp.,1981, § 81-575; Laws 1984, LB 946, § 1; Laws 1987, LB 69, § 1; Laws 1990, LB 863, § 1; Laws 1993, LB 215, § 2; Laws 1993, LB 193, § 4; Laws 1993, LB 192, § 1; Laws 1996, LB 933, § 1; Laws 1999, LB 91, § 1; Laws 2002, LB 873, § 1; Laws 2003, LB 126, § 4; Laws 2005, LB 201, § 1; Laws 2010, LB411, § 1; Laws 2011, LB56, § 1.

81-2105 Electrical Division Fund; created; how funded; board; expenses.

There is hereby created the Electrical Division Fund. All money received under the State Electrical Act shall be remitted to the State Treasurer for credit to the fund. Each member of the board shall be reimbursed for the actual and necessary expenses incurred in the performance of his or her duties pursuant to sections 81-1174 to 81-1177 to be paid out of the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature.

Source: Laws 1975, LB 525, § 6; R.S.1943, (1976), § 81-576; Laws 1993, LB 193, § 5; Laws 2009, First Spec. Sess., LB3, § 84.

ARTICLE 22

AGING SERVICES

(a) NEBRASKA COMMUNITY AGING SERVICES ACT

Section

81-2213. Department; powers and duties relating to aging.

(b) CARE MANAGEMENT SERVICES

81-2233. Department; report.

(d) PREADMISSION SCREENING

81-2265. Repealed. Laws 2009, LB 288, § 54.

81-2267. Repealed. Laws 2009, LB 288, § 54.

81-2270. Purchase of services with state funds; sliding-fee scale.

81-2271. Rules and regulations.

(a) NEBRASKA COMMUNITY AGING SERVICES ACT

81-2213 Department; powers and duties relating to aging.

The department shall have the following powers and duties:

(1) To develop, approve, and submit to the Governor a two-year, three-year, or four-year state plan on aging, as determined by the department, for purposes of administering grant funds allocated to the state under the federal Older Americans Act, as now or hereafter amended, or administering state funds allocated to the Nebraska Community Aging Services Act;

(2) To cooperate with similar departments, commissions, or councils in the federal government and in other states;

(3) To adopt and promulgate rules, regulations, and bylaws governing its procedure and activities and as necessary to carry out the policies of the

department and the policies prescribed by the Administration on Aging pursuant to the federal Older Americans Act, as now or hereafter amended;

(4) To create committees to aid in the discharge of its powers and duties;

(5) To cooperate with and assist other state and local governmental agencies and officials on matters relating to services for older individuals;

(6) To divide the state into planning-and-service areas as provided in section 71-807 for behavioral health regions, except that Regions 3 and 5 may each be divided into two planning-and-service areas with boundaries as established by the department for planning-and-service areas in existence in those regions on July 1, 1982;

(7) To establish minimum standards for program operations and to adopt and promulgate rules and regulations for the performance of area agencies on aging and for any services provided by such area agencies on aging which are funded in whole or in part under the Nebraska Community Aging Services Act or the federal Older Americans Act, as now or hereafter amended;

(8) To require the submission of a one-year and a five-year area plan and budget by each area agency on aging or agency seeking designation as an area agency on aging. Such plans and budgets shall be submitted sixty days prior to the start of each fiscal year in accordance with the uniform area plan format and other instructions issued by the department;

(9) To review and approve a one-year and a five-year area plan and budget for the support of each area agency on aging and the provision of eligible activities and services as defined in section 81-2222;

(10) To adopt and submit electronically to the Legislature a community aging services budget;

(11) To review the performance of each area agency on aging and, based on the department-approved area plan and budget, to determine the continued designation or the withdrawal of the designation of an area agency on aging receiving or requesting resources through the state or under the Nebraska Community Aging Services Act or the federal Older Americans Act, as now or hereafter amended. After consultation with the director of the area agency on aging and the governing unit of the area agency on aging, the department may withdraw a designation when it can be shown that federal or state laws, rules, or regulations have not been complied with, state or federal funds are not being expended for the purposes for which they were intended, or older individuals are not receiving appropriate services within available resources. Withdrawal of a designation may be appealed to the department. Upon withdrawal of a designation, the department may temporarily perform all or part of the functions and responsibilities of the area agency on aging, may designate another agency to perform such functions and responsibilities identified by the department until the designation of a new area agency on aging, and, when deemed necessary, may temporarily deliver services to assure continuity;

(12) To conduct continuing studies and analyses of the problems faced by older individuals within the state and develop such recommendations for administrative or legislative action as appear necessary;

(13) To develop grants and plans, enter into contracts, accept gifts, grants, and federal funds, and do all things necessary and proper to discharge these powers and duties;

(14) To accept and administer any other programs or resources delegated, designated, assigned, or awarded to the department from public or private sources;

(15) To report and make recommendations to the Governor and the Legislature on the activities of the department and the committee and improvements or additional resources needed to promote the general welfare of older individuals in Nebraska. The report submitted to the Legislature shall be submitted electronically. Each member of the Legislature shall receive an electronic copy of the report; and

(16) Such other powers and duties necessary to effectively implement the Nebraska Community Aging Services Act.

Source: Laws 1982, LB 404, § 13; Laws 1991, LB 58, § 15; Laws 1993, LB 818, § 1; Laws 1996, LB 1044, § 873; Laws 2004, LB 1083, § 128; Laws 2007, LB296, § 764; Laws 2012, LB782, § 213.
Operative date July 19, 2012.

(b) CARE MANAGEMENT SERVICES

81-2233 Department; report.

The Department of Health and Human Services shall submit an annual report on care management units to the Governor and the Legislature. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1987, LB 42, § 5; Laws 1996, LB 1044, § 879; Laws 2012, LB782, § 214.
Operative date July 19, 2012.

(d) PREADMISSION SCREENING

81-2265 Repealed. Laws 2009, LB 288, § 54.

81-2267 Repealed. Laws 2009, LB 288, § 54.

81-2270 Purchase of services with state funds; sliding-fee scale.

Services identified by care plans for those not eligible for services provided through the home and community-based waiver for the aged and disabled may be purchased with funds appropriated through section 81-2235 based on a sliding-fee scale.

Source: Laws 1993, LB 801, § 6; Laws 1996, LB 1044, § 892; Laws 2009, LB288, § 37.

81-2271 Rules and regulations.

The Department of Health and Human Services shall adopt and promulgate rules and regulations to establish procedures and standards to implement the intent of sections 81-2268 to 81-2271.

Source: Laws 1993, LB 801, § 7; Laws 1996, LB 1044, § 893; Laws 2009, LB288, § 38.

ARTICLE 24
PROMPT PAYMENT ACT

Section

81-2402. Terms, defined.

81-2408. Agency; reports; required.

81-2402 Terms, defined.

As used in the Prompt Payment Act, unless the context otherwise requires:

(1) Agency shall mean the state and any agency, department, office, commission, board, panel, or division of the state. Agency shall include the University of Nebraska and the Nebraska state colleges;

(2) Bill shall mean a proper billing or invoice which requests a payment and which is supplemented by all necessary verification and forms required by agency rules and regulations to process payments;

(3) Creditor shall mean any person, corporation, association, or other business concern engaged in a trade or business, either on a for-profit or not-for-profit basis, and providing any goods or services to an agency;

(4) Good faith dispute shall mean:

(a) A contention by the agency that goods delivered or services rendered were of less quantity or quality than ordered or specified by contract, faulty, or installed improperly; or

(b) Any other reason giving cause for the withholding of payment by the agency until the dispute is settled, except that failure to give notice as prescribed in section 81-2405 shall preclude an agency from claiming a good faith dispute in the case of a defective or improper billing;

(5) Goods shall mean any goods, supplies, materials, equipment, or other personal property but shall not mean any real property; and

(6) Services shall mean any contractual services, including, but not limited to, architectural, engineering, medical, financial consulting, or other professional services, any construction services, and any other personal services but shall not mean any services performed as an officer or employee of any agency.

Source: Laws 1988, LB 1079, § 2; Laws 2010, LB552, § 11.

81-2408 Agency; reports; required.

Each agency shall report monthly to the Director of Administrative Services and the Legislative Fiscal Analyst any account that has not been paid within the applicable time period prescribed by section 81-2403. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. Each agency shall report annually any interest charge on a past-due account, whether paid or unpaid, to the Governor and to the Appropriations Committee of the Legislature. The report submitted to the committee shall be submitted electronically.

Source: Laws 1988, LB 1079, § 8; Laws 2012, LB782, § 215.
Operative date July 19, 2012.

ARTICLE 25

COMMISSION ON INDIAN AFFAIRS

Section

- 81-2504. Commission; functions.
 81-2509. State assistance to political subdivisions; terms, defined.
 81-2510. State assistance to political subdivision; application; use.
 81-2511. State assistance to political subdivision; application; contents; commission; duties.
 81-2512. State assistance to political subdivision; commission; public hearing; notice.
 81-2513. State assistance to political subdivision; commission; approval of application; quorum.
 81-2514. State assistance to political subdivisions; Designated Collection Fund; created; use; investment; commission; seek and accept funds.
 81-2515. State assistance to political subdivisions; sections; termination.

81-2504 Commission; functions.

The functions of the commission shall be to:

- (1) Promote state and federal legislation beneficial to the Indian community in Nebraska;
- (2) Coordinate existing programs relating to the Indian community in such areas as housing, education, welfare, medical and dental care, employment, economic development, law and order, and related problems;
- (3) Work with other state and federal government agencies and federal and state elected officials in the development of new programs in areas mentioned under subdivision (2) of this section;
- (4) Keep the Governor's office apprised of the situation in the Indian community;
- (5) Administer sections 81-2509 to 81-2515;
- (6) Provide the public with information and education relevant to Indian affairs in the State of Nebraska; and
- (7) Develop programs to encourage the total involvement of Indian people in activities for the common benefit of the Indian community.

Source: Laws 1971, LB 904, § 4; R.S.1943, (1987), § 81-1217; Laws 2010, LB1002, § 8.

81-2509 State assistance to political subdivisions; terms, defined.

For purposes of sections 81-2509 to 81-2515:

- (1) Census-designated place means a concentration of population identified by the United States Department of Commerce, Bureau of the Census, that lacks a separate municipal government but otherwise physically resembles an incorporated city or village, that is associated with an Indian reservation, and that is in a county with fewer than six thousand four hundred inhabitants according to the most recent federal decennial census;
- (2) Commission means the Commission on Indian Affairs;
- (3) Indian reservation means a tract of land set apart by the federal government for the use of the Native American people; and

(4) Political subdivision means a city, village, or county within a thirty-mile radius of a census-designated place or a tribal government that owns land within such thirty-mile radius.

Source: Laws 2010, LB1002, § 1.
Termination date June 30, 2018.

81-2510 State assistance to political subdivision; application; use.

Any political subdivision may annually apply to the commission for state assistance under sections 81-2509 to 81-2515. The state assistance shall be used for economic development, health care, and law enforcement needs in such political subdivision.

Source: Laws 2010, LB1002, § 2.
Termination date June 30, 2018.

81-2511 State assistance to political subdivision; application; contents; commission; duties.

(1) All applications for state assistance under sections 81-2509 to 81-2515 shall be in writing, include a certified copy of the approving action of the governing body of the applicant describing the proposed use for the state assistance, and be of such form and contain the content as the commission shall prescribe and publish for distribution to a political subdivision upon request.

(2) Upon receiving an application for state assistance, the commission shall review the application and notify the applicant of any additional information needed for a proper evaluation of the application.

(3) Any state assistance received pursuant to sections 81-2509 to 81-2515 shall be used only for public purposes.

Source: Laws 2010, LB1002, § 3.
Termination date June 30, 2018.

81-2512 State assistance to political subdivision; commission; public hearing; notice.

(1) After reviewing an application submitted under section 81-2511 and upon reasonable notice to the applicant, the commission shall hold a public hearing on the application.

(2) The commission shall give notice of the time, place, and purpose of the public hearing by publication three times in a newspaper of statewide circulation. Such publication shall be not less than ten days prior to the hearing. The notice shall describe generally the use for which state assistance has been requested. The applicant shall pay the cost of the notice.

(3) At the public hearing, representatives of the applicant and any other interested persons may appear and present evidence and argument in support of or in opposition to the application or neutral testimony. The commission may seek expert testimony and may require testimony of persons whom the commission desires to comment on the application. The commission may provide for the acceptance of additional evidence after conclusion of the public hearing.

Source: Laws 2010, LB1002, § 4.
Termination date June 30, 2018.

81-2513 State assistance to political subdivision; commission; approval of application; quorum.

(1) After consideration of the application and the evidence, the commission shall issue a finding of whether the use described in the application is eligible for state assistance.

(2) If the commission finds that the use described in the application is a legitimate use and that state assistance is in the best interest of the state, the application shall be approved.

(3) A majority of the commission members constitutes a quorum for the purpose of conducting business. All actions of the commission shall be made by a majority vote of the voting members.

Source: Laws 2010, LB1002, § 5.
Termination date June 30, 2018.

81-2514 State assistance to political subdivisions; Designated Collection Fund; created; use; investment; commission; seek and accept funds.

(1) The State Treasurer shall for FY2010-11 transfer on July 15, 2010, twenty-five thousand dollars from the General Fund to the Designated Collection Fund which is hereby created. 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.

(2) The commission may accept and shall actively seek, for the needs listed in section 81-2510, any and all grants, donations, gifts, or contributions from public or private sources. Any such grants, donations, gifts, or contributions shall be deposited in the Designated Collection Fund and shall only be expended as provided in sections 81-2509 to 81-2515.

Source: Laws 2010, LB1002, § 6.
Termination date June 30, 2018.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-2515 State assistance to political subdivisions; sections; termination.

Sections 81-2509 to 81-2515 terminate on June 30, 2018.

Source: Laws 2010, LB1002, § 7.
Termination date June 30, 2018.

ARTICLE 31**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Section

- 81-3116. Responsibilities of divisions.
- 81-3119. Health and Human Services Cash Fund; created; investment.
- 81-3120. Petty cash funds authorized.
- 81-3127. Program administration; terms, defined.
- 81-3128. Program administration; staffing; considerations; caseworkers; activities; appointments; equipment.
- 81-3129. Program administration; services for clients; dedicated caseworkers; specialized department employees or units.
- 81-3130. Program administration; community support specialists; duties; training required.

§ 81-3116

STATE ADMINISTRATIVE DEPARTMENTS

Section

- 81-3131. Program administration; contracts with community-based organizations authorized; Department of Health and Human Services; duties.
- 81-3132. Program administration; Department of Health and Human Services; implementation requirements; report.
- 81-3133. Division of Children and Family Services; reports; strategic plan; key goals; benchmarks; progress reports.
- 81-3134. Report to legislative committees; access of individuals with co-occurring conditions of intellectual disability and mental illness to services; report; contents.
- 81-3135. Department of Health and Human Services; reinstatement of lead agency prohibited in certain service areas.

81-3116 Responsibilities of divisions.

The responsibilities of the divisions created in section 81-3113 include, but are not limited to, the following:

(1) The Division of Behavioral Health shall administer (a) the state hospitals for the mentally ill designated in section 83-305 and (b) publicly funded community-based behavioral health services;

(2) The Division of Children and Family Services shall administer (a) protection and safety programs and services, including child welfare programs and services and the Office of Juvenile Services, (b) economic and family support programs and services, and (c) service areas as may be designated by the chief executive officer or by the Director of Children and Family Services under authority of the chief executive officer, except that on and after September 1, 2012, the western, central, and northern service areas shall be aligned to be coterminous with the district court judicial districts described in section 24-301.02;

(3) The Division of Developmental Disabilities shall administer (a) the Beatrice State Developmental Center and (b) publicly funded community-based developmental disabilities services;

(4) The Division of Medicaid and Long-Term Care shall administer (a) the medical assistance program also known as medicaid, (b) aging services, and (c) other related programs and services;

(5) The Division of Public Health shall administer (a) preventive and community health programs and services, (b) the regulation and licensure of health-related professions and occupations, and (c) the regulation and licensure of health care facilities and health care services; and

(6) The Division of Veterans' Homes shall administer (a) the Eastern Nebraska Veterans' Home, (b) the Grand Island Veterans' Home, (c) the Norfolk Veterans' Home, and (d) the Western Nebraska Veterans' Home.

Source: Laws 2007, LB296, § 7; Laws 2012, LB961, § 4.
Effective date April 10, 2012.

81-3119 Health and Human Services Cash Fund; created; investment.

The Health and Human Services Cash Fund is created and shall consist of funds from contracts, grants, gifts, or fees. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Health and Human Services Cash 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.

Source: Laws 2007, LB296, § 10; Laws 2008, LB961, § 6; Laws 2009, LB288, § 39; Laws 2009, First Spec. Sess., LB3, § 85.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-3120 Petty cash funds authorized.

The chief executive officer of the Department of Health and Human Services may request that petty cash funds be created at specific locations which may be used for fees and costs related to the prosecution of support establishment, modification, and enforcement cases, including, but not limited to, court costs, filing fees, service of process fees, sheriff's costs, garnishment and execution fees, court reporter and transcription costs, costs related to appeals, witness and expert witness fees, and fees or costs for obtaining necessary documents. The petty cash funds shall be created and administered as provided in section 81-104.01, except that the amount in each petty cash fund shall not be less than twenty-five dollars nor more than two thousand dollars.

Source: Laws 2007, LB296, § 11; Laws 2011, LB265, § 1.

81-3127 Program administration; terms, defined.

For purposes of sections 81-3127 to 81-3132:

(1) Client means an applicant for one or more economic assistance programs or his or her legal representative;

(2) Community-based organization means:

(a) An area agency on aging established pursuant to the Nebraska Community Aging Services Act;

(b) A Nebraska-based community action agency designated under the federal Economic Opportunity Act of 1964, 42 U.S.C. 2701 et seq.;

(c) A Nebraska-based center for independent living established under the federal Rehabilitation Act of 1973, 29 U.S.C. 701 et seq., as such act existed on January 1, 2012;

(d) A Nebraska-based rural health clinic established under the federal Rural Health Clinics Act of 1983, 42 U.S.C. 201 et seq., as such act existed on January 1, 2012;

(e) A Nebraska-based federally qualified health center and rural health clinic as such terms are defined in the federal Social Security Act, 42 U.S.C. 1395x(aa), as such section existed on January 1, 2012; and

(f) Any other organization that demonstrates to the Department of Health and Human Services that it can comply with the requirements of subsection (2) of section 81-3131;

(3) Economic assistance programs includes aid to dependent children; aid to the aged, blind, and disabled; Supplemental Nutrition Assistance Program; medicaid; child care; emergency assistance; energy assistance; social services block grants; and other similar programs administered by the department; and

(4) Existing local office means all office locations for economic assistance programs of the Department of Health and Human Services that existed on January 1, 2012.

Source: Laws 2012, LB825, § 1.
Effective date July 19, 2012.

Cross References

Nebraska Community Aging Services Act, see section 81-2201.

81-3128 Program administration; staffing; considerations; caseworkers; activities; appointments; equipment.

(1) The Department of Health and Human Services shall staff multiple, integrated access points for economic assistance programs administered by the department in order to assure that Nebraskans who rely on such programs will be able to utilize them effectively.

(2) The department shall staff existing local offices that provide access to economic assistance programs throughout the state with caseworkers to provide in-person services to department clients. The department shall provide sufficient numbers and hours of staff to perform the activities described in this section and section 81-3129.

(3) The department shall determine appropriate numbers and hours of staff for each existing local office based on a review of the need in each service area. In determining the appropriate numbers and hours of staff, the department shall, at a minimum, consider: (a) The need for staff to travel to community-based organizations as provided in section 81-3131; (b) the volume of economic assistance cases in the counties served by the existing local office; (c) the number of community-based organizations in the counties served by the existing local office; (d) the volume of call-center calls originating in the counties served by the existing local office; and (e) the requirements of sections 81-3127 to 81-3131.

(4) Caseworkers at existing local offices shall perform the following activities by appointment and on a drop-in basis:

- (a) Help clients complete assistance and renewal applications;
- (b) Screen clients for program eligibility;
- (c) Interview clients for assistance eligibility and assistance renewal eligibility;
- (d) Determine program eligibility of the client; and
- (e) Answer client questions in person.

(5) Department call centers for economic assistance programs shall take appointments for face-to-face help for clients regarding or relating to such assistance upon request of the client.

(6) Each existing local office shall be equipped with a reasonable number of computers, telephones, and scanning equipment for client use.

Source: Laws 2012, LB825, § 2.
Effective date July 19, 2012.

81-3129 Program administration; services for clients; dedicated caseworkers; specialized department employees or units.

(1) The Department of Health and Human Services shall provide high-quality services for clients who apply for or receive benefits under public benefit programs administered by the department.

(2) The department shall utilize department caseworkers who are located in call centers, dedicated caseworkers, and specialized department employees or units who will provide in-person assistance to specific clients.

(3) Upon the request of the client, dedicated caseworkers shall, at a minimum, be utilized for persons with chronic physical or mental disorders and the elderly that require the provision of medical and personal care services on a recurring or continuing basis.

(4) Specialized department employees or units shall, at a minimum, be utilized for complex cases, including medicaid waiver cases, medicaid spousal impoverishment cases, disability cases, and other similar cases upon request of the client.

(5) The dedicated caseworkers and specialized department employees or units shall be placed in the existing local offices and shall be accessible to department caseworkers in call centers.

Source: Laws 2012, LB825, § 3.

Effective date July 19, 2012.

81-3130 Program administration; community support specialists; duties; training required.

(1) Community support specialists within the Department of Health and Human Services shall:

(a) Act as a liaison between the department and community-based organizations;

(b) Facilitate client assistance by community-based organizations;

(c) Train community-based organizations in how to help clients access economic assistance programs through the department web site; and

(d) Respond to client problems with the application process known as Access Nebraska or its successor.

(2) The department shall determine the appropriate numbers and hours of community support specialists but shall, at a minimum, employ eight community support specialists to perform the requirements of subsection (1) of this section. The community support specialists shall receive annual training in:

(a) Principles and practices of public administration;

(b) Procedure and policy development; and

(c) Federal and state laws, rules, regulations, and procedures pertaining to health and human services programs.

Source: Laws 2012, LB825, § 4.

Effective date July 19, 2012.

81-3131 Program administration; contracts with community-based organizations authorized; Department of Health and Human Services; duties.

(1) The Department of Health and Human Services shall enter into contracts with community-based organizations which allow the department to keep caseworkers present at the community-based organization at the times specified

in the contract. A contract under this section shall specify sufficient times to allow caseworkers to:

- (a) Screen and conduct interviews for assistance eligibility and assistance renewal;
- (b) Assist clients with assistance applications and renewals;
- (c) Receive assistance applications and renewals;
- (d) Answer questions in person;
- (e) Train and provide technical assistance to staff of community-based organizations; and
- (f) Conduct face-to-face interviews with clients by appointment and on a drop-in basis.

(2) In addition to the requirements specified in subsection (1) of this section, each such contract shall allow the community-based organization to:

- (a) Provide quality, accurate information relating to economic assistance programs that are targeted at populations known to have low participation rates in or difficulty accessing such assistance programs;
- (b) Provide quality outreach to clients in the target populations who utilize economic assistance programs;
- (c) Assist clients in scheduling appointments with caseworkers at a community-based organization facility or local office that provides access to economic assistance programs, whichever the client prefers;
- (d) Assist with organization of information required for economic assistance application or renewal; and
- (e) Negotiate fair compensation for services provided to applicants for economic assistance benefits as described in this section.

(3) The department shall maintain a sufficient number of contracts to provide access to assistance for all Nebraska citizens in establishing and maintaining eligibility for economic assistance programs. In determining the number of contracts with community-based organizations, the department shall, at a minimum, consider:

- (a) The geographic distance applicants would be required to travel to meet with a caseworker in person and how to minimize that distance;
- (b) The volume of economic assistance cases in the service area and how to adequately serve those cases;
- (c) The number of clients in an area who have difficulty in verbal and written communication due to hearing or vision impairment, language barriers, or literacy challenges and how to accommodate their needs;
- (d) The community-based organization's ability to serve the need; and
- (e) The number of existing local offices in the service area.

Source: Laws 2012, LB825, § 5.

Effective date July 19, 2012.

81-3132 Program administration; Department of Health and Human Services; implement requirements; report.

The Department of Health and Human Services shall fulfill the requirements of sections 81-3127 to 81-3131 by September 1, 2012. The department shall

train community-based organizations by September 1, 2012. The department shall report back to the Health and Human Services Committee of the Legislature by September 15, 2012, regarding the implementation of sections 81-3127 to 81-3131, including, but not limited to, the reasons for the department's determinations of the appropriate number of staff and hours pursuant to section 81-3128 and the number of community-based organization contracts pursuant to section 81-3131.

Source: Laws 2012, LB825, § 6.
Effective date July 19, 2012.

81-3133 Division of Children and Family Services; reports; strategic plan; key goals; benchmarks; progress reports.

(1)(a) On or before July 30, 2012, the Division of Children and Family Services of the Department of Health and Human Services shall report in writing its expenditures between January 1, 2012, and June 30, 2012, and the outcomes relating to such expenditures to the Appropriations Committee of the Legislature and the Health and Human Services Committee of the Legislature. Such report shall identify any changes or movement of funds in excess of two hundred fifty thousand dollars relating to child welfare between subprograms within Budget Program 347.

(b) Beginning with the third calendar quarter of 2012, the division shall report in writing its expenditures for each quarter and the outcomes relating to such expenditures within thirty days after the end of the quarter to the Appropriations Committee of the Legislature and the Health and Human Services Committee of the Legislature. Such report shall identify any changes or movement of funds in excess of two hundred fifty thousand dollars relating to child welfare between subprograms within Budget Program 347.

(2)(a) For the biennium ending June 30, 2015, and the biennium ending June 30, 2017, the Division of Children and Family Services of the Department of Health and Human Services shall, as part of the appropriations request process pursuant to section 81-132, include a strategic plan that identifies the main purpose or purposes of each program, verifiable and auditable key goals that the division believes are fair measures of its progress in meeting each program's main purpose or purposes, and benchmarks for improving performance on the key goals for the state as a whole and for each Department of Health and Human Services service area designated pursuant to section 81-3116. The division shall also report whether the benchmarks are being met and, if not, the expected timeframes for meeting them. Such key goals and benchmarks shall be developed by the Division of Children and Family Services with the assistance of the budget division of the Department of Administrative Services pursuant to subdivision (2) of section 81-1113.

(b) Not later than September 15, 2013, and not later than September 15, 2015, the Division of Children and Family Services of the Department of Health and Human Services shall report to the Health and Human Services Committee of the Legislature and the Appropriations Committee of the Legislature on the progress towards the key goals identified pursuant to this subsection that occurred in the previous twelve months.

(3) It is the intent of the Legislature that appropriations of funds for child welfare aid be designated as a separate budget program beginning July 1, 2012.

Source: Laws 2012, LB949, § 1.

Effective date April 10, 2012.

81-3134 Report to legislative committees; access of individuals with co-occurring conditions of intellectual disability and mental illness to services; report; contents.

On or before December 1, 2012, the Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services, the Director of Developmental Disabilities of the Division of Developmental Disabilities of the Department of Health and Human Services, the Director of Behavioral Health of the Division of Behavioral Health of the Department of Health and Human Services, and the Director of Medicaid and Long-Term Care of the Division of Medicaid and Long-Term Care of the Department of Health and Human Services shall provide a report to the Health and Human Services Committee of the Legislature and the Developmental Disabilities Special Investigative Committee of the Legislature concerning the access of individuals with co-occurring conditions of an intellectual disability and mental illness to the full array of services needed to appropriately treat their specific conditions. The report shall include, but not be limited, to:

(1) A summary of how these individuals are currently served, including eligibility determinations, by the Division of Children and Family Services, the Division of Developmental Disabilities, the Division of Behavioral Health, and the Division of Medicaid and Long-Term Care;

(2) An identification and further defining of individuals who currently fall in the gap between the divisions or who move from one division to another in a search for appropriate services;

(3) Information on the individuals currently receiving services from more than one division who have these co-occurring conditions, including the costs of the services, the types of services provided, the unmet demand for such services, and an estimate of the number of individuals served by one division who would also qualify for services through another division;

(4) An explanation of the differences and similarities in funding for services provided by the divisions and how funds from each division are being blended or can be blended to best serve these individuals;

(5) A plan that could be implemented by the divisions that would provide more integrated and coordinated treatment for these individuals by the divisions; and

(6) Any recommendations for potential legislation that would assist the Division of Children and Family Services, the Division of Developmental Disabilities, the Division of Behavioral Health, and the Division of Medicaid and Long-Term Care in carrying out the plan provided in subdivision (5) of this section.

Source: Laws 2012, LB1160, § 19.

Operative date July 19, 2012.

81-3135 Department of Health and Human Services; reinstatement of lead agency prohibited in certain service areas.

On and after April 10, 2012, the Department of Health and Human Services shall not reinstate a lead agency in the southeast, central, western, or northern service areas of Nebraska as such service areas are designated pursuant to section 81-3116.

Source: Laws 2012, LB961, § 5.
Effective date April 10, 2012.

ARTICLE 34

ENGINEERS AND ARCHITECTS REGULATION ACT

Section

81-3401.	Act, how cited.
81-3403.	Definitions, where found.
81-3405.01.	Building official, defined.
81-3422.01.	Project, defined.
81-3429.	Board; members; requirements; per diem; expenses.
81-3432.	Engineers and Architects Regulation Fund; created; use; investment.
81-3432.01.	Repayment of qualified educational debt; authorized; eligibility.
81-3441.	Use of title; unlawful practice.
81-3442.	Prohibited acts; penalties.
81-3443.	Enforcement procedures.
81-3444.	Disciplinary actions authorized; civil penalties.
81-3445.	State and political subdivisions; construction projects.
81-3446.	Construction projects on private lands; owner; duties.
81-3448.	Architect; license; application; fee; requirements; examination; issuance.
81-3449.	Practice of architecture; exempted activities.
81-3451.	Professional engineer or engineer-intern; license; application; examination; requirements.
81-3452.	Engineering examinations; board; procedure.
81-3453.	Practice of engineering; exempted activities.

81-3401 Act, how cited.

Sections 81-3401 to 81-3455 shall be known and may be cited as the Engineers and Architects Regulation Act.

Source: Laws 1997, LB 622, § 1; Laws 2009, LB446, § 1; Laws 2011, LB45, § 2.

81-3403 Definitions, where found.

For purposes of the Engineers and Architects Regulation Act, the definitions found in sections 81-3404 to 81-3427 shall be used.

Source: Laws 1997, LB 622, § 3; Laws 2011, LB45, § 3.

81-3405.01 Building official, defined.

Building official means the person appointed by the state or political subdivision having jurisdiction over the project to have principal responsibility for the safety of the project as completed.

Source: Laws 2011, LB45, § 4.

81-3422.01 Project, defined.

Project means the construction, enlargement, or alteration of works involving the practice of architecture or engineering other than those exempted by sections 81-3449 and 81-3453.

Source: Laws 2011, LB45, § 5.

81-3429 Board; members; requirements; per diem; expenses.

Each member of the board shall be a citizen of the United States and a resident of the State of Nebraska for at least one year immediately preceding appointment. Each professional member shall have been engaged in the active practice of the design profession for at least ten years, shall have had responsible charge of work for at least five years at the time of his or her appointment, and shall be licensed in the appropriate profession. Each member of the board shall receive as compensation not more than sixty dollars per day for each day or substantial portion of a day actually spent in traveling to and from and while attending sessions of the board and its committees, authorized meetings of the National Council of Architectural Registration Boards, the National Council of Examiners for Engineering and Surveying, or their subdivisions or committees, or other business as authorized by the board and all necessary expenses incident to the performance of his or her duties under the Engineers and Architects Regulation Act as provided in sections 81-1174 to 81-1177.

Source: Laws 1997, LB 622, § 29; Laws 2011, LB45, § 6.

81-3432 Engineers and Architects Regulation Fund; created; use; investment.

The Engineers and Architects Regulation Fund is created. The secretary of the board shall receive and account for all money derived from the operation of the Engineers and Architects Regulation Act and shall remit the money to the State Treasurer for credit to the Engineers and Architects Regulation Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states shall be paid out of the fund. Loan repayments payable pursuant to section 81-3432.01 shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature through June 30, 2011. Any money in the Engineers and Architects Regulation 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.

Source: Laws 1997, LB 622, § 32; Laws 2009, LB446, § 2; Laws 2009, First Spec. Sess., LB3, § 86.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-3432.01 Repayment of qualified educational debt; authorized; eligibility.

(1) The board may repay qualified educational debt owed by an eligible graduate. Such repayment shall be made from the Engineers and Architects Regulation Fund. To be eligible for loan repayment, a recipient shall be a graduate of (a) a National Architectural Accrediting Board-accredited architecture program in Nebraska or (b) an ABET-accredited engineering program in Nebraska and shall have obtained qualified educational debt.

(2) For purposes of this section, qualified educational debt means government and commercial loans obtained by a student for postsecondary education tuition, other educational expenses, and reasonable living expenses, as determined by the board.

(3) The board may adopt and promulgate rules and regulations governing any loan repayment under this section.

Source: Laws 2009, LB446, § 3.

81-3441 Use of title; unlawful practice.

Except as provided in sections 81-3413 to 81-3415, 81-3449, and 81-3453, an individual shall not directly or indirectly engage in the practice of architecture or engineering in the state or use the title architect or professional engineer or display or use any words, letters, figures, titles, sign, card, advertisement, or other symbol or device indicating or tending to indicate that he or she is an architect or professional engineer or is practicing architecture or engineering unless he or she is licensed under the Engineers and Architects Regulation Act. A licensee shall not aid or abet any person not licensed under the act in the practice of architecture or engineering.

Source: Laws 1997, LB 622, § 41; Laws 2011, LB45, § 7.

81-3442 Prohibited acts; penalties.

Any person who performs any of the following actions is guilty of a Class I misdemeanor for the first offense and a Class IV felony for the second or any subsequent offense:

(1) Practices or offers to practice architecture or engineering in this state without being licensed in accordance with the Engineers and Architects Regulation Act unless such practice or offer to practice is otherwise exempt under the act;

(2) Knowingly and intentionally employs or retains a person to practice architecture or engineering in this state who is not licensed in accordance with the act except as provided in sections 81-3413 to 81-3415 and who is not exempted by sections 81-3449 and 81-3453;

(3) Uses the words architect, engineer, or any modification or derivative of such words in its name or form of business activity except as authorized in the act or in the Professional Landscape Architects Act;

(4) Presents or attempts to use the certificate of licensure or the seal of another person;

(5) Gives any false or forged evidence of any kind to the board or to any member of the board in obtaining or attempting to obtain a certificate;

(6) Falsely impersonates any other licensee of like or different name;

(7) Attempts to use an expired, suspended, revoked, or nonexistent certificate of licensure or who practices or offers to practice when not qualified;

(8) Falsely claims that he or she is licensed or authorized under the act; or

(9) Violates the act.

Source: Laws 1997, LB 622, § 42; Laws 2011, LB45, § 8.

Cross References

Professional Landscape Architects Act, see section 81-8,208.

81-3443 Enforcement procedures.

A complaint against any person or organization involving any matter coming within the jurisdiction of the board shall be in writing and shall be filed with the board. The complaint, at the discretion of the board, shall be heard within a reasonable time in accordance with the rules and regulations and may be heard through the use of a hearing officer. The accused shall have the right to appear personally with or without counsel, to cross-examine adverse witnesses, and to produce evidence and witnesses in his, her, or its defense. The board shall set the time and place for the hearing and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be sent by registered mail to the accused, at his, her, or its last-known business or residence address known to the board, at least thirty days before the hearing. If after the hearing the board finds the accused has violated the Engineers and Architects Regulation Act or any rules or regulations, it may issue any order or take any action described in section 81-3444. If the board finds no violation, it shall enter an order dismissing the complaint. If the order revokes, suspends, or cancels a license, the board shall notify, in writing, the Secretary of State and the clerk of the city or village in the state where the person or organization has a place of business, if any. The board may reissue a license that has been revoked. Application for the reissuance of a license shall be made in such a manner as the board directs and shall be accompanied by a fee established by the board.

Source: Laws 1997, LB 622, § 43; Laws 2011, LB45, § 9.

81-3444 Disciplinary actions authorized; civil penalties.

(1) The board may after hearing, by majority vote, take any or all of the following actions, upon proof satisfactory to the board that any person or organization has violated the Engineers and Architects Regulation Act or any rules or regulations. Upon a finding that a person or organization has committed a violation, the following actions may be taken against such person or organization upon a two-thirds majority vote of the board:

- (a) Issuance of censure or reprimand;
- (b) Suspension of judgment;
- (c) Placement of the offender on probation;
- (d) Placement of a limitation or limitations on the holder of a license and upon the right of the holder of a license to practice the profession to such extent, scope, or type of practice for such time and under such conditions as are found necessary and proper;
- (e) Imposition of a civil penalty not to exceed ten thousand dollars for each offense. The amount of the penalty shall be based on the severity of the violation;
- (f) Entrance of an order of revocation, suspension, or cancellation of the certificate of licensure;
- (g) Issuance of a cease and desist order;
- (h) Imposition of costs as in an ordinary civil action in the district court, which may include reasonable attorney's fees and hearing officer fees incurred by the board and the expenses of any investigation undertaken by the board; or
- (i) Dismissal of the action.

(2) In hearings under this section, the board may take into account suitable evidence of reform.

(3) Civil penalties collected under subdivision (1)(e) of this section shall be remitted to the State Treasurer for distribution in accordance with Article VII, section 5, of the Constitution of Nebraska. All costs collected under subdivision (1)(h) of this section shall be remitted to the State Treasurer for credit to the Engineers and Architects Regulation Fund.

Source: Laws 1997, LB 622, § 44; Laws 2011, LB45, § 10.

81-3445 State and political subdivisions; construction projects.

Except as otherwise provided in this section and sections 81-3449 and 81-3453, the state and its political subdivisions shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications, and estimates have been prepared and the construction has been observed by an architect, a professional engineer, or a person under the direct supervision of an architect, professional engineer, or those under the direct supervision of an architect or professional engineer. This section shall not apply to any public work in which the contemplated expenditure for the complete project does not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this section every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount.

Source: Laws 1997, LB 622, § 45; Laws 1999, LB 253, § 2; Laws 2004, LB 599, § 2; Laws 2011, LB45, § 11.

81-3446 Construction projects on private lands; owner; duties.

(1) The owner of any real property who allows a project to be constructed on his or her real property is engaged in the practice of architecture or engineering unless he or she employs or causes others to employ licensed professionals or persons under the direct supervision of licensed professionals to furnish at least minimum construction phase services with respect to the project or is exempt from the Engineers and Architects Regulation Act under sections 81-3449 and 81-3453.

(2) For purposes of this section:

(a) Construction phase service includes at least the following services: (i) Visiting the project site on a regular basis as is necessary to determine that the work is proceeding generally in accordance with the technical submissions submitted to the building official at the time the project permit was issued; and (ii) processing technical submissions required of the contractor by the terms of contract documents. The term does not include supervision of construction, review of payment applications, resolution of disputes between the owner and contractor, and other such items which are considered additional construction administration services which the owner may or may not elect to include in the architect's or engineer's scope of work; and

(b) Owner means with respect to any real property the following persons: (i) The record owner of such real property; (ii) the lessee of all or any portion of the real property when the lease covers all of that portion of the real property upon which the project is being constructed, the lessee has significant approval rights with respect to the project, and the lease, at the time the project begins, has a remaining term of not less than ten years; or (iii) the grantee of an easement granting right-of-way to construct the project.

Source: Laws 1997, LB 622, § 46; Laws 2011, LB45, § 12.

81-3448 Architect; license; application; fee; requirements; examination; issuance.

(1) A person applying to the Board of Engineers and Architects for initial licensure as an architect shall submit an application accompanied by the fee established by the board and satisfactory evidence that he or she holds a degree in architecture accredited by the National Architectural Accrediting Board and that he or she has completed practical training in architectural work as required by the Board of Engineers and Architects. If an applicant is qualified, the Board of Engineers and Architects shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. None of the examination materials shall be considered public records. The board may exempt from the written examination an applicant who holds a certification issued by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may adopt guidelines published from time to time by the National Council of Architectural Registration Boards. The Board of Engineers and Architects may also adopt the examinations and grading procedures of the National Council of Architectural Registration Boards and the accreditation decisions of the National Architectural Accrediting Board. The Board of Engineers and Architects shall issue a certificate of licensure to each applicant who is found to be of good moral character and who satisfies the requirements set forth in this section. Licensure shall be effective upon issuance.

(2) A person applying for initial licensure who does not hold a degree in architecture accredited by the National Architectural Accrediting Board shall submit an application accompanied by the fee established by the Board of Engineers and Architects. The application shall demonstrate satisfactory evidence of twelve years' combined architectural education and architectural work experience, including the equivalent of the Intern Development Program promulgated by the National Council of Architectural Registration Boards. If an applicant is determined by the Board of Engineers and Architects to meet this requirement, the board shall, by means of a written or electronic examination, examine the applicant on technical and professional subjects as prescribed by the board. Only an individual who has earned a bachelor of science in architectural studies degree with an architecture emphasis prior to December 31, 1999, may be considered under this subsection.

Source: Laws 1997, LB 622, § 48; Laws 2011, LB45, § 13.

81-3449 Practice of architecture; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of architecture do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet of above grade finished space. Any detached or attached sheds, storage buildings, and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet of above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage, if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for a completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of architectural subjects in a college or university offering a degree in architecture accredited by the National Architectural Accrediting Board;

(7) The preparation of submissions to architects, building officials, or other regulating authorities by the manufacturer, supplier, or installer of any materials, assemblies, components, or equipment that describe or illustrate the use of such items, the preparation of any details or shop drawings required of the contractor by the terms of the construction documents, or the management of construction contracts by persons customarily engaged in contracting work;

(8) The preparation of technical submissions or the administration of construction contracts by employees of a person or organization lawfully engaged

in the practice of architecture if such employees are acting under the direct supervision of an architect;

(9) The offering by an organization of a combination of services involved in the practice of architecture and construction services if:

(a) An architect or person otherwise permitted under subdivision (11) of this section to offer architectural services participates substantially in all material aspects of the offering;

(b) There is written disclosure at the time of the offering that an architect is engaged by and contractually responsible to such organization;

(c) Such organization agrees that the architect will have direct supervision of the work and that such architect's services will not be terminated without the consent of the person engaging the organization; and

(d) The rendering of architectural services by such architect will conform to the Engineers and Architects Regulation Act and the rules and regulations;

(10) A public service provider or an organization who employs a design professional performing professional services for itself;

(11) A nonresident who holds the certification issued by the National Council of Architectural Registration Boards offering to render the professional services involved in the practice of architecture. The nonresident shall not perform any of the professional services involved in the practice of architecture until licensed as provided in the act. The nonresident shall notify the board in writing that (a) he or she holds a National Council of Architectural Registration Boards certificate and is not currently licensed in Nebraska but will be present in Nebraska for the purpose of offering to render architectural services, (b) he or she will deliver a copy of the notice to every potential client to whom the applicant offers to render architectural services, and (c) he or she promises to apply immediately to the board for licensure if selected as the architect for the project;

(12) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of the respective profession, if such qualified member does not represent himself or herself to be practicing architecture and does not represent himself or herself to be an architect;

(13) Financial institutions making disbursements of funds in connection with construction projects;

(14) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality; and

(15) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and

land-use regulations and their customary duties in utility and public works construction, operation, and maintenance.

Source: Laws 1997, LB 622, § 49; Laws 1999, LB 253, § 3; Laws 1999, LB 440, § 1; Laws 2000, LB 900, § 251; Laws 2004, LB 599, § 3; Laws 2011, LB45, § 14.

Cross References

Negotiated Rulemaking Act, see section 84-921.

81-3451 Professional engineer or engineer-intern; license; application; examination; requirements.

(1) To be eligible for admission to examination to be a professional engineer or engineer-intern, an applicant must be of good moral character and reputation and shall submit five references with his or her application for licensure as a professional engineer or enrollment as an engineer-intern. Three of the references shall be professional engineers having personal knowledge of the applicant's engineering experience or, in the case of an application for enrollment as an engineer-intern, character references.

(2)(a) A person holding a certificate of licensure to engage in the practice of engineering, issued by the proper authority of a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the Engineers and Architects Regulation Act and were of a standard not lower than that specified in the applicable licensure law in effect in this state at the time such certificate was issued may, upon application, be licensed as a professional engineer without further examination.

(b) A person holding an active Council Record with the National Council of Examiners for Engineering and Surveying whose qualifications as evidenced by the Council Record meet the requirements of the act may, upon application, be licensed as a professional engineer after passing an examination testing the applicant's knowledge of the applicable statutes and rules and regulations unique to the State of Nebraska.

(c) A graduate of an ABET-accredited engineering curriculum, enrolled as an engineer-intern, and having a specific record of an additional four years or more of progressive post-accredited-degree experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an examination of at least eight hours in length, administered by the board, on the principles and practice of engineering. Upon passing the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if the applicant is otherwise qualified. Engineering teaching of advanced subjects and the design of engineering research and projects in a college or university offering an ABET-accredited engineering curriculum of four years or more may be considered as engineering experience. An applicant who does not hold an ABET-accredited engineering degree but who is enrolled as an engineer-intern in this state and has a specific record of an additional six years or more of progressive experience on engineering projects of a grade and a character which indicates to the Board of Engineers and Architects that the applicant may be competent to practice engineering shall be admitted to an examination of at least eight hours in length, administered by the board, in the principles and practice of engineering. Upon passing

the examination, the applicant shall be granted a certificate of licensure to practice engineering in this state if otherwise qualified.

(3)(a) A graduate of or senior in an ABET-accredited engineering curriculum, or the substantial equivalent as determined by the board, shall be admitted to an eight-hour examination on the fundamentals of engineering. Upon passing the examination and verification of graduation, the applicant shall be enrolled as an engineer-intern.

(b) A person enrolled as an engineer-intern in a state, territory, or possession of the United States, the District of Columbia, or any foreign country, based on requirements that do not conflict with the Engineers and Architects Regulation Act and were of a standard not lower than that specified in the applicable law in effect in this state at the time such person was enrolled and who is a resident of this state may, upon application, be enrolled in this state as an engineer-intern.

Source: Laws 1997, LB 622, § 51; Laws 2004, LB 599, § 4; Laws 2004, LB 1069, § 1; Laws 2011, LB45, § 15.

81-3452 Engineering examinations; board; procedure.

(1) The board or its agent shall direct the time and place of engineering examinations. The board shall determine the acceptable grade on examinations.

(2) The examination will be given in at least two sections and may be taken only after the applicant has met the other minimum requirements as described in section 81-3451 and has been approved by the board for admission to the examination as follows:

(a) The fundamentals of engineering examination consists of an eight-hour test period on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer-intern enrollment card if all other requirements for certification are met; and

(b) The principles and practice of engineering examination consists of at least an eight-hour test period on applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer if all other requirements for certification are met.

(3) A candidate failing one examination may apply for reexamination, which may be granted upon payment of a fee established by the board. In the event of a second failure, the examinee may, at the discretion of the board, be required to appear before the board with evidence of having acquired the necessary additional knowledge to qualify before admission to the examination.

(4) The board may prepare and adopt specifications for the examinations. They shall be published in brochure form and be available to any person interested in being licensed or certified.

Source: Laws 1997, LB 622, § 52; Laws 2011, LB45, § 16.

81-3453 Practice of engineering; exempted activities.

The provisions of the Engineers and Architects Regulation Act regulating the practice of engineering do not apply to the following activities:

(1) The construction, remodeling, alteration, or renovation of a detached single-family through four-family dwelling of less than five thousand square feet above grade finished space. Any detached or attached sheds, storage buildings,

and garages incidental to the dwelling are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(2) The construction, remodeling, alteration, or renovation of a one-story commercial or industrial building or structure of less than five thousand square feet above grade finished space which does not exceed thirty feet in height unless such building or structure, or the remodeling or repairing thereof, provides for the employment, housing, or assembly of twenty or more persons. Any detached or attached sheds, storage buildings, and garages incidental to the building or structure are not included in the tabulation of finished space. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(3) The construction, remodeling, alteration, or renovation of farm buildings, including barns, silos, sheds, or housing for farm equipment and machinery, livestock, poultry, or storage and if the structures are designed to be occupied by no more than twenty persons. Such exemption may be increased by rule and regulation of the board adopted pursuant to the Negotiated Rulemaking Act but shall not exceed the Type V, column B, limitations set forth by the allowable height and building areas table in the state building code adopted in section 71-6403;

(4) Any public works project with contemplated expenditures for the completed project that do not exceed one hundred thousand dollars. The board shall adjust the dollar amount in this subdivision every fifth year. The first such adjustment after August 27, 2011, shall be effective on July 1, 2014. The adjusted amount shall be equal to the then current amount adjusted by the cumulative percentage change in the Consumer Price Index for All Urban Consumers published by the Federal Bureau of Labor Statistics for the five-year period preceding the adjustment date. The amount shall be rounded to the next highest one-thousand-dollar amount;

(5) Any alteration, renovation, or remodeling of a building if the alteration, renovation, or remodeling does not affect architectural or engineering safety features of the building;

(6) The teaching, including research and service, of engineering subjects in a college or university offering an ABET-accredited engineering curriculum of four years or more;

(7) A public service provider or an organization who employs a design professional performing professional services for itself;

(8) The practice by a qualified member of another legally recognized profession who is otherwise licensed or certified by this state or any political subdivision to perform services consistent with the laws of this state, the training, and the code of ethics of such profession, if such qualified member does not represent himself or herself to be practicing engineering and does not represent himself or herself to be a professional engineer;

(9) The offer to practice engineering by a person not a resident of and having no established place of business in this state if the person is legally qualified by licensure to practice engineering in his or her own state or country. The person

shall make application to the board in writing and after payment of a fee established by the board may be granted a temporary permit for a definite period of time not to exceed one year to do a specific job. No right to practice engineering accrues to such applicant with respect to any other work not set forth in the permit;

(10) The work of an employee or a subordinate of a person holding a certificate of licensure under the act or an employee of a person practicing lawfully under subdivision (9) of this section if the work is done under the direct supervision of a person holding a certificate of licensure or a person practicing lawfully under such subdivision;

(11) Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers, or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant;

(12) Financial institutions making disbursements of funds in connection with construction projects;

(13) Earthmoving and related work associated with soil and water conservation practices performed on farmland or any land owned by a political subdivision that is not subject to a permit from the Department of Natural Resources or for work related to livestock waste facilities that are not subject to a permit by the Department of Environmental Quality;

(14) The work of employees and agents of a political subdivision or a nonprofit entity organized for the purpose of furnishing electrical service performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs, and land-use regulations and their customary duties in utility and public works construction, operation, and maintenance;

(15) Work performed exclusively in the exploration for and development of energy resources and base, precious, and nonprecious minerals, including sand, gravel, and aggregate, which does not have a substantial impact upon public health, safety, and welfare, as determined by the board, or require the submission of reports or documents to public agencies;

(16) The construction of water wells as defined in section 46-1212, the installation of pumps and pumping equipment into water wells, and the decommissioning of water wells, unless such construction, installation, or decommissioning is required by the owner thereof to be designed or supervised by an engineer or unless legal requirements are imposed upon the owner of a water well as a part of a public water supply;

(17) Work performed in the exploration, development, and production of oil and gas or before the Nebraska Oil and Gas Conservation Commission; and

(18) Siting, layout, construction, and reconstruction of a private onsite wastewater treatment system with a maximum flow from the facility of one thousand gallons of domestic wastewater per day if such system meets all of the conditions required pursuant to the Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act unless the siting, layout, construction, or reconstruction by an engineer is required by the

Department of Environmental Quality, mandated by law or rules and regulations imposed upon the owner of the system, or required by the owner.

Source: Laws 1997, LB 622, § 53; Laws 1999, LB 253, § 4; Laws 1999, LB 440, § 2; Laws 2000, LB 900, § 252; Laws 2003, LB 94, § 19; Laws 2004, LB 599, § 5; Laws 2011, LB45, § 17.

Cross References

Negotiated Rulemaking Act, see section 84-921.

Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act, see section 81-15,236.

ARTICLE 35

GEOLOGISTS REGULATION ACT

Section

81-3524. Geologists Regulation Fund; created; use; investment.

81-3524 Geologists Regulation Fund; created; use; investment.

The Geologists Regulation Fund is created. The secretary of the board shall receive and account for all money derived from the operation of the Geologists Regulation Act. The board shall remit the money to the State Treasurer for credit to the Geologists Regulation Fund, which shall be continued from year to year and shall be drawn against only as provided for in this section and, when reappropriated for the succeeding biennium, shall not revert to the General Fund. All expenses certified by the board as properly and necessarily incurred in the discharge of duties, including compensation and administrative staff, and any expense incident to the administration of the act relating to other states, shall be paid out of the fund. Warrants for the payment of expenses shall be issued by the Director of Administrative Services and paid by the State Treasurer upon presentation of vouchers regularly drawn by the chairperson and secretary of the board and approved by the board. At no time shall the total amount of warrants exceed the total amount of the fees collected under the act and to the credit of the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Geologists Regulation 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.

Source: Laws 1998, LB 1161, § 72; Laws 2009, First Spec. Sess., LB3, § 87.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 36

RURAL DEVELOPMENT COMMISSION

Section

81-3602. Rural Development Commission; members; terms; meetings; expenses.

81-3605. Rural Development Commission; report.

81-3606. Repealed. Laws 2011, LB 378, § 37.

81-3602 Rural Development Commission; members; terms; meetings; expenses.

(1)(a) The Rural Development Commission shall consist of members who represent a wide range of rural Nebraska interests.

(b) The Governor shall appoint five members to the commission. The Governor shall appoint a representative of his or her office and the Director of Economic Development or his or her designee, the Director of Agriculture or his or her designee, the chief executive officer of the Department of Health and Human Services or his or her designee, and the Director of the Nebraska State Historical Society or his or her designee.

(c) The Speaker of the Legislature shall appoint one member of the Legislature to the commission. Such member shall be a nonvoting member of the commission.

(d) Other members shall be appointed by the Governor to represent federal agencies, local governments, tribal governments, nonprofit organizations, regional economic development organizations, the private sector, postsecondary education, and youth.

(e) The chairperson and vice-chairperson of the commission shall be elected by a majority of the members of the commission at the first commission meeting in odd-numbered years and shall each serve a two-year term as chairperson and vice-chairperson, respectively.

(2) The commission shall meet at the call of the chairperson or a majority of the members. The chairperson shall call such meetings as he or she determines necessary to fulfill the duties of the commission. A quorum shall be one-half of the members.

(3) The members of the commission shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177 and pursuant to policies of the commission.

Source: Laws 1993, LB 190, § 2; R.S.1943, (1994), § 81-1283; Laws 1998, LB 1053, § 2; Laws 2003, LB 48, § 1; Laws 2003, LB 48, § 3; Laws 2007, LB296, § 777; Laws 2009, LB231, § 1.

81-3605 Rural Development Commission; report.

On or before July 1 of each year, the executive director of the Rural Development Commission shall submit to the Department of Economic Development an annual report which includes a summary of the commission's activities, recommendations for future rural development action, and an accounting of the source and use of funds disbursed during the previous fiscal year. The Department of Economic Development shall include such report in the department's annual status report under section 81-1201.11.

Source: Laws 1993, LB 190, § 5; R.S.1943, (1994), § 81-1286; Laws 1998, LB 1053, § 5; Laws 2003, LB 48, § 3; Laws 2011, LB404, § 9.

81-3606 Repealed. Laws 2011, LB 378, § 37.

ARTICLE 37

NEBRASKA VISITORS DEVELOPMENT ACT

Section

81-3701. Act, how cited.

81-3702. Act; purposes.

81-3703. Definitions, where found.

Section

- 81-3704. Commission, defined.
 81-3705. Committee, defined.
 81-3706. Consideration, defined.
 81-3707. Hotel, defined.
 81-3708. Occupancy, defined.
 81-3709. Occupant, defined.
 81-3710. Nebraska Tourism Commission; created; members; terms.
 81-3711. Commission; duties.
 81-3712. Travel and Tourism Division of Department of Economic Development; transition of employees, property, rules, regulations, and orders; suit, action, or proceeding; how treated.
 81-3713. Commission; duties; awarding of contracts.
 81-3714. State Visitors Promotion Cash Fund; created; uses; investment.
 81-3715. Hotel; occupancy; sales tax.
 81-3716. Hotel; occupancy; county; impose sales tax; when.
 81-3717. County Visitors Promotion Fund; County Visitors Improvement Fund; visitors committee; establishment; purpose.
 81-3718. Visitors committee; budget.
 81-3719. County board; contracts authorized.
 81-3720. County Visitors Improvement Fund; use; visitor attraction, defined.
 81-3721. Commission; cooperation; contracts authorized.
 81-3722. Lodging sales tax; collection; enforcement.
 81-3723. County Visitors Promotion Fund; collection; administrative fee.
 81-3724. Commission and Tax Commissioner; adopt rules and regulations.

81-3701 Act, how cited.

Sections 81-3701 to 81-3724 shall be known and may be cited as the Nebraska Visitors Development Act.

Source: Laws 1980, LB 499, § 19; Laws 1988, LB 797, § 10; R.S.1943, (2008), § 81-1263; Laws 2012, LB1053, § 1.
 Operative date July 1, 2012.

81-3702 Act; purposes.

The purposes of the Nebraska Visitors Development Act are (1) to create a commission and a fund to provide general promotional activity, solicitation, and an operating program to attract visitors to Nebraska and further the use of travel and tourism facilities in Nebraska, (2) to provide for a lodging tax on hotels for the purpose of establishing a State Visitors Promotion Cash Fund, and (3) to authorize the governing body of any county to appoint a visitors committee and impose a lodging tax on hotels for the purpose of establishing a County Visitors Promotion Fund and a County Visitors Improvement Fund.

Source: Laws 1980, LB 499, § 1; Laws 1988, LB 797, § 1; Laws 1989, LB 262, § 1; Laws 2003, LB 726, § 1; R.S.1943, (2008), § 81-1245; Laws 2012, LB1053, § 2.
 Operative date July 1, 2012.

81-3703 Definitions, where found.

For purposes of the Nebraska Visitors Development Act, unless the context otherwise requires, the definitions found in sections 81-3704 to 81-3709 apply.

Source: Laws 1980, LB 499, § 2; Laws 1988, LB 797, § 2; R.S.1943, (2008), § 81-1246; Laws 2012, LB1053, § 3.
 Operative date July 1, 2012.

81-3704 Commission, defined.

Commission means the Nebraska Tourism Commission.

Source: Laws 2012, LB1053, § 4.
Operative date July 1, 2012.

81-3705 Committee, defined.

Committee means the visitors committee appointed as provided in section 81-3717 for the purpose of advising the county board in administering the County Visitors Promotion Fund and the County Visitors Improvement Fund established pursuant to such section and carrying out the purposes of the Nebraska Visitors Development Act.

Source: Laws 1980, LB 499, § 7; Laws 1988, LB 797, § 3; Laws 1989, LB 262, § 2; R.S.1943, (2008), § 81-1251; Laws 2012, LB1053, § 5.
Operative date July 1, 2012.

81-3706 Consideration, defined.

Consideration means the monetary charge for the use of space in a hotel only if the space is one ordinarily used for accommodations and shall not include the charge for any food or beverage served or personal services rendered to the occupant of such space.

Source: Laws 1980, LB 499, § 4; R.S.1943, (2008), § 81-1248; Laws 2012, LB1053, § 6.
Operative date July 1, 2012.

81-3707 Hotel, defined.

Hotel means any facility in which the public may, for a consideration, obtain sleeping accommodations. Hotel includes hotels, motels, tourist homes, campgrounds, courts, lodging houses, inns, state-operated hotels, and nonprofit hotels but does not include hospitals, sanitariums, nursing homes, chronic care centers, or dormitories or facilities operated by an educational institution and regularly used to house students.

Source: Laws 1980, LB 499, § 3; Laws 1984, LB 962, § 35; R.S.1943, (2008), § 81-1247; Laws 2012, LB1053, § 7.
Operative date July 1, 2012.

81-3708 Occupancy, defined.

Occupancy means the use or possession or the right to the use or possession of any space in a hotel if the space is one ordinarily used for accommodations and if the occupant's use, possession, or right to the use or possession is for less than a period of thirty days.

Source: Laws 1980, LB 499, § 5; Laws 1995, LB 134, § 7; R.S.1943, (2008), § 81-1249; Laws 2012, LB1053, § 8.
Operative date July 1, 2012.

81-3709 Occupant, defined.

Occupant means anyone who, for a consideration, uses, possesses, or has a right to use or possess any space in a hotel if the space is one ordinarily used for accommodations.

Source: Laws 1980, LB 499, § 6; R.S.1943, (2008), § 81-1250; Laws 2012, LB1053, § 9.
Operative date July 1, 2012.

81-3710 Nebraska Tourism Commission; created; members; terms.

(1) The Nebraska Tourism Commission is created. The members of the Travel and Tourism Division Advisory Committee, as such committee existed immediately prior to July 1, 2012, shall be the initial members of the commission and may be reappointed as provided in this section. The terms of initial members of the commission representing entities designated by subdivisions (2)(b), (d), (f), and (h) of this section shall be two years, beginning on July 1, 2012. The terms of initial members representing entities designated by subdivisions (2)(a), (c), (e), (g), and (i) of this section shall be four years, beginning on July 1, 2012. Each successive member shall be appointed by the Governor with the approval of a majority of the members of the Legislature for terms of four years and may be reappointed.

(2) The commission shall consist of the following members:

- (a) One representative from the Game and Parks Commission;
- (b) One representative from the Nebraska Travel Association;
- (c) One representative from the Nebraska Hotel and Motel Association;
- (d) One representative from a tourism attraction that records at least two thousand out-of-state visitors per year;
- (e) One representative from the Nebraska Association of Convention and Visitors Bureaus;
- (f) One representative from the Western Nebraska Tourism Coalition;
- (g) One representative who resides in eastern Nebraska and is employed by a business that derives a majority of its revenue from out-of-state visitors;
- (h) One representative from the Central Nebraska Tourism Partnership; and
- (i) One representative of a business that derives a majority of its revenue from out-of-state visitors.

Source: Laws 2012, LB1053, § 10.
Operative date July 1, 2012.

81-3711 Commission; duties.

The commission shall:

- (1) Administer the Nebraska Visitors Development Act;
- (2) Prepare and approve a budget;
- (3) Elect a chairperson and vice-chairperson;
- (4) Procure and evaluate data and information necessary for the proper administration of the act;
- (5) Appoint an executive director to conduct the day-to-day operations of the commission;

(6) Employ personnel and contract for services which are necessary for the proper operation of the commission;

(7) Establish a means by which any interested person has the opportunity at least annually to offer his or her ideas and suggestions relative to the commission's duties for the upcoming year;

(8) Authorize the expenditure of funds and contracting of expenditures to carry out the act;

(9) Keep minutes of its meetings and other books and records which clearly reflect all of the actions and transactions of the commission and keep such records open to examination during normal business hours; and

(10) Prohibit any funds appropriated to the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state or federal legislation.

Source: Laws 2012, LB1053, § 11.

Operative date July 1, 2012.

81-3712 Travel and Tourism Division of Department of Economic Development; transition of employees, property, rules, regulations, and orders; suit, action, or proceeding; how treated.

(1) For purposes of transition, employees of the Travel and Tourism Division of the Department of Economic Development shall be considered employees of the commission and shall retain their rights under the state personnel system or pertinent bargaining agreement, and their service shall be deemed continuous. This section does not grant employees any new rights or benefits not otherwise provided by law or bargaining agreement or preclude the commission from exercising any of the prerogatives of management set forth in section 81-1311 or as otherwise provided by law. This section is not an amendment to or substitute for the provisions of any existing bargaining agreements.

(2) All items of property, real and personal, including office furniture and fixtures, books, documents, and records of the Travel and Tourism Division of the Department of Economic Development shall become the property of the commission.

(3) Whenever the Travel and Tourism Division of the Department of Economic Development is referred to or designated by any contract or other document, such reference or designation shall apply to the commission. All contracts entered into by the division prior to July 1, 2012, are hereby recognized, with the commission succeeding to all rights and obligations under such contracts. Any cash funds, custodial funds, gifts, trusts, grants, and any appropriations of funds from prior fiscal years available to satisfy obligations incurred under such contracts shall be transferred and appropriated to the commission for the payment of such obligations. All licenses, certificates, registrations, permits, seals, or other forms of approval issued by the division shall remain valid as issued unless revoked or their effectiveness is otherwise terminated as provided by law. All documents and records transferred, or copies of such documents and records, may be authenticated or certified by the commission for all legal purposes.

(4) All rules, regulations, and orders of the Department of Economic Development adopted prior to July 1, 2012, shall continue to be effective until revised, amended, repealed, or nullified pursuant to law.

(5) No suit, action, or other proceeding, judicial or administrative, lawfully commenced prior to July 1, 2012, or which could have been commenced prior to that date, by or against the division or any employee thereof in his or her official capacity or in relation to the discharge of his or her official duties, shall abate by reason of the transfer of duties and functions from the division to the commission.

(6) On and after July 1, 2012, unless otherwise specified, whenever any provision of law refers to the division, the law shall be construed as referring to the commission.

Source: Laws 2012, LB1053, § 12.

Operative date July 1, 2012.

81-3713 Commission; duties; awarding of contracts.

(1) The commission shall develop a program to provide promotional services and technical assistance to local governments and industry members and to ensure the protection and development of Nebraska's attraction resources.

(2) The commission shall develop a statewide strategic plan to cultivate and promote tourism in Nebraska. The commission shall adopt policy criteria to be used in the development of the plan. The plan shall include:

(a) A review of the existing and potential sources of funding for tourism at the state and local levels;

(b) A comprehensive inventory of local tourism boards, the structure of such boards, and their funding;

(c) Criteria for local tourism boards in terms of appointments to such boards and for awarding grants by such boards at the local level to ensure local resources are used to achieve the greatest return;

(d) An examination of other states' funding models for tourism;

(e) Marketing strategies for promoting tourism;

(f) A proposal for creating new or expanding existing tourism capacity which may include encouraging regional cooperation, collaboration, or privatization; and

(g) Recommended legislation or funding requirements.

(3) All advertising contracts awarded by the commission concerning travel and tourism shall be based on competitive bids. Contracts shall be awarded to the lowest responsible bidder, taking into consideration the best interests of the state, the quality of performance of the services rendered, the conformity with specifications, the purposes for which required, and the time of completion. In determining the lowest responsible bidder, in addition to price, the commission shall consider: (a) The ability, capacity, creativity, and skill of the bidder to perform the contract required; (b) the character, integrity, reputation, judgment, experience, and efficiency of the bidder; (c) whether the bidder can perform the contract within the time specified; (d) the quality of performance of previous contracts; (e) the previous and existing compliance by the bidder with laws relating to the contract; and (f) such other information as may be secured having a bearing on the decision to award the contract. The commission shall advertise for bids for the awarding of contracts concerning travel and tourism pursuant to sections 73-101 to 73-105. At least thirty working days shall elapse between the time formal bids are advertised for and the time of their opening.

Contracts shall be awarded within sixty working days after the bidding has been closed. Each person submitting a bid shall be notified by certified mail as to whom the contract was awarded.

Source: Laws 1986, LB 965, § 13; Laws 2011, LB684, § 1; R.S.1943, (2008), § 81-1201.13; Laws 2012, LB782, § 193; Laws 2012, LB1053, § 13.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB782, section 193, with LB1053, section 13, to reflect all amendments.

Note: Changes made by LB1053 became operative July 1, 2012. Changes made by LB782 became operative July 19, 2012.

81-3714 State Visitors Promotion Cash Fund; created; uses; investment.

The State Visitors Promotion Cash Fund is created. The commission shall use the proceeds of the fund to generally promote, encourage, and attract visitors to and within the State of Nebraska and enhance the use of travel and tourism facilities within the state. The proceeds of the fund shall be in addition to funds appropriated to the commission from the General Fund. Any money in the State Visitors Promotion Cash 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.

Source: Laws 1980, LB 499, § 8; R.S.1943, (2008), § 81-1252; Laws 2012, LB1053, § 14.

Operative date July 1, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

81-3715 Hotel; occupancy; sales tax.

There is hereby imposed an additional sales tax of one percent upon the total consideration charged for occupancy of any space furnished by any hotel in this state. The proceeds from such tax shall be paid to the State Visitors Promotion Cash Fund.

Source: Laws 1980, LB 499, § 9; R.S.1943, (2008), § 81-1253; Laws 2012, LB1053, § 15.

Operative date July 1, 2012.

81-3716 Hotel; occupancy; county; impose sales tax; when.

(1) The governing body of any county may after a public hearing adopt a resolution to impose an additional sales tax of not to exceed two percent upon the total consideration charged for occupancy of any space furnished by any hotel if such county has created a County Visitors Promotion Fund and a visitors committee pursuant to section 81-3717. The proceeds from such tax shall be paid to the County Visitors Promotion Fund.

(2) The governing body of any county may after a public hearing adopt a resolution to impose an additional sales tax of not to exceed two percent upon the total consideration charged for occupancy of any space furnished by any hotel if such county has created a County Visitors Improvement Fund and a visitors committee pursuant to section 81-3717. The proceeds from such tax shall be paid to the County Visitors Improvement Fund.

(3) The taxes authorized by this section shall be in addition to the tax authorized in section 81-3715 or any other sales tax imposed or authorized.

Source: Laws 1980, LB 499, § 10; Laws 1989, LB 262, § 3; Laws 2003, LB 726, § 2; R.S.1943, (2008), § 81-1254; Laws 2012, LB1053, § 16.

Operative date July 1, 2012.

81-3717 County Visitors Promotion Fund; County Visitors Improvement Fund; visitors committee; establishment; purpose.

(1) The governing body of the county shall after a public hearing adopt a resolution establishing a County Visitors Promotion Fund and a visitors committee which shall serve as an advisory committee to the governing body in administering the proceeds from the taxes provided to the county by the Nebraska Visitors Development Act. The governing body of a county may also after a public hearing adopt a resolution establishing a County Visitors Improvement Fund. The proceeds of the County Visitors Promotion Fund shall be used generally to promote, encourage, and attract visitors to come to the county and use the travel and tourism facilities within the county. The proceeds of the County Visitors Improvement Fund shall be used to improve the visitor attractions and facilities in the county, except that no proceeds shall be used to improve a facility in which parimutuel wagering is conducted. If the visitors committee determines that the visitor attractions in the county are adequate and do not require improvement, the governing body of the county, with the advice of the committee, may use the County Visitors Improvement Fund to promote, encourage, and attract visitors to the county to use the county's travel and tourism facilities. The committee shall consist of five or seven members appointed by the governing body of the county. If the committee has five members, at least one but no more than two members of the committee shall be in the hotel industry. If the committee has seven members, at least two but no more than three members of the committee shall be in the hotel industry.

(2) The members of the committee shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for terms of four years, except that at least half of those appointed shall be appointed for initial terms of two years. Vacancies shall be filled in the same manner as the initial appointments. The committee shall elect a chairperson and vice-chairperson from among its members to serve for terms of two years.

Source: Laws 1980, LB 499, § 11; Laws 1988, LB 797, § 4; Laws 1989, LB 262, § 4; Laws 1999, LB 499, § 1; Laws 2003, LB 726, § 3; Laws 2011, LB277, § 1; R.S.Supp.,2011, § 81-1255; Laws 2012, LB1053, § 17.

Operative date July 1, 2012.

81-3718 Visitors committee; budget.

The governing body of the county shall annually set the budget, if any, under which the committee shall operate.

Source: Laws 1980, LB 499, § 12; R.S.1943, (2008), § 81-1256; Laws 2012, LB1053, § 18.

Operative date July 1, 2012.

81-3719 County board; contracts authorized.

The county board may contract with any person, firm, association, or corporation to carry out its powers and duties under the Nebraska Visitors Development Act.

Source: Laws 1980, LB 499, § 13; Laws 1988, LB 797, § 5; R.S.1943, (2008), § 81-1257; Laws 2012, LB1053, § 19.
Operative date July 1, 2012.

81-3720 County Visitors Improvement Fund; use; visitor attraction, defined.

(1)(a) The County Visitors Improvement Fund shall be administered by the governing body of the county with the advice of the visitors committee created pursuant to section 81-3717. The fund shall be used to make grants for expanding and improving facilities at any existing visitor attraction, acquiring or expanding exhibits for existing visitor attractions, constructing visitor attractions, or planning or developing such expansions, improvements, or construction.

(b) Grants shall be available for any visitor attraction in the county owned by the public or any nonprofit organization, the primary purpose of which is to operate the visitor attraction, except that grants shall not be available for any visitor attraction where parimutuel wagering is conducted.

(c) Grants may be made for a specified annual amount not to exceed the proceeds derived from a sales tax rate of one percent imposed by a county for a County Visitors Improvement Fund for a term of years not to exceed twenty years and may be pledged by the recipient to secure bonds issued to finance expansion, improvement, or construction of a visitor attraction. Any grant made for a term of years shall be funded each year in accordance with any agreement contained in the grant contract.

(d) No bonds issued by a grant recipient which pledges grant funds shall constitute a debt, liability, or general obligation of the county levying the tax or a pledge of the faith and credit of the county levying the tax but shall be payable solely from grant funds. Each bond issued by any grant recipient which pledges grant funds shall contain on the face thereof a statement that neither the faith and credit nor the taxing power of the county levying the tax is pledged to the payment of the principal of or the interest on such bond.

(2) For purposes of this section and section 81-3717, visitor attraction means a defined location open to the public, which location is of educational, cultural, historical, artistic, or recreational significance or provides entertainment or in which are exhibits, displays, or performances of educational, cultural, historic, artistic, or entertainment value.

Source: Laws 1980, LB 499, § 14; Laws 1988, LB 797, § 6; Laws 1989, LB 262, § 5; Laws 2005, LB 557, § 1; R.S.1943, (2008), § 81-1258; Laws 2012, LB1053, § 20.
Operative date July 1, 2012.

81-3721 Commission; cooperation; contracts authorized.

The commission shall cooperate with other departments and agencies of the state and may contract with other persons, including private agencies, to carry

out any of the functions and purposes of the Nebraska Visitors Development Act.

Source: Laws 1980, LB 499, § 15; Laws 1988, LB 797, § 7; R.S.1943, (2008), § 81-1259; Laws 2012, LB1053, § 21.
Operative date July 1, 2012.

81-3722 Lodging sales tax; collection; enforcement.

Unless otherwise specifically provided, any sales tax on transient lodging imposed under the Nebraska Visitors Development Act is in addition to that sales tax imposed under the provisions of Chapter 77, article 27, and shall be interpreted, collected, remitted, and enforced by the Tax Commissioner under the provisions of such article. Any sales tax on transient lodging imposed under the Nebraska Visitors Development Act shall be due and payable to the Tax Commissioner monthly on or before the twenty-fifth day of the month next succeeding each monthly period.

Source: Laws 1980, LB 499, § 16; Laws 1988, LB 797, § 8; Laws 2011, LB210, § 12; R.S.Supp.,2011, § 81-1260; Laws 2012, LB1053, § 22.
Operative date July 1, 2012.

81-3723 County Visitors Promotion Fund; collection; administrative fee.

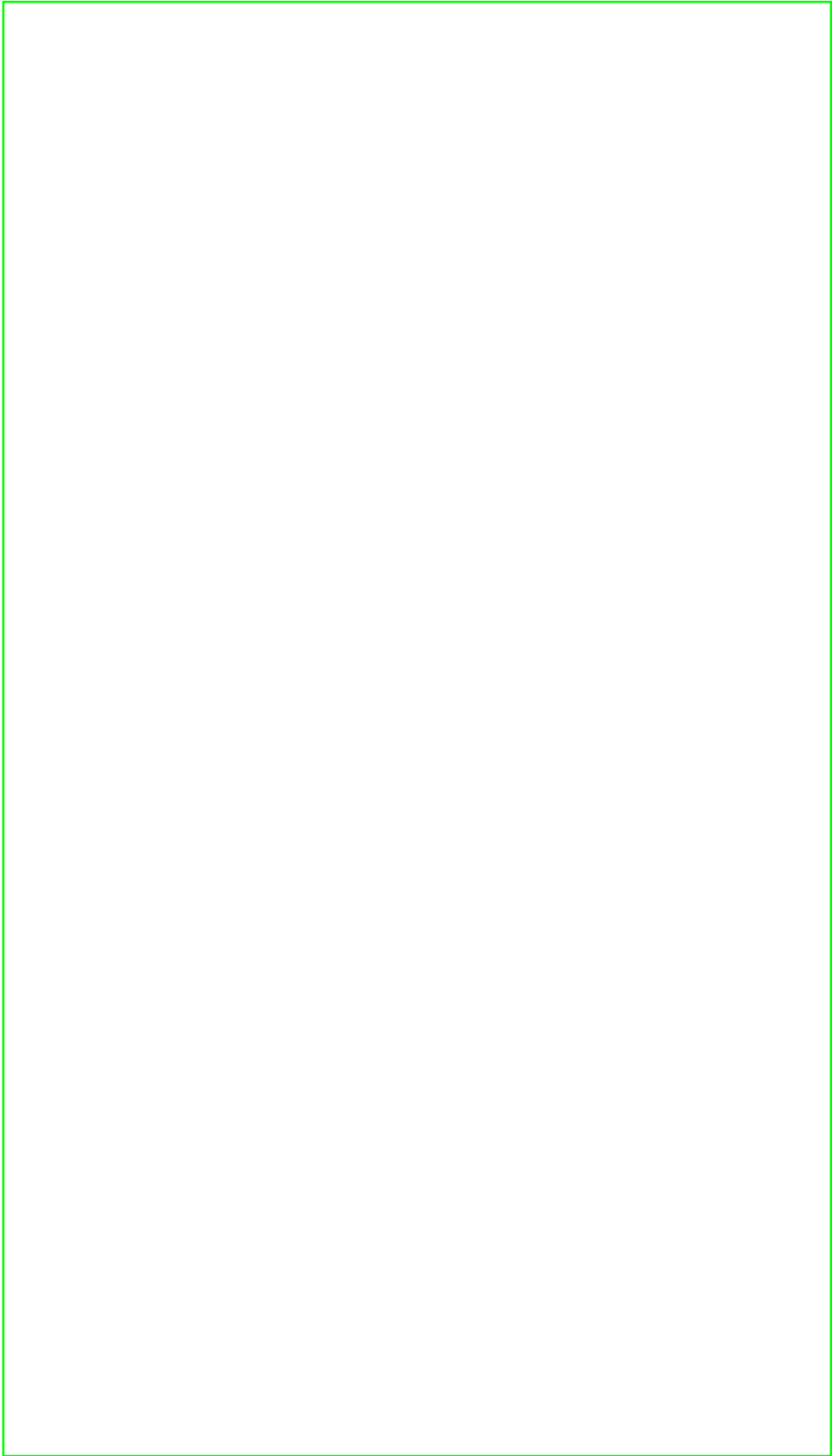
The amount the Tax Commissioner shall remit, as taxes collected for a County Visitors Promotion Fund, shall be reduced by three percent as an administrative fee necessary to defray the cost of collecting the tax and the expenses incident to such collection.

Source: Laws 1980, LB 499, § 17; R.S.1943, (2008), § 81-1261; Laws 2012, LB1053, § 23.
Operative date July 1, 2012.

81-3724 Commission and Tax Commissioner; adopt rules and regulations.

The commission and the Tax Commissioner shall adopt and promulgate rules and regulations to carry out the Nebraska Visitors Development Act.

Source: Laws 1980, LB 499, § 18; Laws 1988, LB 797, § 9; R.S.1943, (2008), § 81-1262; Laws 2012, LB1053, § 24.
Operative date July 1, 2012.



CHAPTER 82

STATE CULTURE AND HISTORY

Article.

1. Nebraska State Historical Society. 82-108.02.
3. Nebraska Arts Council. 82-326 to 82-333.

ARTICLE 1

NEBRASKA STATE HISTORICAL SOCIETY

Section

82-108.02. Historical Society Fund; created; use; investment.

82-108.02 Historical Society Fund; created; use; investment.

All funds received by the Nebraska State Historical Society for services rendered shall be remitted to the State Treasurer for credit to the Historical Society Fund which is hereby established. Funds to the credit of the fund shall only be expended, as and when appropriated by the Legislature, by the Nebraska State Historical Society for the general purposes of such society, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Historical Society 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.

Source: Laws 1961, c. 439, § 1, p. 1357; Laws 1969, c. 584, § 110, p. 2416; Laws 1995, LB 7, § 138; Laws 2009, First Spec. Sess., LB3, § 88.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 3

NEBRASKA ARTS COUNCIL

Section

- 82-326. Appropriation; works of art; administration, and installation; limitation.
- 82-329. Works of art; Nebraska Arts Council; maintain inventory; inspect; recommend procedures.
- 82-331. Nebraska Cultural Preservation Endowment Fund; created; use; investment.
- 82-332. Nebraska Arts and Humanities Cash Fund; created; use; investment.
- 82-333. Nebraska Arts and Humanities Cash Fund; report.

82-326 Appropriation; works of art; administration, and installation; limitation.

The amount of money made available from any appropriations under the provisions of sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 shall be used, in addition to the cost of the works of art, to provide for the administration by the contracting agency, the architect, and the Nebraska Arts Council, and for all costs of installation of the works of art. The

Nebraska Arts Council may set aside up to ten percent of the amount appropriated for administration for an art maintenance fund which shall be used to repair or restore all works of art acquired under such sections.

Source: Laws 1978, LB 664, § 18; Laws 2010, LB1063, § 1.

82-329 Works of art; Nebraska Arts Council; maintain inventory; inspect; recommend procedures.

The Nebraska Arts Council shall maintain an inventory of all works of art purchased under sections 82-317 to 82-329, 85-106 to 85-106.03, and 85-304 to 85-304.03 and shall inspect each work of art on a regular schedule to determine its condition. The Nebraska Arts Council may recommend procedures for regular maintenance, preservation, and security and for the repair of any damaged work of art.

Source: Laws 1978, LB 664, § 21; Laws 2010, LB1063, § 2.

82-331 Nebraska Cultural Preservation Endowment Fund; created; use; investment.

(1) There is hereby established in the state treasury a trust fund to be known as the Nebraska Cultural Preservation Endowment Fund. The fund shall consist of funds appropriated or transferred by the Legislature, and only the earnings of the fund may be used as provided in this section.

(2) On August 1, 1998, the State Treasurer shall transfer five million dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund.

(3) Except as provided in subsection (4) of this section, it is the intent of the Legislature that the State Treasurer shall transfer (a) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2009 and 2010 and (b) an amount not to exceed five hundred thousand dollars from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31 of 2013, 2014, 2015, 2016, 2017, and 2018.

(4) Prior to the transfer of funds from any state account into the Nebraska Cultural Preservation Endowment Fund, the Nebraska Arts Council shall provide documentation to the budget division of the Department of Administrative Services that qualified endowments have generated a dollar-for-dollar match of new money, up to the amount of state funds authorized by the Legislature to be transferred to the Nebraska Cultural Preservation Endowment Fund. For purposes of this section, new money means a contribution to a qualified endowment generated after July 1, 2011. Contributions not fully matched by state funds shall be carried forward to succeeding years and remain available to provide a dollar-for-dollar match for state funds. For an endowment to be a qualified endowment (a) the endowment must meet the standards set by the Nebraska Arts Council or Nebraska Humanities Council, (b) the endowment must be intended for long-term stabilization of the organization, and (c) the funds of the endowment must be endowed and only the earnings thereon expended. The budget division of the Department of Administrative Services shall notify the State Treasurer to execute a transfer of state funds up to the amount specified by the Legislature, but only to the extent that the Nebraska Arts Council has provided documentation of a dollar-for-dollar match. State

funds not transferred shall be carried forward to the succeeding year and be added to the funds authorized for a dollar-for-dollar match during that year.

(5) The Legislature shall not appropriate or transfer money from the Nebraska Cultural Preservation Endowment Fund for any purpose other than the purposes stated in sections 82-330 to 82-333, except that the Legislature may appropriate or transfer money from the fund upon a finding that the purposes of such sections are not being accomplished by the fund.

(6) Any money in the Nebraska Cultural Preservation Endowment 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.

(7) All investment earnings from the Nebraska Cultural Preservation Endowment Fund shall be credited to the Nebraska Arts and Humanities Cash Fund.

Source: Laws 1998, LB 799, § 2; Laws 2008, LB1165, § 1; Laws 2009, LB316, § 23; Laws 2010, LB1063, § 3; Laws 2011, LB378, § 30; Laws 2012, LB969, § 11.

Operative date April 3, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

82-332 Nebraska Arts and Humanities Cash Fund; created; use; investment.

(1) The Nebraska Arts and Humanities Cash Fund is created. The fund shall consist of all funds credited from the Nebraska Cultural Preservation Endowment Fund pursuant to section 82-331. The Nebraska Arts Council shall administer and distribute the Nebraska Arts and Humanities Cash Fund. All disbursements from the Nebraska Arts and Humanities Cash Fund shall be matched dollar-for-dollar by sources other than state funds. The match funds shall be new money generated for endowments established by the Nebraska Arts Council or Nebraska Humanities Council or qualified endowments of their constituent organizations, new money generated as a result of seed grants to recipients, or new money generated by the Nebraska Arts Council or Nebraska Humanities Council for arts or humanities education. Matching funds shall also include earnings generated by qualified private endowments formed in accordance with this section. For purposes of this section, new money means a contribution to a qualified endowment generated after July 1, 2011. Contributions not fully matched by state funds shall be carried forward to succeeding years and remain available to provide a dollar-for-dollar match for state funds. For an endowment to be a qualified endowment (a) the endowment must meet the standards set by the Nebraska Arts Council or Nebraska Humanities Council, (b) the endowment must be intended for long-term stabilization of the organization, and (c) the funds of the endowment must be endowed and only the earnings thereon expended. An organization is a constituent organization if it receives funding from the Nebraska Arts Council or Nebraska Humanities Council and is tax exempt under section 501 of the Internal Revenue Code. The match funds required by this section shall not include in-kind contributions. The budget division of the Department of Administrative Services shall approve allotment and disbursement of funds from the Nebraska Arts and Humanities Cash Fund only to the extent the Nebraska Arts Council has provided documentation of the dollar-for-dollar match required by this section. Funds from the

Nebraska Arts and Humanities Cash Fund may be used for the purpose of obtaining challenge grants from the National Endowment for the Humanities or the National Endowment for the Arts.

(2) Rules and regulations of the Nebraska Arts Council shall provide that the ultimate use of disbursements from the Nebraska Arts and Humanities Cash Fund shall be in a ratio of seventy percent to projects, endowments, or programs designated by the Nebraska Arts Council and thirty percent to projects, endowments, or programs designated by the Nebraska Humanities Council.

(3) 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.

Source: Laws 1998, LB 799, § 3; Laws 2009, LB316, § 24; Laws 2012, LB969, § 12.

Operative date April 3, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

82-333 Nebraska Arts and Humanities Cash Fund; report.

The Nebraska Arts Council shall report to the Clerk of the Legislature and Director of Administrative Services annually regarding disbursements from the Nebraska Arts and Humanities Cash Fund. The report submitted to the Clerk of the Legislature shall be submitted electronically. The report shall include a complete listing of the uses of the fund, the sources of funding used to match state funds, the amount of investment earnings credited to the Nebraska Arts and Humanities Cash Fund, and the balance of the Nebraska Arts and Humanities Cash Fund. The report shall cover the period July 1 through June 30 and shall be submitted no later than November 1 of each year.

Source: Laws 1998, LB 799, § 4; Laws 2012, LB782, § 216.

Operative date July 19, 2012.

CHAPTER 83

STATE INSTITUTIONS

Article.

1. Management.
 - (a) General Provisions. 83-101, 83-123.
 - (f) Correctional Services, Parole, and Pardons. 83-174.03 to 83-1,135.
3. Hospitals.
 - (d) Cost of Patient Care. 83-368, 83-380.
4. Penal and Correctional Institutions.
 - (i) Criminal Detention Minimum Standards. 83-4,126 to 83-4,133.
 - (l) Incarceration Work Camps. 83-4,142 to 83-4,147.
9. Department of Correctional Services.
 - (a) General Provisions. 83-913.01 to 83-924.
 - (i) Correctional System Overcrowding Emergency Act. 83-963.
 - (j) Lethal Injection. 83-964 to 83-972.
12. Developmental Disabilities Services. 83-1209 to 83-1224.

ARTICLE 1

MANAGEMENT

(a) GENERAL PROVISIONS

Section

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| 83-101. | Office of Juvenile Services; collaborate with Department of Correctional Services. |
| 83-123. | Department of Correctional Services; license plates; materials; Department of Motor Vehicles; duties. |
| (f) CORRECTIONAL SERVICES, PAROLE, AND PARDONS | |
| 83-174.03. | Certain sex offenders; supervision by Office of Parole Administration; notice prior to release; risk assessment and evaluation; conditions of community supervision. |
| 83-183. | Persons committed; employment; wages; use; rules and regulations. |
| 83-184. | Person committed; visit outside facility; work at paid employment; funds; disposal; withholding; use; violations; effect. |
| 83-1,102. | Parole Administrator; duties. |
| 83-1,105.01. | Indeterminate sentence; court; duties; study of offender; when; costs. |
| 83-1,107. | Reductions of sentence; personalized program plan; how credited; forfeiture; withholding; restoration. |
| 83-1,107.02. | Parole Program Cash Fund; created; use; investment. |
| 83-1,108. | Board of Parole; reduction of sentence for good conduct; provisions; forfeiture. |
| 83-1,112.01. | Person convicted of multiple violations of driving under influence of alcoholic liquor or drugs; parole eligibility. |
| 83-1,135. | Act, how cited. |

(a) GENERAL PROVISIONS

83-101 Office of Juvenile Services; collaborate with Department of Correctional Services.

The Office of Juvenile Services shall collaborate with the Department of Correctional Services regarding the training of all employees and the safety and security of the youth rehabilitation and treatment centers. The office shall

include information regarding such collaboration in the annual report required by subdivision (6) of section 43-405.

Source: Laws 2012, LB972, § 7.
Effective date July 19, 2012.

83-123 Department of Correctional Services; license plates; materials; Department of Motor Vehicles; duties.

Out of the fund appropriated by the Legislature, the Department of Correctional Services shall purchase the materials for, manufacture, and deliver the license plates each year to the various counties in the State of Nebraska. The Department of Motor Vehicles shall furnish the information concerning license plates, together with the number of plates to be manufactured for each county in the state for the current licensing year, to the Department of Correctional Services.

Source: Laws 1931, c. 22, § 2, p. 95; C.S.Supp., 1941, § 83-137; R.S. 1943, § 83-123; Laws 1951, c. 319, § 2, p. 1091; Laws 1953, c. 207, § 14, p. 730; Laws 1959, c. 442, § 3, p. 1486; Laws 1959, c. 284, § 5, p. 1078; Laws 1969, c. 497, § 2, p. 2067; Laws 1993, LB 31, § 24; Laws 1993, LB 112, § 46; Laws 2009, LB49, § 9.

(f) CORRECTIONAL SERVICES, PAROLE, AND PARDONS

83-174.03 Certain sex offenders; supervision by Office of Parole Administration; notice prior to release; risk assessment and evaluation; conditions of community supervision.

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

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

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

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

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

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

- (c) Requirements to report regularly to the individual's community supervision officer;
- (d) Requirements to reside at a specified location and notify the individual's community supervision officer of any change in address or employment;
- (e) A requirement to allow the Office of Parole Administration access to medical records from the individual's current and former providers of treatment;
- (f) A requirement that the individual submit himself or herself to available medical, psychological, psychiatric, or other treatment, including, but not limited to, polygraph examinations; or
- (g) Any other conditions designed to minimize the risk of recidivism, including, but not limited to, the use of electronic monitoring, which are not unduly restrictive.

Source: Laws 2006, LB 1199, § 89; Laws 2009, LB285, § 13.

83-183 Persons committed; employment; wages; use; rules and regulations.

(1) To establish good habits of work and responsibility, to foster vocational training, and to reduce the cost of operating the facilities, persons committed to the department shall be employed, eight hours per day, so far as possible in constructive and diversified activities in the production of goods, services, and foodstuffs to maintain the facilities, for state use, and for other purposes authorized by law. To accomplish these purposes, the director may establish and maintain industries and farms in appropriate facilities and may enter into arrangements with any other board or agency of the state, any natural resources district, or any other political subdivision, except that any arrangements entered into with school districts, educational service units, community colleges, state colleges, or universities shall include supervision provided by the department, for the employment of persons committed to the department for state or governmental purposes. Nothing in this subsection shall be construed to effect a reduction in the number of work release positions.

(2) The director shall make rules and regulations governing the hours, conditions of labor, and the rates of compensation of persons committed to the department. In determining the rates of compensation, such regulations may take into consideration the quantity and quality of the work performed by such person, whether or not such work was performed during regular working hours, the skill required for its performance, and the economic value of similar work outside of correctional facilities.

(3) Except as provided in section 83-183.01, wage payments to a person committed to the department shall be set aside by the chief executive officer of the facility in a separate fund. The fund shall enable such person committed to the department to contribute to the support of his or her dependents, if any, to make necessary purchases from the commissary, and to set aside sums to be paid to him or her at the time of his or her release from the facility.

(4) The director may authorize the chief executive officer to invest the earnings of a person committed to the department. Any accrued interest thereon shall be credited to such person's fund.

(5) The director may authorize the chief executive officer to reimburse the state from the wage fund of a person committed to the department for:

(a) The actual value of property belonging to the state or any other person intentionally or recklessly destroyed by such person committed to the department during his or her commitment;

(b) The actual value of the damage or loss incurred as a result of unauthorized use of property belonging to the state or any other person by such person committed to the department;

(c) The actual cost to the state for injuries or other damages caused by intentional acts of such person committed to the department; and

(d) The reasonable costs incurred in returning such person committed to the department to the facility to which he or she is committed in the event of his or her escape.

(6) No person committed to the department shall be required to engage in excessive labor, and no such person shall be required to perform any work for which he or she is declared unfit by a physician designated by the director. No person who performs labor or work pursuant to this section shall be required to wear manacles, shackles, or other restraints.

(7) The director may authorize that a portion of the earnings of a person committed to the department be retained by that person for personal use.

Source: Laws 1969, c. 817, § 14, p. 3080; Laws 1980, LB 319, § 10; Laws 1993, LB 31, § 32; Laws 1994, LB 889, § 1; Laws 1999, LB 865, § 7; Laws 2002, LB 112, § 1; Laws 2009, LB63, § 42.

83-184 Person committed; visit outside facility; work at paid employment; funds; disposal; withholding; use; violations; effect.

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

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

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

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

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

(2) The wages earned by a person authorized to work at paid employment in the community under the provisions of this section shall be credited by the chief executive officer of the facility to such person's wage fund. The director

shall authorize the chief executive officer to withhold up to five percent of such person's net wages. The funds withheld pursuant to this subsection shall be remitted to the State Treasurer for credit as provided in subsection (2) of section 33-157.

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

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

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

Source: Laws 1969, c. 817, § 15, p. 3081; Laws 1978, LB 748, § 46; Laws 1999, LB 106, § 1; Laws 2010, LB510, § 5.

83-1,102 Parole Administrator; duties.

The Parole Administrator shall:

- (1) Supervise and administer the Office of Parole Administration;
- (2) Establish and maintain policies, standards, and procedures for the field parole service and the community supervision of sex offenders pursuant to section 83-174.03;
- (3) Divide the state into parole districts and appoint district parole officers, deputy parole officers, if required, and such other employees as may be required to carry out adequate parole supervision of all parolees, adequate probation supervision of probationers as ordered by district judges, prescribe their powers and duties, and obtain office quarters for staff in each district as may be necessary;
- (4) Cooperate with the Board of Parole, the courts, the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice, and all other agencies, public and private, which are concerned with the treatment or welfare of persons on parole;
- (5) Provide the Board of Parole and district judges with any record of a parolee or probationer which it may require;
- (6) Make recommendations to the Board of Parole or district judge in cases of violation of the conditions of parole or probation, issue warrants for the arrest of parole or probation violators when so instructed by the board or district judge, notify the Director of Correctional Services of determinations made by the board, and upon instruction of the board, issue certificates of parole and of parole revocation to the facilities and certificates of discharge from parole to parolees;
- (7) Organize and conduct training programs for the district parole officers and other employees;

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

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

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

Source: Laws 1969, c. 817, § 33, p. 3088; Laws 1971, LB 680, § 28; Laws 2003, LB 46, § 19; Laws 2005, LB 538, § 23; Laws 2006, LB 1199, § 93; Laws 2011, LB390, § 25.

Cross References

Definitions applicable, see section 29-2246.

83-1,105.01 Indeterminate sentence; court; duties; study of offender; when; costs.

Except when a term of life imprisonment is required by law, in imposing an indeterminate sentence upon an offender the court shall:

(1) Fix the minimum and maximum limits of the sentence to be served within the limits provided by law for any class of felony other than a Class IV felony, except that when a maximum limit of life is imposed by the court for a Class IB felony, the minimum limit may be any term of years not less than the statutory mandatory minimum. If the criminal offense is a Class IV felony, the court shall fix the minimum and maximum limits of the sentence, but the minimum limit fixed by the court shall not be less than the minimum provided by law nor more than one-third of the maximum term and the maximum limit shall not be greater than the maximum provided by law;

(2) Impose a definite term of years, in which event the maximum term of the sentence shall be the term imposed by the court and the minimum term shall be the minimum sentence provided by law; or

(3)(a) When the court is of the opinion that imprisonment may be appropriate but desires more detailed information as a basis for determining the sentence to be imposed than has been provided by the presentence report required by section 29-2261, the court shall commit an offender to the Department of Correctional Services for a period not exceeding ninety days. The department shall conduct a complete study of the offender during that time, inquiring into such matters as his or her previous delinquency or criminal experience, social background, capabilities, and mental, emotional, and physical health and the rehabilitative resources or programs which may be available to suit his or her needs. By the expiration of the period of commitment or by the expiration of such additional time as the court shall grant, not exceeding a further period of ninety days, the offender shall be returned to the court for sentencing and the court shall be provided with a written report of the results of the study, including whatever recommendations the department believes will be helpful to

a proper resolution of the case. After receiving the report and the recommendations, the court shall proceed to sentence the offender in accordance with any applicable provision of law. The term of the sentence shall run from the date of original commitment under this subdivision.

(b) In order to encourage the use of this procedure in appropriate cases, all costs incurred during the period the offender is held in a state institution under this subdivision shall be the responsibility of the state and the county shall be liable only for the cost of delivering the offender to the institution and the cost of returning him or her to the appropriate court for sentencing or such other disposition as the court may then deem appropriate.

Source: Laws 1997, LB 364, § 20; Laws 2002, Third Spec. Sess., LB 1, § 17; Laws 2011, LB12, § 6.

83-1,107 Reductions of sentence; personalized program plan; how credited; forfeiture; withholding; restoration.

(1)(a) Within sixty days after initial classification and assignment of any offender committed to the department, all available information regarding such committed offender shall be reviewed and a committed offender department-approved personalized program plan document shall be drawn up. The document shall specifically describe the department-approved personalized program plan and the specific goals the department expects the committed offender to achieve. The document shall also contain a realistic schedule for completion of the department-approved personalized program plan. The department-approved personalized program plan shall be fully explained to the committed offender. The department shall provide programs to allow compliance by the committed offender with the department-approved personalized program plan.

Programming may include, but is not limited to:

- (i) Academic and vocational education, including teaching such classes by qualified offenders;
- (ii) Substance abuse treatment;
- (iii) Mental health and psychiatric treatment, including criminal personality programming;
- (iv) Constructive, meaningful work programs; and
- (v) Any other program deemed necessary and appropriate by the department.

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

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

(b) In addition to reductions granted in subdivision (2)(a) of this section, the department shall reduce the term of a committed offender by three days on the

first day of each month following a twelve-month period of incarceration within the department during which the offender has not been found guilty of (i) a Class I or Class II offense or (ii) more than three Class III offenses under the department's disciplinary code. Reductions earned under this subdivision shall not be subject to forfeit or withholding by the department.

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

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

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

(5)(a) Within thirty days after any committed offender has been paroled, all available information regarding such parolee shall be reviewed and a parolee personalized program plan document shall be drawn up and approved by the Office of Parole Administration. The document shall specifically describe the approved personalized program plan and the specific goals the office expects the parolee to achieve. The document shall also contain a realistic schedule for completion of the approved personalized program plan. The approved personalized program plan shall be fully explained to the parolee. During the term of parole, the parolee shall comply with the approved personalized program plan and the office shall provide programs to allow compliance by the parolee with the approved personalized program plan.

Programming may include, but is not limited to:

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

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

(6) While the offender is in the custody of the board, reductions of terms granted pursuant to subdivision (2)(a) of this section may be forfeited, withheld,

and restored by the administrator with the approval of the director after the offender has been notified regarding the charges of misconduct or breach of the conditions of parole. In addition, the board may recommend such forfeitures of good time to the director.

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

Source: Laws 1969, c. 817, § 38, p. 3092; Laws 1972, LB 1499, § 7; Laws 1975, LB 567, § 2; Laws 1992, LB 816, § 2; Laws 1995, LB 371, § 20; Laws 1997, LB 364, § 19; Laws 2003, LB 46, § 20; Laws 2011, LB191, § 1.

83-1,107.02 Parole Program Cash Fund; created; use; investment.

The Parole Program Cash Fund is created. All funds collected pursuant to section 83-1,107.01 shall be remitted to the State Treasurer for credit to the fund. The fund shall be utilized by the Office of Parole Administration for the purposes stated in subdivision (8) of section 83-1,102. 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.

Source: Laws 2003, LB 46, § 22; Laws 2011, LB390, § 26.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

83-1,108 Board of Parole; reduction of sentence for good conduct; provisions; forfeiture.

(1) The board shall reduce, for good conduct in conformity with the conditions of parole, a parolee's parole term by ten days for each month of such term. The total of such reductions shall be deducted from the maximum term, less good time granted pursuant to section 83-1,107, to determine the date when discharge from parole becomes mandatory.

(2) Reductions of the parole terms may be forfeited, withheld, and restored by the board after the parolee has been consulted regarding any charge of misconduct or breach of the conditions of parole.

Source: Laws 1969, c. 817, § 39, p. 3092; Laws 1972, LB 1499, § 8; Laws 1975, LB 567, § 4; Laws 1992, LB 816, § 3; Laws 2011, LB191, § 2.

83-1,112.01 Person convicted of multiple violations of driving under influence of alcoholic liquor or drugs; parole eligibility.

The board shall require any person who is incarcerated pursuant to subdivision (9) or (10) of section 60-6,197.03 to complete all diagnostic evaluations provided by the department and all programming required by the department prior to being considered eligible for parole.

Source: Laws 2011, LB675, § 12.

83-1,135 Act, how cited.

Sections 83-170 to 83-1,135 shall be known and may be cited as the Nebraska Treatment and Corrections Act.

Source: Laws 1969, c. 817, § 85, p. 3112; Laws 1992, Third Spec. Sess., LB 13, § 9; Laws 1995, LB 371, § 25; Laws 1997, LB 274, § 2; Laws 1997, LB 364, § 21; Laws 1998, LB 309, § 28; Laws 2003, LB 46, § 28; Laws 2005, LB 538, § 24; Laws 2006, LB 1199, § 99; Laws 2011, LB675, § 11.

ARTICLE 3 HOSPITALS

(d) COST OF PATIENT CARE

Section

83-368. Cost of patient care; ability to pay; factors.

83-380. Cost of patient care; Director of Administrative Services; notify county clerk of amount due; levy; disbursement; withholding of funds by state.

(d) COST OF PATIENT CARE

83-368 Cost of patient care; ability to pay; factors.

Except as provided in section 71-809, the department shall determine the ability of a patient to pay by consideration of the following factors: (1) Taxable income reportable under Nebraska law; (2) the patient's age; (3) the number of his or her dependents and their ages and mental and physical conditions; (4) the patient's length of care or treatment; (5) his or her liabilities; and (6) his or her assets including health insurance coverage.

Source: Laws 1969, c. 812, § 6, p. 3053; Laws 1985, LB 487, § 2; Laws 2012, LB871, § 3.
Effective date July 19, 2012.

83-380 Cost of patient care; Director of Administrative Services; notify county clerk of amount due; levy; disbursement; withholding of funds by state.

Within thirty days after June 30, 1971, and each year thereafter, the department shall certify to the Director of Administrative Services all amounts not previously certified due to each state institution from the several counties having patients chargeable thereto. The Director of Administrative Services shall thereupon notify the county clerk of each county of the amount each county owes. The county board shall add to its next levy an amount sufficient to raise the amount certified as due. The county shall pay the amount certified into the state treasury on or before the next June 1 following such certification.

Source: Laws 1969, c. 812, § 18, p. 3056; Laws 1971, LB 1012, § 2; Laws 1996, LB 1044, § 950; Laws 2007, LB296, § 797; Laws 2009, LB218, § 10; Laws 2011, LB383, § 6.

ARTICLE 4 PENAL AND CORRECTIONAL INSTITUTIONS

(i) CRIMINAL DETENTION MINIMUM STANDARDS

Section

83-4,126. Jail Standards Board; powers and duties; enumerated.

83-4,131. Detention facility; inspection; report.

83-4,133. Detention facility; governing body; failure to take corrective action; petition by Jail Standards Board; hearing; order; appeal.

Section

(I) INCARCERATION WORK CAMPS

- 83-4,142. Department of Correctional Services; duties; legislative intent.
 83-4,143. Eligibility for incarceration work camp; court, Board of Parole, or Director of Correctional Services; considerations; duration.
 83-4,147. Report; contents.

(i) CRIMINAL DETENTION MINIMUM STANDARDS

83-4,126 Jail Standards Board; powers and duties; enumerated.

(1) Except as provided in subsection (2) of this section, the Jail Standards Board shall have the authority and responsibility:

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

(b) To perform such other duties as may be necessary to carry out the policy of the state regarding such criminal detention facilities and juvenile detention facilities as stated in sections 83-4,124 to 83-4,134; and

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

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

Source: Laws 1975, LB 417, § 28; Laws 1978, LB 212, § 3; R.S.Supp.,1980, § 83-948; Laws 1990, LB 663, § 17; Laws 1992, LB 1184, § 19; Laws 2011, LB390, § 27.

Cross References

Juvenile Services Act, see section 43-2401.

83-4,131 Detention facility; inspection; report.

Personnel of the Nebraska Commission on Law Enforcement and Criminal Justice shall visit and inspect each criminal detention facility and juvenile detention facility in the state, except correctional facilities accredited by a nationally recognized correctional association pursuant to subsection (2) of section 83-4,126, for the purpose of determining the conditions of confinement, the treatment of persons confined in the facilities, and whether such facilities comply with the minimum standards established by the Jail Standards Board. A written report of each inspection shall be made within thirty days following such inspection to the appropriate governing body responsible for the criminal detention facility or juvenile detention facility involved. The report shall specify those areas in which the facility does not comply with the required minimum standards.

Source: Laws 1975, LB 417, § 30; Laws 1978, LB 212, § 8; R.S.Supp.,1980, § 83-950; Laws 1981, LB 328, § 10; Laws 1992, LB 1184, § 20; Laws 1996, LB 233, § 18; Laws 2011, LB390, § 28.

83-4,133 Detention facility; governing body; failure to take corrective action; petition by Jail Standards Board; hearing; order; appeal.

If the governing body of the juvenile detention facility or criminal detention facility fails to initiate corrective action within six months after the receipt of such inspection report, fails to correct the disclosed conditions, or fails to close the criminal detention facility or juvenile detention facility or the objectionable portion thereof, the Jail Standards Board may petition the district court within the judicial district in which such facility is located to close the facility. Such petition shall include the inspection report regarding such facility. The local governing body shall then have thirty days to respond to such petition and shall serve a copy of the response on the Jail Standards Board by certified mail, return receipt requested. Thereafter, a hearing shall be held on the petition before the district court, and an order shall be rendered by such court which either:

- (1) Dismisses the petition of the Jail Standards Board;
- (2) Directs that corrective action be initiated in some form by the local governing body of the facility in question; or
- (3) Directs that the facility be closed. An appeal from the decision of the district court may be taken to the Court of Appeals.

Source: Laws 1975, LB 417, § 32; Laws 1978, LB 212, § 10; R.S.Supp.,1980, § 83-952; Laws 1991, LB 732, § 154; Laws 1992, LB 1184, § 22; Laws 1998, LB 695, § 6; Laws 2009, LB218, § 11.

(l) INCARCERATION WORK CAMPS**83-4,142 Department of Correctional Services; duties; legislative intent.**

The Department of Correctional Services shall develop and implement an incarceration work camp for placement of felony offenders as a condition of a sentence of intensive supervision probation, as a transitional phase prior to release on parole, or as assigned by the Director of Correctional Services pursuant to subsection (2) of section 83-176. As part of the incarceration work camp, an intensive residential drug treatment program may be developed and implemented for felony offenders.

It is the intent of the Legislature that the incarceration work camp serve to reduce prison overcrowding and to make prison bed space available for violent offenders. It is the further intent of the Legislature that the incarceration work camp serve the interests of society by addressing the criminogenic needs of certain designated offenders and by deterring such offenders from engaging in further criminal activity. To accomplish these goals, the incarceration work camp shall provide regimented, structured, disciplined programming, including all of the following: Work programs; vocational training; behavior management and modification; money management; substance abuse awareness, counseling, and treatment; and education, programming needs, and aftercare planning, which will increase the offender's abilities to lead a law-abiding, productive, and fulfilling life as a contributing member of a free society.

Source: Laws 1997, LB 882, § 2; Laws 2005, LB 538, § 27; Laws 2007, LB83, § 1; Laws 2009, LB274, § 1.

83-4,143 Eligibility for incarceration work camp; court, Board of Parole, or Director of Correctional Services; considerations; duration.

(1) It is the intent of the Legislature that the court target the felony offender (a) who is eligible and by virtue of his or her criminogenic needs is suitable to be sentenced to intensive supervision probation with placement at the incarceration work camp, (b) for whom the court finds that other conditions of a sentence of intensive supervision probation, in and of themselves, are not suitable, and (c) who, without the existence of an incarceration work camp, would, in all likelihood, be sentenced to prison.

(2) When the court is of the opinion that imprisonment is appropriate, but that a brief and intensive period of regimented, structured, and disciplined programming within a secure facility may better serve the interests of society, the court may place an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of a sentence of intensive supervision probation. The court may consider such placement if the offender (a) is a male or female offender convicted of a felony offense in a district court, (b) is medically and mentally fit to participate, with allowances given for reasonable accommodation as determined by medical and mental health professionals, and (c) has not previously been incarcerated for a violent felony crime. Offenders convicted of a crime under sections 28-319 to 28-322.04 or of any capital crime are not eligible to be placed in an incarceration work camp.

(3) It is also the intent of the Legislature that the Board of Parole may recommend placement of felony offenders at the incarceration work camp. The offenders recommended by the board shall be offenders currently housed at other Department of Correctional Services adult correctional facilities and shall complete the incarceration work camp programming prior to release on parole.

(4) When the Board of Parole is of the opinion that a felony offender currently incarcerated in a Department of Correctional Services adult correctional facility may benefit from a brief and intensive period of regimented, structured, and disciplined programming immediately prior to release on parole, the board may direct placement of such an offender in an incarceration work camp for a period not to exceed one hundred eighty days as a condition of release on parole. The board may consider such placement if the felony offender (a) is medically and mentally fit to participate, with allowances given for reasonable accommodation as determined by medical and mental health professionals, and (b) has not previously been incarcerated for a violent felony crime. Offenders convicted of a crime under sections 28-319 to 28-322.04 or of any capital crime are not eligible to be placed in an incarceration work camp.

(5) The Director of Correctional Services may assign a felony offender to an incarceration work camp if he or she believes it is in the best interests of the felony offender and of society, except that offenders convicted of a crime under sections 28-319 to 28-321 or of any capital crime are not eligible to be assigned to an incarceration work camp pursuant to this subsection.

Source: Laws 1997, LB 882, § 3; Laws 2000, LB 288, § 1; Laws 2005, LB 538, § 28; Laws 2006, LB 1199, § 104; Laws 2007, LB83, § 2; Laws 2009, LB97, § 29; Laws 2009, LB274, § 2.

83-4,147 Report; contents.

An annual progress report shall be provided electronically to the Legislature ensuring that all programmatic objectives are being met. The report shall

include an evaluation of the impact of the multi-treatment programs, including program costs, educational achievement, inmate disciplinary activity, probation release decisionmaking, and community reintegration on November 1 of the year following implementation.

Source: Laws 1997, LB 882, § 7; Laws 2012, LB782, § 217.
Operative date July 19, 2012.

ARTICLE 9

DEPARTMENT OF CORRECTIONAL SERVICES

(a) GENERAL PROVISIONS

Section

- 83-913.01. Department of Correctional Services Facility Cash Fund; created; how funded; investment; disbursements; how made.
- 83-917. Reentry Cash Fund; created; use; investment.
- 83-924. Assistant director; duties, powers, and responsibilities.
- (i) CORRECTIONAL SYSTEM OVERCROWDING EMERGENCY ACT
- 83-963. Department; annual report; contents.
- (j) LETHAL INJECTION
- 83-964. Sentence of death; how enforced.
- 83-965. Director of Correctional Services; written execution protocol; contents.
- 83-966. Lethal injection; participation of professional; how treated under other law.
- 83-967. Director of Correctional Services; administration of substances; execution team; confidentiality.
- 83-968. Method of execution declared unconstitutional; effect on sentence.
- 83-969. Punishment inflicted; exclude view of persons; exception.
- 83-970. Execution; persons permitted.
- 83-971. Director of Correctional Services; military force necessary to carry out punishment; inform Governor.
- 83-972. Director of Correctional Services; inflict punishment; return of proceedings; clerk of court; duty.

(a) GENERAL PROVISIONS

83-913.01 Department of Correctional Services Facility Cash Fund; created; how funded; investment; disbursements; how made.

(1) There is hereby created the Department of Correctional Services Facility Cash Fund.

Except as otherwise provided, all money derived from any source in any facility under the supervision of the Department of Correctional Services shall be remitted to the State Treasurer in accordance with the policies and procedures established by the Director of Correctional Services for credit to the fund. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Department of Correctional Services Facility Cash Fund available for investment may be invested pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) All disbursements from the fund shall be made by the Director of Administrative Services by warrants drawn on the fund only upon certification of expenses by the chief executive officer of the appropriate facility within the Department of Correctional Services and upon presentation of proper vouchers for such expenses by the Director of Correctional Services or his or her authorized agent.

Source: Laws 1976, LB 869, § 1; Laws 1993, LB 31, § 68; Laws 1994, LB 1066, § 130; Laws 2009, First Spec. Sess., LB3, § 89.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

83-917 Reentry Cash Fund; created; use; investment.

The Reentry Cash Fund is created. The fund shall be administered by the Department of Correctional Services. The State Treasurer shall credit funds remitted pursuant to sections 33-157 and 83-184 and donations or contributions from public or private sources to the Reentry Cash Fund. The fund shall be used by the department for tuition, fees, and other costs associated with reentry and reintegration programs offered to offenders that are placed in the incarceration work camp. 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.

Source: Laws 2010, LB510, § 6.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

83-924 Assistant director; duties, powers, and responsibilities.

Subject to the supervision and approval of the Director of Correctional Services, each assistant director shall have the following duties, powers, and responsibilities:

(1) To coordinate and direct all programs and facilities under his or her jurisdiction;

(2) To select and manage such staff and supervise the operation of such equipment as he or she may require;

(3) To make such revisions to internal systems in each division as may be necessary to promote economy and facilitate maximum utilization of existing correctional services and facilities;

(4) To cause any existing program and facilities to be utilized by or merged with those of any other division in order to provide for greater efficiency or achieve any economic advantage;

(5) To provide the Legislature and the Governor technical assistance, advice, and information concerning administrative operations within his or her division;

(6) To provide the Legislature and the Governor with recommendations for dealing with financial, management, and organization problems affecting his or her division. The recommendations submitted to the Legislature shall be submitted electronically; and

(7) To exercise all powers and perform all duties necessary and proper in carrying out his or her responsibilities.

Source: Laws 1975, LB 417, § 3; Laws 1993, LB 31, § 71; Laws 2012, LB782, § 218.

Operative date July 19, 2012.

(i) CORRECTIONAL SYSTEM OVERCROWDING EMERGENCY ACT

83-963 Department; annual report; contents.

The department shall prepare an annual report on committed offenders who are paroled or granted controlled release pursuant to the Correctional System Overcrowding Emergency Act. The report shall summarize each such former committed offender's behavior since parole and generally evaluate his or her success or lack of success in becoming a law-abiding member of society. The annual report shall be filed electronically with the Executive Board of the Legislative Council on or before December 31, with the first such report submitted by December 31 of the first year that committed offenders are paroled pursuant to the act. A notice of the filing of the report shall be submitted electronically to each member of the Legislature when the annual report is filed with the Executive Board.

Source: Laws 2003, LB 46, § 49; Laws 2012, LB782, § 219.
Operative date July 19, 2012.

(j) LETHAL INJECTION

83-964 Sentence of death; how enforced.

A sentence of death shall be enforced by the intravenous injection of a substance or substances in a quantity sufficient to cause death. The lethal substance or substances shall be administered in compliance with an execution protocol created and maintained by the Department of Correctional Services.

Source: Laws 1973, LB 268, § 17; R.S.1943, (2008), § 29-2532; Laws 2009, LB36, § 9.

83-965 Director of Correctional Services; written execution protocol; contents.

(1) A sentence of death shall be enforced by the Director of Correctional Services. Upon receipt of an execution warrant, the director shall proceed at the time named in the warrant to enforce the sentence, unless the director is informed that enforcement of the sentence has been stayed by competent judicial authority, the sentence has been commuted, or the conviction has been pardoned.

(2) The director shall create, modify, and maintain a written execution protocol describing the process and procedures by which an execution will be carried out consistent with this section. The director shall (a) select the substance or substances to be employed in an execution by lethal injection, (b) create a documented process for obtaining the necessary substances, (c) designate an execution team composed of one or more executioners and any other personnel deemed necessary to effectively and securely conduct an execution, (d) describe the respective responsibilities of each member of the execution team, (e) describe the training required of each member of the execution team, and (f) perform or authorize any other details deemed necessary and appropriate by the director.

(3) The execution protocol shall require that the first or only substance injected be capable of rendering the convicted person unconscious and that a determination sufficient to reasonably verify that the convicted person is unconscious be made before the administration of any additional substances, if any.

Source: Laws 2009, LB36, § 10.

83-966 Lethal injection; participation of professional; how treated under other law.

Notwithstanding any other provision of law:

(1) Any prescription, preparation, compounding, dispensing, obtaining, or administration of the substances deemed necessary to perform a lethal injection shall not constitute the practice of medicine or any other profession relating to health care which is subject by law to regulation, licensure, or certification;

(2) A pharmacist or pharmaceutical supplier may dispense the designated substances, without a prescription, to the Director of Correctional Services or the director's designee upon production of a written request from the director for the designated substances necessary to conduct an execution;

(3) Obtaining, preparing, compounding, dispensing, and administering the substance or substances designated by the execution protocol does not violate the Uniform Controlled Substances Act or sections 71-2501 to 71-2512; and

(4) If a person who is a member of the execution team is licensed by a board or department, the licensing board or department shall not censure, reprimand, suspend, revoke, or take any other disciplinary action against that person's license as a result of that person's participation in a court-ordered execution.

Source: Laws 2009, LB36, § 11.

Cross References

Uniform Controlled Substances Act, see section 28-401.01.

83-967 Director of Correctional Services; administration of substances; execution team; confidentiality.

(1) The Director of Correctional Services may designate any person qualified under the terms of the execution protocol to administer to the convicted person the substances necessary to comply with the execution protocol.

(2) The identity of all members of the execution team, and any information reasonably calculated to lead to the identity of such members, shall be confidential and exempt from disclosure pursuant to sections 84-712 to 84-712.09 and shall not be subject to discovery or introduction as evidence in any civil proceeding unless extraordinary good cause is shown and a protective order is issued by a district court limiting dissemination of such information.

Source: Laws 2009, LB36, § 12.

83-968 Method of execution declared unconstitutional; effect on sentence.

No death sentence shall be voided or reduced as a result of a determination that a method of execution was declared unconstitutional under the Constitution of Nebraska or the Constitution of the United States. In any case in which an execution method is declared unconstitutional, the death sentence shall remain in force until the sentence can be lawfully executed by any valid method of execution.

Source: Laws 2009, LB36, § 13.

83-969 Punishment inflicted; exclude view of persons; exception.

When any convicted person is sentenced to death, such punishment shall be inflicted at a Department of Correctional Services facility under the supervision of the Director of Correctional Services and in such a manner as to exclude the

view of all persons except those permitted to be present as provided in sections 83-970 and 83-971.

Source: Laws 1973, LB 268, § 18; R.S.1943, (2008), § 29-2533; Laws 2009, LB36, § 14.

83-970 Execution; persons permitted.

Besides the Director of Correctional Services and those persons required to be present under the execution protocol, the following persons, and no others, except as provided in section 83-971, may be present at the execution: (1) The member of the clergy in attendance upon the convicted person; (2) no more than three persons selected by the convicted person; (3) no more than three persons representing the victim or victims of the crime; and (4) such other persons, not exceeding six in number, as the director may designate. At least two persons designated by the director shall be professional members of the Nebraska news media.

Source: Laws 1973, LB 268, § 19; R.S.1943, (2008), § 29-2534; Laws 2009, LB36, § 15.

83-971 Director of Correctional Services; military force necessary to carry out punishment; inform Governor.

Whenever the Director of Correctional Services shall deem the presence of a military force necessary to carry into effect the provisions of sections 83-964 and 83-969, he or she shall make the fact known to the Governor of the state, who is hereby authorized to call out so much of the military force of the state as in his or her judgment may be necessary for the purpose.

Source: Laws 1973, LB 268, § 20; R.S.1943, (2008), § 29-2535; Laws 2009, LB36, § 16.

83-972 Director of Correctional Services; inflict punishment; return of proceedings; clerk of court; duty.

Whenever the Director of Correctional Services shall inflict the punishment of death upon a convicted person, in obedience to the command of the court, he or she shall make return of his or her proceedings as soon as may be to the clerk of the court where the conviction was had, and the clerk shall subjoin the return to the record of conviction and sentence.

Source: Laws 1973, LB 268, § 21; R.S.1943, (2008), § 29-2536; Laws 2009, LB36, § 17.

ARTICLE 12

DEVELOPMENTAL DISABILITIES SERVICES

Section	
83-1209.	Director; duties.
83-1211.	Responsibility for cost of services.
83-1213.	Quality review team; members; expenses; duties; reports.
83-1217.	Department; contract for specialized services; certification and accreditation requirements; assisted services; method of reimbursement.
83-1217.02.	Employees subject to criminal history record information check; fingerprints; confidentiality.
83-1220.	Hearing officers; qualifications.
83-1221.	Hearing officer; powers and duties.

Section

- 83-1222. Hearing; rights of parties; hearing officer; production of evidence.
 83-1223. Hearing officer; subpoena power; enforcement.
 83-1224. Judicial review; enforcement of final decision and order; procedures; appeal to Court of Appeals.

83-1209 Director; duties.

To carry out the policies and purposes of the Developmental Disabilities Services Act, the director shall:

(1) Ensure effective management by (a) determining whether applicants are eligible for specialized services, (b) authorizing service delivery for eligible persons, (c) ensuring that services are available, accessible, and coordinated, (d) ensuring that eligible persons have their needs assessed by a team process, have individual program plans developed by a team process to address assessed needs, which plans incorporate the input of the individual and the family, and have services delivered in accordance with the program plan, (e) having the amount of funding for specialized services determined by an objective assessment process, (f) providing information and referral services to persons with developmental disabilities and their families, (g) promoting the development of pilot projects of high quality, cost-efficient services provided by specialized programs, and (h) administering the Beatrice State Developmental Center;

(2) Ensure a coordinated statewide response by (a) developing a comprehensive and integrated statewide plan for specialized services to persons with developmental disabilities in conjunction with state and local officials, designated advocates for such persons, service providers, and the general public, (b) reporting biennially to the Legislature, the Governor, service providers, and the public on persons served and progress made toward meeting requirements of the plan, and (c) creating a statewide registry of persons eligible for specialized services. The report submitted to the Legislature shall be submitted electronically;

(3) Ensure specialized services which are efficient and individualized by (a) developing a written policy which ensures the adequate and equitable distribution of fiscal resources based upon a consistent rationale for reimbursement that allows funding to follow service recipients as their service needs change and which also includes a plan for funding shortfalls and (b) administering all state and federal funds as may be allowed by law;

(4) Ensure maximum quality of services by (a) developing a due process mechanism for resolution of disputes, (b) coordinating the development of review teams designed to enhance the quality of specialized services, (c) developing certification and accreditation requirements for service providers, (d) providing technical assistance to local service providers, and (e) providing eligible persons, their families, and the designated protection and advocacy system authorized pursuant to the Developmental Disabilities Assistance and Bill of Rights Act of 2000, 42 U.S.C. 15001 et seq., with copies of all reports resulting from surveys of providers of specialized services conducted as part of the certification and accreditation process; and

(5) Establish and staff a developmental disabilities division which shall assist in carrying out the policies and purposes of the Developmental Disabilities Services Act.

Source: Laws 1991, LB 830, § 9; Laws 2004, LB 297, § 2; Laws 2009, LB288, § 40; Laws 2012, LB782, § 220.
 Operative date July 19, 2012.

83-1211 Responsibility for cost of services.

A person receiving specialized services from a local specialized program which receives financial assistance through the department shall be responsible for the cost of such services in the same manner as are persons receiving services at the Beatrice State Developmental Center. Provisions of law in effect on September 6, 1991, or enacted after such date relating to the responsibility of such persons and their relatives for the cost of and determination of ability to pay for services at the center shall also apply to persons receiving services from specialized programs.

Source: Laws 1991, LB 830, § 11; Laws 2009, LB288, § 41.

83-1213 Quality review team; members; expenses; duties; reports.

(1) The department shall provide for the establishment of at least one quality review team for each developmental disability service area designated by the department. Each team shall consist of at least four members and shall include at least one person with a developmental disability, at least one parent or other close relative of a person with a developmental disability, and at least one person who is neither a person with a developmental disability nor a close relative of such a person. No employee of any governmental agency or instrumentality or any specialized program shall be eligible to be appointed to a team. The department shall consider nominations for such teams from advocacy groups, providers, elected officials, or other groups or by persons interested in developmental disability services who are located in the service area where such team is established.

(2) Members of each quality review team shall be reimbursed by the department for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(3)(a) Each quality review team shall (i) conduct onsite visits of persons with developmental disabilities receiving residential services funded in whole or in part by the department, (ii) assess the quality of life of such persons receiving such services, (iii) make recommendations to improve the quality of such services on behalf of such persons, and (iv) perform such advisory or other duties as provided or approved in rules and regulations adopted and promulgated by the department.

(b) In making quality of life assessments of persons receiving such services, the quality review team shall consider the extent to which such persons (i) are able to exercise choice and control regarding the type and provider of services they receive and the daily activities in which they are engaged, (ii) are treated with respect and dignity by their service providers, (iii) have access to necessary services, equipment, and support, and (iv) are able to participate in activities and events that maximize community integration and inclusion.

(4) Each quality review team shall provide quarterly and annual written reports to the department and service providers of visits conducted and assessments completed under this section.

Source: Laws 1991, LB 830, § 13; Laws 2009, LB288, § 42.

83-1217 Department; contract for specialized services; certification and accreditation requirements; assisted services; method of reimbursement.

The department shall contract for specialized services and shall only contract with specialized programs which meet certification and accreditation requirements. Assisted services provided under this section through community-based developmental disability programs shall be reimbursed on a daily rate basis, including such services provided to eligible recipients under the medical assistance program established in section 68-903 upon approval for such reimbursement from the federal Centers for Medicare and Medicaid Services. The department shall apply to the federal Centers for Medicare and Medicaid Services for approval of any necessary waiver amendments to permit such reimbursement and shall begin reimbursing such services on a daily rate basis no later than March 1, 2011. In order to be certified, each specialized program shall:

- (1) Have an internal quality assurance process;
- (2) Have a program evaluation component;
- (3) Have a complaint mechanism for persons with developmental disabilities and their families;
- (4) Have a process to ensure direct and open communication with the department;
- (5) Develop, implement, and regularly evaluate a plan to ensure retention of quality employees and prevent staff turnover;
- (6) Have measures to enhance staff training and development;
- (7) Be governed by a local governing board or have an advisory committee, the membership of which consists of (a) persons with developmental disabilities, (b) family members or legal guardians of persons with developmental disabilities, and (c) persons who are interested community members;
- (8) Meet accreditation standards developed by the department;
- (9) Require a criminal history record information check of all employees hired on or after September 13, 1997, who work directly with clients receiving services and who are not licensed or certified as members of their profession; and
- (10) Meet any other certification requirements developed by the department to further the purposes of the Developmental Disabilities Services Act.

Source: Laws 1991, LB 830, § 17; Laws 1997, LB 852, § 2; Laws 2004, LB 297, § 4; Laws 2009, LB288, § 43; Laws 2010, LB849, § 30.

83-1217.02 Employees subject to criminal history record information check; fingerprints; confidentiality.

Each employee subject to the criminal history record information check requirements of subdivision (9) of section 83-1217 and section 83-1217.01 shall file a complete set of his or her legible fingerprints with the department. The department shall transmit such fingerprints to the Nebraska State Patrol which shall transmit a copy of the applicant's fingerprints to the Identification Division of the Federal Bureau of Investigation for a national criminal history record information check.

The national criminal history record information check shall include information concerning the employee from federal repositories of such information and repositories of such information in other states if authorized by federal law. The

division shall issue a report containing the results of the national criminal history record information check to the department.

The Nebraska State Patrol shall undertake a search for Nebraska criminal history record information concerning the employee. The Nebraska State Patrol shall issue a report to the department which contains the results of the criminal history record information check conducted by the Nebraska State Patrol.

The department shall issue copies of the reports to the employer listed by the employee.

Criminal history record information subject to federal confidentiality requirements shall remain confidential and may be released only upon the written authorization by the employee.

The department, in cooperation with the Nebraska State Patrol, shall adopt and promulgate rules and regulations to carry out this section. Such rules and regulations shall provide that the decision to initiate, continue, or terminate the employment of the employee is and shall remain that of the employer.

Source: Laws 1997, LB 852, § 4; Laws 1999, LB 722, § 1; Laws 2009, LB288, § 44.

83-1220 Hearing officers; qualifications.

The department shall conduct hearings initiated under section 83-1219 using hearing officers. The department may employ, retain, or approve such qualified hearing officers as are necessary to conduct the hearings. The hearing officers shall not be persons who are employees or officers of a local agency which is involved in providing services to the person with developmental disabilities. A person who otherwise qualifies to conduct a hearing shall not be considered an employee of the agency solely because the person is paid by the agency to serve as a hearing officer. No hearing officer shall participate in any way in any hearing or matter in which the hearing officer may have a conflict of interest. The department shall have exclusive original jurisdiction over cases arising under sections 83-1219 to 83-1224, and in no event shall juvenile courts have jurisdiction over such matters.

Source: Laws 1991, LB 830, § 20; Laws 2010, LB849, § 31.

83-1221 Hearing officer; powers and duties.

Upon the receipt of a petition pursuant to section 83-1219, the department shall assign it to a hearing officer. The hearing officer shall receive all subsequent pleadings and shall conduct the hearing. At the hearing the parties shall present evidence on the issues raised in the pleadings. At the completion of the proceedings, the hearing officer shall prepare a report based on the evidence presented containing recommendations for the director to make findings of fact and conclusions of law. Within forty-five days after the receipt of a request for a hearing, the director shall prepare a final decision and order directing such action as may be necessary. At the request of either party for good cause shown, the hearing officer may grant specific extensions of time beyond this period. The report and the final decision and order shall be delivered to each party or attorney of record by certified mail.

Source: Laws 1991, LB 830, § 21; Laws 2010, LB849, § 32.

83-1222 Hearing; rights of parties; hearing officer; production of evidence.

Any party at a hearing conducted pursuant to section 83-1219 shall have the right to:

- (1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the needs of persons with developmental disabilities;
- (2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
- (3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five days before the hearing;
- (4) Obtain a written or electronic verbatim record of the hearing; and
- (5) Obtain written findings of fact and decisions from the director.

The hearing officer may also produce evidence on his or her own motion.

Source: Laws 1991, LB 830, § 22; Laws 2010, LB849, § 33.

83-1223 Hearing officer; subpoena power; enforcement.

The hearing officer shall have the power by subpoena to compel the appearance of witnesses and the production of any relevant evidence. Any witness compelled to attend or produce evidence shall be entitled to the fees and expenses allowed in district court. Any failure to respond to such subpoena shall be certified by the director to the district court of Lancaster County for enforcement or for punishment for contempt of the district court.

Source: Laws 1991, LB 830, § 23; Laws 2010, LB849, § 34.

83-1224 Judicial review; enforcement of final decision and order; procedures; appeal to Court of Appeals.

(1) Any party aggrieved by the findings, conclusions, or final decision and order of the director shall be entitled to judicial review under this section. Any party of record also may seek enforcement of the final decision and order of the director pursuant to this section.

(2) Proceedings for judicial review shall be instituted by filing a petition in the district court of Lancaster County within thirty days after service of the final decision and order on the party seeking such review. All parties of record shall be made parties to the proceedings. The court, in its discretion, may permit other interested parties to intervene.

(3) The filing of a petition for judicial review to such district court shall operate to stay the enforcement of the final decision and order of the director. While judicial proceedings are pending in district court and unless the parties otherwise agree, the person with developmental disabilities shall remain in his or her current placement. If the health or safety of the person with developmental disabilities or of other persons would be endangered by delaying a change in placement, the service provider may make such change without prejudice to the rights of any party.

(4) Within thirty days after receiving notification that a petition for judicial review has been filed or, if good cause is shown, within such further time as the court may allow, the department shall prepare and transmit to the court a certified transcript of the proceedings before the hearing officer.

(5) Judicial review shall be heard de novo on the record. The court shall receive the records of the administrative proceedings, base its decision on the

preponderance of the evidence, and grant such relief as the court determines is appropriate. The district court may affirm, reverse, or modify the decision of the director, or remand the case to the director for further proceedings, including the receipt of additional evidence, for good cause shown.

(6) An aggrieved party may secure a review of any final judgment of the district court under this section by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in civil cases and shall be heard de novo on the record.

(7) When no petition for judicial review or other civil action is filed within thirty days after service of the final decision and order on all of the parties, the director's final decision and order shall become effective. Proceedings for enforcement of the director's final decision and order shall be instituted by filing a petition for appropriate relief in the district court of Lancaster County within one year after the date of the director's final decision and order.

Source: Laws 1991, LB 830, § 24; Laws 1992, LB 360, § 39; Laws 2004, LB 297, § 6; Laws 2010, LB849, § 35.

CHAPTER 84

STATE OFFICERS

Article.

2. Attorney General. 84-205.
3. Auditor of Public Accounts. 84-304 to 84-322.
4. Board of Educational Lands and Funds. 84-409, 84-414.
5. Secretary of State. 84-510, 84-511.
6. State Treasurer. 84-602 to 84-621.
7. General Provisions as to State Officers. 84-702 to 84-713.
9. Rules of Administrative Agencies.
 - (a) Administrative Procedure Act. 84-901.01 to 84-920.
12. Public Records.
 - (a) Records Management Act. 84-1201 to 84-1227.
13. State Employees Retirement Act. 84-1301 to 84-1331.
14. Public Meetings. 84-1409 to 84-1413.
15. Public Employees Retirement Board. 84-1501 to 84-1512.
16. Nebraska State Insurance Program. 84-1617.

ARTICLE 2

ATTORNEY GENERAL

Section

84-205. Attorney General; powers and duties; Child Protection Division.

84-205 Attorney General; powers and duties; Child Protection Division.

The duties of the Attorney General shall be:

- (1) To appear and defend actions and claims against the state;
- (2) To investigate, commence, and prosecute any and all actions resulting from violations of sections 32-1401 to 32-1417;
- (3) To consult with and advise the county attorneys, when requested by them, in all criminal matters and in matters relating to the public revenue. He or she shall have authority to require aid and assistance of the county attorney in all matters pertaining to the duties of the Attorney General in the county of such county attorney and may, in any case brought to the Court of Appeals or Supreme Court from any county, demand and receive the assistance of the county attorney from whose county such case is brought;
- (4) To give, when required, without fee, his or her opinion in writing upon all questions of law submitted to him or her by the Governor, head of any executive department, Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, Public Service Commission, or Legislature;
- (5) At the request of the Governor, head of any executive department, Secretary of State, State Treasurer, Auditor of Public Accounts, Board of Educational Lands and Funds, State Department of Education, or Public Service Commission, to prosecute any official bond or any contract in which the state is interested which is deposited with any of them and to prosecute or defend for the state all civil or criminal actions and proceedings relating to any matter connected with any of such officers' departments if, after investigation,

he or she is convinced there is sufficient legal merit to justify the proceeding. Such officers shall not pay or contract to pay from the funds of the state any money for special attorneys or counselors-at-law unless the employment of such special counsel is made upon the written authorization of the Governor or the Attorney General;

(6) To enforce the proper application of money appropriated by the Legislature to the various funds of the state and prosecute breaches of trust in the administration of such funds;

(7) To prepare, when requested by the Governor, Secretary of State, State Treasurer, or Auditor of Public Accounts or any other executive department, proper drafts for contracts, forms, or other writings which may be wanted for the use of the state and report to the Legislature, whenever requested, upon any business pertaining to the duties of his or her office. The report submitted to the Legislature shall be submitted electronically;

(8) To pay all money received, belonging to the people of the state, immediately upon receipt thereof, into the state treasury;

(9) To keep a record in proper books provided for that purpose at the expense of the state, a register of all actions and demands prosecuted or defended by him or her in behalf of the state and all proceedings had in relation thereto, and deliver the same to his or her successor in office;

(10) To appear for the state and prosecute and defend all civil or criminal actions and proceedings in the Court of Appeals or Supreme Court in which the state is interested or a party. When requested by the Governor or the Legislature, the Attorney General shall appear for the state and prosecute or defend any action or conduct any investigation in which the state is interested or a party before any court, officer, board, tribunal, or commission;

(11) To prepare and promulgate model rules of procedure appropriate for use by as many agencies as possible. The Attorney General shall add to, amend, or revise the model rules as necessary for the proper guidance of agencies;

(12) To include within the budget of the office sufficient funding to assure oversight and representation of the State of Nebraska for district court appeals of administrative license revocation proceedings under section 60-498.04; and

(13) To create a Child Protection Division to be staffed by at least three assistant attorneys general who each have five or more years of experience in the prosecution or defense of felonies or misdemeanors, including two years in the prosecution or defense of crimes against children. Upon the written request of a county attorney, the division shall provide consultation and advise and assist in the preparation of the trial of any case involving a crime against a child, including, but not limited to, the following offenses:

- (a) Murder as defined in sections 28-303 and 28-304;
- (b) Manslaughter as defined in section 28-305;
- (c) Kidnapping as defined in section 28-313;
- (d) False imprisonment as defined in sections 28-314 and 28-315;
- (e) Child abuse as defined in section 28-707;
- (f) Pandering as defined in section 28-802;
- (g) Debauching a minor as defined in section 28-805; and
- (h) Offenses listed in sections 28-813, 28-813.01, and 28-1463.03.

Any offense listed in subdivisions (a) through (h) of this subdivision shall include all inchoate offenses pursuant to the Nebraska Criminal Code and compounding a felony pursuant to section 28-301. Such crimes shall not include matters involving dependent and neglected children, infraction violations, custody, parenting time, visitation, or other access matters, or child support. If the county attorney declines in writing to prosecute a case involving a crime against a child because of an ethical consideration, including the presence or appearance of a conflict of interest, or for any other reason, the division shall, upon the receipt of a written request of the county attorney, the Department of Health and Human Services, the minor child, the parents of the minor child, or any other interested party, investigate the matter and either decline to prosecute the matter or initiate the appropriate criminal proceedings in a court of proper jurisdiction.

For purposes of this subdivision, child or children shall mean an individual or individuals sixteen years of age or younger.

Source: Laws 1919, c. 205, § 5, p. 905; C.S.1922, § 4838; C.S.1929, § 84-205; R.S.1943, § 84-205; Laws 1972, LB 1456, § 4; Laws 1973, LB 14, § 2; Laws 1990, LB 1246, § 17; Laws 1991, LB 732, § 157; Laws 1994, LB 446, § 13; Laws 1996, LB 1044, § 977; Laws 1997, LB 758, § 6; Laws 2003, LB 209, § 18; Laws 2007, LB554, § 45; Laws 2012, LB782, § 221.
Operative date July 19, 2012.

Cross References

Nebraska Criminal Code, see section 28-101.

ARTICLE 3

AUDITOR OF PUBLIC ACCOUNTS

Section

- 84-304. Auditor; powers and duties; assistant deputies; qualifications; duties.
84-304.02. Auditor; audit, financial, or accounting reports; written review; copies; disposition.
84-322. Performance audits; authorized; report.

84-304 Auditor; powers and duties; assistant deputies; qualifications; duties.

It shall be the duty of the Auditor of Public Accounts:

(1) To give information electronically to the Legislature, whenever required, upon any subject relating to the fiscal affairs of the state or with regard to any duty of his or her office;

(2) To furnish offices for himself or herself and all fuel, lights, books, blanks, forms, paper, and stationery required for the proper discharge of the duties of his or her office;

(3) To examine or cause to be examined, at such time as he or she shall determine, books, accounts, vouchers, records, and expenditures of all state officers, state bureaus, state boards, state commissioners, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska, except when required to be performed by other officers or persons. Such examinations shall be done in accordance with generally accepted government auditing standards for financial audits and attestation engagements set forth in Government Auditing Standards (2007

Revision), published by the Comptroller General of the United States, Government Accountability Office, and except as provided in subdivision (11) of this section, subdivision (16) of section 50-1205, and section 84-322, shall not include performance audits, whether conducted pursuant to attestation engagements or performance audit standards as set forth in Government Auditing Standards (2007 Revision), published by the Comptroller General of the United States, Government Accountability Office;

(4)(a) To examine or cause to be examined, at the expense of the political subdivision, when the Auditor of Public Accounts determines such examination necessary or when requested by the political subdivision, the books, accounts, vouchers, records, and expenditures of any agricultural association formed under Chapter 2, article 20, any county agricultural society, any joint airport authority formed under the Joint Airport Authorities Act, any city or county airport authority, any bridge commission created pursuant to section 39-868, any cemetery district, any development district, any drainage district, any health district, any local public health department as defined in section 71-1626, any historical society, any hospital authority or district, any county hospital, any housing agency as defined in section 71-1575, any irrigation district, any county or municipal library, any community mental health center, any railroad transportation safety district, any rural water district, any township, Wyuka Cemetery, the Educational Service Unit Coordinating Council, any entity created pursuant to the Interlocal Cooperation Act which includes either the participation of the Educational Service Unit Coordinating Council or any educational service unit, any village, any political subdivision with the authority to levy a property tax or a toll, or any entity created pursuant to the Joint Public Agency Act which has separately levied a property tax based on legal authority for a joint public agency to levy such a tax independent of the public agencies forming such joint public agency.

(b) The Auditor of Public Accounts may waive the audit requirement of subdivision (4)(a) of this section upon the submission by the political subdivision of a written request in a form prescribed by the auditor. The auditor shall notify the political subdivision in writing of the approval or denial of the request for a waiver;

(5) To report promptly to the Governor and the appropriate standing committee of the Legislature the fiscal condition shown by such examinations conducted by the auditor, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts. The report submitted to the committee shall be submitted electronically. In addition, if, in the normal course of conducting an audit in accordance with subdivision (3) of this section, the auditor discovers any potential problems related to the effectiveness, efficiency, or performance of state programs, he or she shall immediately report them electronically to the Legislative Performance Audit Committee which may investigate the issue further, report it electronically to the appropriate standing committee of the Legislature, or both;

(6)(a) To examine or cause to be examined the books, accounts, vouchers, records, and expenditures of a fire protection district. The expense of the examination shall be paid by the political subdivision.

(b) Whenever the expenditures of a fire protection district are one hundred fifty thousand dollars or less per fiscal year, the fire protection district shall be

audited no more than once every five years except as directed by the board of directors of the fire protection district or unless the auditor receives a verifiable report from a third party indicating any irregularities or misconduct of officers or employees of the fire protection district, any misappropriation or misuse of public funds or property, or any improper system or method of bookkeeping or condition of accounts of the fire protection district. In the absence of such a report, the auditor may waive the five-year audit requirement upon the submission of a written request by the fire protection district in a form prescribed by the auditor. The auditor shall notify the fire protection district in writing of the approval or denial of a request for waiver of the five-year audit requirement. Upon approval of the request for waiver of the five-year audit requirement, a new five-year audit period shall begin.

(c) Whenever the expenditures of a fire protection district exceed one hundred fifty thousand dollars in a fiscal year, the auditor may waive the audit requirement upon the submission of a written request by the fire protection district in a form prescribed by the auditor. The auditor shall notify the fire protection district in writing of the approval or denial of a request for waiver. Upon approval of the request for waiver, a new five-year audit period shall begin for the fire protection district if its expenditures are one hundred fifty thousand dollars or less per fiscal year in subsequent years;

(7) To appoint two assistant deputies (a) whose entire time shall be devoted to the service of the state as directed by the auditor, (b) who shall be certified public accountants with at least five years' experience, (c) who shall be selected without regard to party affiliation or to place of residence at the time of appointment, (d) who shall promptly report in duplicate to the auditor the fiscal condition shown by each examination, including any irregularities or misconduct of officers or employees, any misappropriation or misuse of public funds or property, and any improper system or method of bookkeeping or condition of accounts, and it shall be the duty of the auditor to file promptly with the Governor a duplicate of such report, and (e) who shall qualify by taking an oath which shall be filed in the office of the Secretary of State;

(8) To conduct audits and related activities for state agencies, political subdivisions of this state, or grantees of federal funds disbursed by a receiving agency on a contractual or other basis for reimbursement to assure proper accounting by all such agencies, political subdivisions, and grantees for funds appropriated by the Legislature and federal funds disbursed by any receiving agency. The auditor may contract with any political subdivision to perform the audit of such political subdivision required by or provided for in section 23-1608 or 79-1229 or this section and charge the political subdivision for conducting the audit. The fees charged by the auditor for conducting audits on a contractual basis shall be in an amount sufficient to pay the cost of the audit. The fees remitted to the auditor for such audits and services shall be deposited in the Auditor of Public Accounts Cash Fund;

(9) To conduct all audits and examinations in a timely manner and in accordance with the standards for audits of governmental organizations, programs, activities, and functions published by the Comptroller General of the United States;

(10) To develop and maintain an annual budget and actual financial information reporting system for political subdivisions that is accessible on-line by the public; and

(11) When authorized, to conduct joint audits with the Legislative Performance Audit Committee as described in section 50-1205.

Source: R.S.1866, c. 4, § 4, p. 20; Laws 1907, c. 140, § 1, p. 447; R.S.1913, § 5546; C.S.1922, § 4848; C.S.1929, § 84-304; Laws 1939, c. 28, § 4, p. 142; C.S.Supp.,1941, § 84-304; R.S.1943, § 84-304; Laws 1951, c. 339, § 1, p. 1121; Laws 1953, c. 322, § 2, p. 1065; Laws 1965, c. 538, § 30, p. 1715; Laws 1965, c. 459, § 26, p. 1465; Laws 1967, c. 36, § 8, p. 164; Laws 1974, LB 280, § 3; Laws 1976, LB 759, § 2; Laws 1977, LB 193, § 4; Laws 1979, LB 414, § 5; Laws 1984, LB 473, § 25; Laws 1985, Second Spec. Sess., LB 29, § 5; Laws 1987, LB 183, § 6; Laws 1992, LB 573, § 14; Laws 1993, LB 579, § 4; Laws 1993, LB 516, § 4; Laws 1995, LB 205, § 1; Laws 1995, LB 509, § 1; Laws 1995, LB 572, § 1; Laws 1996, LB 900, § 1069; Laws 1997, LB 250, § 24; Laws 2000, LB 968, § 84; Laws 2000, LB 1304, § 1; Laws 2002, LB 568, § 11; Laws 2003, LB 607, § 20; Laws 2004, LB 1005, § 136; Laws 2004, LB 1118, § 3; Laws 2006, LB 588, § 10; Laws 2007, LB603, § 31; Laws 2008, LB822, § 4; Laws 2012, LB782, § 222.

Operative date July 19, 2012.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Airport Authorities Act, see section 3-716.

Joint Public Agency Act, see section 13-2501.

Successors, duties relating to, see section 84-604.

Tax returns, audited when, see section 77-27,119.

84-304.02 Auditor; audit, financial, or accounting reports; written review; copies; disposition.

(1) Except as provided in subsection (2) of this section, the Auditor of Public Accounts, or a person designated by him or her, shall prepare a written review of all audit, accounting, or financial reports required to be filed by a political subdivision of the state with the Auditor of Public Accounts and cause one copy of such written review to be mailed to the political subdivision involved and one copy to the accountant who prepared the report. Such written review shall specifically set forth wherein the audit, accounting, or financial report fails to comply with the applicable minimum standards and the necessary action to be taken to bring the report into compliance with such standards. The Auditor of Public Accounts may, upon continued failure to comply with such standards, refuse to accept for filing an audit, accounting, or financial report or any future report submitted for filing by any political subdivision.

(2) For public retirement system plan reports required to be submitted to the Auditor of Public Accounts pursuant to sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, and 71-1631.02, the auditor may prepare a review of such report pursuant to subsection (1) of this section but is not required to do so.

Source: Laws 1974, LB 922, § 2; Laws 1993, LB 310, § 16; Laws 2011, LB474, § 13.

84-322 Performance audits; authorized; report.

The Auditor of Public Accounts, when expressly authorized by a majority vote of the members of the Legislative Performance Audit Committee, may conduct performance audits of state executive branch offices, state agencies, state bureaus, state boards, state commissions, the state library, societies and associations supported by the state, state institutions, state colleges, and the University of Nebraska. The auditor shall issue the performance audit report to the Governor, the appropriate standing committee of the Legislature, and the Legislative Performance Audit Committee. The report submitted to the committees of the Legislature shall be submitted electronically.

Source: Laws 2003, LB 607, § 21; Laws 2012, LB782, § 223.
Operative date July 19, 2012.

ARTICLE 4

BOARD OF EDUCATIONAL LANDS AND FUNDS

Section

84-409. State Surveyor; surveys; fees; amount; disposition; Surveyors' Cash Fund; created; use; investment.

84-414. Survey Record Repository Fund; created; use; investment.

84-409 State Surveyor; surveys; fees; amount; disposition; Surveyors' Cash Fund; created; use; investment.

There shall be paid to the State Treasurer, for each day the State Surveyor is engaged in making any survey or in settling and disposing of disputes and disagreements, as provided in section 84-410, a per diem rate of compensation as determined by the Board of Educational Lands and Funds for his or her services and the necessary expenses incurred in making the same. All fees received for the services and expenses of the State Surveyor or deputy surveyors shall be paid into the state treasury and by the State Treasurer placed in a fund to be known as Surveyors' Cash Fund, which fund shall be used in paying the salaries and expenses of deputy surveyors, except as provided in section 84-407.01, in making surveys and for making refunds on deposits. All fees and expenses placed in the Surveyors' Cash Fund for the services and expenses of the State Surveyor, after the payments from the cash fund are made as hereinbefore provided, shall be transferred to the General Fund. Transfers may be made from the Surveyors' Cash Fund to the General Fund at the direction of the Legislature. Any money in the Surveyors' Cash 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.

Source: Laws 1903, c. 195, § 3, p. 577; R.S.1913, § 5565; Laws 1919, c. 54, § 1, p. 158; C.S.1922, § 4869; C.S.1929, § 84-408; R.S.1943, § 84-409; Laws 1947, c. 348, § 2, p. 1095; Laws 1951, c. 340, § 3, p. 1126; Laws 1953, c. 357, § 2, p. 1135; Laws 1957, c. 395, § 3, p. 1360; Laws 1959, c. 452, § 2, p. 1506; Laws 1965, c. 569, § 2, p. 1858; Laws 1982, LB 127, § 13; Laws 2009, First Spec. Sess., LB3, § 90.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-414 Survey Record Repository Fund; created; use; investment.

The State Surveyor, under the direction of the Board of Educational Lands and Funds, shall receive and account for all money derived from the operation of the survey record repository pursuant to sections 84-412 and 84-413, and shall pay such money to the State Treasurer, who shall credit it to the Survey Record Repository Fund which is hereby created. When appropriated by the Legislature, this fund shall be expended only for the purposes of sections 84-412 and 84-413, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. All money in the Survey Record Repository 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.

Source: Laws 1982, LB 127, § 17; Laws 1995, LB 7, § 146; Laws 2009, First Spec. Sess., LB3, § 91.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

**ARTICLE 5
SECRETARY OF STATE**

Section

84-510. Corporation Cash Fund; created; use; investment.

84-511. Electronic transmission and filing of documents.

84-510 Corporation Cash Fund; created; use; investment.

The Corporation Cash Fund is created. Transfers from the fund to the Election Administration Fund or the General Fund may be made at the direction of the Legislature. Any money in the Corporation Cash 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.

Source: Laws 2003, LB 357, § 9; Laws 2008, LB961, § 7; Laws 2009, LB316, § 25; Laws 2009, First Spec. Sess., LB3, § 92.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-511 Electronic transmission and filing of documents.

The Secretary of State may provide for the electronic transmission and filing of documents delivered for filing under (1) the Business Corporation Act, the Limited Liability Company Act, the Nebraska Limited Cooperative Association Act, the Nebraska Nonprofit Corporation Act, the Nebraska Professional Corporation Act, the Nebraska Uniform Limited Liability Company Act, the Nebraska Uniform Limited Partnership Act, the Nonstock Cooperative Marketing Act, the Uniform Partnership Act of 1998, and the Trademark Registration Act and (2) any filing provisions of sections 21-1301 to 21-1306, 21-1333 to 21-1339, and 87-208 to 87-219.01. The Secretary of State shall adopt and promulgate rules and regulations to implement this section.

Source: Laws 2010, LB791, § 1; Laws 2011, LB462, § 7; Laws 2012, LB733, § 1.

Effective date July 19, 2012.

Cross References

Business Corporation Act, see section 21-2001.
Limited Liability Company Act, see section 21-2601.
Nebraska Limited Cooperative Association Act, see section 21-2901.
Nebraska Nonprofit Corporation Act, see section 21-1901.
Nebraska Professional Corporation Act, see section 21-2201.
Nebraska Uniform Limited Liability Company Act, see section 21-101.
Nebraska Uniform Limited Partnership Act, see section 67-296.
Nonstock Cooperative Marketing Act, see section 21-1401.
Trademark Registration Act, see section 87-126.
Uniform Partnership Act of 1998, see section 67-401.

ARTICLE 6

STATE TREASURER

Section

84-602. State Treasurer; duties.
84-602.01. Taxpayer Transparency Act.
84-602.02. Web site; contents.
84-605. State Treasurer; records; inspection by Legislature; audit.
84-612. Cash Reserve Fund; created; transfers; receipt of federal funds.
84-613. Cash Reserve Fund; investment; interest.
84-621. State Treasurer; duty to transfer funds.

84-602 State Treasurer; duties.

It shall be the duty of the State Treasurer:

(1) To receive and keep all money of the state not expressly required to be received and kept by some other person;

(2) To disburse the public money upon warrants drawn upon the state treasury according to law and not otherwise;

(3) To keep a just, true, and comprehensive account of all money received and disbursed;

(4) To keep a just account with each fund, and each head of appropriation made by law, and the warrants drawn against them;

(5) To render a full statement to the Department of Administrative Services of all money received by him or her from whatever source, and if on account of revenue, for what year; of all penalties and interest on delinquent taxes reported or accounted for to him or her, and of all disbursements of public funds; with a list, in numerical order, of all warrants redeemed, the name of the payee, amount, interest, and total amount allowed thereon, and with the amount of the balance of the several funds unexpended; which statement shall be made on the first day of December, March, June, and September, and more often if required;

(6) To report electronically to the Legislature as soon as practicable, but within ten days after the commencement of each regular session, a detailed statement of the condition of the treasury and its operations for the preceding fiscal year;

(7) To give information electronically to the Legislature, whenever required, upon any subject connected with the treasury or touching any duty of his or her office;

(8) To account for, and pay over, all money received by him or her as such treasurer, to his or her successor in office, and deliver all books, vouchers, and effects of office to him or her; and such successor shall receipt therefor. In

accounting for and paying over such money the treasurer shall not be held liable on account of any loss occasioned by any investment, when such investment shall have been made pursuant to the direction of the state investment officer; and

(9) To develop and maintain a single, searchable web site with information on state tax receipts and expenditures which is accessible by the public at no cost to access as provided in section 84-602.02. The web site shall be hosted on a server owned and operated by the State of Nebraska or approved by the Chief Information Officer. The naming convention for the web site shall identify the web site as a state government web site. The web site shall not include the treasurer's name, the treasurer's image, the treasurer's seal, or a welcome message.

Source: R.S.1866, c. 4, § 18, p. 24; R.S.1913, § 5577; C.S.1922, § 4881; C.S.1929, § 84-602; R.S.1943, § 84-602; Laws 1967, c. 617, § 1, p. 2069; Laws 1970, Spec. Sess., c. 3, § 1, p. 67; Laws 2009, LB16, § 2; Laws 2012, LB782, § 224.
Operative date July 19, 2012.

84-602.01 Taxpayer Transparency Act.

The establishment of the web site provided for in section 84-602 and described in section 84-602.02 shall be known and may be cited as the Taxpayer Transparency Act.

Source: Laws 2009, LB16, § 1.

84-602.02 Web site; contents.

(1)(a) Not later than January 1, 2010, the web site established, developed, and maintained by the State Treasurer pursuant to subdivision (9) of section 84-602 shall provide such information as will document the sources of all tax receipts and the expenditure of state funds by all agencies, boards, commissions, and departments of the state.

(b) The State Treasurer shall, in appropriate detail, cause to be published on the web site:

(i) The identity, principal location, and amount of funds received or expended by the State of Nebraska and all of its agencies, boards, commissions, and departments;

(ii) The funding or expending agency, board, commission, or department;

(iii) The budget program source;

(iv) The amount, date, purpose, and recipient of all disbursed funds; and

(v) Such other relevant information as will further the intent of enhancing the transparency of state government financial operations to its citizens and taxpayers. The web site shall include data for fiscal year 2008-09 and each fiscal year thereafter.

(2) Beginning July 1, 2010, the data shall be available on the web site no later than thirty days after the end of the preceding fiscal year. All agencies, boards, commissions, and departments of the state shall provide to the State Treasurer, at such times and in such form as designated by the State Treasurer, such information as is necessary to accomplish the purposes of the Taxpayer Transparency Act. Nothing in this subsection requires the disclosure of information

which is considered confidential under state or federal law or is not a public record under section 84-712.05.

(3)(a) For purposes of this section, expenditure of state funds means all expenditures of appropriated or nonappropriated funds by an agency, board, commission, or department of the state from the state treasury in forms including, but not limited to:

- (i) Grants;
- (ii) Contracts;
- (iii) Subcontracts;
- (iv) State aid to political subdivisions; and

(v) Tax refunds or credits that may be disclosed pursuant to the Nebraska Advantage Act, the Nebraska Advantage Microenterprise Tax Credit Act, the Nebraska Advantage Research and Development Act, or the Nebraska Advantage Rural Development Act.

(b) Expenditure of state funds does not include the transfer of funds between two agencies, boards, commissions, or departments of the state or payments of state or federal assistance to an individual.

Source: Laws 2009, LB16, § 3.

Cross References

Nebraska Advantage Act, see section 77-5701.

Nebraska Advantage Microenterprise Tax Credit Act, see section 77-5901.

Nebraska Advantage Research and Development Act, see section 77-5801.

Nebraska Advantage Rural Development Act, see section 77-27,187.

84-605 State Treasurer; records; inspection by Legislature; audit.

All the books, papers, letters, and transactions pertaining to the office of State Treasurer shall be open to the inspection of a committee of the Legislature to examine and settle all accounts and to count all money. When the successor of any such treasurer shall be elected and qualified, the Auditor of Public Accounts shall examine and settle all accounts of such treasurer remaining unsettled and give him or her a certified statement showing the balance of money, securities, and effects for which he or she is accountable, and which have been delivered to his or her successor, and report the balance electronically to the Legislature.

Source: R.S.1866, c. 4, § 19, p. 26; R.S.1913, § 5580; C.S.1922, § 4884; C.S.1929, § 84-605; R.S.1943, § 84-605; Laws 2012, LB782, § 225.

Operative date July 19, 2012.

84-612 Cash Reserve Fund; created; transfers; receipt of federal funds.

(1) There is hereby created within the state treasury a fund known as the Cash Reserve Fund which shall be under the direction of the State Treasurer. The fund shall only be used pursuant to this section.

(2) The State Treasurer shall transfer funds from the Cash Reserve Fund to the General Fund upon certification by the Director of Administrative Services that the current cash balance in the General Fund is inadequate to meet current obligations. Such certification shall include the dollar amount to be transferred. Any transfers made pursuant to this subsection shall be reversed

upon notification by the Director of Administrative Services that sufficient funds are available.

(3) In addition to receiving transfers from other funds, the Cash Reserve Fund shall receive federal funds received by the State of Nebraska for undesignated general government purposes, federal revenue sharing, or general fiscal relief of the state.

(4) On July 7, 2009, the State Treasurer shall transfer five million dollars from the Cash Reserve Fund to the Roads Operations Cash Fund. The Department of Roads shall use such funds to provide the required state match for federal funding made available to the state through congressional earmarks.

(5) The State Treasurer shall transfer a total of thirty-seven million dollars from the Cash Reserve Fund to the General Fund on or before June 30, 2012, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(6) The State Treasurer shall transfer a total of sixty-eight million dollars from the Cash Reserve Fund to the General Fund on or before June 30, 2013, on such dates and in such amounts as directed by the budget administrator of the budget division of the Department of Administrative Services.

(7) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer not to exceed twelve million dollars in total between July 1, 2011, and November 30, 2012, from the Cash Reserve Fund to the Ethanol Production Incentive Cash Fund, for ethanol production incentive credits, on such dates and in such amounts as certified by the Tax Commissioner.

(8) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer an amount equal to the total amount transferred pursuant to subsection (7) of this section from the Ethanol Production Incentive Cash Fund to the Cash Reserve Fund in such amounts as certified by the Tax Commissioner on or before November 30, 2012.

(9) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer eighty million dollars from the Cash Reserve Fund to the Nebraska Capital Construction Fund on or before August 15, 2012.

(10) The State Treasurer, at the direction of the budget administrator of the budget division of the Department of Administrative Services, shall transfer one million dollars from the Cash Reserve Fund to the Affordable Housing Trust Fund on or before August 15, 2012.

(11) The State Treasurer shall transfer ten million dollars from the Cash Reserve Fund to the General Fund on or before June 30, 2013, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Source: Laws 1983, LB 59, § 5; Laws 1985, LB 713, § 2; Laws 1985, LB 501, § 2; Laws 1986, LB 739, § 1; Laws 1986, LB 870, § 1; Laws 1987, LB 131, § 1; Laws 1988, LB 1091, § 4; Laws 1989, LB 310, § 1; Laws 1991, LB 857, § 1; Laws 1991, LB 783, § 33; Laws 1992, LB 1268, § 1; Laws 1993, LB 38, § 4; Laws 1994, LB 1045, § 1; Laws 1996, LB 1290, § 6; Laws 1997, LB 401, § 5; Laws 1998, LB 63, § 1; Laws 1998, LB 988, § 1; Laws 1998, LB 1104,

GENERAL PROVISIONS AS TO STATE OFFICERS

§ 84-702

§ 30; Laws 1998, LB 1134, § 5; Laws 1998, LB 1219, § 23; Laws 1999, LB 881, § 9; Laws 2000, LB 1214, § 2; Laws 2001, LB 541, § 6; Laws 2002, LB 1310, § 20; Laws 2003, LB 790, § 74; Laws 2003, LB 798, § 1; Laws 2004, LB 1090, § 2; Laws 2005, LB 427, § 2; Laws 2006, LB 1131, § 1; Laws 2006, LB 1256, § 9; Laws 2007, LB323, § 3; Laws 2008, LB846, § 21; Laws 2008, LB1094, § 8; Laws 2008, LB1116, § 9; Laws 2008, LB1165, § 2; Laws 2009, LB456, § 3; Laws 2009, First Spec. Sess., LB2, § 7; Laws 2010, LB317, § 1; Laws 2011, LB379, § 2; Laws 2012, LB131, § 1.

Effective date April 3, 2012.

84-613 Cash Reserve Fund; investment; interest.

Any money in the Cash Reserve 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. Any interest earned by the fund shall accrue to the General Fund.

Source: Laws 1983, LB 59, § 6; Laws 1986, LB 870, § 2; Laws 1987, LB 131, § 2; Laws 1988, LB 391, § 1; Laws 1995, LB 7, § 147; Laws 2004, LB 1090, § 3; Laws 2006, LB 1131, § 2; Laws 2006, LB 1256, § 10; Laws 2007, LB323, § 4; Laws 2009, LB456, § 4.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-621 State Treasurer; duty to transfer funds.

The State Treasurer shall transfer any money in the Commission on the Status of Women Cash Fund, the Nebraska Lewis and Clark Bicentennial Fund, the Nebraska Transit and Rail Advisory Council Cash Fund, and the Nebraska Transit and Rail Advisory Council Revolving Fund on August 30, 2009, to the General Fund.

Source: Laws 2009, LB154, § 25.

ARTICLE 7

GENERAL PROVISIONS AS TO STATE OFFICERS

Section

- 84-702. State officers; biennial reports to Clerk of the Legislature.
84-712. Public records; free examination; memorandum and abstracts; copies; fees.
84-712.05. Records which may be withheld from the public; enumerated.
84-713. Settled claims; record required; contents; public record; certain settlement agreements; public agency; agenda item; applicability of section.

84-702 State officers; biennial reports to Clerk of the Legislature.

Each member of the Legislature shall receive an electronic copy of a biennial report required to be submitted by a state officer to the Clerk of the Legislature by making a request for it to the state officer responsible for the report.

Source: Laws 1881, c. 80, § 3, p. 390; R.S.1913, § 5585; Laws 1915, c. 100, § 1, p. 243; C.S.1922, § 4892; C.S.1929, § 84-702; R.S.1943, § 84-702; Laws 1947, c. 344, § 6, p. 1088; Laws 1955, c. 231,

§ 23, p. 729; Laws 1979, LB 322, § 73; Laws 1981, LB 545, § 49; Laws 2012, LB782, § 226.

Operative date July 19, 2012.

84-712 Public records; free examination; memorandum and abstracts; copies; fees.

(1) Except as otherwise expressly provided by statute, all citizens of this state and all other persons interested in the examination of the public records as defined in section 84-712.01 are hereby fully empowered and authorized to (a) examine such records, and make memoranda, copies using their own copying or photocopying equipment in accordance with subsection (2) of this section, and abstracts therefrom, all free of charge, during the hours the respective offices may be kept open for the ordinary transaction of business and (b) except if federal copyright law otherwise provides, obtain copies of public records in accordance with subsection (3) of this section during the hours the respective offices may be kept open for the ordinary transaction of business.

(2) Copies made by citizens or other persons using their own copying or photocopying equipment pursuant to subdivision (1)(a) of this section shall be made on the premises of the custodian of the public record or at a location mutually agreed to by the requester and the custodian.

(3)(a) Copies may be obtained pursuant to subdivision (1)(b) of this section only if the custodian has copying equipment reasonably available. Such copies may be obtained in any form designated by the requester in which the public record is maintained or produced, including, but not limited to, printouts, electronic data, discs, tapes, and photocopies.

(b) Except as otherwise provided by statute, the custodian of a public record may charge a fee for providing copies of such public record pursuant to subdivision (1)(b) of this section, which fee shall not exceed the actual cost of making the copies available. For purposes of this subdivision, (i) for photocopies, the actual cost of making the copies available shall not exceed the amount of the reasonably calculated actual cost of the photocopies, (ii) for printouts of computerized data on paper, the actual cost of making the copies available shall include the reasonably calculated actual cost of computer run time and the cost of materials for making the copy, and (iii) for electronic data, the actual cost of making the copies available shall include the reasonably calculated actual cost of the computer run time, any necessary analysis and programming, and the production of the report in the form furnished to the requester. State agencies which provide electronic access to public records through a portal established under section 84-1204 shall obtain approval of their proposed reasonable fees for such records pursuant to sections 84-1205.02 and 84-1205.03, if applicable, and the actual cost of making the copies available may include the approved fee for the portal.

(c) This section shall not be construed to require a public body or custodian of a public record to produce or generate any public record in a new or different form or format modified from that of the original public record.

(d) If copies requested in accordance with subdivision (1)(b) of this section are estimated by the custodian of such public records to cost more than fifty dollars, the custodian may require the requester to furnish a deposit prior to fulfilling such request.

(4) Upon receipt of a written request for access to or copies of a public record, the custodian of such record shall provide to the requester as soon as is practicable and without delay, but not more than four business days after actual receipt of the request, either (a) access to or, if copying equipment is reasonably available, copies of the public record, (b) if there is a legal basis for denial of access or copies, a written denial of the request together with the information specified in section 84-712.04, or (c) if the entire request cannot with reasonable good faith efforts be fulfilled within four business days after actual receipt of the request due to the significant difficulty or the extensiveness of the request, a written explanation, including the earliest practicable date for fulfilling the request, an estimate of the expected cost of any copies, and an opportunity for the requester to modify or prioritize the items within the request.

Source: R.S.1866, c. 44, § 1, p. 297; R.S.1913, § 5595; C.S.1922, § 4902; Laws 1925, c. 146, § 1, p. 381; Laws 1927, c. 193, § 1, p. 551; C.S.1929, § 84-712; R.S.1943, § 84-712; Laws 1961, c. 454, § 3, p. 1383; Laws 1979, LB 86, § 1; Laws 2000, LB 628, § 1; Laws 2012, LB719, § 6.
Effective date July 19, 2012.

84-712.05 Records which may be withheld from the public; enumerated.

The following records, unless publicly disclosed in an open court, open administrative proceeding, or open meeting or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

(1) Personal information in records regarding a student, prospective student, or former student of any educational institution or exempt school that has effectuated an election not to meet state approval or accreditation requirements pursuant to section 79-1601 when such records are maintained by and in the possession of a public entity, other than routine directory information specified and made public consistent with 20 U.S.C. 1232g, as such section existed on January 1, 2003;

(2) Medical records, other than records of births and deaths and except as provided in subdivision (5) of this section, in any form concerning any person; records of elections filed under section 44-2821; and patient safety work product under the Patient Safety Improvement Act;

(3) Trade secrets, academic and scientific research work which is in progress and unpublished, and other proprietary or commercial information which if released would give advantage to business competitors and serve no public purpose;

(4) Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations, or claims made by or against the public body or which are confidential communications as defined in section 27-503;

(5) Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination of persons, institutions, or businesses, when the records constitute a part of the examination, investigation, intelligence information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so

developed or received relating to the presence of and amount or concentration of alcohol or drugs in any body fluid of any person;

(6) Appraisals or appraisal information and negotiation records concerning the purchase or sale, by a public body, of any interest in real or personal property, prior to completion of the purchase or sale;

(7) Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

(8) Information solely pertaining to protection of the security of public property and persons on or within public property, such as specific, unique vulnerability assessments or specific, unique response plans, either of which is intended to prevent or mitigate criminal acts the public disclosure of which would create a substantial likelihood of endangering public safety or property; computer or communications network schema, passwords, and user identification names; guard schedules; lock combinations; or public utility infrastructure specifications or design drawings the public disclosure of which would create a substantial likelihood of endangering public safety or property, unless otherwise provided by state or federal law;

(9) The security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records of the Lottery Division of the Department of Revenue and those persons or entities with which the division has entered into contractual relationships. Nothing in this subdivision shall allow the division to withhold from the public any information relating to amounts paid persons or entities with which the division has entered into contractual relationships, amounts of prizes paid, the name of the prize winner, and the city, village, or county where the prize winner resides;

(10) With respect to public utilities and except as provided in sections 43-512.06 and 70-101, personally identified private citizen account payment and customer use information, credit information on others supplied in confidence, and customer lists;

(11) Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

(12) Correspondence, memoranda, and records of telephone calls related to the performance of duties by a member of the Legislature in whatever form. The lawful custodian of the correspondence, memoranda, and records of telephone calls, upon approval of the Executive Board of the Legislative Council, shall release the correspondence, memoranda, and records of telephone calls which are not designated as sensitive or confidential in nature to any person performing an audit of the Legislature. A member's correspondence, memoranda, and records of confidential telephone calls related to the performance of his or her legislative duties shall only be released to any other person with the explicit approval of the member;

(13) Records or portions of records kept by public bodies which would reveal the location, character, or ownership of any known archaeological, historical, or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Burial Sites and Skeletal Remains

Protection Act, or the federal Native American Graves Protection and Repatriation Act;

(14) Records or portions of records kept by public bodies which maintain collections of archaeological, historical, or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical, or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Burial Sites and Skeletal Remains Protection Act or the federal Native American Graves Protection and Repatriation Act;

(15) Job application materials submitted by applicants, other than finalists, who have applied for employment by any public body as defined in section 84-1409. For purposes of this subdivision, (a) job application materials means employment applications, resumes, reference letters, and school transcripts and (b) finalist means any applicant (i) who reaches the final pool of applicants, numbering four or more, from which the successful applicant is to be selected, (ii) who is an original applicant when the final pool of applicants numbers less than four, or (iii) who is an original applicant and there are four or fewer original applicants;

(16) Records obtained by the Public Employees Retirement Board pursuant to section 84-1512;

(17) Social security numbers; credit card, charge card, or debit card numbers and expiration dates; and financial account numbers supplied to state and local governments by citizens; and

(18) Information exchanged between a jurisdictional utility and city pursuant to section 66-1867.

Source: Laws 1979, LB 86, § 5; Laws 1983, LB 108, § 1; Laws 1983, LB 565, § 1; Laws 1993, LB 579, § 6; Laws 1993, LB 590, § 6; Laws 1993, LB 719, § 2; Laws 1994, LB 1061, § 7; Laws 1994, LB 1224, § 8; Laws 1995, LB 343, § 7; Laws 1995, LB 509, § 6; Laws 1999, LB 137, § 1; Laws 2002, LB 276, § 7; Laws 2004, LB 236, § 1; Laws 2004, LB 868, § 3; Laws 2005, LB 361, § 37; Laws 2007, LB389, § 1; Laws 2009, LB188, § 8; Laws 2009, LB658, § 7; Laws 2011, LB230, § 1.

Cross References

Patient Safety Improvement Act, see section 71-8701.

Unmarked Human Burial Sites and Skeletal Remains Protection Act, see section 12-1201.

84-713 Settled claims; record required; contents; public record; certain settlement agreements; public agency; agenda item; applicability of section.

(1) A public entity or public agency providing coverage to a public entity, public official, or public employee shall maintain a public written or electronic record of all settled claims. The record for all such claims settled in the amount of fifty thousand dollars or more, or one percent of the total annual budget of the public entity, whichever is less, shall include a written executed settlement agreement. The settlement agreement shall contain a brief description of the claim, the party or parties released under the settlement, and the amount of the financial compensation, if any, paid by or to the public entity or on its behalf.

(2) Any claim or settlement agreement involving a public entity shall be a public record but, to the extent permitted by sections 84-712.04 and 84-712.05

and as otherwise provided by statute, specific portions of the claim or settlement agreement may be withheld from the public. A private insurance company or public agency providing coverage to the public entity shall, without delay, provide to the public entity a copy of any claim or settlement agreement to be maintained as a public record.

(3) Except for settlement agreements involving the state, any state agency, or any employee of the state or pursuant to claims filed under the State Tort Claims Act, any settlement agreement with an amount of financial consideration of fifty thousand dollars or more, or one percent of the total annual budget of the public entity, whichever is less, shall be included as an agenda item at the next meeting of a public agency providing coverage to a public entity and as an agenda item on the next regularly scheduled public meeting of the public body for informational purposes or for approval if required.

(4) For purposes of this section, a confidentiality or nondisclosure clause or provision contained in or relating to a settlement agreement shall neither cause nor permit a settlement agreement or the claim or any other public record to be withheld from the public. Nothing in this section shall require a public official or public employee or any party to the settlement agreement to comment on the settlement agreement.

(5) For purposes of this section:

(a) Confidentiality or nondisclosure clause or provision means any covenant or stipulation adopted by parties to a settlement agreement that designates the settlement agreement, the claim, or any other public record as confidential, or in any other way restricts public access to information concerning the settlement agreement or claim;

(b) Public body means public body as defined in subdivision (1) of section 84-1409;

(c) Public entity means a public entity listed in subdivision (1) of section 84-712.01; and

(d) Settlement agreement means any contractual agreement to settle or resolve a claim involving a public entity or on behalf of the public entity, a public official, or a public employee by (i) the public entity, (ii) a private insurance company, or (iii) a public agency providing coverage.

(6) This section does not apply to claims made in connection with insured or self-insured health insurance contracts.

Source: Laws 2010, LB742, § 1.

Cross References

State Tort Claims Act, see section 81-8,235.

ARTICLE 9

RULES OF ADMINISTRATIVE AGENCIES

(a) ADMINISTRATIVE PROCEDURE ACT

Section

84-901.01. Adoption and promulgation of rules and regulations; time; failure to adopt and promulgate; explanation; contents; effect of Laws 2011, LB617.

84-907. Rule or regulation; adoption; amendment; repeal; hearing; notice; procedure.

84-907.03. Secretary of State Administration Cash Fund; created; use; investment.

Section

- 84-907.06. Adoption, amendment, or repeal of rule or regulation; notice to Executive Board of the Legislative Council.
- 84-907.09. Adoption, amendment, or repeal of rule or regulation; provide information to Governor.
- 84-910. Agency; status report to Legislative Performance Audit Committee; contents; format.
- 84-917. Contested case; appeal; right to cross-appeal; procedure.
- 84-920. Act, how cited.

(a) ADMINISTRATIVE PROCEDURE ACT

84-901.01 Adoption and promulgation of rules and regulations; time; failure to adopt and promulgate; explanation; contents; effect of Laws 2011, LB617.

(1) When legislation is enacted requiring the adoption and promulgation of rules and regulations by an agency, such agency shall adopt and promulgate such rules and regulations within one year after the public hearing required under subsection (2) of section 84-907. Such time shall not include the time necessary for submission of the rules and regulations to the Attorney General pursuant to section 84-905.01 or submission of the rules and regulations to the Governor pursuant to section 84-908. Any agency which does not adopt and promulgate such rules and regulations as required by this section shall submit electronically an explanation to the Executive Board of the Legislative Council and the standing committee of the Legislature which has subject matter jurisdiction over the issue involved in the legislation, stating the reasons why it has not adopted such rules and regulations as required by this section, the date by which the agency expects to adopt such rules and regulations, and any suggested statutory changes that may enable the agency to adopt such rules and regulations.

(2) The changes made to the Administrative Procedure Act by Laws 2011, LB617, shall not affect the validity or effectiveness of a rule or regulation adopted prior to May 25, 2011.

Source: Laws 2011, LB617, § 1; Laws 2012, LB782, § 227.
Operative date July 19, 2012.

84-907 Rule or regulation; adoption; amendment; repeal; hearing; notice; procedure.

(1) No rule or regulation shall be adopted, amended, or repealed by any agency except after public hearing on the question of adopting, amending, or repealing such rule or regulation. Notice of such hearing shall be given at least thirty days prior thereto to the Secretary of State and by publication in a newspaper having general circulation in the state. All such hearings shall be open to the public.

(2) The public hearing on a rule or regulation that is required to be adopted, amended, or repealed based upon a legislative bill shall be held within twelve months after the effective or operative date of the legislative bill. If there is more than one applicable effective or operative date, the twelve-month period shall be calculated using the latest date. In addition to the requirements of section 84-906.01, draft copies or working copies of all rules and regulations to be adopted, amended, or repealed by any agency shall be available to the public in the office of the Secretary of State at the time of giving notice. The notice shall include: (a) A declaration of availability of such draft or work copies for

public examination; (b) a short explanation of the purpose of the proposed rule or regulation or the reason for the amendment or repeal of the rule or regulation; and (c) a description, including an estimated quantification, of the fiscal impact on state agencies, political subdivisions, and persons being regulated or an explanation of where the description of the fiscal impact may be inspected and obtained. No person may challenge the validity of any rule or regulation, the adoption, amendment, or repeal of any rule or regulation, or any determination of the applicability of any rule or regulation on the basis of the explanation or description provided pursuant to subdivisions (b) and (c) of this subsection.

(3) Any agency adopting, amending, or repealing a rule or regulation may make written application to the Governor who may, upon receipt of a written showing of good cause, waive the notice of public hearing.

For purposes of this subsection, good cause shall include, but not be limited to, a showing by the agency that:

(a) Compliance with the requirements of this section would result in extreme hardship on the citizens of this state;

(b) An emergency exists which must be remedied immediately; or

(c) A timely filing or publication of notice of a public hearing or the public hearing was prevented by some unforeseeable event beyond the immediate control of the agency and that the parties affected have not and will not suffer material injury as a result of the agency's action.

(4) Whenever public notice is waived, the agency shall, so far as practicable, give notice to the public of the proposed rule or regulation change and of the rule or regulation as finally adopted or changed.

Source: Laws 1953, c. 359, § 1, p. 1138; Laws 1977, LB 462, § 1; Laws 1978, LB 585, § 1; Laws 1980, LB 846, § 1; Laws 1986, LB 992, § 7; Laws 1987, LB 253, § 8; Laws 1987, LB 487, § 1; Laws 1994, LB 446, § 21; Laws 2005, LB 373, § 4; Laws 2011, LB617, § 2.

84-907.03 Secretary of State Administration Cash Fund; created; use; investment.

There is hereby created the Secretary of State Administration Cash Fund. The fund shall consist of revenue received to defray costs as authorized in sections 25-3308 and 84-901 to 84-908. The revenue shall be collected by the Secretary of State and remitted to the State Treasurer for credit to the fund. The fund shall be used to (1) offset expenses incurred as a result of sections 84-901 to 84-908, (2) administer the Address Confidentiality Act, (3) administer the Nebraska Uniform Athlete Agents Act, and (4) administer the Nonrecourse Civil Litigation Act.

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.

Source: Laws 1994, LB 1194, § 8; Laws 1995, LB 7, § 148; Laws 2003, LB 228, § 15; Laws 2009, LB292, § 20; Laws 2010, LB1094, § 10.

Cross References

Address Confidentiality Act, see section 42-1201.
Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.
Nebraska Uniform Athlete Agents Act, see section 48-2601.
Nonrecourse Civil Litigation Act, see section 25-3301.

84-907.06 Adoption, amendment, or repeal of rule or regulation; notice to Executive Board of the Legislative Council.

Whenever an agency proposes to adopt, amend, or repeal a rule or regulation, (1) at least thirty days before the public hearing, when notice of a proposed rule or regulation is sent out, or (2) at the same time the agency applies to the Governor for a waiver of the notice of public hearing, the agency shall send electronically to the Executive Board of the Legislative Council (a) a copy of the hearing notice required by section 84-907, (b) if applicable, a draft copy of the rule or regulation, and (c) the information provided to the Governor pursuant to section 84-907.09.

Source: Laws 1994, LB 446, § 24; Laws 2005, LB 373, § 5; Laws 2012, LB782, § 228.
Operative date July 19, 2012.

84-907.09 Adoption, amendment, or repeal of rule or regulation; provide information to Governor.

Whenever an agency proposes to adopt, amend, or repeal a rule or regulation, (1) at least thirty days before the public hearing, when notice of a proposed rule or regulation is sent out, or (2) at the same time the agency applies to the Governor for a waiver of the notice of public hearing under section 84-907, the agency shall provide to the Governor for review (a) a description of the proposed rule or regulation and the entity or entities it will impact, (b) an explanation of the necessity of the proposed rule or regulation, including the identification of the specific legislative bill if applicable, or the authorizing statute when there is no legislative bill applicable, (c) a statement that the proposed rule or regulation is consistent with legislative intent, (d) a statement indicating whether the proposed rule or regulation is the result of a state mandate on a local governmental subdivision and if the mandate is funded, (e) a statement indicating if the proposed rule or regulation is the result of a federal mandate on state government or on a local governmental subdivision and if the mandate is funded, (f) a description, including an estimated quantification, of the fiscal impact on state agencies, political subdivisions, and regulated persons, (g) a statement that the agency will solicit public comment on the proposed rule or regulation before the public hearing, and (h) a statement indicating whether or not the agency has utilized the negotiated rulemaking process as provided for in the Negotiated Rulemaking Act with respect to the proposed rule or regulation.

Source: Laws 2005, LB 373, § 1; Laws 2011, LB617, § 3.

Cross References

Negotiated Rulemaking Act, see section 84-921.

84-910 Agency; status report to Legislative Performance Audit Committee; contents; format.

On or before July 1 of each year, each agency shall provide electronically to the Legislative Performance Audit Committee a status report on all rules and regulations pending before the agency which have not been adopted and promulgated. If an additional appropriation was made with respect to legislation enacted to provide funding for or additional staff to implement a program for which rules and regulations are required to be adopted, the status report shall include what the funding has been used for and what functions the staff have been performing while such rules and regulations are pending. The format of the report shall be established by the committee no later than June 1, 2011, and shall be updated thereafter.

Source: Laws 2011, LB617, § 4; Laws 2012, LB782, § 229.
Operative date July 19, 2012.

84-917 Contested case; appeal; right to cross-appeal; procedure.

(1) Any person aggrieved by a final decision in a contested case, whether such decision is affirmative or negative in form, shall be entitled to judicial review under the Administrative Procedure Act. Nothing in this section shall be deemed to prevent resort to other means of review, redress, or relief provided by law.

(2)(a)(i) Proceedings for review shall be instituted by filing a petition in the district court of the county where the action is taken within thirty days after the service of the final decision by the agency. All parties of record shall be made parties to the proceedings for review. If an agency's only role in a contested case is to act as a neutral factfinding body, the agency shall not be a party of record. In all other cases, the agency shall be a party of record. Summons shall be served within thirty days of the filing of the petition in the manner provided for service of a summons in section 25-510.02. If the agency whose decision is appealed from is not a party of record, the petitioner shall serve a copy of the petition and a request for preparation of the official record upon the agency within thirty days of the filing of the petition. The court, in its discretion, may permit other interested persons to intervene.

(ii) The filing of a petition for review shall vest in a responding party of record the right to a cross-appeal against any other party of record. A respondent shall serve its cross-appeal within thirty days after being served with the summons and petition for review.

(b) A petition for review shall set forth: (i) The name and mailing address of the petitioner; (ii) the name and mailing address of the agency whose action is at issue; (iii) identification of the final decision at issue together with a duplicate copy of the final decision; (iv) identification of the parties in the contested case that led to the final decision; (v) facts to demonstrate proper venue; (vi) the petitioner's reasons for believing that relief should be granted; and (vii) a request for relief, specifying the type and extent of the relief requested.

(3) The filing of the petition or the service of summons upon such agency shall not stay enforcement of a decision. The agency may order a stay. The court may order a stay after notice of the application therefor to such agency and to all parties of record. If the agency has found that its action on an application for stay or other temporary remedies is justified to protect against a substantial threat to the public health, safety, or welfare, the court may not grant relief unless the court finds that: (a) The applicant is likely to prevail

when the court finally disposes of the matter; (b) without relief, the applicant will suffer irreparable injuries; (c) the grant of relief to the applicant will not substantially harm other parties to the proceedings; and (d) the threat to the public health, safety, or welfare relied on by the agency is not sufficiently serious to justify the agency's action in the circumstances. The court may require the party requesting such stay to give bond in such amount and conditioned as the court may direct.

(4) Within thirty days after service of the petition or within such further time as the court for good cause shown may allow, the agency shall prepare and transmit to the court a certified copy of the official record of the proceedings had before the agency. Such official record shall include: (a) Notice of all proceedings; (b) any pleadings, motions, requests, preliminary or intermediate rulings and orders, and similar correspondence to or from the agency pertaining to the contested case; (c) the transcribed record of the hearing before the agency, including all exhibits and evidence introduced during such hearing, a statement of matters officially noticed by the agency during the proceeding, and all proffers of proof and objections and rulings thereon; and (d) the final order appealed from. The agency shall charge the petitioner with the reasonable direct cost or require the petitioner to pay the cost for preparing the official record for transmittal to the court in all cases except when the petitioner is not required to pay a filing fee. The agency may require payment or bond prior to the transmittal of the record.

(5)(a) When the petition instituting proceedings for review was filed in the district court before July 1, 1989, the review shall be conducted by the court without a jury on the record of the agency, and review may not be obtained of any issue that was not raised before the agency unless such issue involves one of the grounds for reversal or modification enumerated in subdivision (6)(a) of this section. When the petition instituting proceedings for review is filed in the district court on or after July 1, 1989, the review shall be conducted by the court without a jury de novo on the record of the agency.

(b)(i) If the court determines that the interest of justice would be served by the resolution of any other issue not raised before the agency, the court may remand the case to the agency for further proceedings.

(ii) The agency shall affirm, modify, or reverse its findings and decision in the case by reason of the additional proceedings and shall file the decision following remand with the reviewing court. The agency shall serve a copy of the decision following remand upon all parties to the district court proceedings. The agency decision following remand shall become final unless a petition for further review is filed with the reviewing court within thirty days after the decision following remand being filed with the district court. The party filing the petition for further review shall serve a copy of the petition for further review upon all parties to the district court proceeding in accordance with the rules of pleading in civil actions promulgated by the Supreme Court pursuant to section 25-801.01 within thirty days after the petition for further review is filed. Within thirty days after service of the petition for further review or within such further time as the court for good cause shown may allow, the agency shall prepare and transmit to the court a certified copy of the official record of the additional proceedings had before the agency following remand.

(6)(a) When the petition instituting proceedings for review was filed in the district court before July 1, 1989, the court may affirm the decision of the

agency or remand the case for further proceedings, or it may reverse or modify the decision if the substantial rights of the petitioner may have been prejudiced because the agency decision is:

- (i) In violation of constitutional provisions;
- (ii) In excess of the statutory authority or jurisdiction of the agency;
- (iii) Made upon unlawful procedure;
- (iv) Affected by other error of law;
- (v) Unsupported by competent, material, and substantial evidence in view of the entire record as made on review; or
- (vi) Arbitrary or capricious.

(b) When the petition instituting proceedings for review is filed in the district court on or after July 1, 1989, the court may affirm, reverse, or modify the decision of the agency or remand the case for further proceedings.

(7) The review provided by this section shall not be available in any case where other provisions of law prescribe the method of appeal.

Source: Laws 1963, c. 531, § 1, p. 1664; Laws 1969, c. 838, § 2, p. 3162; Laws 1983, LB 447, § 102; Laws 1987, LB 253, § 19; Laws 1988, LB 352, § 186; Laws 1989, LB 213, § 1; Laws 1997, LB 165, § 5; Laws 2006, LB 1115, § 42; Laws 2008, LB1014, § 69; Laws 2009, LB35, § 32.

84-920 Act, how cited.

Sections 84-901 to 84-920 shall be known and may be cited as the Administrative Procedure Act.

Source: Laws 1987, LB 253, § 22; Laws 1994, LB 446, § 38; Laws 1995, LB 490, § 191; Laws 2005, LB 373, § 8; Laws 2011, LB617, § 5.

ARTICLE 12 PUBLIC RECORDS

(a) RECORDS MANAGEMENT ACT

Section	
84-1201.	Legislative intent.
84-1202.	Terms, defined.
84-1203.	Secretary of State; State Records Administrator; duties.
84-1204.	State Records Board; established; members; duties; meetings.
84-1205.	Board; network manager; duties.
84-1205.01.	Technical advisory committee; established; membership.
84-1205.02.	Board; establish fees.
84-1205.03.	State agency; electronic access to public records; approval required; when; one-time fee; report; when required; fees.
84-1205.04.	Repealed. Laws 2012, LB 719, § 33.
84-1205.05.	Board; reports.
84-1205.06.	Repealed. Laws 2012, LB 719, § 33.
84-1206.	Administrator; duties; powers.
84-1207.	State or local agency head; duties.
84-1209.	Administrator; storage of records and preservation duplicates; charges.
84-1212.	Program for selection and preservation of essential records; review, periodically.
84-1213.	Records; property of state or local agencies; protected; willfully mutilate, destroy, transfer, remove, damage, or otherwise dispose of; violation; penalty.

Section

- 84-1214. State agency; disposition of records; procedure.
 84-1214.01. State Archives; authority; duties.
 84-1215. Nonrecord material; destruction; procedure; personal and political papers; preservation.
 84-1216. Administrator; rules and regulations; promulgate.
 84-1217. State and local agencies; preservation of records; administrator; advise.
 84-1218. Local agencies; preservation of records; administrator; advise and assist; rules and regulations.
 84-1219. Administrator; biennial report; copies; furnish.
 84-1222. Purchase of microfilm system or equipment; approval; property of administrator.
 84-1223. Repealed. Laws 2012, LB 719, § 33.
 84-1224. Administrator; microfilm; micrographic equipment; powers.
 84-1225. Administrator; micropublishing and computer output microfilm services; charges.
 84-1227. Records Management Cash Fund; created; use; investment.

(a) RECORDS MANAGEMENT ACT

84-1201 Legislative intent.

The Legislature declares that:

(1) Programs for the systematic and centrally correlated management of state and local records will promote efficiency and economy in the day-to-day record-keeping activities of state and local agencies and will facilitate and expedite governmental operations;

(2) Records containing information essential to the operations of government, and to the protection of the rights and interests of persons, must be safeguarded against the destructive effects of all forms of disaster and must be available as needed. It is necessary to adopt special provisions for the selection and preservation of essential state and local records, thereby insuring the protection and availability of such information;

(3) The increasing availability and use of computers is creating a growing demand for electronic access to public records, and state and local agencies should use new technology to enhance public access to public records and to reduce costs in maintaining, preserving, or retaining public records;

(4) There must be public accountability in the process of collecting, sharing, disseminating, and accessing public records;

(5) The Legislature has oversight responsibility for the process of collecting, sharing, disseminating, and providing access, including electronic access, to public records and establishing fees for disseminating and providing access;

(6) Several state agencies, individually and collectively, are providing electronic access to public records through various means, including the portal;

(7) New technology has allowed state agencies to offer electronic information and services through various means, including the portal;

(8) As technology becomes available, state and local agencies should continue to explore providing electronic information and services to individuals, businesses, and other entities; and

(9) There is a need for a uniform policy regarding the management, operation, and oversight of systems providing electronic access to public records or electronic information and services.

Source: Laws 1961, c. 455, § 1, p. 1385; Laws 1997, LB 590, § 3; Laws 2012, LB719, § 7; Laws 2012, LB880, § 1.
 Effective date July 19, 2012.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 7, with LB880, section 1, to reflect all amendments.

84-1202 Terms, defined.

For purposes of the Records Management Act, unless the context otherwise requires:

(1) State agency means any department, division, office, commission, court, board, or elected, appointed, or constitutional officer, except individual members of the Legislature, or any other unit or body, however designated, of the executive, judicial, and legislative branches of state government;

(2) Agency head means the chief or principal official or representative in any state or local agency or the presiding judge of any court, by whatever title known. When an agency consists of a single official, the agency and the agency head are one and the same;

(3) Local agency means an agency of any county, city, village, township, district, authority, or other public corporation or political entity, whether existing under charter or general law, including any entity created pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. Local political subdivision does not include a city of the metropolitan class or a district or other unit which by law is considered an integral part of state government;

(4) Record means any book, document, paper, photograph, microfilm, sound recording, magnetic storage medium, optical storage medium, or other material regardless of physical form or characteristics created or received pursuant to law, charter, or ordinance or in connection with any other activity relating to or having an effect upon the transaction of public business;

(5) State record means a record which normally is maintained within the custody or control of a state agency or any other record which is designated or treated as a state record according to general law;

(6) Local record means a record of a local political subdivision or of any agency thereof unless designated or treated as a state record under general law;

(7) Essential record means a state or local record which is within one or the other of the following categories and which shall be preserved pursuant to the Records Management Act:

(a) Category A. Records containing information necessary to the operations of government under all conditions, including a period of emergency created by a disaster; or

(b) Category B. Records not within Category A but which contain information necessary to protect the rights and interests of persons or to establish or affirm the powers and duties of state or local governments in the resumption of operations after a disaster;

(8) Preservation duplicate means a copy of an essential record which is used for the purpose of preserving the record pursuant to the act;

(9) Disaster means any occurrence of fire, flood, storm, earthquake, explosion, epidemic, riot, sabotage, or other conditions of extreme peril resulting in substantial injury or damage to persons or property within this state, whether such occurrence is caused by an act of nature or of humans, including an enemy of the United States;

(10) Administrator means the State Records Administrator;

(11) Board means the State Records Board;

(12) Electronic access means electronically collecting, sharing, disseminating, and providing access to (a) public records or (b) electronic information and services;

(13) Electronic information and services means any data, information, or service that is created, generated, collected, maintained, or distributed in electronic form by a state agency or local agency through transactions with individuals, businesses, and other entities by means of electronic access;

(14) Portal means the state's centralized electronic information system by which public records or electronic information and services are provided using electronic access;

(15) Public records includes all records and documents, regardless of physical form, of or belonging to this state or any agency, branch, department, board, bureau, commission, council, subunit, or committee of this state except when any other statute expressly provides that particular information or records shall not be made public. Data which is a public record in its original form shall remain a public record when maintained in computer files; and

(16) Network manager means an individual, a private entity, a state agency, or any other governmental subdivision responsible for providing the infrastructure and services needed to implement and operate the portal and for directing and supervising the day-to-day operations and expansion of the portal.

Source: Laws 1961, c. 455, § 2, p. 1385; Laws 1969, c. 841, § 1, p. 3167; Laws 1979, LB 559, § 1; Laws 1980, LB 747, § 1; Laws 1991, LB 25, § 2; Laws 1991, LB 81, § 12; Laws 1997, LB 590, § 4; Laws 1999, LB 87, § 99; Laws 2012, LB719, § 8.
Effective date July 19, 2012.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

84-1203 Secretary of State; State Records Administrator; duties.

The Secretary of State is hereby designated the State Records Administrator. The administrator shall establish and administer, within and for state and local agencies, (1) a records management program which will apply efficient, cost-effective, modern, and economical methods to the creation, utilization, maintenance, retention, preservation, and disposal of state and local records, (2) a program for the selection and preservation of essential state and local records, (3) establish and maintain a depository for the storage and service of state records, and advise, assist, and govern by rules and regulations the establishment of similar programs in local political subdivisions in the state, and (4) establish and maintain a central microfilm agency for state records and advise, assist, and govern by rules and regulations the establishment of similar programs in state agencies and local political subdivisions in the State of Nebraska.

Source: Laws 1961, c. 455, § 3, p. 1387; Laws 1969, c. 841, § 2, p. 3169; Laws 1977, LB 520, § 1; Laws 1979, LB 559, § 2; Laws 2012, LB880, § 2.
Effective date July 19, 2012.

84-1204 State Records Board; established; members; duties; meetings.

- (1) The State Records Board is hereby established. The board shall:
- (a) Advise and assist the administrator in the performance of his or her duties under the Records Management Act;
 - (b) Provide electronic access to public records or electronic information and services through the portal;
 - (c) Develop and maintain the portal for providing electronic access to public records or electronic information and services;
 - (d) Provide appropriate oversight of a network manager;
 - (e) Approve reasonable fees for electronic access to public records or electronic information and services pursuant to sections 84-1205.02 and 84-1205.03;
 - (f) Have the authority to enter into or renegotiate agreements regarding the management of the portal in order to provide individuals, businesses, and other entities with electronic access to public records or electronic information and services;
 - (g) Explore ways and means of reducing the costs of agencies to manage record retention, expanding the amount and type of public records or electronic information and services provided through the portal, and, when appropriate, implement changes necessary to effect such purposes;
 - (h) Explore new technologies as a means of improving access to public records or electronic information and services by individuals, businesses, and other entities and, if appropriate, implement the new technologies;
 - (i) Explore options of expanding the portal and its services to individuals, businesses, and other entities;
 - (j) Have the authority to grant funds to a state or local agency for the development of programs and technology to improve electronic access to public records or electronic information and services consistent with the act; and
 - (k) Perform such other functions and duties as the act requires.
- (2) In addition to the administrator, the board shall consist of:
- (a) The Governor or his or her designee;
 - (b) The Attorney General or his or her designee;
 - (c) The Auditor of Public Accounts or his or her designee;
 - (d) The State Treasurer or his or her designee;
 - (e) The Director of Administrative Services or his or her designee;
 - (f) Three representatives appointed by the Governor to be broadly representative of banking, insurance, and law groups; and
 - (g) Three representatives appointed by the Governor to be broadly representative of libraries, the general public, and professional members of the Nebraska news media.
- (3) The administrator shall be chairperson of the board. Upon call by the administrator, the board shall convene periodically in accordance with its rules and regulations or upon call by the administrator.
- (4) Six members of the board shall constitute a quorum, and the affirmative vote of six members shall be necessary for any action to be taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(5) The representatives appointed by the Governor shall serve staggered three-year terms as the Governor designates and may be appointed for one additional term. Members of the board shall be reimbursed for actual and necessary expenses as provided in sections 81-1174 to 81-1177.

Source: Laws 1961, c. 455, § 4, p. 1387; Laws 1969, c. 841, § 3, p. 3170; Laws 1979, LB 559, § 3; Laws 1989, LB 18, § 7; Laws 1997, LB 590, § 5; Laws 2003, LB 257, § 1; Laws 2012, LB719, § 9; Laws 2012, LB880, § 3.
Effective date July 19, 2012.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 9, with LB880, section 3, to reflect all amendments.

84-1205 Board; network manager; duties.

(1) The board may employ or contract with a network manager. A network manager may be an individual, a private entity, a state agency, or another governmental subdivision. The board shall prepare criteria and specifications for the network manager in consultation with the Department of Administrative Services. Such criteria shall include procedures for submission of proposals by an individual, a private entity, a state agency, or another governmental subdivision. Selection of the network manager shall comply with all applicable procedures of the department. The board may negotiate and enter into a contract with the selected network manager which provides the duties, responsibilities, and compensation of the network manager.

(2) The network manager shall provide the infrastructure and services needed to implement and operate the portal and shall direct and supervise the day-to-day operations and expansion of the portal. The network manager shall (a) attend meetings of the board, (b) keep a record of all portal operations, which shall be the property of the board, (c) maintain and be the custodian of all financial and operational records, and (d) annually update and revise the business plan for the portal in consultation with and under the direction of the board.

(3) The board shall finance the operation and maintenance of the portal from revenue generated pursuant to sections 52-1316, 60-483, and 84-1205.02 and subsection (d) of section 9-525, Uniform Commercial Code.

Source: Laws 1997, LB 590, § 6; Laws 1999, LB 550, § 48; Laws 2012, LB719, § 10.
Effective date July 19, 2012.

84-1205.01 Technical advisory committee; established; membership.

The board shall establish a technical advisory committee to assist it in the performance of its duties. The committee shall consist of individuals who have technical experience and expertise in electronic access and information technology. The committee shall have three members. The members shall include a representative from a state agency that is responsible for providing public records, a representative from the office of Chief Information Officer, and a representative from the computer services group of the Legislative Council.

Source: Laws 1997, LB 590, § 7; Laws 1998, LB 924, § 52; Laws 2006, LB 921, § 11; Laws 2012, LB719, § 11.
Effective date July 19, 2012.

84-1205.02 Board; establish fees.

Except as provided in sections 49-509, 52-1316, and 60-483 and article 9, Uniform Commercial Code, the board may establish reasonable fees for electronic access to (1) public records or (2) electronic information and services, through the portal. Fees for electronic access to public records shall not exceed the statutory fee for copies of public records in other forms. Any fees collected under this section shall be deposited in the Records Management Cash Fund.

Source: Laws 1997, LB 590, § 8; Laws 1998, LB 924, § 53; Laws 1999, LB 550, § 49; Laws 2000, LB 534, § 7; Laws 2012, LB719, § 12. Effective date July 19, 2012.

84-1205.03 State agency; electronic access to public records; approval required; when; one-time fee; report; when required; fees.

(1) Any state agency other than the courts or the Legislature desiring to enter into an agreement with a private vendor or the network manager to provide electronic access to public records or electronic information and services for a fee shall make a written request for approval of such fee to the board. The request shall include (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records or electronic information and services which are the subject of the contract or proposed fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The board shall take action on such fee request in accordance with section 84-1205.02 and after a public hearing held at its next regularly scheduled meeting that is at least thirty days after receipt of the request. The board may request a presentation or such other information as it deems necessary from the requesting state agency.

(2) A state agency other than the courts or the Legislature may charge a fee for electronic access to public records without the board's approval for a one-time sale in a unique format. The purchaser may object to the fee in writing to the board, and the one-time fee shall then be subject to approval by the board according to the procedures and guidelines established in sections 84-1205 to 84-1205.03.

(3) Courts or the Legislature providing electronic access to public records or electronic information and services for a fee shall make a written report. The report shall be filed with the State Records Board by the State Court Administrator for the courts and the chairperson of the Executive Board of the Legislative Council for the Legislature. The report shall include (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records or electronic information and services which are the subject of the contract or proposed fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The State Records Board may request a presentation or such other information as it deems necessary. The courts and the Legislature shall take into consideration any recommendation made by the State Records Board with respect to such fees.

(4) Courts and the Legislature may charge a fee for electronic access to public records for a one-time sale in a unique format without providing a report to the board as required under subsection (3) of this section.

Source: Laws 1997, LB 590, § 9; Laws 1998, LB 924, § 54; Laws 2005, LB 525, § 1; Laws 2012, LB719, § 13; Laws 2012, LB880, § 4. Effective date July 19, 2012.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 13, with LB880, section 4, to reflect all amendments.

84-1205.04 Repealed. Laws 2012, LB 719, § 33.

84-1205.05 Board; reports.

The board shall provide annual reports to the Executive Board of the Legislative Council and Nebraska Information Technology Commission on its activities pursuant to sections 84-1205 to 84-1205.03. The report submitted to the executive board shall be submitted electronically.

Source: Laws 1997, LB 590, § 11; Laws 1998, LB 924, § 55; Laws 2012, LB719, § 14; Laws 2012, LB782, § 230; Laws 2012, LB880, § 5.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 14, with LB782, section 230, and LB880, section 5, to reflect all amendments.

Note: Changes made by LB719 and LB880 became effective July 19, 2012. Changes made by LB782 became operative July 19, 2012.

84-1205.06 Repealed. Laws 2012, LB 719, § 33.

84-1206 Administrator; duties; powers.

(1) With due regard for the functions of the state and local agencies concerned, and with such guidance and assistance from the board as may be required, the administrator shall:

(a) Establish standards, procedures, and techniques for the effective management of public records;

(b) Make continuing surveys of paperwork, microfilm, and electronic storage operations, and recommend improvements in current records management practices, including, but not limited to, the economical use of and cost reductions in space, equipment, and supplies employed in creating, maintaining, storing, preserving, and servicing records;

(c) Establish standards for the preparation of schedules providing for the retention of records of continuing value and for the prompt and orderly disposal of records no longer possessing sufficient administrative, legal, historical, or fiscal value to warrant their further retention; and

(d) Obtain from the state or local agencies concerned such reports and other data as are required for the proper administration of the records management program, including organizational charts of agencies concerned.

(2) The administrator shall establish standards for designating essential records, shall assist state and local agencies in identifying essential records, and shall guide such agencies in the establishment of programs for the preservation of essential records.

(3) The administrator may advise and assist members of the Legislature and other officials in the maintenance and disposition of their personal or political papers of public interest and may provide such other services as are available to state and local agencies, within the limitation of available funds.

Source: Laws 1961, c. 455, § 6, p. 1388; Laws 1969, c. 841, § 4, p. 3171; Laws 1976, LB 641, § 1; Laws 1980, LB 747, § 2; Laws 2012, LB719, § 15; Laws 2012, LB880, § 6.
Effective date July 19, 2012.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 15, with LB880, section 6, to reflect all amendments.

84-1207 State or local agency head; duties.

In accordance with general law and with the rules and regulations adopted and promulgated by the administrator and the board as provided in section 84-1216, the head of any state or local agency shall:

(1) Establish and maintain an active, continuing program for the efficient, cost-effective, modern, and economical management of the record-keeping activities of the agency;

(2) Make and maintain records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency, designed to furnish information to protect the legal and financial rights of the state, and of persons directly affected by the agency's activities;

(3) Make and submit to the administrator schedules proposing the length of time each record series warrants retention for administrative, legal, historical, or fiscal purposes, after it has been made in or received by the agency, and lists of records in the custody or under the control of the agency which are not needed in the transaction of current business and do not possess sufficient administrative, legal, historical, or fiscal value to warrant their further retention;

(4) Inventory the records in the custody or under the control of the agency and submit to the administrator a report thereon, containing such data as the administrator shall prescribe, including his or her recommendations as to which of such records, if any, should be determined to be essential records. He or she shall review the inventory and report periodically and, as necessary, shall revise the report so that it is current, accurate, and complete;

(5) Comply with the rules, regulations, standards, and procedures issued and set up by the administrator and the board and cooperate in the conduct of surveys made by the administrator pursuant to the Records Management Act; and

(6) Strive to reduce the costs to manage record retention.

Source: Laws 1961, c. 455, § 7, p. 1389; Laws 1969, c. 841, § 5, p. 3171; Laws 1979, LB 559, § 4; Laws 2012, LB719, § 16; Laws 2012, LB880, § 7.
Effective date July 19, 2012.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 16, with LB880, section 7, to reflect all amendments.

84-1209 Administrator; storage of records and preservation duplicates; charges.

The administrator may establish storage facilities for essential records, preservation duplicates, and other state records and may provide for a system of charges to allocate the cost of providing such storage among the state agencies utilizing the storage services. The system of charges shall, as nearly as may be practical, cover the actual costs of operating the storage facilities.

Source: Laws 1961, c. 455, § 9, p. 1390; Laws 1969, c. 841, § 6, p. 3172; Laws 1976, LB 641, § 3; Laws 1983, LB 617, § 28; Laws 2012, LB719, § 17.
Effective date July 19, 2012.

84-1212 Program for selection and preservation of essential records; review, periodically.

The administrator shall review periodically, and at least once each year, the program for the selection and preservation of essential records, including the classification thereof and the provisions for preservation duplicates and for the safeguarding of essential records and preservation duplicates to insure that the purposes of the Records Management Act are accomplished.

Source: Laws 1961, c. 455, § 12, p. 1392; Laws 1969, c. 841, § 9, p. 3174; Laws 1979, LB 559, § 6; Laws 2012, LB719, § 18.
Effective date July 19, 2012.

84-1213 Records; property of state or local agencies; protected; willfully mutilate, destroy, transfer, remove, damage, or otherwise dispose of; violation; penalty.

(1) All records made or received by or under the authority of or coming into the custody, control, or possession of state or local agencies in the course of their public duties are the property of the state or local agency concerned and shall not be mutilated, destroyed, transferred, removed, damaged, or otherwise disposed of, in whole or in part, except as provided by law.

(2) Any person who willfully mutilates, destroys, transfers, removes, damages, or otherwise disposes of such records or any part of such records, except as provided by law, and any person who retains and continues to hold the possession of any such records, or parts thereof, belonging to the state or local agency and refuses to deliver up such records, or parts thereof, to the proper official under whose authority such records belong upon demand being made by such officer or, in cases of a defunct office, to the succeeding agency or to the State Archives of the Nebraska State Historical Society, shall be guilty of a Class III misdemeanor.

Source: Laws 1961, c. 455, § 13, p. 1392; Laws 1973, LB 224, § 15; Laws 1979, LB 559, § 7; Laws 1980, LB 747, § 3; Laws 2012, LB719, § 19.
Effective date July 19, 2012.

84-1214 State agency; disposition of records; procedure.

Whenever any state agency desires to dispose of records which are not listed on an approved records retention and disposition schedule applicable to such agency, the state agency head shall prepare and submit to the administrator, on forms provided by the administrator, a list of the records sought to be disposed of and a request for approval of their disposition, which list and request shall be referred to the board for action at its next regular or special session. On consideration thereof, the board may approve such disposition thereof as may be legal and proper or may refuse to approve any disposition, and the records as to which such determination has been made may thereupon be disposed of in accordance with the approval of the board.

Source: Laws 1961, c. 455, § 14, p. 1392; Laws 1969, c. 841, § 10, p. 3174; Laws 1976, LB 641, § 6; Laws 2012, LB719, § 20.
Effective date July 19, 2012.

84-1214.01 State Archives; authority; duties.

The State Archives of the Nebraska State Historical Society has the authority to acquire, in total or in part, any document, record, or material which has been submitted to the board for disposition or transfer when such material is

determined to be of archival or historical significance by the State Archivist or the board. The head of any state or local agency shall certify in writing to the society the transfer of the custody of such material to the State Archives. No state or local agency shall dispose of, in any other manner except by transfer to the State Archives, that material which has been appraised as archival or historical without the written consent of the State Archivist and the administrator. If such material is determined to be in jeopardy of destruction or deterioration and such material is not necessary to the conduct of daily business in the state or local agency of origin, it shall be the prerogative of the State Archivist to petition the administrator and the state or local agency of origin for the right to transfer such material into the safekeeping of the State Archives. It shall be the responsibility of the administrator to hear arguments for or against such petition and to determine the results of such petition. The State Archivist shall prepare invoices and receipts in triplicate for materials acquired under this section, shall retain one copy, and shall deliver one copy to the administrator and one copy to the state or local agency head from whom the records are obtained.

Source: Laws 1969, c. 841, § 11, p. 3175; Laws 1989, LB 18, § 9; Laws 2012, LB719, § 21.
Effective date July 19, 2012.

84-1215 Nonrecord material; destruction; procedure; personal and political papers; preservation.

(1) If not otherwise prohibited by law, nonrecord materials, not included within the definition of records as contained in section 84-1202, may be destroyed at any time by the state or local agency in possession thereof without the prior approval of the administrator or board. The administrator may formulate procedures and interpretations to guide in the disposal of nonrecord materials, but nothing therein shall be contrary to any provision of law relating to the transfer of materials of historical value to the State Archives of the Nebraska State Historical Society.

(2) Members of the Legislature and other officials are encouraged to offer their personal and political papers of public interest to the State Archives for preservation subject to any reasonable restrictions concerning their use by other persons.

Source: Laws 1961, c. 455, § 15, p. 1393; Laws 1969, c. 841, § 12, p. 3176; Laws 1980, LB 747, § 4; Laws 2012, LB719, § 22.
Effective date July 19, 2012.

84-1216 Administrator; rules and regulations; promulgate.

The administrator shall adopt and promulgate rules and regulations as may be necessary or proper to effectuate the purposes of the Records Management Act. Those portions thereof which relate to functions specifically delegated to the board shall be approved and concurred in by the board.

Source: Laws 1961, c. 455, § 16, p. 1393; Laws 1979, LB 559, § 8; Laws 2012, LB719, § 23.
Effective date July 19, 2012.

84-1217 State and local agencies; preservation of records; administrator; advise.

The Records Management Act shall apply to all state and local agencies, and the administrator shall advise and assist in the establishment of programs for records management and for the selection and preservation of essential records of the executive, judicial, and legislative branches and, as required by such branches, shall provide program services pursuant to the act.

Source: Laws 1961, c. 455, § 17, p. 1393; Laws 1969, c. 841, § 13, p. 3176; Laws 1979, LB 559, § 9; Laws 2012, LB719, § 24.
Effective date July 19, 2012.

84-1218 Local agencies; preservation of records; administrator; advise and assist; rules and regulations.

The governing bodies of all local agencies in this state, with the advice and assistance of the administrator and pursuant to the rules and regulations adopted and promulgated pursuant to the Records Management Act, shall establish and maintain continuing programs to promote the principles of efficient records management for local records and for the selection and preservation of essential local records, which programs, insofar as practicable, shall follow the patterns of the programs established for state records as provided in the act. Each such governing body shall promulgate rules and regulations as are necessary or proper to effectuate and implement the programs so established, but nothing therein shall be in violation of the provisions of general law relating to the destruction of local records.

Source: Laws 1961, c. 455, § 18, p. 1393; Laws 1969, c. 841, § 14, p. 3176; Laws 1979, LB 559, § 10; Laws 2012, LB719, § 25.
Effective date July 19, 2012.

84-1219 Administrator; biennial report; copies; furnish.

The administrator shall prepare a biennial report on the status of programs established by the administrator as provided in the Records Management Act and on the progress made during the preceding biennium in implementing and effectuating such programs and in reducing costs. Copies of this report shall be furnished to the Governor, the Speaker of the Legislature, and such other officials and state and local agencies as the Governor or the board shall direct. The report submitted to the Speaker of the Legislature shall be submitted electronically.

Source: Laws 1961, c. 455, § 19, p. 1394; Laws 1979, LB 559, § 11; Laws 2012, LB719, § 26; Laws 2012, LB782, § 231; Laws 2012, LB880, § 8.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB719, section 26, with LB782, section 231, and LB880, section 8, to reflect all amendments.

Note: Changes made by LB719 and LB880 became effective July 19, 2012. Changes made by LB782 became operative July 19, 2012.

84-1222 Purchase of microfilm system or equipment; approval; property of administrator.

No state agency shall purchase any microfilm system or equipment prior to the approval of the administrator. The administrator shall not approve internal microfilm activities of any state agency unless such activities may not be feasibly provided by the central microfilming agency and are necessary to a

particular operation within the state agency. Any equipment purchased under this section shall become the property of the administrator.

Source: Laws 1977, LB 520, § 2; Laws 1979, LB 559, § 13; Laws 2012, LB719, § 27.

Effective date July 19, 2012.

84-1223 Repealed. Laws 2012, LB 719, § 33.

84-1224 Administrator; microfilm; micrographic equipment; powers.

The administrator shall:

- (1) Be empowered to review the microfilm systems within every state agency;
- (2) Be empowered to cause such systems to be merged with a central microfilm agency in the event that a cost analysis shows that economic advantage may be achieved;
- (3) Be empowered to permit the establishment of microfilming services within any state agency if a potential economy or a substantial convenience for the state would result; and
- (4) Be empowered to determine the operating locations of all micrographic equipment in his or her possession.

Source: Laws 1977, LB 520, § 4; Laws 2012, LB719, § 28.

Effective date July 19, 2012.

84-1225 Administrator; micropublishing and computer output microfilm services; charges.

The administrator shall provide for a system of charges for micropublishing services and computer output microfilm services rendered by the central microfilming agency to any other state agency when these charges are allocable to a particular project carried on by such microfilming agency. Such charges shall, as nearly as may be practical, reflect the actual cost of services provided by the central microfilming agency. The administrator shall extend this system of charges to include source document microfilming. The administrator shall extend this system of charges and user fees for all micrographic equipment which is the property of the administrator and which is used by any other state agency.

Source: Laws 1977, LB 520, § 5; Laws 1979, LB 559, § 15; Laws 2012, LB719, § 29.

Effective date July 19, 2012.

84-1227 Records Management Cash Fund; created; use; investment.

There is hereby established in the state treasury a special fund to be known as the Records Management Cash Fund which, when appropriated by the Legislature, shall be expended by the Secretary of State for the purposes of providing records management services and assistance to local agencies, for development and maintenance of the portal for providing electronic access to public records or electronic information and services, and for grants to a state or local agency as provided in subdivision (1)(j) of section 84-1204. All fees and charges for the purpose of records management services and analysis received by the Secretary of State from the local agencies shall be remitted to the State Treasurer for credit to such fund. Transfers may be made from the fund to the General Fund

at the direction of the Legislature. Any money in the Records Management Cash 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.

Source: Laws 1984, LB 527, § 3; Laws 1995, LB 7, § 149; Laws 1997, LB 590, § 14; Laws 2003, LB 257, § 2; Laws 2009, First Spec. Sess., LB3, § 93; Laws 2012, LB719, § 30.
Effective date July 19, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 13

STATE EMPLOYEES RETIREMENT ACT

Section	
84-1301.	Terms, defined.
84-1302.	State Employees Retirement System; established; operative date; official name; acceptance of contributions.
84-1307.	Retirement system; membership; requirements; composition; exercise of option to join; effect; new employee; participation in another governmental plan; how treated; separate employment; effect.
84-1309.	State Employees Retirement Fund; established; amounts credited; disbursements; accounting of funds.
84-1309.02.	Cash balance benefit; election; effect; administrative services agreements; authorized.
84-1310.01.	Defined contribution benefit; employee account; investment options; procedures; administration.
84-1311.03.	Defined contribution benefit; employer account; investment options; procedures; administration.
84-1312.	Direct rollover; terms, defined; distributee; powers; board; duties.
84-1313.02.	Retirement system; transfer eligible rollover distribution; conditions.
84-1314.	State Employees Defined Contribution Retirement Expense Fund; State Employees Cash Balance Retirement Expense Fund; created; use; investment.
84-1315.	Auditor of Public Accounts; annual audit of retirement system; annual report.
84-1317.	Employees; retirement date; application for benefits; deferment of benefits; board; duties.
84-1319.	Future service retirement benefits; when payable; how computed; selection of annuity; board; provide tax information; deferment of benefits.
84-1321.	Employees; termination of employment; benefits; when; how computed; vesting; deferment of benefits.
84-1321.01.	Termination of employment; account forfeited; when; State Employer Retirement Expense Fund; created; use; investment.
84-1322.	Employees; reemployment; status; how treated; reinstatement; repay amount received.
84-1323.	Employees; death before retirement; death benefit; amount; direct transfer to retirement plan; death while performing qualified military service; additional death benefit.
84-1323.01.	Employee; retirement; disability; medical examination.
84-1324.	Retirement benefits; exemption from legal process; exception; payment for civil damages; conditions.
84-1330.	Elected officials and employees having regular term; act, when operative.
84-1331.	Act, how cited.

84-1301 Terms, defined.

For purposes of the State Employees Retirement Act, unless the context otherwise requires:

(1) Actuarial equivalent means the equality in value of the aggregate amounts expected to be received under different forms of an annuity payment. The mortality assumption used for purposes of converting the member cash balance account shall be the 1994 Group Annuity Mortality Table using a unisex rate that is fifty percent male and fifty percent female. For purposes of converting the member cash balance account attributable to contributions made prior to January 1, 1984, that were transferred pursuant to the act, the 1994 Group Annuity Mortality Table for males shall be used;

(2) Annuity means equal monthly payments provided by the retirement system to a member or beneficiary under forms determined by the board beginning the first day of the month after an annuity election is received in the office of the Nebraska Public Employees Retirement Systems or the first day of the month after the employee's termination of employment, whichever is later. The last payment shall be at the end of the calendar month in which the member dies or in accordance with the payment option chosen by the member;

(3) Annuity start date means the date upon which a member's annuity is first effective and shall be the first day of the month following the member's termination or following the date the application is received by the board, whichever is later;

(4) Cash balance benefit means a member's retirement benefit that is equal to an amount based on annual employee contribution credits plus interest credits and, if vested, employer contribution credits plus interest credits and dividend amounts credited in accordance with subdivision (4)(c) of section 84-1319;

(5)(a) Compensation means gross wages or salaries payable to the member for personal services performed during the plan year. Compensation does not include insurance premiums converted into cash payments, reimbursement for expenses incurred, fringe benefits, per diems, or bonuses for services not actually rendered, including, but not limited to, early retirement inducements, cash awards, and severance pay, except for retroactive salary payments paid pursuant to court order, arbitration, or litigation and grievance settlements. Compensation includes overtime pay, member retirement contributions, and amounts contributed by the member to plans under sections 125, 403(b), and 457 of the Internal Revenue Code or any other section of the code which defers or excludes such amounts from income.

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

(6) Date of disability means the date on which a member is determined to be disabled by the board;

(7) Defined contribution benefit means a member's retirement benefit from a money purchase plan in which member benefits equal annual contributions and earnings pursuant to section 84-1310 and, if vested, employer contributions and earnings pursuant to section 84-1311;

(8) Disability means an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or to be of long-continued and indefinite duration;

(9) Employee means any employee of the State Board of Agriculture who is a member of the state retirement system on July 1, 1982, and any person or officer employed by the State of Nebraska whose compensation is paid out of state funds or funds controlled or administered by a state department through any of its executive or administrative officers when acting exclusively in their respective official, executive, or administrative capacities. Employee does not include (a) judges as defined in section 24-701, (b) members of the Nebraska State Patrol, except for those members of the Nebraska State Patrol who elected pursuant to section 60-1304 to remain members of the State Employees Retirement System of the State of Nebraska, (c) employees of the University of Nebraska, (d) employees of the state colleges, (e) employees of community colleges, (f) employees of the Department of Labor employed prior to July 1, 1984, and paid from funds provided pursuant to Title III of the federal Social Security Act or funds from other federal sources, except that if the contributory retirement plan or contract let pursuant to section 48-609 is terminated, such employees shall become employees for purposes of the State Employees Retirement Act on the first day of the first pay period following the termination of such contributory retirement plan or contract, (g) employees of the State Board of Agriculture who are not members of the state retirement system on July 1, 1982, (h) the Nebraska National Guard air and army technicians, (i) persons eligible for membership under the School Employees Retirement System of the State of Nebraska who have not elected to become members of the retirement system pursuant to section 79-920 or been made members of the system pursuant to such section, except that those persons so eligible and who as of September 2, 1973, are contributing to the State Employees Retirement System of the State of Nebraska shall continue as members of such system, or (j) employees of the Coordinating Commission for Postsecondary Education who are eligible for and have elected to become members of a qualified retirement program approved by the commission which is commensurate with retirement programs at the University of Nebraska. Any individual appointed by the Governor may elect not to become a member of the State Employees Retirement System of the State of Nebraska;

(10) Employee contribution credit means an amount equal to the member contribution amount required by section 84-1308;

(11) Employer contribution credit means an amount equal to the employer contribution amount required by section 84-1309;

(12) Final account value means the value of a member's account on the date the account is either distributed to the member or used to purchase an annuity from the plan, which date shall occur as soon as administratively practicable after receipt of a valid application for benefits, but no sooner than forty-five days after the member's termination;

(13) Five-year break in service means five consecutive one-year breaks in service;

(14) Full-time employee means an employee who is employed to work one-half or more of the regularly scheduled hours during each pay period;

(15) Fund means the State Employees Retirement Fund created by section 84-1309;

(16) Guaranteed investment contract means an investment contract or account offering a return of principal invested plus interest at a specified rate. For investments made after July 19, 1996, guaranteed investment contract does not include direct obligations of the United States or its instrumentalities, bonds, participation certificates or other obligations of the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Government National Mortgage Association, or collateralized mortgage obligations and other derivative securities. This subdivision shall not be construed to require the liquidation of investment contracts or accounts entered into prior to July 19, 1996;

(17) Interest credit rate means the greater of (a) five percent or (b) the applicable federal mid-term rate, as published by the Internal Revenue Service as of the first day of the calendar quarter for which interest credits are credited, plus one and one-half percent, such rate to be compounded annually;

(18) Interest credits means the amounts credited to the employee cash balance account and the employer cash balance account at the end of each day. Such interest credit for each account shall be determined by applying the daily portion of the interest credit rate to the account balance at the end of the previous day. Such interest credits shall continue to be credited to the employee cash balance account and the employer cash balance account after a member ceases to be an employee, except that no such credit shall be made with respect to the employee cash balance account and the employer cash balance account for any day beginning on or after the member's date of final account value. If benefits payable to the member's surviving spouse or beneficiary are delayed after the member's death, interest credits shall continue to be credited to the employee cash balance account and the employer cash balance account until such surviving spouse or beneficiary commences receipt of a distribution from the plan;

(19) Member cash balance account means an account equal to the sum of the employee cash balance account and, if vested, the employer cash balance account and dividend amounts credited in accordance with subdivision (4)(c) of section 84-1319;

(20) One-year break in service means a plan year during which the member has not completed more than five hundred hours of service;

(21) Participation means qualifying for and making the required deposits to the retirement system during the course of a plan year;

(22) Part-time employee means an employee who is employed to work less than one-half of the regularly scheduled hours during each pay period;

(23) Plan year means the twelve-month period beginning on January 1 and ending on December 31;

(24) Prior service means service before January 1, 1964;

(25) Regular interest means the rate of interest earned each calendar year commencing January 1, 1975, as determined by the retirement board in conformity with actual and expected earnings on the investments through December 31, 1984;

(26) Required contribution means the deduction to be made from the compensation of employees as provided in section 84-1308;

(27) Retirement means qualifying for and accepting the retirement benefit granted under the State Employees Retirement Act after terminating employment;

(28) Retirement board or board means the Public Employees Retirement Board;

(29) Retirement system means the State Employees Retirement System of the State of Nebraska;

(30) Service means the actual total length of employment as an employee and shall not be deemed to be interrupted by (a) temporary or seasonal suspension of service that does not terminate the employee's employment, (b) leave of absence authorized by the employer for a period not exceeding twelve months, (c) leave of absence because of disability, or (d) military service, when properly authorized by the retirement board. Service does not include any period of disability for which disability retirement benefits are received under section 84-1317;

(31) State department means any department, bureau, commission, or other division of state government not otherwise specifically defined or exempted in the act, the employees and officers of which are not already covered by a retirement plan;

(32) Surviving spouse means (a) the spouse married to the member on the date of the member's death or (b) the spouse or former spouse of the member if survivorship rights are provided under a qualified domestic relations order filed with the board pursuant to the Spousal Pension Rights Act. The spouse or former spouse shall supersede the spouse married to the member on the date of the member's death as provided under a qualified domestic relations order. If the benefits payable to the spouse or former spouse under a qualified domestic relations order are less than the value of benefits entitled to the surviving spouse, the spouse married to the member on the date of the member's death shall be the surviving spouse for the balance of the benefits;

(33) Termination of employment occurs on the date on which the agency which employs the member determines that the member's employer-employee relationship with the State of Nebraska is dissolved. The agency which employs the member shall notify the board of the date on which such a termination has occurred. Termination of employment does not occur if an employee whose employer-employee relationship with the State of Nebraska is dissolved enters into an employer-employee relationship with the same or another agency of the State of Nebraska and there are less than one hundred twenty days between the date when the employee's employer-employee relationship ceased with the state and the date when the employer-employee relationship commenced with the same or another agency. It is the responsibility of the employer that is involved in the termination of employment to notify the board of such change in employment and provide the board with such information as the board deems necessary. If the board determines that termination of employment has not occurred and a retirement benefit has been paid to a member of the retirement system pursuant to section 84-1321, the board shall require the member who has received such benefit to repay the benefit to the retirement system; and

(34) Vesting credit means credit for years, or a fraction of a year, of participation in another Nebraska governmental plan for purposes of determining vesting of the employer account.

Source: Laws 1963, c. 532, § 1, p. 1667; Laws 1965, c. 574, § 1, p. 1864; Laws 1965, c. 573, § 1, p. 1861; Laws 1969, c. 584, § 116, p.

2420; Laws 1971, LB 987, § 33; Laws 1973, LB 498, § 1; Laws 1974, LB 905, § 8; Laws 1980, LB 818, § 3; Laws 1982, LB 942, § 8; Laws 1983, LB 223, § 4; Laws 1984, LB 747, § 6; Laws 1984, LB 751, § 1; Laws 1986, LB 325, § 15; Laws 1986, LB 529, § 54; Laws 1986, LB 311, § 29; Laws 1989, LB 506, § 19; Laws 1991, LB 549, § 60; Laws 1993, LB 417, § 6; Laws 1994, LB 1068, § 4; Laws 1996, LB 847, § 41; Laws 1996, LB 900, § 1070; Laws 1996, LB 1076, § 37; Laws 1996, LB 1273, § 30; Laws 1997, LB 624, § 35; Laws 1998, LB 1191, § 69; Laws 1999, LB 703, § 20; Laws 2000, LB 1192, § 22; Laws 2002, LB 407, § 54; Laws 2002, LB 470, § 10; Laws 2002, LB 687, § 18; Laws 2003, LB 451, § 23; Laws 2004, LB 1097, § 32; Laws 2006, LB 366, § 7; Laws 2006, LB 1019, § 14; Laws 2011, LB509, § 44; Laws 2012, LB916, § 33.

Effective date April 7, 2012.

Cross References

For provisions on Public Employees Retirement Board, see sections 84-1501 to 84-1513.
Spousal Pension Rights Act, see section 42-1101.

84-1302 State Employees Retirement System; established; operative date; official name; acceptance of contributions.

(1) An employees retirement system is hereby established for the purpose of providing a retirement annuity or other benefits for employees as provided by the State Employees Retirement Act and sections 84-1332 and 84-1333. The retirement system so created shall begin operation January 1, 1964. It shall be known as the State Employees Retirement System of the State of Nebraska and by such name shall transact all business and hold all cash and other property as provided in such sections.

(2) The retirement system shall not accept as contributions any money from members or the state except the following:

- (a) Mandatory contributions established by sections 84-1308 and 84-1309;
- (b) Money that is a repayment of refunded contributions made pursuant to section 84-1322;
- (c) Contributions for military service credit made pursuant to section 84-1325;
- (d) Actuarially required contributions pursuant to subdivision (4)(b) of section 84-1319;
- (e) Trustee-to-trustee transfers pursuant to section 84-1313.01; or
- (f) Corrections ordered by the board pursuant to section 84-1305.02.

Source: Laws 1963, c. 532, § 2, p. 1668; Laws 1991, LB 549, § 61; Laws 2003, LB 451, § 24; Laws 2009, LB188, § 9.

84-1307 Retirement system; membership; requirements; composition; exercise of option to join; effect; new employee; participation in another governmental plan; how treated; separate employment; effect.

(1) The membership of the retirement system shall be composed of all persons who are or were employed by the State of Nebraska and who maintain an account balance with the retirement system.

(2) The following employees of the State of Nebraska are authorized to participate in the retirement system: (a) All permanent full-time employees shall begin participation in the retirement system upon employment; and (b) all permanent part-time employees who have attained the age of eighteen years may exercise the option to begin participation in the retirement system. An employee who exercises the option to begin participation in the retirement system pursuant to this section shall remain in the retirement system until his or her termination of employment or retirement, regardless of any change of status as a permanent or temporary employee.

(3) On and after July 1, 2010, no employee shall be authorized to participate in the retirement system provided for in the State Employees Retirement Act unless the employee (a) is a United States citizen or (b) is a qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is lawfully present in the United States.

(4) For purposes of this section, (a) permanent full-time employees includes employees of the Legislature or Legislative Council who work one-half or more of the regularly scheduled hours during each pay period of the legislative session and (b) permanent part-time employees includes employees of the Legislature or Legislative Council who work less than one-half of the regularly scheduled hours during each pay period of the legislative session.

(5)(a) Within the first one hundred eighty days of employment, a full-time employee may apply to the board for vesting credit for years of participation in another Nebraska governmental plan, as defined by section 414(d) of the Internal Revenue Code. During the years of participation in the other Nebraska governmental plan, the employee must have been a full-time employee, as defined in the Nebraska governmental plan in which the credit was earned. The board may adopt and promulgate rules and regulations governing the assessment and granting of vesting credit.

(b) If the contributory retirement plan or contract let pursuant to section 48-609 is terminated, employees of the Department of Labor who are active participants in such contributory retirement plan or contract on the date of termination of such plan or contract shall be granted vesting credit for their years of participation in such plan or contract.

(6) Any employee who qualifies for membership in the retirement system pursuant to this section may not be disqualified for membership in the retirement system solely because such employee also maintains separate employment which qualifies the employee for membership in another public retirement system, nor may membership in this retirement system disqualify such an employee from membership in another public employment system solely by reason of separate employment which qualifies such employee for membership in this retirement system.

(7) State agencies shall ensure that employees authorized to participate in the retirement system pursuant to this section shall enroll and make required contributions to the retirement system immediately upon becoming an employee. Information necessary to determine membership in the retirement system shall be provided by the employer.

Source: Laws 1963, c. 532, § 7, p. 1670; Laws 1969, c. 842, § 1, p. 3177; Laws 1973, LB 492, § 1; Laws 1983, LB 219, § 1; Laws 1986, LB 325, § 16; Laws 1986, LB 311, § 30; Laws 1990, LB 834, § 1;

Laws 1995, LB 501, § 11; Laws 1996, LB 1076, § 38; Laws 1997, LB 624, § 36; Laws 1998, LB 1191, § 71; Laws 1999, LB 703, § 21; Laws 2000, LB 1192, § 24; Laws 2002, LB 407, § 55; Laws 2002, LB 687, § 20; Laws 2004, LB 1097, § 33; Laws 2006, LB 366, § 8; Laws 2008, LB1147, § 13; Laws 2009, LB188, § 10; Laws 2010, LB950, § 21; Laws 2011, LB509, § 45.

84-1309 State Employees Retirement Fund; established; amounts credited; disbursements; accounting of funds.

(1) There is hereby established in the state treasury a special fund to be known as the State Employees Retirement Fund to consist of such funds as the Legislature shall from time to time appropriate. The Director of Administrative Services shall credit an amount each month to the State Employees Retirement Fund equal to one hundred fifty-six percent of the amounts deducted, in accordance with section 84-1308, from the compensation of employees who are paid from funds appropriated from the General Fund.

(2) The Director of Administrative Services shall credit an amount each month to the State Employees Retirement Fund from the funds of each department with at least one employee who is a member of the retirement system for a sum equal to one hundred fifty-six percent of the amounts deducted, in accordance with section 84-1308, from the compensation of employees who are paid from any funds other than funds appropriated from the General Fund.

(3) The Director of Administrative Services shall credit an amount each month to the State Employees Retirement Fund for prior service benefits. After receiving the annual report required by section 84-1315, the Legislature may make such adjustments in the funding of prior service benefits as necessary to keep the plan sound. The contribution for prior service purposes shall cease when the prior service obligation is properly funded.

(4) The Department of Administrative Services may, for accounting purposes, create subfunds of the State Employees Retirement Fund to separately account for defined contribution plan assets and cash balance plan assets.

(5) The State Treasurer shall be the custodian of the funds and securities of the retirement system and may deposit the funds and securities in any financial institution approved by the Nebraska Investment Council. The State Treasurer shall transmit monthly to the board a detailed statement showing all credits to and disbursements from the fund. He or she shall disburse money from the fund only on warrants issued by the Director of Administrative Services upon vouchers signed by a person authorized by the retirement board.

Source: Laws 1963, c. 532, § 9, p. 1671; Laws 1967, c. 619, § 1, p. 2074; Laws 1969, c. 584, § 119, p. 2422; Laws 1971, LB 476, § 1; Laws 1971, LB 987, § 34; Laws 1981, LB 459, § 7; Laws 1984, LB 751, § 4; Laws 1991, LB 549, § 64; Laws 1997, LB 623, § 41; Laws 2012, LB916, § 34.
Effective date April 7, 2012.

84-1309.02 Cash balance benefit; election; effect; administrative services agreements; authorized.

(1) It is the intent of the Legislature that, in order to improve the competitiveness of the retirement plan for state employees, a cash balance benefit shall be

added to the State Employees Retirement Act on and after January 1, 2003. Each member who is employed and participating in the retirement system prior to January 1, 2003, may either elect to continue participation in the defined contribution benefit as provided in the act prior to January 1, 2003, or elect to participate in the cash balance benefit as set forth in this section. An active member shall make a one-time election beginning September 1, 2012, through October 31, 2012, in order to participate in the cash balance benefit. If no such election is made, the member shall be treated as though he or she elected to continue participating in the defined contribution benefit as provided in the act prior to January 1, 2003. Members who elect to participate in the cash balance benefit beginning September 1, 2012, through October 31, 2012, shall commence participation in the cash balance benefit on January 2, 2013. Any member who made the election prior to April 7, 2012, does not have to make another election of the cash balance benefit beginning September 1, 2012, through October 31, 2012.

(2) For a member employed and participating in the retirement system beginning on and after January 1, 2003, or a member employed and participating in the retirement system on January 1, 2003, who, prior to April 7, 2012, or beginning September 1, 2012, through October 31, 2012, elects to convert his or her employee and employer accounts to the cash balance benefit:

(a) Except as provided in subdivision (2)(b) of section 84-1321.01, the employee cash balance account within the State Employees Retirement Fund shall, at any time, be equal to the following:

(i) The initial employee account balance, if any, transferred from the defined contribution plan account described in section 84-1310; plus

(ii) Employee contribution credits deposited in accordance with section 84-1308; plus

(iii) Interest credits credited in accordance with subdivision (18) of section 84-1301; plus

(iv) Dividend amounts credited in accordance with subdivision (4)(c) of section 84-1319; and

(b) The employer cash balance account shall, at any time, be equal to the following:

(i) The initial employer account balance, if any, transferred from the defined contribution plan account described in section 84-1311; plus

(ii) Employer contribution credits deposited in accordance with section 84-1309; plus

(iii) Interest credits credited in accordance with subdivision (18) of section 84-1301; plus

(iv) Dividend amounts credited in accordance with subdivision (4)(c) of section 84-1319.

(3) In order to carry out the provisions of this section, the board may enter into administrative services agreements for accounting or record-keeping services. No agreement shall be entered into unless the board determines that it will result in administrative economy and will be in the best interests of the state and its participating employees. The board may develop a schedule for the allocation of the administrative services agreements costs for accounting or

record-keeping services and may assess the costs so that each member pays a reasonable fee as determined by the board.

Source: Laws 2002, LB 687, § 21; Laws 2003, LB 451, § 25; Laws 2005, LB 364, § 17; Laws 2006, LB 366, § 10; Laws 2006, LB 1019, § 16; Laws 2007, LB328, § 7; Laws 2009, LB188, § 11; Laws 2010, LB950, § 22; Laws 2011, LB509, § 46; Laws 2012, LB916, § 35.

Effective date April 7, 2012.

84-1310.01 Defined contribution benefit; employee account; investment options; procedures; administration.

(1) Each member employed and participating in the retirement system prior to January 1, 2003, who has elected not to participate in the cash balance benefit, shall be allowed to allocate all contributions to his or her employee account to various investment options. Such investment options shall include, but not be limited to, the following:

(a) An investor select account which shall be invested under the direction of the state investment officer with an asset allocation and investment strategy substantially similar to the investment allocations made by the state investment officer for the defined benefit plans under the retirement systems described in subdivision (1)(a) of section 84-1503. Investments shall most likely include domestic and international equities, fixed income investments, and real estate, as well as potentially additional asset classes;

(b) A stable return account which shall be invested by or under the direction of the state investment officer in one or more guaranteed investment contracts;

(c) An equities account which shall be invested by or under the direction of the state investment officer in equities;

(d) A balanced account which shall be invested by or under the direction of the state investment officer in equities and fixed income instruments;

(e) An index fund account which shall be invested by or under the direction of the state investment officer in a portfolio of common stocks designed to closely duplicate the total return of the Standard and Poor's division of The McGraw-Hill Companies, Inc., 500 Index;

(f) A fixed income account which shall be invested by or under the direction of the state investment officer in fixed income instruments;

(g) A money market account which shall be invested by or under the direction of the state investment officer in short-term fixed income securities; and

(h) Beginning on July 1, 2006, an age-based account which shall be invested under the direction of the state investment officer with an asset allocation and investment strategy that changes based upon the age of the member. The board shall develop an account mechanism that changes the investments as the employee nears retirement age. The asset allocation and asset classes utilized in the investments shall move from aggressive, to moderate, and then to conservative as retirement age approaches.

If a member fails to select an option or combination of options, all of his or her funds shall be placed in the option described in subdivision (b) of this subsection. Each member shall be given a detailed current description of each investment option prior to making or revising his or her allocation.

(2) Members of the retirement system may allocate their contributions to the investment options in percentage increments as set by the board in any proportion, including full allocation to any one option. A member under subdivision (1)(a) of section 84-1323 or his or her beneficiary may transfer any portion of his or her funds among the options, except for restrictions on transfers to or from the stable return account pursuant to rule or regulation. The board shall adopt and promulgate rules and regulations for changes of a member's allocation of contributions to his or her accounts after his or her most recent allocation and for transfers from one investment account to another.

(3) The board shall develop a schedule for the allocation of administrative costs of maintaining the various investment options and shall assess the costs so that each member pays a reasonable fee as determined by the board.

(4) In order to carry out the provisions of this section, the board may enter into administrative services agreements for accounting or record-keeping services. No agreement shall be entered into unless the board determines that it will result in administrative economy and will be in the best interests of the state and its participating employees.

(5) The state, the board, the state investment officer, the members of the Nebraska Investment Council, or the agency shall not be liable for any investment results resulting from the member's exercise of control over the assets in the employee account.

Source: Laws 1984, LB 751, § 11; Laws 1991, LB 549, § 66; Laws 1994, LB 833, § 47; Laws 1996, LB 847, § 44; Laws 1999, LB 703, § 22; Laws 2000, LB 1200, § 5; Laws 2001, LB 408, § 26; Laws 2002, LB 407, § 56; Laws 2002, LB 687, § 23; Laws 2005, LB 503, § 16; Laws 2008, LB1147, § 14; Laws 2010, LB950, § 23; Laws 2012, LB916, § 36.

Effective date April 7, 2012.

84-1311.03 Defined contribution benefit; employer account; investment options; procedures; administration.

(1) Each member employed and participating in the retirement system prior to January 1, 2003, who has elected not to participate in the cash balance benefit, shall be allowed to allocate all contributions to his or her employer account to various investment options. Such investment options shall be the same as the investment options of the employee account as provided in subsection (1) of section 84-1310.01. If a member fails to select an option or combination of options, all of his or her funds in the employer account shall be placed in the balanced account option described in subdivision (1)(d) of section 84-1310.01. Each member shall be given a detailed current description of each investment option prior to making or revising his or her allocation.

(2) Each member of the retirement system may allocate contributions to his or her employer account to the investment options in percentage increments as set by the board in any proportion, including full allocation to any one option. A member under subdivision (1)(a) of section 84-1323 or his or her beneficiary may transfer any portion of his or her funds among the options. The board shall adopt and promulgate rules and regulations for changes of a member's allocation of contributions to his or her accounts after his or her most recent allocation and for transfers from one investment account to another.

(3) The board shall develop a schedule for the allocation of administrative costs of maintaining the various investment options and shall assess the costs so that each member pays a reasonable fee as determined by the board.

(4) In order to carry out the provisions of this section, the board may enter into administrative services agreements for accounting or record-keeping services. No agreement shall be entered into unless the board determines that it will result in administrative economy and will be in the best interests of the state and its participating employees.

(5) The state, the board, the state investment officer, the members of the Nebraska Investment Council, or the agency shall not be liable for any investment results resulting from the member's exercise of control over the assets in the employer account.

Source: Laws 1999, LB 687, § 4; Laws 2000, LB 1200, § 6; Laws 2001, LB 408, § 27; Laws 2002, LB 407, § 57; Laws 2002, LB 687, § 25; Laws 2004, LB 1097, § 34; Laws 2005, LB 503, § 17; Laws 2008, LB1147, § 15; Laws 2010, LB950, § 24; Laws 2012, LB916, § 37.

Effective date April 7, 2012.

84-1312 Direct rollover; terms, defined; distributee; powers; board; duties.

(1) For purposes of this section and section 84-1313:

(a) Distributee means the member, the member's surviving spouse, or the member's former spouse who is an alternate payee under a qualified domestic relations order as defined in section 414(p) of the Internal Revenue Code;

(b) Direct rollover means a payment by the retirement system to the eligible retirement plan or plans specified by the distributee;

(c) Eligible retirement plan means (i) an individual retirement account described in section 408(a) of the Internal Revenue Code, (ii) an individual retirement annuity described in section 408(b) of the code, except for an endowment contract, (iii) a qualified plan described in section 401(a) of the code, (iv) an annuity plan described in section 403(a) or 403(b) of the code, (v) except for purposes of section 84-1313, an individual retirement plan described in section 408A of the code, and (vi) a plan described in section 457(b) of the code and maintained by a governmental employer. For eligible rollover distributions to a surviving spouse, an eligible retirement plan means subdivisions (1)(c)(i) through (vi) of this section; and

(d) Eligible rollover distribution means any distribution to a distributee of all or any portion of the balance to the credit of the distributee in the plan, except such term shall not include any distribution which is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life of the distributee or joint lives of the distributee and the distributee's beneficiary or for the specified period of ten years or more and shall not include any distribution to the extent such distribution is required under section 401(a)(9) of the Internal Revenue Code.

(2) For distributions made to a distributee on or after January 1, 1993, a distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee.

(3) A member's surviving spouse or former spouse who is an alternate payee under a qualified domestic relations order and, on or after January 1, 2010, any

designated beneficiary of a member who is not a surviving spouse or former spouse who is entitled to receive an eligible rollover distribution from the retirement system may, in accordance with such rules, regulations, and limitations as may be established by the board, elect to have such distribution made in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal Revenue Code.

(4) An eligible rollover distribution on behalf of a designated beneficiary of a member who is not a surviving spouse or former spouse of the member may be transferred to an individual retirement account or annuity described in section 408(a) or section 408(b) of the Internal Revenue Code that is established for the purpose of receiving the distribution on behalf of the designated beneficiary and that will be treated as an inherited individual retirement account or individual retirement annuity described in section 408(d)(3)(C) of the Internal Revenue Code.

(5) The board shall adopt and promulgate rules and regulations for direct rollover procedures which are consistent with section 401(a)(31) of the Internal Revenue Code and which include, but are not limited to, the form and time of direct rollover distributions.

Source: Laws 1996, LB 847, § 48; Laws 2002, LB 407, § 58; Laws 2012, LB916, § 38.
Effective date April 7, 2012.

84-1313.02 Retirement system; transfer eligible rollover distribution; conditions.

The retirement system may transfer any distribution of benefits to a member which is an eligible rollover distribution as defined in section 84-1312 in a direct rollover to the deferred compensation plan authorized under section 84-1504 if the following conditions are met:

- (1) The member has an amount of compensation deferred immediately after the rollover at least equal to the amount of compensation deferred immediately before the rollover;
- (2) The account of the member is valued as of the date of final account value;
- (3) The member is not eligible for additional annual deferrals in the receiving plan unless the member is performing services for the state; and
- (4) The deferred compensation plan provides for such rollovers.

Source: Laws 2009, LB188, § 12; Laws 2011, LB509, § 47.

84-1314 State Employees Defined Contribution Retirement Expense Fund; State Employees Cash Balance Retirement Expense Fund; created; use; investment.

(1) The State Employees Defined Contribution Retirement Expense Fund is created. The fund shall be credited with money from the retirement system assets and income sufficient to pay the pro rata share of administrative expenses incurred as directed by the board for the proper administration of the State Employees Retirement Act and necessary in connection with the administration and operation of the retirement system, except as provided in sections 84-1309.02, 84-1310.01, and 84-1311.03. 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.

(2) The State Employees Cash Balance Retirement Expense Fund is created. The fund shall be credited with money forfeited pursuant to section 84-1321.01 and with money from the retirement system assets and income sufficient to pay the pro rata share of administrative expenses incurred as directed by the board for the proper administration of the State Employees Retirement Act and necessary in connection with the administration and operation of the retirement system, except as provided in sections 84-1309.02, 84-1310.01, and 84-1311.03. 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.

Source: Laws 1997, LB 623, § 40; Laws 2000, LB 1200, § 7; Laws 2001, LB 408, § 28; Laws 2003, LB 451, § 26; Laws 2005, LB 364, § 18; Laws 2007, LB328, § 8; Laws 2010, LB950, § 25.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-1315 Auditor of Public Accounts; annual audit of retirement system; annual report.

It shall be the duty of the Auditor of Public Accounts to make an annual audit of the retirement system and an annual report to the retirement board and to the Clerk of the Legislature of the condition of the retirement system. The report submitted to the Clerk of the Legislature shall be submitted electronically. Each member of the Legislature shall receive an electronic copy of the report required by this section by making a request for such report to either the Auditor of Public Accounts or the retirement board.

Source: Laws 1963, c. 532, § 15, p. 1673; Laws 1971, LB 987, § 37; Laws 1972, LB 1072, § 1; Laws 1979, LB 322, § 75; Laws 1988, LB 1169, § 2; Laws 2012, LB782, § 232.

Operative date July 19, 2012.

84-1317 Employees; retirement date; application for benefits; deferment of benefits; board; duties.

(1) Upon filing an application for benefits with the board, an employee may elect to retire after the attainment of age fifty-five or an employee may retire as a result of disability at any age.

(2) The member shall specify in the application for benefits the manner in which he or she wishes to receive the retirement benefit under the options provided by the State Employees Retirement Act. Payment under the application for benefits shall be made (a) for annuities, no sooner than the annuity start date, and (b) for other distributions, no sooner than the date of final account value.

(3) Payment of any benefit provided under the retirement system may not be deferred later than April 1 of the year following the year in which the employee has both attained at least age seventy and one-half years and terminated his or her employment with the state, except that for members participating in the defined contribution benefit, no distribution is required to be made for the plan year commencing January 1, 2009, through December 31, 2009.

(4) The board shall make reasonable efforts to locate the member or the member's beneficiary and distribute benefits by the required beginning date as

specified by section 401(a)(9) of the Internal Revenue Code and the regulations issued thereunder. If the board is unable to make such a distribution, the benefit shall be distributed pursuant to the Uniform Disposition of Unclaimed Property Act and no amounts may be applied to increase the benefits any member would otherwise receive under the State Employees Retirement Act.

Source: Laws 1963, c. 532, § 17, p. 1673; Laws 1967, c. 619, § 2, p. 2075; Laws 1971, LB 360, § 1; Laws 1973, LB 498, § 4; Laws 1973, LB 55, § 1; Laws 1974, LB 740, § 2; Laws 1979, LB 391, § 7; Laws 1979, LB 161, § 3; Laws 1981, LB 288, § 1; Laws 1982, LB 287, § 5; Laws 1983, LB 604, § 25; Laws 1983, LB 219, § 2; Laws 1986, LB 325, § 17; Laws 1986, LB 311, § 32; Laws 1987, LB 296, § 4; Laws 1996, LB 1076, § 39; Laws 1997, LB 624, § 38; Laws 2003, LB 451, § 27; Laws 2009, LB188, § 13.

Cross References

Uniform Disposition of Unclaimed Property Act, see section 69-1329.

84-1319 Future service retirement benefits; when payable; how computed; selection of annuity; board; provide tax information; deferment of benefits.

(1) The future service retirement benefit shall be an annuity, payable monthly with the first payment made no earlier than the annuity start date, which shall be the actuarial equivalent of the retirement value as specified in section 84-1318 based on factors determined by the board, except that gender shall not be a factor when determining the amount of such payments except as provided in this section.

Except as provided in section 42-1107, at any time before the annuity start date, the retiring employee may choose to receive his or her annuity either in the form of an annuity as provided under subsection (4) of this section or any optional form that is determined acceptable by the board.

Except as provided in section 42-1107, in lieu of the future service retirement annuity, a retiring employee may receive a benefit not to exceed the amount in his or her employer and employee accounts as of the date of final account value payable in a lump sum and, if the employee chooses not to receive the entire amount in such accounts, an annuity equal to the actuarial equivalent of the remainder of the retirement value, and the employee may choose any form of such annuity as provided for by the board.

In any case, the amount of the monthly payment shall be such that the annuity chosen shall be the actuarial equivalent of the retirement value as specified in section 84-1318 except as provided in this section.

The board shall provide to any state employee who is eligible for retirement, prior to his or her selecting any of the retirement options provided by this section, information on the federal and state income tax consequences of the various annuity or retirement benefit options.

(2) Except as provided in subsection (4) of this section, the monthly annuity income payable to a member retiring on or after January 1, 1984, shall be as follows:

He or she shall receive at retirement the amount which may be purchased by the accumulated contributions based on annuity rates in effect on the annuity start date which do not utilize gender as a factor, except that such amounts shall not be less than the retirement income which can be provided by the sum

of the amounts derived pursuant to subdivisions (a) and (b) of this subsection as follows:

(a) The income provided by the accumulated contributions made prior to January 1, 1984, based on male annuity purchase rates in effect on the date of purchase; and

(b) The income provided by the accumulated contributions made on and after January 1, 1984, based on the annuity purchase rates in effect on the date of purchase which do not use gender as a factor.

(3) Any amounts, in excess of contributions, which may be required in order to purchase the retirement income specified in subsection (2) of this section shall be withdrawn from the State Equal Retirement Benefit Fund.

(4)(a) The normal form of payment shall be a single life annuity with five-year certain, which is an annuity payable monthly during the remainder of the member's life with the provision that, in the event of his or her death before sixty monthly payments have been made, the monthly payments will be continued to his or her estate or to the beneficiary he or she has designated until sixty monthly payments have been made in total. Such annuity shall be equal to the actuarial equivalent of the member cash balance account or the sum of the employee and employer accounts, whichever is applicable, as of the date of final account value. As a part of the annuity, the normal form of payment may include a two and one-half percent cost-of-living adjustment purchased by the member, if the member elects such a payment option.

Except as provided in section 42-1107, a member may elect a lump-sum distribution of his or her member cash balance account as of the date of final account value upon termination of service or retirement.

For a member employed and participating in the retirement system prior to January 1, 2003, who has elected to participate in the cash balance benefit pursuant to section 84-1309.02, or for a member employed and participating in the retirement system beginning on and after January 1, 2003, the balance of his or her member cash balance account as of the date of final account value shall be converted to an annuity using an interest rate used in the actuarial valuation as recommended by the actuary and approved by the board.

For an employee who is a member prior to January 1, 2003, who has elected not to participate in the cash balance benefit pursuant to section 84-1309.02, and who, at the time of retirement, chooses the annuity option rather than the lump-sum option, his or her employee and employer accounts as of the date of final account value shall be converted to an annuity using an interest rate that is equal to the lesser of (i) the Pension Benefit Guaranty Corporation initial interest rate for valuing annuities for terminating plans as of the beginning of the year during which payment begins plus three-fourths of one percent or (ii) the interest rate used in the actuarial valuation as recommended by the actuary and approved by the board.

(b) For the calendar year beginning January 1, 2003, and each calendar year thereafter, the actuary for the board shall perform an actuarial valuation of the system using the entry age actuarial cost method. Under this method, the actuarially required funding rate is equal to the normal cost rate plus the contribution rate necessary to amortize the unfunded actuarial accrued liability on a level-payment basis. The normal cost under this method shall be determined for each individual member on a level percentage of salary basis. The normal cost amount is then summed for all members. The initial unfunded

actual accrued liability as of January 1, 2003, if any, shall be amortized over a twenty-five-year period. During each subsequent actuarial valuation, changes in the unfunded actuarial accrued liability due to changes in benefits, actuarial assumptions, the asset valuation method, or actuarial gains or losses shall be measured and amortized over a twenty-five-year period beginning on the valuation date of such change. If the unfunded actuarial accrued liability under the entry age actuarial cost method is zero or less than zero on an actuarial valuation date, then all prior unfunded actuarial accrued liabilities shall be considered fully funded and the unfunded actuarial accrued liability shall be reinitialized and amortized over a twenty-five-year period as of the actuarial valuation date. If the actuarially required contribution rate exceeds the rate of all contributions required pursuant to the State Employees Retirement Act, there shall be a supplemental appropriation sufficient to pay for the difference between the actuarially required contribution rate and the rate of all contributions required pursuant to the act.

(c) If the unfunded accrued actuarial liability under the entry age actuarial cost method is less than zero on an actuarial valuation date, and on the basis of all data in the possession of the retirement board, including such mortality and other tables as are recommended by the actuary engaged by the retirement board and adopted by the retirement board, the retirement board may elect to pay a dividend to all members participating in the cash balance option in an amount that would not increase the actuarial contribution rate above ninety percent of the actual contribution rate. Dividends shall be credited to the employee cash balance account and the employer cash balance account based on the account balances on the actuarial valuation date. In the event a dividend is granted and paid after the actuarial valuation date, interest for the period from the actuarial valuation date until the dividend is actually paid shall be paid on the dividend amount. The interest rate shall be the interest credit rate earned on regular contributions.

(5) At the option of the retiring member, any lump sum or annuity provided under this section or section 84-1320 may be deferred to commence at any time, except that no benefit shall be deferred later than April 1 of the year following the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state, except that for members participating in the defined contribution benefit, no distribution is required to be made for the plan year commencing January 1, 2009, through December 31, 2009. Such election by the retiring member may be made at any time prior to the commencement of the lump-sum or annuity payments.

Source: Laws 1963, c. 532, § 19, p. 1674; Laws 1973, LB 498, § 5; Laws 1983, LB 210, § 2; Laws 1984, LB 751, § 7; Laws 1986, LB 325, § 18; Laws 1986, LB 311, § 33; Laws 1987, LB 308, § 1; Laws 1987, LB 60, § 4; Laws 1991, LB 549, § 70; Laws 1992, LB 543, § 2; Laws 1994, LB 1306, § 8; Laws 1996, LB 1273, § 31; Laws 2002, LB 687, § 27; Laws 2003, LB 451, § 29; Laws 2006, LB 1019, § 17; Laws 2007, LB328, § 9; Laws 2009, LB188, § 14; Laws 2012, LB916, § 39.
Effective date April 7, 2012.

84-1321 Employees; termination of employment; benefits; when; how computed; vesting; deferment of benefits.

(1) Except as provided in section 42-1107, upon termination of employment before becoming eligible for retirement under section 84-1317, a member may, upon application to the board, receive:

(a) If not vested, a termination benefit equal to the amount in his or her employee account or member cash balance account as of the date of final account value payable in a lump sum or an annuity with the lump-sum or first annuity payment made at any time after termination but no later than April 1 of the year following the year in which the member attains the age of seventy and one-half years, except that for members participating in the defined contribution benefit, no distribution is required to be made for the plan year commencing January 1, 2009, through December 31, 2009; or

(b) If vested, a termination benefit equal to (i) the amount of his or her member cash balance account as of the date of final account value payable in a lump sum or an annuity with the lump-sum or first annuity payment made at any time after termination but no later than April 1 of the year following the year in which the member attains the age of seventy and one-half years or (ii)(A) the amount in his or her employee account as of the date of final account value payable in a lump sum or an annuity with the lump-sum or first annuity payment made at any time after termination but no later than April 1 of the year following the year in which the member attains the age of seventy and one-half years plus (B) the amount of his or her employer account as of the date of final account value payable in a lump sum or an annuity with the lump-sum or first annuity payment made at any time after termination but no later than April 1 of the year following the year in which the member attains the age of seventy and one-half years. For purposes of subdivision (1)(b) of this section, for members participating in the defined contribution benefit, no distribution is required to be made for the plan year commencing January 1, 2009, through December 31, 2009.

The member cash balance account or employer and employee accounts of a terminating member shall be retained by the board, and the termination benefit shall be deferred until a valid application for benefits has been received.

(2) At the option of the terminating member, any lump sum of the vested portion of the employer account or member cash balance account or any annuity provided under subsection (1) of this section shall commence as of the first of the month at any time after such member has terminated his or her employment with the state or may be deferred, except that no benefit shall be deferred later than April 1 of the year following the year in which the employee has both attained at least seventy and one-half years of age and has terminated his or her employment with the state, except that for members participating in the defined contribution benefit, no distribution is required to be made for the plan year commencing January 1, 2009, through December 31, 2009. Such election by the terminating member shall be made at any time prior to the commencement of the lump-sum or annuity payments.

(3) Members of the retirement system shall be vested after a total of three years of participation in the system as a member pursuant to section 84-1307, including vesting credit. If an employee retires pursuant to section 84-1317, such an employee shall be fully vested in the retirement system.

Source: Laws 1963, c. 532, § 21, p. 1675; Laws 1973, LB 498, § 6; Laws 1975, LB 56, § 3; Laws 1983, LB 604, § 26; Laws 1983, LB 219, § 3; Laws 1984, LB 751, § 9; Laws 1986, LB 325, § 20; Laws

1986, LB 311, § 35; Laws 1987, LB 308, § 3; Laws 1987, LB 60, § 5; Laws 1991, LB 549, § 71; Laws 1993, LB 417, § 7; Laws 1994, LB 1306, § 9; Laws 1996, LB 1076, § 40; Laws 1996, LB 1273, § 32; Laws 1997, LB 624, § 39; Laws 2002, LB 687, § 28; Laws 2003, LB 451, § 31; Laws 2006, LB 366, § 11; Laws 2009, LB188, § 15.

84-1321.01 Termination of employment; account forfeited; when; State Employer Retirement Expense Fund; created; use; investment.

(1) For a member who has terminated employment and is not vested, the balance of the member's employer account or employer cash balance account shall be forfeited. The forfeited account shall be credited to the State Employees Retirement Fund and shall first be used to meet the expense charges incurred by the retirement board in connection with administering the retirement system, which charges shall be credited to the State Employees Defined Contribution Retirement Expense Fund, if the member participated in the defined contribution option, or to the State Employees Cash Balance Retirement Expense Fund, if the member participated in the cash balance option, and the remainder, if any, shall then be used to restore employer accounts or employer cash balance accounts. Except as provided in subdivision (4)(c) of section 84-1319, no forfeited amounts shall be applied to increase the benefits any member would otherwise receive under the State Employees Retirement Act.

(2)(a) If a member ceases to be an employee due to the termination of his or her employment by the state and a grievance or other appeal of the termination is filed, transactions involving forfeiture of his or her employer account or employer cash balance account and, except as provided in subdivision (b) of this subsection, transactions for payment of benefits under sections 84-1317 and 84-1321 shall be suspended pending the final outcome of the grievance or other appeal.

(b) If a member elects to receive benefits payable under sections 84-1317 and 84-1321 after a grievance or appeal is filed, the member may receive an amount up to the balance of his or her employee account or member cash balance account or twenty-five thousand dollars payable from the employee account or member cash balance account, whichever is less.

(3) The State Employer Retirement Expense Fund is created. The fund shall be administered by the Public Employees Retirement Board. Prior to July 1, 2012, the fund shall be used to meet expenses of the State Employees Retirement System of the State of Nebraska whether such expenses are incurred in administering the member's employer account or in administering the member's employer cash balance account when the funds available in the State Employees Defined Contribution Retirement Expense Fund or State Employees Cash Balance Retirement Expense Fund make such use reasonably necessary. On July 1, 2012, or as soon as practicable thereafter, any money in the State Employer Retirement Expense Fund shall be transferred by the State Treasurer to the State Employees Retirement Fund and credited to the cash balance benefit established in section 84-1309.02.

(4) Prior to July 1, 2012, the director of the Nebraska Public Employees Retirement Systems shall certify to the Accounting Administrator of the Department of Administrative Services when accumulated employer account forfeiture

funds are available to reduce the state contribution which would otherwise be required to fund future service retirement benefits or to restore employer accounts or employer cash balance accounts referred to in subsection (1) of this section. Following such certification, the Accounting Administrator shall transfer the amount reduced from the state contribution from the Imprest Payroll Distributive Fund to the State Employer Retirement Expense Fund. Expenses incurred as a result of the state depositing amounts into the State Employer Retirement Expense Fund shall be deducted prior to any additional expenses being allocated. Any remaining amount shall be allocated in accordance with subsection (3) of this section. Any money in the State Employer Retirement Expense 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.

Source: Laws 1997, LB 624, § 40; Laws 2000, LB 1200, § 8; Laws 2002, LB 687, § 29; Laws 2003, LB 451, § 32; Laws 2005, LB 364, § 19; Laws 2007, LB328, § 10; Laws 2010, LB950, § 26; Laws 2011, LB509, § 48; Laws 2012, LB916, § 40.
Effective date April 7, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-1322 Employees; reemployment; status; how treated; reinstatement; repay amount received.

(1) Except as otherwise provided in this section, a member of the retirement system who has a five-year break in service shall upon reemployment be considered a new employee with respect to the State Employees Retirement Act and shall not receive credit for service prior to his or her reemployment date.

(2)(a) A member who ceases to be an employee before becoming eligible for retirement under section 84-1317 and again becomes a permanent full-time or permanent part-time state employee prior to having a five-year break in service shall immediately be reenrolled in the retirement system and resume making contributions. For purposes of vesting employer contributions made prior to and after reentry into the retirement system under subsection (3) of section 84-1321, years of participation include years of participation prior to such employee's original termination. For a member who is not vested and has received a termination benefit pursuant to section 84-1321, the years of participation prior to such employee's original termination shall be limited in a ratio equal to the amount that the member repays divided by the termination benefit withdrawn pursuant to section 84-1321. This subsection shall apply whether or not the person was a state employee on April 20, 1986, or July 17, 1986.

(b) The reemployed member may repay the value of, or a portion of the value of, the termination benefit withdrawn pursuant to section 84-1321. A reemployed member who elects to repay all or a portion of the value of the termination benefit withdrawn pursuant to section 84-1321 shall repay the actual earnings on such value. Repayment of the termination benefit shall commence within three years after reemployment and shall be completed within five years after reemployment or prior to termination of employment, whichever occurs first, through (i) direct payments to the retirement system, (ii) installment payments made pursuant to a binding irrevocable payroll deduction

authorization made by the member, (iii) an eligible rollover distribution as provided under the Internal Revenue Code, or (iv) a direct rollover distribution made in accordance with section 401(a)(31) of the Internal Revenue Code.

(c) The value of the member's forfeited employer account or employer cash balance account, as of the date of forfeiture, shall be restored in a ratio equal to the amount of the benefit that the member has repaid divided by the termination benefit received. The employer account or employer cash balance account shall be restored first out of the current forfeiture amounts and then by additional employer contributions.

(3) For a member who retired pursuant to section 84-1317 and becomes a permanent full-time employee or permanent part-time employee with the state more than one hundred twenty days after his or her retirement date, the member shall continue receiving retirement benefits. Such a retired member or a retired member who received a lump-sum distribution of his or her benefit shall be considered a new employee as of the date of reemployment and shall not receive credit for any service prior to the member's retirement for purposes of the act.

(4) A member who is reinstated as an employee pursuant to a grievance or appeal of his or her termination by the state shall be a member upon reemployment and shall not be considered to have a break in service for such period of time that the grievance or appeal was pending. Following reinstatement, the member shall repay the value of the amount received from his or her employee account or member cash balance account under subdivision (2)(b) of section 84-1321.01.

Source: Laws 1963, c. 532, § 22, p. 1676; Laws 1986, LB 325, § 21; Laws 1986, LB 311, § 36; Laws 1991, LB 549, § 72; Laws 1997, LB 624, § 41; Laws 1999, LB 703, § 24; Laws 2002, LB 407, § 60; Laws 2002, LB 687, § 30; Laws 2003, LB 451, § 33; Laws 2004, LB 1097, § 35; Laws 2007, LB328, § 11; Laws 2008, LB1147, § 16; Laws 2011, LB509, § 49.

84-1323 Employees; death before retirement; death benefit; amount; direct transfer to retirement plan; death while performing qualified military service; additional death benefit.

(1) In the event of the death before his or her retirement date of any employee who is a member of the system, the death benefit shall be equal to (a) for participants in the defined contribution benefit, the total of the employee account and the employer account and (b) for participants in the cash balance benefit, the benefit provided in section 84-1309.02. The death benefit shall be paid to the member's beneficiary, to an alternate payee pursuant to a qualified domestic relations order as provided in section 42-1107, or to the member's estate if there are no designated beneficiaries. If the beneficiary is not the member's surviving spouse, the death benefit shall be paid as a lump-sum payment or payments, except that the entire account must be distributed by the fifth anniversary of the member's death. If the sole primary beneficiary is the member's surviving spouse, the surviving spouse may elect to receive an annuity calculated as if the member retired and selected a one-hundred-percent joint and survivor annuity effective on the annuity purchase date. If the surviving spouse does not elect the annuity option within one hundred eighty days after the death of the member, the surviving spouse shall receive a lump-

sum payment or payments, except that the entire account must be distributed by the fifth anniversary of the member's death.

(2) A lump-sum death benefit paid to the member's beneficiary, other than the member's estate, that is an eligible distribution may be distributed in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal Revenue Code.

(3) For any member whose death occurs on or after January 1, 2007, while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member's beneficiary shall be entitled to any additional death benefit that would have been provided, other than the accrual of any benefit relating to the period of qualified military service. The additional death benefit shall be determined as if the member had returned to employment with the State of Nebraska and such employment had terminated on the date of the member's death.

Source: Laws 1963, c. 532, § 23, p. 1676; Laws 1973, LB 498, § 7; Laws 1984, LB 751, § 10; Laws 1994, LB 1306, § 10; Laws 1996, LB 1273, § 33; Laws 2002, LB 687, § 31; Laws 2003, LB 451, § 34; Laws 2004, LB 1097, § 36; Laws 2009, LB188, § 16; Laws 2012, LB916, § 41.

Effective date April 7, 2012.

84-1323.01 Employee; retirement; disability; medical examination.

(1) Any member who is an employee, disregarding the length of service, may be retired as a result of disability either upon the member's own application or upon the application of the member's employer or any person acting in the member's behalf. Before any member may be so retired, a medical examination shall be made at the expense of the retirement system, which examination shall be conducted by a disinterested physician legally authorized to practice medicine under the laws of the state in which he or she practices, such physician to be selected by the retirement board, and the physician shall certify to the board that the member suffers from an inability to engage in a substantially gainful activity by reason of any medically determinable physical or mental impairment which began while the member was a participant in the plan and which can be expected to result in death or to be of long-continued and indefinite duration and should be retired. The application for disability retirement shall be made within one year of termination of employment.

(2) The retirement board may require any disability beneficiary who has not attained the age of fifty-five to undergo a medical examination at the expense of the board once each year. If any disability beneficiary refuses to undergo such an examination, the disability retirement benefit may be discontinued by the board.

Source: Laws 1973, LB 498, § 8; Laws 1993, LB 417, § 8; Laws 1997, LB 623, § 44; Laws 1999, LB 703, § 25; Laws 2001, LB 408, § 29; Laws 2010, LB950, § 27.

84-1324 Retirement benefits; exemption from legal process; exception; payment for civil damages; conditions.

(1) Except as provided in subsection (2) of this section, all annuities or benefits which any person shall be entitled to receive under the State Employees Retirement Act shall not be subject to garnishment, attachment, levy, the

operation of bankruptcy or insolvency laws, or any other process of law whatsoever and shall not be assignable except to the extent that such annuities or benefits are subject to a qualified domestic relations order under the Spousal Pension Rights Act. The payment of any annuities or benefits subject to such order shall take priority over any payment made pursuant to subsection (2) of this section.

(2) If a member of the retirement system is convicted of or pleads no contest to a felony that is defined as assault, sexual assault, kidnapping, child abuse, false imprisonment, or theft by embezzlement and is found liable for civil damages as a result of such felony, following distribution of the member's annuities or benefits from the retirement system, the court may order the payment of the member's annuities or benefits under the retirement system for such civil damages, except that the annuities or benefits to the extent reasonably necessary for the support of the member or any of his or her beneficiaries shall be exempt from such payment. Any order for payment of annuities or benefits shall not be stayed on the filing of any appeal of the conviction. If the conviction is reversed on final judgment, all annuities or benefits paid as civil damages shall be forfeited and returned to the member. The changes made to this section by Laws 2012, LB916, shall apply to persons convicted of or who have pled no contest to such a felony and who have been found liable for civil damages as a result of such felony prior to, on, or after April 7, 2012.

Source: Laws 1963, c. 532, § 24, p. 1676; Laws 1986, LB 311, § 37; Laws 1989, LB 506, § 20; Laws 1996, LB 1273, § 34; Laws 2012, LB916, § 42.

Effective date April 7, 2012.

Cross References

Spousal Pension Rights Act, see section 42-1101.

84-1330 Elected officials and employees having regular term; act, when operative.

The provisions of the State Employees Retirement Act pertaining to elected officials or other employees having a regular term of office shall be interpreted as to effectuate its general purpose and to take effect as soon as the same may become operative under the Constitution of the State of Nebraska.

Source: Laws 1963, c. 532, § 30, p. 1677; Laws 2009, LB188, § 17.

84-1331 Act, how cited.

Sections 84-1301 to 84-1331 shall be known and may be cited as the State Employees Retirement Act.

Source: Laws 1963, c. 532, § 31, p. 1677; Laws 1984, LB 751, § 12; Laws 1991, LB 549, § 73; Laws 1994, LB 833, § 53; Laws 1995, LB 501, § 13; Laws 1996, LB 847, § 50; Laws 1996, LB 1076, § 43; Laws 1997, LB 623, § 45; Laws 1997, LB 624, § 42; Laws 1998, LB 1191, § 77; Laws 1999, LB 687, § 6; Laws 2002, LB 407, § 62; Laws 2002, LB 687, § 32; Laws 2009, LB188, § 18.

ARTICLE 14

PUBLIC MEETINGS

Section

84-1409. Terms, defined.

84-1410. Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

84-1411. Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

84-1413. Meetings; minutes; roll call vote; secret ballot; when.

84-1409 Terms, defined.

For purposes of the Open Meetings Act, unless the context otherwise requires:

(1)(a) Public body means (i) governing bodies of all political subdivisions of the State of Nebraska, (ii) governing bodies of all agencies, created by the Constitution of Nebraska, statute, or otherwise pursuant to law, of the executive department of the State of Nebraska, (iii) all independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies created by the Constitution of Nebraska, statute, or otherwise pursuant to law, (iv) all study or advisory committees of the executive department of the State of Nebraska whether having continuing existence or appointed as special committees with limited existence, (v) advisory committees of the bodies referred to in subdivisions (i), (ii), and (iii) of this subdivision, and (vi) instrumentalities exercising essentially public functions; and

(b) Public body does not include (i) subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy, or taking formal action on behalf of their parent body, except that all meetings of any subcommittee established under section 81-15,175 are subject to the Open Meetings Act, and (ii) entities conducting judicial proceedings unless a court or other judicial body is exercising rulemaking authority, deliberating, or deciding upon the issuance of administrative orders;

(2) Meeting means all regular, special, or called meetings, formal or informal, of any public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action of the public body; and

(3) Videoconferencing means conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Source: Laws 1975, LB 325, § 2; Laws 1983, LB 43, § 1; Laws 1989, LB 429, § 42; Laws 1989, LB 311, § 14; Laws 1992, LB 1019, § 124; Laws 1993, LB 635, § 1; Laws 1996, LB 1044, § 978; Laws 1997, LB 798, § 37; Laws 2004, LB 821, § 36; Laws 2007, LB296, § 810; Laws 2011, LB366, § 2.

84-1410 Closed session; when; purpose; reasons listed; procedure; right to challenge; prohibited acts; chance meetings, conventions, or workshops.

(1) Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close. Closed sessions may be held for, but shall not be limited to, such reasons as:

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;

(b) Discussion regarding deployment of security personnel or devices;

(c) Investigative proceedings regarding allegations of criminal misconduct;

(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting;

(e) For the Community Trust created under section 81-1801.02, discussion regarding the amounts to be paid to individuals who have suffered from a tragedy of violence or natural disaster; or

(f) For public hospitals, governing board peer review activities, professional review activities, review and discussion of medical staff investigations or disciplinary actions, and any strategy session concerning transactional negotiations with any referral source that is required by federal law to be conducted at arms length.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the motion to close as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1)(a) of this section.

(3) Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (a) the protection of the public interest or (b) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting, and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the Open Meetings Act. No closed session, informal meeting, chance meeting, social gathering, email, fax, or other electronic communication shall be used for the purpose of circumventing the requirements of the act.

(5) The act does not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened, if there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

Source: Laws 1975, LB 325, § 3; Laws 1983, LB 43, § 2; Laws 1985, LB 117, § 1; Laws 1992, LB 1019, § 125; Laws 1994, LB 621, § 1; Laws 1996, LB 900, § 1072; Laws 2004, LB 821, § 37; Laws 2004, LB 1179, § 1; Laws 2006, LB 898, § 1; Laws 2011, LB390, § 29; Laws 2012, LB995, § 17.

Effective date April 6, 2012.

84-1411 Meetings of public body; notice; contents; when available; right to modify; duties concerning notice; videoconferencing or telephone conferencing authorized; emergency meeting without notice; appearance before public body.

(1) Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four hours before the scheduled commencement of the meeting or (b) forty-eight hours before the scheduled commencement of a meeting of a city council or village board scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(2) A meeting of a state agency, state board, state commission, state council, or state committee, of an advisory committee of any such state entity, of an organization created under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a public power district having a chartered territory of more than one county in this state, of the governing body of a public power and irrigation district having a chartered territory of more than one county in this state, of a board of an educational service unit, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, or of a community college board of governors may be held by means of videoconferencing or, in the case of the Judicial Resources Commission in those cases specified in section 24-1204, by telephone conference, if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing or telephone conferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference or telephone conference;
- (d) At least one member of the state entity, advisory committee, board, or governing body is present at each site of the videoconference or telephone conference; and
- (e) No more than one-half of the state entity's, advisory committee's, board's, or governing body's meetings in a calendar year are held by videoconference or telephone conference.

Videoconferencing, telephone conferencing, or conferencing by other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(3) A meeting of a board of an educational service unit, of the governing body of an entity formed under the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act, of the governing body of a risk management pool or its advisory committees organized in accordance with the Intergovernmental Risk Management Act, of a community college board of governors, of the governing body of a public power district, or of the governing body of a public power and irrigation district may be held by telephone conference call if:

- (a) The territory represented by the educational service unit, community college board of governors, public power district, public power and irrigation district, or member public agencies of the entity or pool covers more than one county;
- (b) Reasonable advance publicized notice is given which identifies each telephone conference location at which an educational service unit board member, a member of a community college board of governors, a member of the governing body of a public power district, a member of the governing body of a public power and irrigation district, or a member of the entity's or pool's governing body will be present;
- (c) All telephone conference meeting sites identified in the notice are located within public buildings used by members of the educational service unit board, community college board of governors, governing body of the public power district, governing body of the public power and irrigation district, or entity or pool or at a place which will accommodate the anticipated audience;
- (d) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if a telephone conference call was not used;
- (e) At least one copy of all documents being considered is available to the public at each site of the telephone conference call;
- (f) At least one member of the educational service unit board, community college board of governors, governing body of the public power district,

governing body of the public power and irrigation district, or governing body of the entity or pool is present at each site of the telephone conference call identified in the public notice;

(g) The telephone conference call lasts no more than one hour; and

(h) No more than one-half of the board's, governing body's, entity's, or pool's meetings in a calendar year are held by telephone conference call, except that a governing body of a risk management pool that meets at least quarterly and the advisory committees of the governing body may each hold more than one-half of its meetings by telephone conference call if the governing body's quarterly meetings are not held by telephone conference call or videoconferencing.

Nothing in this subsection shall prevent the participation of consultants, members of the press, and other nonmembers of the governing body at sites not identified in the public notice. Telephone conference calls, emails, faxes, or other electronic communication shall not be used to circumvent any of the public government purposes established in the Open Meetings Act.

(4) The secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(5) When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of subsection (4) of this section shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(6) A public body may allow a member of the public or any other witness other than a member of the public body to appear before the public body by means of video or telecommunications equipment.

Source: Laws 1975, LB 325, § 4; Laws 1983, LB 43, § 3; Laws 1987, LB 663, § 25; Laws 1993, LB 635, § 2; Laws 1996, LB 469, § 6; Laws 1996, LB 1161, § 1; Laws 1999, LB 47, § 2; Laws 1999, LB 87, § 100; Laws 1999, LB 461, § 1; Laws 2000, LB 968, § 85; Laws 2004, LB 821, § 38; Laws 2004, LB 1179, § 2; Laws 2006, LB 898, § 2; Laws 2007, LB199, § 9; Laws 2009, LB361, § 2; Laws 2012, LB735, § 1.

Effective date July 19, 2012.

Cross References

Intergovernmental Risk Management Act, see section 44-4301.

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Municipal Cooperative Financing Act, see section 18-2401.

84-1413 Meetings; minutes; roll call vote; secret ballot; when.

(1) Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

(2) Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall

state how each member voted or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by a municipality, a county, a learning community, a joint entity created pursuant to the Interlocal Cooperation Act, a joint public agency created pursuant to the Joint Public Agency Act, or an agency formed under the Municipal Cooperative Financing Act which utilizes an electronic voting device which allows the yeas and nays of each member of such city council, village board, county board, or governing body to be readily seen by the public.

(3) The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes.

(4) The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours.

(5) Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except that cities of the second class and villages may have an additional ten working days if the employee responsible for writing the minutes is absent due to a serious illness or emergency.

Source: Laws 1975, LB 325, § 6; Laws 1978, LB 609, § 3; Laws 1979, LB 86, § 9; Laws 1987, LB 663, § 26; Laws 2005, LB 501, § 1; Laws 2009, LB361, § 3.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Municipal Cooperative Financing Act, see section 18-2401.

ARTICLE 15

PUBLIC EMPLOYEES RETIREMENT BOARD

Section

- 84-1501. Public Employees Retirement Board; created; members; qualifications; appointment; terms; expenses; removal.
- 84-1503. Board; duties.
- 84-1504. Deferred compensation; treatment; participation; requirements.
- 84-1505. Deferred compensation; treatment; investment; payment for civil damages; conditions.
- 84-1511. Board; establish preretirement planning program; for whom; required information; funding; attendance; fee.
- 84-1512. Board; access to records; director; duties; employer education program.

84-1501 Public Employees Retirement Board; created; members; qualifications; appointment; terms; expenses; removal.

(1) The Public Employees Retirement Board is hereby established.

(2)(a) The board shall consist of eight appointed members as described in this subsection and the state investment officer as a nonvoting, ex officio member. Six of the appointed members shall be active or retired participants in the retirement systems administered by the board, and two of the appointed members (i) shall not be employees of the State of Nebraska or any of its political subdivisions and (ii) shall have at least ten years of experience in the management of a public or private organization or have at least five years of

experience in the field of actuarial analysis or the administration of an employee benefit plan.

(b) The six appointed members who are participants in the systems shall be as follows:

(i) Two of the appointed members shall be participants in the School Employees Retirement System of the State of Nebraska and shall include one administrator and one teacher;

(ii) One of the appointed members shall be a participant in the Nebraska Judges Retirement System as provided in the Judges Retirement Act;

(iii) One of the appointed members shall be a participant in the Nebraska State Patrol Retirement System;

(iv) One of the appointed members shall be a participant in the Retirement System for Nebraska Counties; and

(v) One of the appointed members shall be a participant in the State Employees Retirement System of the State of Nebraska.

(c) Appointments to the board shall be made by the Governor and shall be subject to the approval of the Legislature. All appointed members shall be citizens of the State of Nebraska.

(3) All members shall serve for terms of five years or until a successor has been appointed and qualified. The terms shall begin on January 1 of the appropriate year. The members of the board shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177. The appointed members of the board may be removed by the Governor for cause after notice and an opportunity to be heard.

Source: Laws 1971, LB 987, § 1; Laws 1973, LB 250, § 1; Laws 1975, LB 36, § 1; Laws 1981, LB 204, § 216; Laws 1987, LB 59, § 1; Laws 1989, LB 418, § 1; Laws 1996, LB 847, § 51; Laws 1997, LB 623, § 46; Laws 2004, LB 1097, § 38; Laws 2005, LB 364, § 20; Laws 2011, LB509, § 50.

Cross References

Judges Retirement Act, see section 24-701.01.

84-1503 Board; duties.

(1) It shall be the duty of the Public Employees Retirement Board:

(a) To administer 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. The agency for the administration of the retirement systems and under the direction of the board shall be known and may be cited as the Nebraska Public Employees Retirement Systems;

(b) To appoint a director to administer the systems under the direction of the board. The appointment shall be subject to the approval of the Governor and a majority of the Legislature. The director shall be qualified by training and have at least five years of experience in the administration of a qualified public or private employee retirement plan. The director shall not be a member of the board. The salary of the director shall be set by the board. The director shall serve without term and may be removed by the board;

(c) To provide for an equitable allocation of expenses among the retirement systems administered by the board, and all expenses shall be provided from the investment income earned by the various retirement funds unless alternative sources of funds to pay expenses are specified by law;

(d) To administer the deferred compensation program authorized in section 84-1504;

(e) To hire an attorney, admitted to the Nebraska State Bar Association, to advise the board in the administration of the retirement systems listed in subdivision (a) of this subsection;

(f) To hire an internal auditor to perform the duties described in section 84-1503.04 who meets the minimum standards as described in section 84-304.03;

(g) To adopt and implement procedures for reporting information by employers, as well as testing and monitoring procedures in order to verify the accuracy of such information. The information necessary to determine membership shall be provided by the employer. The board shall adopt and promulgate rules and regulations and prescribe such forms necessary to carry out this subdivision. Nothing in this subdivision shall be construed to require the board to conduct onsite audits of political subdivisions for compliance with statutes, rules, and regulations governing the retirement systems listed in subdivision (1)(a) of this section regarding membership and contributions; and

(h) To prescribe and furnish forms for the public retirement system plan reports required to be filed pursuant to sections 2-3228, 12-101, 14-567, 14-1805.01, 14-2111, 15-1017, 16-1017, 16-1037, 19-3501, 23-1118, 23-3526, 71-1631.02, and 79-987.

(2) In administering the retirement systems listed in subdivision (1)(a) of this section, it shall be the duty of the board:

(a) To determine, based on information provided by the employer, the prior service annuity, if any, for each person who is an employee of the county on the date of adoption of the retirement system;

(b) To determine the eligibility of an individual to be a member of the retirement system and other questions of fact in the event of a dispute between an individual and the individual's employer;

(c) To adopt and promulgate rules and regulations for the management of the board;

(d) To keep a complete record of all proceedings taken at any meeting of the board;

(e) To obtain, by a competitive, formal, and sealed bidding process through the materiel division of the Department of Administrative Services, actuarial services on behalf of the State of Nebraska as may be necessary in the administration and development of the retirement systems. Any contract for actuarial services shall contain a provision allowing the actuary, without prior approval of the board, to perform actuarial studies of the systems as requested by entities other than the board, if notice, which does not identify the entity or substance of the request, is given to the board, all costs are paid by the requesting entity, results are provided to the board, the Nebraska Retirement Systems Committee of the Legislature, and the Legislative Fiscal Analyst upon being made public, and such actuarial studies do not interfere with the actuary's ongoing responsibility to the board. The term of the contract shall be

for up to three years. A competitive, formal, and sealed bidding process shall be completed at least once every three years, unless the board determines that such a process would not be cost effective under the circumstances and that the actuarial services performed have been satisfactory, in which case the contract may also contain an option for renewal without a competitive, formal, and sealed bidding process for up to three additional years. An actuary under contract for the State of Nebraska shall be a member of the American Academy of Actuaries;

(f) To direct the State Treasurer to transfer funds, as an expense of the retirement systems, to the Legislative Council Retirement Study Fund. Such transfer shall occur beginning on or after July 1, 2005, and at intervals of not less than five years and not more than fifteen years and shall be in such amounts as the Legislature shall direct;

(g) To adopt and promulgate rules and regulations to carry out the provisions of each retirement system described in subdivision (1)(a) of this section, which includes, but is not limited to, the crediting of military service, direct rollover distributions, and the acceptance of rollovers;

(h) To obtain, by a competitive, formal, and sealed bidding process through the materiel division of the Department of Administrative Services, auditing services for a separate compliance audit of the retirement systems to be completed by December 31, 2012, and from time to time thereafter at the request of the Nebraska Retirement Systems Committee of the Legislature, to be completed not more than every four years but not less than every ten years. The compliance audit shall be in addition to the annual audit conducted by the Auditor of Public Accounts. The compliance audit shall include, but not be limited to, an examination of records, files, and other documents and an evaluation of all policies and procedures to determine compliance with all state and federal laws. A copy of the compliance audit shall be given to the Governor, the board, and the Nebraska Retirement Systems Committee of the Legislature and shall be presented to the committee at a public hearing;

(i) To adopt and promulgate rules and regulations for the adjustment of contributions or benefits, which includes, but is not limited to: (i) The procedures for refunding contributions, adjusting future contributions or benefit payments, and requiring additional contributions or repayment of benefits; (ii) the process for a member, member's beneficiary, employee, or employer to dispute an adjustment to contributions or benefits; (iii) establishing materiality and de minimus amounts for agency transactions, adjustments, and inactive account closures; and (iv) notice provided to all affected persons. Following an adjustment, a timely notice shall be sent that describes the adjustment and the process for disputing an adjustment to contributions or benefits; and

(j) To administer all retirement system plans in a manner which will maintain each plan's status as a qualified plan pursuant to the Internal Revenue Code, as defined in section 49-801.01, including: Section 401(a)(9) of the Internal Revenue Code relating to the time and manner in which benefits are required to be distributed, including the incidental death benefit distribution requirement of section 401(a)(9)(G) of the Internal Revenue Code; section 401(a)(16) of the Internal Revenue Code relating to the specification of actuarial assumptions; section 401(a)(31) of the Internal Revenue Code relating to direct rollover distributions from eligible retirement plans; and section 401(a)(37) of the Internal Revenue Code relating to the death benefit of a member whose death

occurs while performing qualified military service. The board shall adopt and promulgate rules and regulations necessary or appropriate to maintain such status including, but not limited to, rules or regulations which restrict discretionary or optional contributions to a plan or which limit distributions from a plan.

(3) By March 31 of each year, the board shall prepare a written plan of action and shall present such plan to the Nebraska Retirement Systems Committee of the Legislature at a public hearing. The plan shall include, but not be limited to, the board's funding policy, the administrative costs and other fees associated with each fund and plan overseen by the board, member education and informational programs, the director's duties and limitations, an organizational structure of the office of the Nebraska Public Employees Retirement Systems, and the internal control structure of such office to ensure compliance with state and federal laws.

Source: Laws 1971, LB 987, § 3; Laws 1973, LB 216, § 3; Laws 1973, LB 498, § 10; Laws 1979, LB 416, § 3; Laws 1983, LB 70, § 1; Laws 1984, LB 751, § 13; Laws 1986, LB 311, § 40; Laws 1987, LB 549, § 14; Laws 1988, LB 1170, § 22; Laws 1991, LB 549, § 74; Laws 1992, LB 672, § 33; Laws 1994, LB 833, § 54; Laws 1994, LB 1306, § 11; Laws 1995, LB 502, § 3; Laws 1996, LB 847, § 52; Laws 1996, LB 1076, § 44; Laws 1998, LB 1191, § 78; Laws 1999, LB 849, § 33; Laws 2000, LB 1192, § 25; Laws 2001, LB 808, § 21; Laws 2002, LB 407, § 63; Laws 2003, LB 451, § 35; Laws 2005, LB 503, § 19; Laws 2011, LB474, § 14; Laws 2011, LB509, § 51; Laws 2012, LB916, § 43.
Effective date April 7, 2012.

Cross References

County Employees Retirement Act, see section 23-2331.

Judges Retirement Act, see section 24-701.01.

Nebraska State Patrol Retirement Act, see section 81-2014.01.

School Employees Retirement Act, see section 79-901.

State Employees Retirement Act, see section 84-1331.

84-1504 Deferred compensation; treatment; participation; requirements.

(1) The Public Employees Retirement Board, on behalf of the state, may contract with any individual to defer a portion of such individual's compensation or with the Legislative Council to defer any other amount that the Legislative Council agrees to credit to an individual's account pursuant to section 457 of the Internal Revenue Code.

(2) The compensation to be deferred at the election of the individual and any other amount credited on behalf of such individual by the Legislative Council shall not exceed the total compensation to be received by the individual from the employer or exceed the limits established by the Internal Revenue Code for such a plan.

(3) The deferred compensation program shall serve in addition to but not be a part of any existing retirement or pension system provided for state or county employees or any other benefit program.

(4) Any compensation deferred at the election of the individual under such a deferred compensation plan shall continue to be included as regular compensation for the purpose of computing the retirement, pension, or social security contributions made or benefits earned by any employee.

(5) Any sum so deferred shall not be included in the computation of any federal or state taxes withheld on behalf of any such individual.

(6) The state, the board, the state investment officer, the agency, or the county shall not be responsible for any investment results entered into by the individual in the deferred compensation agreement.

(7) Nothing in this section shall in any way limit, restrict, alter, amend, invalidate, or nullify any deferred compensation plan previously instituted by any instrumentality or agency of the State of Nebraska, and any such plan is hereby authorized and approved.

(8) On and after July 1, 2010, no employee of the state or any political subdivision of the state shall be authorized to participate in a deferred compensation plan unless the employee (a) is a United States citizen or (b) is a qualified alien under the federal Immigration and Nationality Act, 8 U.S.C. 1101 et seq., as such act existed on January 1, 2009, and is lawfully present in the United States.

(9) For purposes of this section, individual means (a) any state employee, whether employed on a permanent or temporary basis, full-time or part-time, (b) a person under contract providing services to the state who is not employed by the University of Nebraska or any of the state colleges or community colleges and who has entered into a contract with the state to have compensation deferred prior to August 28, 1999, and (c) any county employee designated as a permanent part-time or full-time employee or elected official whose employer does not offer a deferred compensation plan and who has entered into an agreement pursuant to section 48-1401.

Source: Laws 1973, LB 428, § 1; R.S.Supp.,1974, § 84-1329.01; Laws 1975, LB 42, § 2; Laws 1987, LB 549, § 15; Laws 1994, LB 460, § 1; Laws 1996, LB 847, § 55; Laws 1997, LB 623, § 49; Laws 1997, LB 624, § 43; Laws 1998, LB 1191, § 79; Laws 1999, LB 703, § 27; Laws 2001, LB 75, § 2; Laws 2010, LB950, § 28.

84-1505 Deferred compensation; treatment; investment; payment for civil damages; conditions.

(1) All compensation deferred under the plan, all property and rights purchased with the deferred compensation, and all investment income attributable to the deferred compensation, property, or rights shall be held in trust for the exclusive benefit of participants and their beneficiaries by the State of Nebraska until such time as payments shall be paid under the terms of the deferred compensation plan. All such assets held in trust shall be invested by the state investment officer pursuant to the Nebraska Capital Expansion Act and the Nebraska State Funds Investment Act.

(2) The State Treasurer shall be the custodian of the funds and securities of the deferred compensation plan and may deposit the funds and securities in any financial institution approved by the Nebraska Investment Council. All disbursements therefrom shall be paid by him or her only upon vouchers duly authorized by the retirement board. The State Treasurer shall furnish annually to the retirement board a sworn statement of the amount of the funds in his or her custody belonging to the deferred compensation plan, which statement shall be as of the calendar year ending December 31 of each year.

(3) Except as provided in subsection (4) of this section, all compensation deferred under the plan, all property and rights purchased with the deferred compensation, and all investment income attributable to the deferred compensation, property, or rights shall not be subject to garnishment, attachment, levy, the operation of bankruptcy or insolvency laws, or any other process of law whatsoever and shall not be assignable.

(4) If a participant in the deferred compensation plan is convicted of or pleads no contest to a felony that is defined as assault, sexual assault, kidnapping, child abuse, false imprisonment, or theft by embezzlement and is found liable for civil damages as a result of such felony, following distribution of the participant's compensation deferred under the plan, property and rights purchased with the deferred compensation, or investment income attributable to the deferred compensation, property, or rights from the plan, the court may order the payment of such compensation, property and rights, or investment income for such civil damages, except that the compensation, property and rights, or investment income to the extent reasonably necessary for the support of the participant or any of his or her beneficiaries shall be exempt from such payment. Any order for payment of compensation, property and rights, or investment income shall not be stayed on the filing of any appeal of the conviction. If the conviction is reversed on final judgment, all compensation, property and rights, or investment income paid as civil damages shall be forfeited and returned to the participant. The changes made to this section by Laws 2012, LB916, shall apply to persons convicted of or who have pled no contest to such a felony and who have been found liable for civil damages as a result of such felony prior to, on, or after April 7, 2012.

Source: Laws 1973, LB 428, § 2; R.S.Supp.,1974, § 84-1329.02; Laws 1994, LB 460, § 2; Laws 1996, LB 847, § 56; Laws 1997, LB 623, § 50; Laws 1998, LB 1191, § 80; Laws 2012, LB916, § 44. Effective date April 7, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

84-1511 Board; establish preretirement planning program; for whom; required information; funding; attendance; fee.

(1) The Public Employees Retirement Board shall establish a comprehensive preretirement planning program for state patrol officers, state employees, judges, county employees, and school employees who are members of the retirement systems established pursuant to the County Employees Retirement Act, the Judges Retirement Act, the School Employees Retirement Act, the Nebraska State Patrol Retirement Act, and the State Employees Retirement Act. The program shall provide information and advice regarding the many changes employees face upon retirement, including, but not limited to, changes in physical and mental health, housing, family life, leisure activity, and retirement income.

(2) The preretirement planning program shall be available to all employees who have attained the age of fifty years or are within five years of qualifying for retirement or early retirement under their retirement systems.

(3) The preretirement planning program shall include information on the federal and state income tax consequences of the various annuity or retirement

benefit options available to the employee, information on social security benefits, information on various local, state, and federal government programs and programs in the private sector designed to assist elderly persons, and information and advice the board deems valuable in assisting public employees in the transition from public employment to retirement.

(4) The board shall work with the Department of Health and Human Services, the personnel division of the Department of Administrative Services, employee groups, and any other governmental agency, including political subdivisions or bodies whose services or expertise may enhance the development or implementation of the preretirement planning program.

(5) Funding to cover the expense of the preretirement planning program shall be charged back to each retirement fund on a pro rata share based on the number of employees in each plan.

(6) The employer shall provide each eligible employee leave with pay to attend up to two preretirement planning programs. For purposes of this subsection, leave with pay shall mean a day off paid by the employer and shall not mean vacation, sick, personal, or compensatory time. An employee may choose to attend a program more than twice, but such leave shall be at the expense of the employee and shall be at the discretion of the employer. An eligible employee shall not be entitled to attend more than one preretirement planning program per fiscal year prior to actual election of retirement.

(7) A nominal registration fee shall be charged each person attending a preretirement planning program to cover the costs for meals, meeting rooms, or other expenses incurred under such program.

Source: Laws 1986, LB 311, § 1; Laws 1992, Third Spec. Sess., LB 14, § 31; Laws 1995, LB 369, § 9; Laws 1996, LB 900, § 1076; Laws 1996, LB 1044, § 979; Laws 1997, LB 624, § 44; Laws 1998, LB 497, § 29; Laws 2011, LB509, § 52.

Cross References

County Employees Retirement Act, see section 23-2331.

Judges Retirement Act, see section 24-701.01.

Nebraska State Patrol Retirement Act, see section 81-2014.01.

School Employees Retirement Act, see section 79-901.

State Employees Retirement Act, see section 84-1331.

84-1512 Board; access to records; director; duties; employer education program.

(1) The Public Employees Retirement Board, for purposes of administering the various retirement systems under its jurisdiction, shall receive from the Department of Administrative Services and other employers such information as is necessary for the efficient and accurate administration of the systems and shall consult with the Department of Administrative Services and other employers as to the form in which the information is to be presented and received by the board. The information in the records shall be provided by the employers in an accurate and verifiable form, as specified by the director of the Nebraska Public Employees Retirement Systems. The director shall, from time to time, carry out testing procedures to verify the accuracy of such information. The director shall have access to records maintained by the Department of Administrative Services on the Nebraska employees information system data base for the purpose of obtaining any information which may be necessary to verify the accuracy of information and administer the systems and the holder of the

records shall comply with a request by the director for access by providing such facts and information to the director in a timely manner.

(2) The director shall develop and implement an employer education program using principles generally accepted by public employee retirement systems so that all employers have the knowledge and information necessary to prepare and file reports as the board requires.

(3) The information obtained by the board pursuant to this section shall not be considered public records subject to sections 84-712 to 84-712.09, except that the following information shall be considered public records: The member's name, the retirement system in which the member is a participant, the date the member's participation in the retirement system commenced, and the date the member's participation in the retirement system ended, if applicable.

Source: Laws 1986, LB 311, § 41; Laws 2000, LB 1192, § 26; Laws 2005, LB 503, § 22; Laws 2009, LB188, § 19.

ARTICLE 16

NEBRASKA STATE INSURANCE PROGRAM

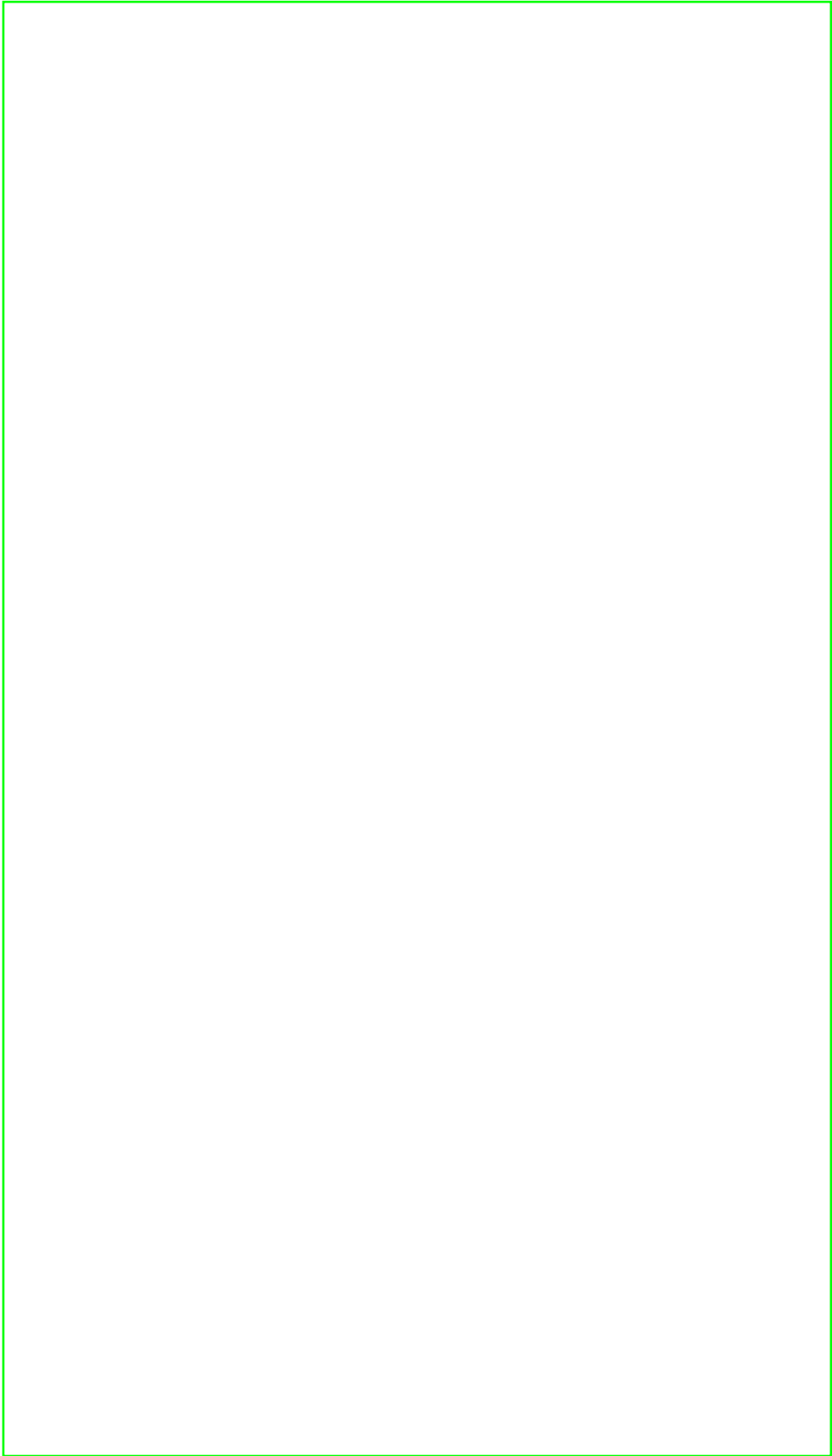
Section

84-1617. Personnel division of the Department of Administrative Services; report.

84-1617 Personnel division of the Department of Administrative Services; report.

The personnel division of the Department of Administrative Services shall provide electronically an annual report to the Clerk of the Legislature. The report shall include the following information based on the prior fiscal year: (1) The number of temporary employees employed by the state; (2) the number of such temporary employees who were eligible for health insurance coverage pursuant to section 84-1601; (3) the number of such temporary employees who elected coverage; and (4) the average length of health insurance coverage for those temporary employees who elected coverage.

Source: Laws 1998, LB 1162, § 84; Laws 2012, LB782, § 233.
Operative date July 19, 2012.



UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

CHAPTER 85
STATE UNIVERSITY, STATE COLLEGES, AND
POSTSECONDARY EDUCATION

Article.

1. University of Nebraska. 85-103.01 to 85-1,142.
2. Research Facilities. 85-209 to 85-215.
3. State Colleges. 85-309, 85-329.
4. Campus Buildings and Facilities. 85-415, 85-421.
6. Public Institutions of Higher Education.
 - (c) Admission. 85-607.
9. Postsecondary Education.
 - (a) General Provisions. 85-903.
 - (b) Role and Mission Assignments. 85-943, 85-961.
 - (m) Student Diversity Scholarship Program Act. 85-9,178, 85-9,182.
10. Nebraska Safety Center. 85-1005, 85-1008.
11. Higher Education.
 - (a) Out-of-State Institutions. 85-1101 to 85-1104. Repealed.
 - (b) Private Colleges. 85-1105 to 85-1111. Repealed.
14. Coordinating Commission for Postsecondary Education.
 - (a) Coordinating Commission for Postsecondary Education Act. 85-1402 to 85-1419.
 - (c) Legislative Priorities. 85-1429.
15. Community Colleges. 85-1501.01 to 85-1540.
16. Private Postsecondary Career Schools. 85-1604 to 85-1655.
17. Nebraska Educational Finance Authority. 85-1738.
18. Educational Savings Plan Trust. 85-1801 to 85-1814.
19. Nebraska Opportunity Grant Act. 85-1901 to 85-1920.
21. Access College Early Scholarship Program Act. 85-2104 to 85-2106.
22. Community College Aid Act. 85-2201 to 85-2237.
23. In the Line of Duty Dependent Education Act. 85-2301 to 85-2306.
24. Postsecondary Institution Act. 85-2401 to 85-2421.

ARTICLE 1

UNIVERSITY OF NEBRASKA

Section

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|--------------|--|
| 85-103.01. | University of Nebraska; Board of Regents; districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties. |
| 85-103.02. | University of Nebraska; Board of Regents; population figures and maps; basis. |
| 85-110. | Board of Regents; memorandum of understanding with State Board of Education; policy to share student data. |
| 85-122. | University funds; designation; investment; disbursements; travel expenses. |
| 85-125. | University Cash Fund; source; use; investment. |
| 85-192. | University of Nebraska at Omaha Cash Fund; University of Nebraska at Omaha Trust Fund; created; purposes; disbursements; investment. |
| 85-1,104.01. | Repealed. Laws 2011, LB 334, § 11. |
| 85-1,111. | Repealed. Laws 2012, LB 710, § 3. |
| 85-1,112. | Repealed. Laws 2012, LB 710, § 3. |
| 85-1,123. | University of Nebraska at Kearney Cash Fund; University of Nebraska at Kearney Trust Fund; created; use; investment. |
| 85-1,130. | Repealed. Laws 2012, LB 782, § 253. |
| 85-1,138. | Transferred to section 68-962. |
| 85-1,139. | Transferred to section 68-963. |

§ 85-103.01 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

Section

85-1,140. Transferred to section 68-964.

85-1,141. Transferred to section 68-965.

85-1,142. Transferred to section 68-966.

85-103.01 University of Nebraska; Board of Regents; districts; numbers; boundaries; established by maps; Clerk of Legislature; Secretary of State; duties.

(1) For the purpose of section 85-103, the state is divided into eight districts. Each district shall be entitled to one regent on the board.

(2) The numbers and boundaries of the districts are designated and established by maps identified and labeled as maps REG11-1, REG11-2, REG11-3, REG11-4, REG11-5, REG11-5A, REG11-6, REG11-7, and REG11-8, filed with the Clerk of the Legislature, and incorporated by reference as part of Laws 2011, LB701.

(3)(a) The Clerk of the Legislature shall transfer possession of the maps referred to in subsection (2) of this section to the Secretary of State on May 27, 2011.

(b) When questions of interpretation of district boundaries arise, the maps referred to in subsection (2) of this section in possession of the Secretary of State shall serve as the indication of the legislative intent in drawing the district boundaries.

(c) Each election commissioner or county clerk shall obtain copies of the maps referred to in subsection (2) of this section for the election commissioner's or clerk's county from the Secretary of State.

(d) The Secretary of State shall also have available for viewing on his or her web site the maps referred to in subsection (2) of this section identifying the boundaries for the districts.

Source: Laws 1969, c. 847, § 3, p. 3189; Laws 1971, LB 1035, § 2; Laws 1981, LB 553, § 1; Laws 1991, LB 617, § 2; Laws 2001, LB 854, § 2; Laws 2011, LB701, § 1.

Cross References

Constitutional provisions, see Article VII, section 10, Constitution of Nebraska.

85-103.02 University of Nebraska; Board of Regents; population figures and maps; basis.

For purposes of section 85-103.01, the Legislature adopts the official population figures and maps from the 2010 Census Redistricting (Public Law 94-171) TIGER/Line Shapefiles published by the United States Department of Commerce, Bureau of the Census.

Source: Laws 1971, LB 1035, § 3; Laws 1981, LB 553, § 2; Laws 1991, LB 617, § 3; Laws 2001, LB 854, § 3; Laws 2011, LB701, § 2.

85-110 Board of Regents; memorandum of understanding with State Board of Education; policy to share student data.

The Board of Regents of the University of Nebraska shall enter into a memorandum of understanding on or before September 1, 2010, with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conform-

ance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

Source: Laws 2010, LB1071, § 34.

85-122 University funds; designation; investment; disbursements; travel expenses.

The several funds for the support of the university shall be constituted and designated as follows: (1) The Permanent Endowment Fund; (2) the Temporary University Fund; (3) the University Cash Fund; (4) the United States Morrill Fund; (5) the United States Experiment Station Fund; (6) the University Trust Fund; (7) the United States Agricultural Extension Fund; (8) the Veterinary School Fund; (9) the University of Nebraska at Omaha Cash Fund; (10) the University of Nebraska at Omaha Trust Fund; (11) the University of Nebraska at Kearney Cash Fund; (12) the University of Nebraska at Kearney Trust Fund; (13) the Agricultural Field Laboratory Fund; (14) the Animal Research and Diagnosis Revolving Fund; (15) the University Facility Improvement Fund; (16) the University of Nebraska Eppley Science Hall Construction Fund; and (17) the University Facilities Fund. No portion of the funds designated above derived from taxation shall be disbursed for mileage or other traveling expenses except as authorized by sections 81-1174 to 81-1177. No expenditures shall be made for or on behalf of the School of Veterinary Medicine and Surgery except from money appropriated to the Veterinary School Fund. Any money in the funds designated in this section 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 except as provided in sections 85-125, 85-192, and 85-1,123.

Source: Laws 1869, § 21, p. 177; Laws 1877, § 1, p. 57; Laws 1899, c. 76, § 1, p. 325; R.S.1913, § 7100; C.S.1922, § 6732; C.S.1929, § 85-118; Laws 1933, c. 96, § 23, p. 400; Laws 1941, c. 180, § 11, p. 707; C.S.Supp.,1941, § 85-118; R.S.1943, § 85-122; Laws 1945, c. 257, § 1, p. 797; Laws 1949, c. 312, § 1, p. 1030; Laws 1951, c. 344, § 1, p. 1131; Laws 1955, c. 350, § 5, p. 1072; Laws 1969, c. 584, § 122, p. 2425; Laws 1983, LB 410, § 2; Laws 1986, LB 842, § 2; Laws 1987, LB 218, § 2; Laws 1988, LB 864, § 67; Laws 1989, LB 247, § 20; Laws 1990, LB 1220, § 2; Laws 1992, Third Spec. Sess., LB 9, § 2; Laws 1994, LB 1066, § 135; Laws 2011, LB378, § 31; Laws 2012, LB710, § 1.
Effective date July 19, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-125 University Cash Fund; source; use; investment.

The University Cash Fund shall consist of the matriculation and diploma fees, registration fees, laboratory fees, tuition fees, summer session or school fees, all other money or fees collected from students by the authority of the Board of Regents for university purposes, and receipts from all university activities collected by the board in connection with the operation of the university. A

record shall be kept by the board separating such money into appropriate and convenient accounts. All money and funds accruing to the University Cash Fund shall be used for the maintenance and operation of the university and its activities and shall at all times be subject to the orders of the Board of Regents accordingly. The fund shall be in the custody of the State Treasurer, and 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, except that there may be retained by the Board of Regents a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against such fund unless there is money in the hands of the State Treasurer sufficient to pay the same.

Source: Laws 1869, § 21, p. 177; Laws 1877, § 1, p. 57; Laws 1899, c. 76, § 1, p. 325; R.S.1913, § 7103; C.S.1922, § 6735; C.S.1929, § 85-121; R.S.1943, § 85-125; Laws 1949, c. 313, § 1, p. 1031; Laws 1967, c. 623, § 1, p. 2087; Laws 1979, LB 248, § 1; Laws 1985, LB 151, § 1; Laws 2011, LB378, § 32.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-192 University of Nebraska at Omaha Cash Fund; University of Nebraska at Omaha Trust Fund; created; purposes; disbursements; investment.

There is hereby created a University of Nebraska at Omaha Cash Fund which shall consist of all fees and other money collected from students at the University of Nebraska at Omaha by authority of the Board of Regents of the University of Nebraska for university purposes, all receipts from all university activities at the University of Nebraska at Omaha collected in connection with the operation of such university, and the money and funds received at the time the University of Nebraska at Omaha was established. A record shall be kept separating such money and funds into appropriate and convenient accounts. All money and funds accruing to the cash fund shall be used for the maintenance and operation of the University of Nebraska at Omaha and shall at all times be subject to the orders of the Board of Regents. The fund shall be in the custody of the State Treasurer, and any money in such 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, except that there may be retained at the University of Nebraska at Omaha a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against such fund unless there is money sufficient to pay the same.

There is hereby created a University of Nebraska at Omaha Trust Fund which shall consist of all property, real or personal, now or hereafter acquired by or for the municipal University of Omaha by donation or bequest to it, which property shall be held and applied in the manner and according with the provisions of the will, deed, or instrument making such donation or bequest. All future donations or bequests to or for the University of Nebraska at Omaha shall be a part of such trust fund. Such trust fund shall be held and managed in such manner as the Board of Regents shall determine. Such holdings and

management shall be in strict accordance with all terms of the donation or bequest, but in the absence of any investment instructions the funds may be invested by or at the direction of the Board of Regents in such investments as are authorized for trustees, guardians, personal representatives, or administrators under the laws of Nebraska. Any money in such 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.

Source: Laws 1967, c. 620, § 11, p. 2081; Laws 1969, c. 584, § 128, p. 2428; Laws 1985, LB 151, § 2; Laws 1988, LB 802, § 39; Laws 1995, LB 7, § 152; Laws 2011, LB378, § 33.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-1,104.01 Repealed. Laws 2011, LB 334, § 11.

85-1,111 Repealed. Laws 2012, LB 710, § 3.

85-1,112 Repealed. Laws 2012, LB 710, § 3.

85-1,123 University of Nebraska at Kearney Cash Fund; University of Nebraska at Kearney Trust Fund; created; use; investment.

(1) There is hereby created the University of Nebraska at Kearney Cash Fund. The fund shall consist of all fees and other money collected from students at the University of Nebraska at Kearney by authority of the Board of Regents of the University of Nebraska for university purposes, all receipts from all university activities at the University of Nebraska at Kearney collected in connection with the operation of such university, and the money and funds received at the time the University of Nebraska at Kearney was established. A record shall be kept separating the money and funds into appropriate and convenient accounts. All money and funds accruing to the fund shall be used for the maintenance and operation of the University of Nebraska at Kearney and shall at all times be subject to the orders of the Board of Regents. The fund shall be in the custody of the State Treasurer, and any money in such 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, except that there may be retained at the University of Nebraska at Kearney a sum not to exceed two percent of the fund, which shall be available to make settlement and equitable adjustments to students entitled thereto, to carry on university activities contributing to the fund, and to provide for contingencies. No warrant shall be issued against the fund unless there is money sufficient to pay the same.

(2) There is hereby created the University of Nebraska at Kearney Trust Fund, which fund shall consist of all property, real or personal, acquired as of July 1, 1991, or at any time thereafter by or for Kearney State College by donation or bequest to it, which property shall be held and applied in the manner and according with the provisions of the will, deed, or instrument making such donation or bequest. All future donations or bequests to the University of Nebraska at Kearney shall be a part of such fund. The fund shall be held and managed in such manner as the Board of Regents shall determine. The holdings and management shall be in strict accordance with all terms of the donation or bequest, except that in the absence of any investment instructions,

§ 85-1,123 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

the funds may be invested by or at the direction of the Board of Regents in such investments as are authorized for trustees, guardians, personal representatives, or administrators under the laws of Nebraska.

Source: Laws 1989, LB 247, § 11; Laws 2011, LB378, § 34.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-1,130 Repealed. Laws 2012, LB 782, § 253.

Operative date July 19, 2012.

85-1,138 Transferred to section 68-962.

85-1,139 Transferred to section 68-963.

85-1,140 Transferred to section 68-964.

85-1,141 Transferred to section 68-965.

85-1,142 Transferred to section 68-966.

**ARTICLE 2
RESEARCH FACILITIES**

Section

85-209. Repealed. Laws 2011, LB 334, § 11.

85-210. Repealed. Laws 2011, LB 334, § 11.

85-211. Repealed. Laws 2011, LB 334, § 11.

85-212. Repealed. Laws 2011, LB 334, § 11.

85-214. Research and extension centers; control; employees; compensation.

85-215. Research and extension centers; income; use.

85-209 Repealed. Laws 2011, LB 334, § 11.

85-210 Repealed. Laws 2011, LB 334, § 11.

85-211 Repealed. Laws 2011, LB 334, § 11.

85-212 Repealed. Laws 2011, LB 334, § 11.

85-214 Research and extension centers; control; employees; compensation.

The Board of Regents shall have control and supervision of the research and extension centers established by sections 85-201 and 85-206 and shall appoint skillful superintendents and such other employees as to it appears necessary to obtain the best results. The board shall fix the salaries and compensation of employees and establish such rules and regulations as it may from time to time deem best.

Source: Laws 1903, c. 114, § 3, p. 591; Laws 1909, c. 143, § 3, p. 501; Laws 1909, c. 144, § 3, p. 503; R.S.1913, § 7145; C.S.1922, § 6795; Laws 1929, c. 15, § 2, p. 96; C.S.1929, § 85-211; R.S. 1943, § 85-214; Laws 1959, c. 461, § 1, p. 1529; Laws 1991, LB 663, § 82; Laws 2011, LB334, § 7.

85-215 Research and extension centers; income; use.

The proceeds arising from the sale of products of the research and extension centers provided for in sections 85-201 and 85-206 shall be applied to the liquidation of the running expenses of the research and extension centers from which they are sold, and all money so accruing shall be credited as coming from the state and be applied as a part or whole payment of any amount which may be appropriated from the funds of the state for the maintenance of such research and extension centers.

Source: Laws 1903, c. 114, § 5, p. 591; Laws 1909, c. 143, § 5, p. 502; Laws 1909, c. 144, § 5, p. 503; R.S.1913, § 7146; C.S.1922, § 6796; Laws 1929, c. 15, § 4, p. 96; C.S.1929, § 85-212; R.S. 1943, § 85-215; Laws 1959, c. 461, § 2, p. 1529; Laws 1991, LB 663, § 83; Laws 2011, LB334, § 8.

ARTICLE 3 STATE COLLEGES

Section

- 85-309. Board of Trustees; memorandum of understanding with State Board of Education; policy to share student data.
85-329. State Colleges Sport Facilities Cash Fund; created; use; investment.

85-309 Board of Trustees; memorandum of understanding with State Board of Education; policy to share student data.

The Board of Trustees of the Nebraska State Colleges shall enter into a memorandum of understanding on or before September 1, 2010, with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010.

Source: Laws 2010, LB1071, § 35.

85-329 State Colleges Sport Facilities Cash Fund; created; use; investment.

The State Colleges Sport Facilities Cash Fund is created. The fund shall be administered by the Board of Trustees of the Nebraska State Colleges. The fund shall include transfers from the Civic and Community Center Financing Fund, revenue received from gifts, grants, bequests, donations, other similar donation arrangements, or other contributions from public or private sources, and such other revenue as may accrue to the State Colleges Sport Facilities Cash Fund. Expenditures from the fund are authorized to support renovation and construction of or improvements to facilities for intercollegiate athletics and student fitness, recreation, and sport activities at the Nebraska state colleges. 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.

Source: Laws 2012, LB969, § 3.
Operative date April 3, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.
Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 4

CAMPUS BUILDINGS AND FACILITIES

Section

85-415. University of Nebraska Facilities Program; contracts authorized; limitations.

85-421. University of Nebraska Facilities Program of 2006; appropriations; legislative intent; projects enumerated; accounting; status reports.

85-415 University of Nebraska Facilities Program; contracts authorized; limitations.

(1) In order to accomplish any projects authorized by section 85-414, the Board of Regents of the University of Nebraska may enter into contracts with any person, firm, or corporation providing for the implementation of any such project of the University of Nebraska and providing for the long-term payment of the cost of such project from the University of Nebraska Facilities Program. In no case shall any such contract extend for a period beyond July 15, 2011, nor shall any such contract exceed the repayment capabilities implicit in the funding streams authorized in sections 85-412 and 85-414.

(2) The Board of Regents of the University of Nebraska shall not pledge the credit of the State of Nebraska for the payment of any sum owing on account of such contract, except that there may be pledged for the payment of any such contract any appropriation specifically made by the Legislature for such purpose, together with such funds of the Board of Regents of the University of Nebraska as the board determines. No contract shall be entered into pursuant to this section without prior approval by resolution by the Board of Regents. The Board of Regents may also convey, lease, or lease back all or any part of the projects authorized by section 85-414 and the land on which such projects are situated to such person, firm, or corporation as the Board of Regents may contract with pursuant to this section to facilitate the long-term payment of the cost of such projects. Any such conveyance or lease shall provide that when the cost of such projects has been paid, together with interest and other costs thereon, such projects and the land on which such projects are located shall become the property of the Board of Regents.

(3) The Board of Regents of the University of Nebraska is authorized to make expenditures for the purposes stated in this section and section 85-414 from investment income balances in any fund created under the authority provided for in any contract or contracts authorized by this section. Any appropriated amounts and amounts designated or matched by the Board of Regents under section 85-412 in excess of amounts required to meet debt service and any interest earnings derived from reserve funds or any other funds created under the authority provided for in any contract or contracts authorized by this section shall be accumulated and applied toward early retirement of debt as authorized under any indenture or other contract entered into by the Board of Regents as authorized by this section. The Board of Regents and the Department of Administrative Services shall, on or before January 1, 1999, enter into an agreement providing for the allocation and distribution of any balances existing in the University of Nebraska Facilities Program or any other funds created as part of a long-term contract entered into by the Board of Regents pursuant to this section to the General Fund and any other funds designated by the Board of Regents as a source of funds for the match specified in section 85-412 either on July 15, 2011, or when all financial obligations incurred in the

contracts entered into by the Board of Regents pursuant to this section are discharged, whichever occurs first. Up to eleven million eight hundred thousand dollars of the balances existing in the University of Nebraska Facilities Program and any other funds created as a part of a long-term contract entered into by the Board of Regents pursuant to this section on July 15, 2009, may be expended for the acquisition and implementation of a joint student information system for the University of Nebraska and the Nebraska State College System.

Source: Laws 1998, LB 1100, § 4; Laws 2009, LB316, § 26.

85-421 University of Nebraska Facilities Program of 2006; appropriations; legislative intent; projects enumerated; accounting; status reports.

(1) The Legislature shall appropriate from the General Fund (a) an amount not less than five million five hundred thousand dollars for each fiscal year for the period beginning with the fiscal year commencing July 1, 2006, and continuing through the fiscal year ending June 30, 2009, and (b) an amount not less than eleven million dollars for each fiscal year for the period beginning with the fiscal year commencing July 1, 2009, and continuing through the fiscal year ending June 30, 2020, to the University of Nebraska Facilities Program of 2006 to be used by the Board of Regents of the University of Nebraska to accomplish projects as provided in this section. Through the allotment process established in section 81-1113, the Department of Administrative Services shall make appropriated funds available. Undisbursed appropriations balances existing in the University of Nebraska Facilities Program of 2006 at the end of each fiscal year until June 30, 2021, shall be and are hereby reappropriated.

(2) The Legislature finds and determines that the projects funded through the University of Nebraska Facilities Program of 2006 are of critical importance to the State of Nebraska. It is the intent of the Legislature that the appropriations to the program shall not be reduced until all contracts and securities relating to the construction and financing of the projects or portions of the projects funded from such funds or accounts of such funds are completed or paid but in no case shall such appropriations extend beyond the fiscal year ending June 30, 2020, nor shall the cumulative total of the General Fund appropriations for the program exceed one hundred thirty-seven million five hundred thousand dollars.

(3) Subject to the receipt of project approval from the Coordinating Commission for Postsecondary Education as required by subsection (10) of section 85-1414 for each of the following University of Nebraska projects, the Board of Regents of the University of Nebraska is authorized to make expenditures from the University of Nebraska Facilities Program of 2006 for the following projects: (a) Deferred maintenance, repair, and renovation of University of Nebraska at Kearney Bruner Hall; (b) construction of University of Nebraska at Kearney campus-wide central utilities plant and system; (c) construction of facilities to replace University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls or deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Behlen, Brace, and Ferguson Halls; (d) construction of a facility to replace University of Nebraska-Lincoln Keim Hall or deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Keim Hall; (e) deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Sheldon Memorial Art Gallery; (f) deferred maintenance, repair, and renovation of University of Nebraska-Lincoln Animal Science Complex; (g)

deferred maintenance, repair, and renovation of University of Nebraska Medical Center Poynter, Bennet, and Wittson Halls; (h) deferred maintenance, repair, and renovation of University of Nebraska Medical Center Eppley Institute for Research in Cancer and Allied Diseases or replacement if additional federal or private funds are received; (i) deferred maintenance, repair, and renovation of University of Nebraska Medical Center College of Dentistry; (j) deferred maintenance, repair, and renovation of University of Nebraska at Omaha Library; and (k) deferred maintenance, repair, and renovation of University of Nebraska at Omaha utilities infrastructure.

(4) Expenditures of matching funds provided for the projects listed in this section by the Board of Regents of the University of Nebraska as provided for in section 85-419 shall be accounted for in the Nebraska State Accounting System through the University of Nebraska Facilities Program of 2006 or according to some other reporting process mutually agreed upon by the University of Nebraska and the Department of Administrative Services.

(5) The Board of Regents of the University of Nebraska shall record and report, on the Nebraska State Accounting System, expenditure of amounts from the University of Nebraska Facilities Program of 2006 and expenditure of proceeds arising from any contract entered into pursuant to this section and section 85-422 in such manner and format as prescribed by the Department of Administrative Services or according to some other reporting process mutually agreed upon by the University of Nebraska and the Department of Administrative Services.

(6) The Board of Regents of the University of Nebraska shall provide to the Task Force for Building Renewal semiannual reports concerning the status of each project authorized by this section.

Source: Laws 2006, LB 605, § 3; Laws 2009, LB316, § 27.

ARTICLE 6

PUBLIC INSTITUTIONS OF HIGHER EDUCATION

(c) ADMISSION

Section

85-607. Denial of admission of certain qualified student; prohibited.

(c) ADMISSION

85-607 Denial of admission of certain qualified student; prohibited.

No publicly funded college or university in this state shall prohibit the admission of any student educated in any school which elects to meet the requirements of subsections (2) through (6) of section 79-1601 if the student is qualified for admission as shown by testing results.

Source: Laws 1984, LB 928, § 5; Laws 1996, LB 900, § 1079; Laws 1999, LB 813, § 58; Laws 2009, LB549, § 51.

ARTICLE 9

POSTSECONDARY EDUCATION

(a) GENERAL PROVISIONS

Section

85-903. Information on early voting; requirements.

Section

(b) ROLE AND MISSION ASSIGNMENTS

85-943. University of Nebraska; associate degree, diploma, and certificate; programs authorized; conditions; exception.

85-961. Community colleges; responsibility for courses at associate-degree level or below.

(m) STUDENT DIVERSITY SCHOLARSHIP PROGRAM ACT

85-9,178. Legislative findings and intent.

85-9,182. Awards; committee; determination.

(a) GENERAL PROVISIONS

85-903 Information on early voting; requirements.

In addition to the requirements of 20 U.S.C. 1094(a)(23), the University of Nebraska, each state college, and each community college shall provide information furnished by the Secretary of State on early voting prior to each statewide primary and general election to each student enrolled in a degree or certificate program and physically in attendance at the institution. The information shall include instructions on early voting and an application to request a ballot for early voting. The institution may provide the information electronically.

Source: Laws 2010, LB951, § 7.

(b) ROLE AND MISSION ASSIGNMENTS

85-943 University of Nebraska; associate degree, diploma, and certificate; programs authorized; conditions; exception.

The University of Nebraska may continue to offer the associate degree, diploma, and certificate in agriculturally related fields, radiologic technology, radiation therapy, nuclear medicine technology, and engineering technology if approved by the Coordinating Commission for Postsecondary Education pursuant to sections 85-1413 and 85-1414 upon the demonstration of a compelling need and unique capacity by the university to offer such programs. The University of Nebraska shall not offer associate degrees or less than associate-degree-level diplomas or certificates in other than authorized and approved programs. If approved by the Coordinating Commission for Postsecondary Education pursuant to sections 85-1413 and 85-1414, the University of Nebraska may offer certificates within fields in addition to those specified in this section if the preponderance of courses comprising those certificates are above the associate-degree level.

Source: Laws 1978, LB 756, § 27; Laws 1988, LB 890, § 1; Laws 1991, LB 663, § 91; Laws 2003, LB 7, § 3; Laws 2011, LB637, § 27.

85-961 Community colleges; responsibility for courses at associate-degree level or below.

The community colleges shall have, except in specified program areas authorized by statute and the Coordinating Commission for Postsecondary Education, sole responsibility for the award of associate degrees, diplomas, and certificates comprised of courses at the associate-degree level or below and approved by the commission pursuant to sections 85-1413 and 85-1414.

Source: Laws 1978, LB 756, § 45; Laws 1991, LB 663, § 102; Laws 2011, LB637, § 28.

(m) STUDENT DIVERSITY SCHOLARSHIP PROGRAM ACT

85-9,178 Legislative findings and intent.

(1) The Legislature finds that the State of Nebraska has a compelling interest to provide access to the University of Nebraska, the state colleges, and the community colleges for students from diverse backgrounds who often find that the financial requirements of postsecondary education are a major obstacle. The Legislature further finds that the State of Nebraska has a compelling interest in attaining greater diversity in the makeup of the student bodies at the University of Nebraska, the state colleges, and the community colleges because of the educational benefits that a diverse educational environment will produce for all students attending the University of Nebraska, the state colleges, and the community colleges.

(2) It is the intent of the Legislature:

(a) To appropriate funds to support a student diversity scholarship program for the purpose of developing more diverse student bodies at the state's public postsecondary educational institutions;

(b) That the student diversity scholarship program be designed and implemented so as to achieve a greater diversity in student populations in fulfillment of the compelling interest found by the Legislature pursuant to subsection (1) of this section; and

(c) That all funds appropriated by the Legislature for student diversity scholarships at the University of Nebraska, the state colleges, and the community colleges shall be used in coordination with private donations for such scholarships and in consultation with the major donors thereof and in coordination with federal grant funds available to students at the University of Nebraska, the state colleges, and the community colleges so as to maximize the level of benefits and accomplish the purposes of the Student Diversity Scholarship Program Act.

Source: Laws 2000, LB 1379, § 2; Laws 2007, LB342, § 33; Laws 2009, LB440, § 1.

85-9,182 Awards; committee; determination.

Criteria for the award of scholarships under the Student Diversity Scholarship Program Act shall be determined in accordance with state and federal law by a committee selected by the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, and the community college boards of governors. The committee shall include members from diverse groups and private donors to the endowed scholarship funds. Awards shall be consistent with the intent stated in the act and with the constitutions and laws of the United States and the State of Nebraska.

Source: Laws 2000, LB 1379, § 6; Laws 2007, LB342, § 37; Laws 2009, LB440, § 2.

ARTICLE 10**NEBRASKA SAFETY CENTER**

Section

85-1005. Nebraska Safety Center; operation; funding.

85-1008. Nebraska Safety Center Advisory Council; membership; appointment.

85-1005 Nebraska Safety Center; operation; funding.

(1) The Board of Regents of the University of Nebraska may accept and administer, in accordance with proper financial procedures at the University of Nebraska at Kearney, gifts, grants, tuition, fees, and private funds to assist in the operation of the center.

(2) The Board of Regents of the University of Nebraska may request an appropriation from the General Fund to assist in the operation of the center to promote the purposes of sections 85-1001 to 85-1008.

Source: Laws 1978, LB 693, § 5; Laws 1989, LB 247, § 31; Laws 1994, LB 683, § 13; Laws 2011, LB334, § 9.

85-1008 Nebraska Safety Center Advisory Council; membership; appointment.

(1) To assist the center in carrying out its purposes and functions, the Board of Regents may establish a Nebraska Safety Center Advisory Council composed of the following members:

- (a) One representative from the Department of Roads;
- (b) One representative from the Department of Motor Vehicles;
- (c) One representative from the State Department of Education;
- (d) One representative from the Game and Parks Commission;
- (e) One representative from the Department of Labor;
- (f) One person representing the community college areas;
- (g) One person representing private business and industry;
- (h) One person representing the University of Nebraska;
- (i) One person representing the medical profession;
- (j) One person representing the area of law enforcement in this state;
- (k) One person representing the Safety Council of Nebraska, Inc.;
- (l) One person representing the area of transportation;
- (m) One person representative of emergency medical services;
- (n) One person representing the judiciary in the State of Nebraska;
- (o) One person representing city government;
- (p) One person representing county government;
- (q) One person representing the area of agriculture;
- (r) One person representing the local public school system;
- (s) One person representing fire safety;
- (t) One representative of the Coordinating Commission for Postsecondary Education;
- (u) One person representing the Red Cross; and
- (v) One person representing the state colleges.

§ 85-1008 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

(2) Representatives selected to serve on the council shall have appropriate education, training, and experience in the field of fire safety, industrial safety, recreational safety, domestic safety, or traffic safety.

Source: Laws 1978, LB 693, § 8; Laws 1991, LB 663, § 124; Laws 1994, LB 683, § 14; Laws 2009, LB299, § 1.

**ARTICLE 11
HIGHER EDUCATION**

(a) OUT-OF-STATE INSTITUTIONS

Section

85-1101. Repealed. Laws 2011, LB 637, § 35.
85-1102. Repealed. Laws 2011, LB 637, § 35.
85-1103. Repealed. Laws 2011, LB 637, § 35.
85-1103.01. Repealed. Laws 2011, LB 637, § 35.
85-1103.02. Repealed. Laws 2011, LB 637, § 35.
85-1104. Repealed. Laws 2011, LB 637, § 35.

(b) PRIVATE COLLEGES

85-1105. Repealed. Laws 2011, LB 637, § 35.
85-1106. Repealed. Laws 2011, LB 637, § 35.
85-1107. Repealed. Laws 2011, LB 637, § 35.
85-1108. Repealed. Laws 2011, LB 637, § 35.
85-1109. Repealed. Laws 2011, LB 637, § 35.
85-1110. Repealed. Laws 2011, LB 637, § 35.
85-1110.01. Repealed. Laws 2011, LB 637, § 35.
85-1111. Repealed. Laws 2011, LB 637, § 35.

(a) OUT-OF-STATE INSTITUTIONS

85-1101 Repealed. Laws 2011, LB 637, § 35.

85-1102 Repealed. Laws 2011, LB 637, § 35.

85-1103 Repealed. Laws 2011, LB 637, § 35.

85-1103.01 Repealed. Laws 2011, LB 637, § 35.

85-1103.02 Repealed. Laws 2011, LB 637, § 35.

85-1104 Repealed. Laws 2011, LB 637, § 35.

(b) PRIVATE COLLEGES

85-1105 Repealed. Laws 2011, LB 637, § 35.

85-1106 Repealed. Laws 2011, LB 637, § 35.

85-1107 Repealed. Laws 2011, LB 637, § 35.

85-1108 Repealed. Laws 2011, LB 637, § 35.

85-1109 Repealed. Laws 2011, LB 637, § 35.

85-1110 Repealed. Laws 2011, LB 637, § 35.

85-1110.01 Repealed. Laws 2011, LB 637, § 35.

85-1111 Repealed. Laws 2011, LB 637, § 35.

ARTICLE 14

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION

(a) COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION ACT

Section

- 85-1402. Terms, defined.
- 85-1412. Commission; additional powers and duties.
- 85-1413. Comprehensive statewide plan; establish; requirements; unified statewide facilities plan; develop.
- 85-1414. Programs; capital construction projects; review; commission, public institutions, and governing boards; duties.
- 85-1415. Capital construction projects proposed by Board of Regents of the University of Nebraska, Board of Trustees of the Nebraska State Colleges, and certain nonprofit corporations; review; commission; duties; approval by Legislature.
- 85-1416. Budget and state aid requests; review; commission; duties.
- 85-1418. Program or capital construction project; state funds; restrictions on use; district court of Lancaster County; jurisdiction; appeals; procedure.
- 85-1419. Coordinating Commission for Postsecondary Education Cash Fund; created; use; investment.

(c) LEGISLATIVE PRIORITIES

- 85-1429. Commission; report on higher education priorities.

(a) COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION ACT

85-1402 Terms, defined.

For purposes of the Coordinating Commission for Postsecondary Education Act:

(1)(a) Capital construction project shall mean a project which utilizes tax funds designated by the Legislature and shall be: Any proposed new capital structure; any proposed addition to, renovation of, or remodeling of a capital structure; any proposed acquisition of a capital structure by gift, purchase, lease-purchase, or other means of construction or acquisition that (i) will be directly financed in whole or in part with tax funds designated by the Legislature totaling at least the minimum capital expenditure for purposes of this subdivision or (ii) is likely, as determined by the institution, to result in an incremental increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for the facility's operations and maintenance costs in any one fiscal year within a period of ten years from the date of substantial completion or acquisition of the project. No tax funds designated by the Legislature shall be appropriated or expended for any incremental increase of more than the minimum capital expenditure for the costs of the operations and utilities of any facility which is not included in the definition of capital construction project and thus is not subject to commission approval pursuant to the Coordinating Commission for Postsecondary Education Act. No institution shall include a request for funding such an increase in its budget request for tax funds designated by the Legislature nor shall any institution utilize any such funds for such an increase. The Governor shall not include in his or her budget recommendations, and the Legislature shall not appropriate, such funds for such increase.

(b) For purposes of this subdivision:

(i) Directly financed shall mean funded by:

(A) Appropriation of tax funds designated by the Legislature for the specific capital construction project;

(B) Property tax levies authorized pursuant to subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each fiscal year thereafter used to establish a capital improvement and bond sinking fund as provided in section 85-1515; or

(C) That portion of tax funds designated by the Legislature and appropriated by the Legislature for the general operation of the public institution and utilized to fund the capital project;

(ii) Incremental increase shall mean an increase in appropriation or expenditure of tax funds designated by the Legislature of at least the minimum capital expenditure for a facility's operations and maintenance costs, beyond any increase due to inflation, to pay for a capital structure's operations and maintenance costs that are a direct result of a capital construction project; and

(iii) Minimum capital expenditure shall mean:

(A) For purposes of subdivision (a)(i) of this subdivision, a base amount of two million dollars; and

(B) For the facility's operations and maintenance costs pursuant to subdivision (a)(ii) of this subdivision, a base amount of eighty-five thousand dollars for any one fiscal year.

The base amount for the facility's operations and maintenance costs shall be subject to any inflationary or market adjustments made by the commission pursuant to this subdivision. The commission shall adjust the base amount on a biennial basis beginning January 1, 2010. The adjustments shall be based on percentage changes in a construction cost index and any other published index relevant to operations and utilities costs, both as selected by the commission in cooperation with the public institutions. The index or indices shall reflect inflationary or market trends for the applicable operations and maintenance or construction costs;

(2) Commission shall mean the Coordinating Commission for Postsecondary Education;

(3) Coordination shall mean:

(a) Authority to adopt, and revise as needed, a comprehensive statewide plan for postsecondary education which shall include (i) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as may be prescribed by the Legislature and (ii) plans for facilities which utilize tax funds designated by the Legislature;

(b) Authority to review, monitor, and approve or disapprove each public postsecondary educational institution's programs and capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive plan and to prevent unnecessary duplication; and

(c) Authority to review and modify, if needed to promote compliance and consistency with the comprehensive statewide plan and prevent unnecessary duplication, the budget requests of the governing boards or any other governing

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION § 85-1412

board for any other public postsecondary educational institution which may be established by the Legislature;

(4) Education center shall mean an off-campus branch of a public institution or cooperative of either public or public and private postsecondary educational institutions which offers instructional programs to students;

(5) Governing board shall mean the Board of Regents of the University of Nebraska, the Board of Trustees of the Nebraska State Colleges, or the board of governors for each community college area;

(6) Program shall mean any program of instruction which leads directly to a degree, diploma, or certificate and, for purposes of section 85-1414, shall include public service programs and all off-campus instructional programs, whether or not such programs lead directly to a degree, diploma, or certificate. Program shall also include the establishment of any new college, school, major division, education center, or institute but shall not include reasonable and moderate extensions of existing curricula which have a direct relationship to existing programs;

(7) Public institution shall mean each campus of a public postsecondary educational institution which is or may be established by the Legislature, which is under the direction of a governing board, and which is administered as a separate unit by the board; and

(8) Tax funds designated by the Legislature shall mean all state tax revenue and all property tax revenue.

Source: Laws 1991, LB 663, § 5; Laws 1994, LB 683, § 15; Laws 1999, LB 816, § 11; Laws 2006, LB 196, § 2; Laws 2009, LB440, § 3; Laws 2012, LB946, § 12.
Effective date February 14, 2012.

85-1412 Commission; additional powers and duties.

The commission shall have the following additional powers and duties:

(1) Conduct surveys and studies as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 and request information from governing boards and appropriate administrators of public institutions and other governmental agencies for research projects. All public institutions and governmental agencies receiving state funds shall comply with reasonable requests for information under this subdivision. Public institutions may comply with such requests pursuant to section 85-1417;

(2) Recommend to the Legislature and the Governor legislation it deems necessary or appropriate to improve postsecondary education in Nebraska and any other legislation it deems appropriate to change the role and mission provisions in sections 85-917 to 85-966.01. The recommendations submitted to the Legislature shall be submitted electronically;

(3) Establish any advisory committees as may be necessary to undertake the coordination function of the commission pursuant to section 85-1403 or to solicit input from affected parties such as students, faculty, governing boards, administrators of the public institutions, administrators of the private nonprofit institutions of postsecondary education and proprietary institutions in the state, and community and business leaders regarding the coordination function of the commission;

(4) Participate in or designate an employee or employees to participate in any committee which may be created to prepare a coordinated plan for the delivery of educational programs and services in Nebraska through the telecommunications system;

(5) Seek a close liaison with the State Board of Education and the State Department of Education in recognition of the need for close coordination of activities between elementary and secondary education and postsecondary education;

(6) Administer the Integrated Postsecondary Education Data System or other information system or systems to provide the commission with timely, comprehensive, and meaningful information pertinent to the exercise of its duties. The information system shall be designed to provide comparable data on each public institution. The commission shall also administer the uniform information system prescribed in sections 85-1421 to 85-1427 known as the Nebraska Educational Data System. Public institutions shall supply the appropriate data for the information system or systems required by the commission;

(7) Administer the Access College Early Scholarship Program Act, the Community College Aid Act, the Nebraska Opportunity Grant Act, and the Postsecondary Institution Act;

(8) Accept and administer loans, grants, and programs from the federal or state government and from other sources, public and private, for carrying out any of its functions, including the administration of privately endowed scholarship programs. Such loans and grants shall not be expended for any other purposes than those for which the loans and grants were provided. The commission shall determine eligibility for such loans, grants, and programs, and such loans and grants shall not be expended unless approved by the Governor;

(9) On or before December 1 of each even-numbered year, submit to the Legislature and the Governor a report of its objectives and activities and any new private colleges in Nebraska and the implementation of any recommendations of the commission for the preceding two calendar years. The report submitted to the Legislature shall be submitted electronically;

(10) Provide staff support for interstate compacts on postsecondary education; and

(11) Request inclusion of the commission in any existing grant review process and information system.

Source: Laws 1991, LB 663, § 15; Laws 1993, LB 93, § 7; Laws 1994, LB 683, § 18; Laws 1999, LB 816, § 14; Laws 2003, LB 7, § 5; Laws 2003, LB 574, § 26; Laws 2003, LB 685, § 29; Laws 2007, LB192, § 1; Laws 2009, LB340, § 1; Laws 2010, LB956, § 3; Laws 2011, LB637, § 29; Laws 2012, LB782, § 234; Laws 2012, LB946, § 13.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB782, section 234, with LB946, section 13, to reflect all amendments.

Note: Changes made by LB946 became effective February 14, 2012. Changes made by LB782 became operative July 19, 2012.

Cross References

Access College Early Scholarship Program Act, see section 85-2101.

Community College Aid Act, see section 85-2231.

Integrated Postsecondary Education Data System, see section 85-1424.

Nebraska Opportunity Grant Act, see section 85-1901.

Postsecondary Institution Act, see section 85-2401.

85-1413 Comprehensive statewide plan; establish; requirements; unified statewide facilities plan; develop.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish and revise as needed a comprehensive statewide plan for postsecondary education which shall include (a) definitions of the role and mission of each public postsecondary educational institution within any general assignments of role and mission as prescribed in sections 85-917 to 85-966 and (b) a plan for facilities which utilize tax funds designated by the Legislature.

(2) The planning process of the commission (a) shall be policy-based and ongoing in order to achieve, within the coordination function of the commission pursuant to section 85-1403, the best possible use of available state resources for high quality and accessible postsecondary educational services and (b) shall take into consideration (i) the needs of the state as described in subsection (3) of this section, (ii) general assignments of role and mission for each public institution in sections 85-917 to 85-966, and (iii) plans for facilities which utilize tax funds designated by the Legislature.

(3) In establishing the plan, the commission shall assess the postsecondary educational needs of the state in the following areas:

- (a) The basic and continuing needs of various age groups;
- (b) Business and industrial needs for a skilled work force;
- (c) Demographic, social, and economic trends;
- (d) The needs of the ethnic populations;
- (e) College attendance, retention, and dropout rates;
- (f) The needs of recent high school graduates and place-bound adults;
- (g) The needs of residents of all geographic regions; and
- (h) Any other areas the commission may designate.

(4) The plan shall provide a structure or process which encourages and facilitates harmonious and cooperative relationships between public and private postsecondary educational institutions and shall recognize the role and relationship of elementary and secondary education and private postsecondary educational institutions in the state to postsecondary education.

(5) The commission shall incorporate into the plan provisions and policies to guide decisionmaking by the commission pursuant to this section and sections 85-1414 and 85-1415. The provisions and policies shall address issues which include, but are not limited to:

(a) The facilitation of statewide transfer-of-credit guidelines to be considered by institutional governing boards. The statewide transfer-of-credit guidelines shall be designed to facilitate the transfer of students among public institutions. The statewide transfer-of-credit guidelines shall not require nor encourage the standardization of course content and shall not prescribe course content or credit value assigned by any public institution to the courses;

(b) Recommended guidelines for admissions which recognize selective and differentiated admission standards at public institutions and which are consistent with the role and mission of each public institution. It is the intent of the Legislature that changes in admission standards be implemented in conjunction with the role and mission statements established pursuant to this section and

sections 85-917 to 85-966 and the adoption of statewide transfer-of-credit and remedial program policies to assure that access to postsecondary education is not limited;

(c) Recommended enrollment guidelines consistent with the role and mission of each public institution and specific recommendations designed to increase diversity through more effective enrollment and retention at public institutions;

(d) Recommended guidelines for rational and equitable statewide tuition rates and fees for public institutions. The commission shall identify public policy issues relating to tuition and fees of the public postsecondary educational institutions in the state. The recommended guidelines shall take into account the role and mission of each public institution and the need to maximize access to public postsecondary education regardless of a student's financial circumstance;

(e) In conjunction with and consistent with its recommended guidelines on admission standards, recommended guidelines which place the primary emphasis at the community college level for postsecondary education remedial programs and reduce the role of the University of Nebraska in offering remedial programs. The commission shall collaborate with the Commissioner of Education to develop recommendations for secondary schools designed to reduce the need for remedial or developmental programs at the postsecondary level;

(f) In consultation with the governing boards or their designated representatives, designation of geographic and programmatic service areas for each public institution consistent with role and mission assignments. Except as permitted by the commission pursuant to section 85-1414, no public institution shall provide programs at any site outside its assigned geographic and programmatic service area unless permitted under rules and regulations adopted and promulgated by the commission;

(g) After consultation with the governing boards and experts from outside the State of Nebraska, the establishment of a peer group or groups for each public institution for purposes of budget review. In fulfilling this charge, the commission may accept a peer group determined by a governing board in consultation with out-of-state experts;

(h) Effective use of information technologies and telecommunications to aid in the delivery of instruction at the postsecondary level. In cooperation with the Nebraska Educational Telecommunications Commission, other state agencies, and, when appropriate, representatives of elementary and secondary public education, the commission may assist in the development of instructional delivery systems employing information technologies and telecommunications. The commission, with the involvement of faculties, public institutions and private postsecondary educational institutions, and the information technology and telecommunications community, shall establish policies to ensure that the objectives of quality and efficiency are met in the delivery of information technology and telecommunications-aided instruction;

(i) Workforce development. The commission shall explore methods to improve the competitive quality of the work force and shall encourage enhanced communications and partnerships between public institutions and business and industry;

(j) Public service activities. The public institutions shall develop and provide to the commission a comprehensive inventory of public service programs and activities of public institutions; and

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION § 85-1414

(k) Financial aid strategy. The commission shall develop a state strategy for state-supported student financial aid programs with the goal of assuring access to and choice in postsecondary education in Nebraska for Nebraska residents within the limits of available state resources.

(6) The commission shall develop a unified statewide facilities plan in consultation with the governing boards or their designated representatives and update the plan periodically.

(7) Prior to March 15 of the year following a year in which any revision is made to the comprehensive statewide plan, the Education Committee of the Legislature shall review the comprehensive statewide plan and revisions thereto at a public hearing and report its findings electronically to the Legislature.

Source: Laws 1991, LB 663, § 16; Laws 1993, LB 239, § 20; Laws 1994, LB 683, § 19; Laws 1999, LB 816, § 15; Laws 2003, LB 7, § 6; Laws 2012, LB782, § 235.
Operative date July 19, 2012.

85-1414 Programs; capital construction projects; review; commission, public institutions, and governing boards; duties.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall establish an ongoing process to review, monitor, and approve or disapprove the new and existing programs of public institutions and proposed capital construction projects which utilize tax funds designated by the Legislature in order to provide compliance and consistency with the comprehensive statewide plan and to prevent unnecessary duplication. When complying with requests for information during the review, monitoring, and approval process, public institutions may comply pursuant to section 85-1417.

(2)(a) Governing boards shall submit to the commission all proposals for any new program after the governing board has approved the program and prior to implementation of the program. Except for programs submitted for conditional approval by the commission pursuant to subdivision (b) of this subsection, the commission shall have ninety days from the date the program was submitted to take action to approve or disapprove a program or it shall stand approved. The commission shall establish a waiver process for specific, short-term job training programs and short-term public service programs as defined by the commission. New programs submitted for review may be approved or disapproved in whole or in part and with or without recommended modifications based on criteria established pursuant to subsection (7) of this section.

(b) After approval of the program by the governing board, the governing board may submit a proposal for a program which is not authorized by the role and mission provisions of sections 85-917 to 85-966 to the commission for conditional approval. Within one hundred twenty days from its receipt of the proposal, the commission shall report electronically to the Legislature its recommendation in support for or opposition to the amendments to the role and mission statutes that would be necessary for the commission to approve the program and for the institution to offer the program. The time period for submission of the report may be extended for up to an additional ninety days by resolution of the commission which shall show good cause why the extent of review required for this particular proposal necessitates an extension of time to

complete the review. Such extension shall be filed electronically with the chairperson of the Education Committee of the Legislature prior to the expiration of the initial one hundred twenty days. The report shall contain supporting rationale for the commission's position, such additional comments as the commission deems appropriate and, in the event the commission supports the amendments to the role and mission statutes, the commission's specific recommendation as to the form of such amendments. If the report indicates support for the necessary amendments to the role and mission statutes, the report shall also constitute the commission's conditional approval of the program, unless the report specifically indicates disapproval of the program. If the necessary amendments to the role and mission statutes supported by the commission in its report to the Legislature are subsequently enacted by the Legislature, the program shall stand approved. Nothing in this section for conditional approval shall be construed to affect the commission's future consideration of such proposal or approval or disapproval of any programs affected by the proposal.

(3) Following approval of a new program, such program shall be added to the schedule of existing programs to be reviewed by the commission. Following consultation with the governing board, new programs approved by the commission may also be required to meet, within a reasonable time as stipulated by the commission, minimum performance standards established by the commission pursuant to its rules and regulations. If a program fails to meet minimum performance standards, the commission shall review the program and may continue or withdraw its approval for the program.

(4) Existing programs shall be reviewed by the commission pursuant to a program review process established by the commission in consultation with the governing boards or their designated representatives which, to the extent possible while still allowing for timely review by the commission, shall coincide with institutional review and accreditation cycles. In reviewing existing programs, the commission may make use of nonconfidential information and conclusions provided by accreditation processes supplied to the commission by the institutions. All programs in existence prior to January 1, 1992, shall be considered approved until the approval is confirmed or withdrawn by the commission pursuant to the program review process conducted by the commission.

(5) Existing programs which do not meet criteria established by the commission pursuant to subsection (7) of this section shall be targeted for indepth review by the public institutions and their governing boards. In performing such indepth review, institutions may make use of information and conclusions provided by accreditation and other established and ongoing academic review processes rather than providing for a separate review process. Programs continued by the governing boards shall be further monitored by the governing board which shall report the status and process of the monitoring to the commission. If the commission determines that a program does not merit continuation, it shall hold a public hearing, following thirty days' notice to the public institution, to consider if the program should be continued. Following the hearing, the commission shall take action to approve or disapprove continuance of the program.

(6) Existing programs disapproved for continuance by the commission shall be terminated by a public institution when all students in the program on the date of the decision of the commission to disapprove continuance of the program have had a reasonable opportunity, as determined by the governing

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION § 85-1414

board of the public institution, to complete the program. Existing public service programs disapproved for continuance by the commission shall be terminated at the end of the fiscal year in which the decision to disapprove is made.

(7) The commission shall establish criteria for the review, monitoring, and approval or disapproval of programs. The governing boards of the public institutions shall be responsible for assuring the quality and effectiveness of programs offered by their institutions. The commission's criteria shall be designed to (a) meet educational needs and (b) assure efficiency and avoid unnecessary duplication. Criteria shall include:

- (i) Centrality to the role and mission of the public institution;
- (ii) Consistency with the comprehensive statewide plan;
- (iii) Evidence of need and demand; and
- (iv) Adequacy of resources to support proposed new programs.

The criteria shall not infringe on the prerogative of the governing boards to make decisions on the quality of staff and the design of curriculum.

(8) The commission shall develop specific criteria for review, monitoring, and approval or disapproval of participation by any public institution in proposed or existing education centers in addition to the criteria specified in this section. Participation by a public institution in an education center shall also be approved by the governing board of such public institution. The commission shall develop policies and procedures for conducting and approving off-campus programming in an education center.

(9) Each public institution shall submit its most recent institutional facilities plan to the commission subject to commission guidelines for the format and content of such plans. The commission shall (a) review each institutional facilities plan to ensure (i) consistency with the comprehensive statewide plan, statewide facilities plan, and institutional role and mission assignments and (ii) identification of unnecessary duplication of facilities and (b) make a written report of its review to the governing board of the public institution within ninety days after receipt of the institutional facilities plan. The commission may, in accordance with the coordination function of the commission pursuant to section 85-1403, recommend modifications to the institutional facilities plans and may require submission of periodic updates of the institutional facilities plans.

(10) Governing boards shall submit all proposed capital construction projects which utilize tax funds designated by the Legislature to the commission for review and approval or disapproval. The commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, review, monitor, and approve or disapprove each such capital construction project to provide compliance and consistency with the statewide facilities plan and the comprehensive statewide plan and to prevent unnecessary duplication of capital facilities. The commission may disapprove a project only on the basis of a finding by the commission that the project (a) does not comply or is inconsistent with one or more provisions of the statewide facilities plan or other relevant provisions of the comprehensive statewide plan or (b) will result in unnecessary duplication of capital facilities.

(11) In fulfilling its program and project approval activities prescribed in this section, the commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, recognize educational activities

among all segments of postsecondary education and take into account the educational programs, facilities, and other resources of both public and independent and private postsecondary educational institutions.

(12) Any program which is authorized by action of the Legislature or a governing board and which is not in existence prior to January 1, 1992, shall not become operative unless and until such program has been approved by the commission pursuant to this section.

Source: Laws 1991, LB 663, § 17; Laws 1994, LB 683, § 20; Laws 1999, LB 816, § 16; Laws 2003, LB 7, § 7; Laws 2006, LB 196, § 4; Laws 2012, LB782, § 236.

Operative date July 19, 2012.

85-1415 Capital construction projects proposed by Board of Regents of the University of Nebraska, Board of Trustees of the Nebraska State Colleges, and certain nonprofit corporations; review; commission; duties; approval by Legislature.

(1) Consistent with the authority granted to the Legislature pursuant to Article XIII, section 1, of the Constitution of Nebraska, the commission shall review all capital construction projects proposed by the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges pursuant to sections 85-404 and 85-408 and by any nonprofit corporation created by the Board of Regents of the University of Nebraska or the Board of Trustees of the Nebraska State Colleges when (a) state general funds, (b) funds received by the University of Nebraska or any state college for the purposes of reimbursing overhead costs and expenses in connection with any federal or other grant or contract, (c) tuition, or (d) the state's operating investment pool investment income constitute all or any part of the funds used for the repayment of all or any part of the bonds of such nonprofit corporation. Such boards shall submit all such projects, including applicable financing plans, to the commission for review.

(2) Within sixty days after the date of submission of a proposed project, the commission shall take action by recommending that the Legislature or the Executive Board of the Legislative Council either approve or disapprove the project. Following such action by the commission, each such proposed project together with the commission's recommendation of approval or disapproval shall be submitted electronically by the board concerned to the Legislature or to the Executive Board of the Legislative Council. The Legislature or, if the Legislature is not in session, the Executive Board of the Legislative Council shall thereafter take action to approve or disapprove the proposed project.

Source: Laws 1991, LB 663, § 18; Laws 1992, LB 976, § 1; Laws 1994, LB 683, § 21; Laws 2004, LB 1071, § 1; Laws 2012, LB782, § 237.

Operative date July 19, 2012.

85-1416 Budget and state aid requests; review; commission; duties.

(1) Pursuant to the authority granted in Article VII, section 14, of the Constitution of Nebraska and the Coordinating Commission for Postsecondary Education Act, the commission shall, in accordance with the coordination function of the commission pursuant to section 85-1403, review and modify, if needed to promote compliance and consistency with the comprehensive state-

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION § 85-1416

wide plan and prevent unnecessary duplication, the budget requests of the governing boards.

(2)(a) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission an outline of its proposed operating budget. The outline of its proposed operating budget or outline of proposed state aid request shall include those information summaries provided to the institution's governing board describing the respective institution's budget for the next fiscal year or biennium. The outline shall contain projections of funds necessary for (i) the retention of current programs and services at current funding levels, (ii) any inflationary costs necessary to maintain current programs and services at the current programmatic or service levels, and (iii) proposed new and expanded programs and services. In addition to the outline, the commission may request an institution to provide to the commission any other supporting information to assist the commission in its budget review process. An institution may comply with such requests pursuant to section 85-1417.

(b) On September 15 of each biennial budget request year, the boards of governors of the community colleges or their designated representatives shall submit to the commission outlines of their proposed state aid requests.

(c) The commission shall analyze institutional budget priorities in light of the comprehensive statewide plan, role and mission assignments, and the goal of prevention of unnecessary duplication. The commission shall submit to the Governor and Legislature by October 15 of each year recommendations for approval or modification of the budget requests together with a rationale for its recommendations. The recommendations submitted to the Legislature shall be submitted electronically. The analysis and recommendations by the commission shall focus on budget requests for new and expanded programs and services and major statewide funding issues or initiatives as identified in the comprehensive statewide plan. If an institution does not comply with the commission's request pursuant to subdivision (a) of this subsection for additional budget information, the commission may so note the refusal and its specific information request in its report of budget recommendations. The commission shall also provide to the Governor and the Appropriations Committee of the Legislature on or before October 1 of each even-numbered year a report identifying public policy issues relating to student tuition and fees, including the appropriate relative differentials of tuition and fee levels between the sectors of public postsecondary education in the state consistent with the comprehensive statewide plan. The report submitted to the committee shall be submitted electronically.

(3) At least thirty days prior to submitting to the Governor their biennial budget requests pursuant to section 81-1113 and any major deficit appropriation requests pursuant to instructions of the Department of Administrative Services, the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall each submit to the commission information the commission deems necessary regarding each board's capital construction budget requests. The commission shall review the capital construction budget request information and may recommend to the Governor and the Legislature modification, approval, or disapproval of such requests consis-

tent with the statewide facilities plan and any project approval determined pursuant to subsection (10) of section 85-1414 and to section 85-1415. The recommendations submitted to the Legislature shall be submitted electronically. The commission shall develop from a statewide perspective a unified prioritization of individual capital construction budget requests for which it has recommended approval and submit such prioritization to the Governor and the Legislature for their consideration. The prioritization submitted to the Legislature shall be submitted electronically. In establishing its prioritized list, the commission may consider and respond to the priority order established by the Board of Regents or the Board of Trustees in their respective capital construction budget requests.

(4) Nothing in this section shall be construed to affect other constitutional, statutory, or administrative requirements for the submission of budget or state aid requests by the governing boards to the Governor and the Legislature.

Source: Laws 1991, LB 663, § 19; Laws 1993, LB 239, § 21; Laws 1994, LB 683, § 22; Laws 1999, LB 816, § 17; Laws 2002, Second Spec. Sess., LB 12, § 5; Laws 2006, LB 962, § 5; Laws 2007, LB342, § 38; Laws 2010, LB1072, § 4; Laws 2012, LB782, § 238. Operative date July 19, 2012.

85-1418 Program or capital construction project; state funds; restrictions on use; district court of Lancaster County; jurisdiction; appeals; procedure.

(1) No state warrant shall be issued by the Department of Administrative Services or used by any public institution for the purpose of funding any program or capital construction project which has not been approved or which has been disapproved by the commission pursuant to the Coordinating Commission for Postsecondary Education Act. If state funding for any such program or project cannot be or is not divided into warrants separate from other programs or projects, the department shall reduce a warrant to the public institution which includes funding for the program or project by the amount of tax funds designated by the Legislature which are budgeted in that fiscal year by the public institution for use for the program or project.

(2) The department may reduce the amount of state aid distributed to a community college area pursuant to the Community College Aid Act, or for fiscal years 2010-11, 2011-12, and 2012-13 pursuant to section 90-517, by the amount of funds used by the area to provide a program or capital construction project which has not been approved or which has been disapproved by the commission.

(3) The district court of Lancaster County shall have jurisdiction to enforce an order or decision of the commission entered pursuant to the Coordinating Commission for Postsecondary Education Act and to enforce this section.

(4) Any person or public institution aggrieved by a final order of the commission entered pursuant to section 85-1413, 85-1414, 85-1415, or 85-1416 shall be entitled to judicial review of the order. Proceedings for review shall be instituted by filing a petition in the district court of Lancaster County within thirty days after public notice of the final decision by the commission is given. The filing of the petition or the service of summons upon the commission shall not stay enforcement of such order. The review shall be conducted by the court without a jury on the record of the commission. The court shall have jurisdiction to enjoin enforcement of any order of the commission which is (a) in

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION § 85-1429

violation of constitutional provisions, (b) in excess of the constitutional or statutory authority of the commission, (c) made upon unlawful procedure, or (d) affected by other error of law.

(5) A party may secure a review of any final judgment of the district court by appeal to the Court of Appeals. Such appeal shall be taken in the manner provided by law for appeals in civil cases and shall be heard de novo on the record.

Source: Laws 1991, LB 663, § 21; Laws 1992, LB 360, § 40; Laws 1993, LB 239, § 22; Laws 2007, LB342, § 39; Laws 2010, LB1072, § 5; Laws 2011, LB59, § 4; Laws 2012, LB946, § 14.
Effective date February 14, 2012.

Cross References

Community College Aid Act, see section 85-2231.

85-1419 Coordinating Commission for Postsecondary Education Cash Fund; created; use; investment.

There is hereby created the Coordinating Commission for Postsecondary Education Cash Fund. The fund shall contain money received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and from private colleges seeking provisional accreditation and money received by the commission for services rendered incident to the administration of its statutory or contractual functions. The fund shall be expended for the administrative costs of reviewing applications, publishing and duplicating reports, coordinating studies, conducting conferences, and other related activities as may be authorized by the Legislature or by contract, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. All such money received by the commission shall be remitted to the State Treasurer for credit to the Coordinating Commission for Postsecondary Education Cash Fund. A report on the receipts and expenditures from the fund shall be included as a part of the operating budget request submitted to the Legislature and the Governor. 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.

Source: Laws 1991, LB 663, § 22; Laws 1994, LB 683, § 23; Laws 1994, LB 1066, § 138; Laws 2009, First Spec. Sess., LB3, § 94.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(c) LEGISLATIVE PRIORITIES

85-1429 Commission; report on higher education priorities.

On or before March 15 of each year, the Coordinating Commission for Postsecondary Education shall provide electronically a report that evaluates progress toward attainment of the priorities listed in subdivision (3) of section 85-1428. The Education Committee of the Legislature shall review the report at a public hearing and report its findings electronically to the Legislature.

Source: Laws 2006, LB 962, § 8; Laws 2012, LB782, § 239.
Operative date July 19, 2012.

ARTICLE 15
COMMUNITY COLLEGES

Section

- 85-1501.01. Financing; legislative intent.
- 85-1502. Area governance and statewide coordination; legislative intent; association of boards; powers and duties; section, how construed.
- 85-1503. Terms, defined.
- 85-1511. Board; powers and duties; enumerated.
- 85-1517. Board; power to certify tax levy; limit; purposes; approval required to raise levy over limit; how collected.
- 85-1520. Facilities; construct, purchase, repair, and equip; revenue bonds; authorized.
- 85-1521. Revenue bonds; pledge of revenue; payment; board; powers and duties; bonds not obligation of state.
- 85-1535. Facilities for applied technology educational programs; contracts authorized; costs.
- 85-1539. Nebraska Community College Student Performance and Occupational Education Grant Committee; created; duties.
- 85-1540. Nebraska Community College Student Performance and Occupational Education Grant Fund; created; use; investment.

85-1501.01 Financing; legislative intent.

The Legislature recognizes the need for and importance of a strong partnership with the community colleges to assure the continued economic growth of the state. In recognition of that partnership, the Legislature affirms that community colleges should be financed through a funding partnership from property tax, state aid, tuition and fees, and other sources of revenue.

Source: Laws 1997, LB 269, § 67; Laws 2012, LB946, § 15.
Effective date February 14, 2012.

85-1502 Area governance and statewide coordination; legislative intent; association of boards; powers and duties; section, how construed.

(1) It is the intent of the Legislature that a clear distinction between area governance and statewide coordination for the community college areas be recognized and that such coordination is appropriate in order to provide the most cost-effective programs for residents of each community college area. It is further the intent of the Legislature that coordination of the community colleges by the Coordinating Commission for Postsecondary Education be conducted through an association of the boards.

(2) Through June 30, 2011, all of the boards shall be a part of and shall be represented by such association. Coordination services provided by such association shall include (a) preparation of a system strategic plan, (b) coordination of the budget request for the biennium, (c) facilitation of program-needs assessment and articulation, (d) recommendation and facilitation of the appointment of representatives to committees, boards, commissions, task forces, and any other state-level bodies requesting or requiring participation from the community college system, and (e) facilitation of responses to data and information requests for the system.

(3) All activities conducted pursuant to this section by such association shall be conducted in accordance with the Open Meetings Act.

(4) Nothing in this section shall be construed to require or provide for state control of the operations of any community college area or to abridge the

governance ability, rights, or responsibilities of any board. Nothing in this section shall be construed to limit the ability or authority of the commission to fulfill its responsibilities and duties regarding the individual community college areas and the individual community college area campuses.

Source: Laws 1991, LB 625, § 1; Laws 1991, LB 663, § 46; R.S.Supp.,1992, § 79-2636.01; Laws 1993, LB 239, § 24; Laws 2004, LB 821, § 43; Laws 2010, LB1072, § 6.

Cross References

Open Meetings Act, see section 84-1407.

85-1503 Terms, defined.

For purposes of sections 85-1501 to 85-1540, unless the context otherwise requires:

(1) Community college means an educational institution operating and offering programs pursuant to such sections;

(2) Community college area means an area established by section 85-1504;

(3) Board means the Community College Board of Governors for each community college area;

(4) Full-time equivalent student means, in the aggregate, the equivalent of a registered student who in a twelve-month period is enrolled in (a) thirty semester credit hours or forty-five quarter credit hours of classroom, laboratory, clinical, practicum, or independent study course work or cooperative work experience or (b) nine hundred contact hours of classroom or laboratory course work for which credit hours are not offered or awarded. Avocational and recreational community service programs or courses are not included in determining full-time equivalent students or student enrollment. The number of credit and contact hours to be counted by any community college area in which a tribally controlled community college is located shall include credit and contact hours awarded by such tribally controlled community college to students for which such institution received no federal reimbursement pursuant to the federal Tribally Controlled College or University Assistance Act of 1978, 25 U.S.C. 1801;

(5) Contact hour means an educational activity consisting of sixty minutes minus break time and required time to change classes;

(6) Credit hour means the unit used to ascertain the educational value of course work offered by the institution to students enrolling for such course work, earned by such students upon successful completion of such course work, and for which tuition is charged. A credit hour may be offered and earned in any of several instructional delivery systems, including, but not limited to, classroom hours, laboratory hours, clinical hours, practicum hours, cooperative work experience, and independent study. A credit hour shall consist of a minimum of: (a) Ten quarter or fifteen semester classroom contact hours per term of enrollment; (b) twenty quarter or thirty semester academic transfer and academic support laboratory hours per term of enrollment; (c) thirty quarter or forty-five semester vocational laboratory hours per term of enrollment; (d) thirty quarter or forty-five semester clinical or practicum contact hours per term of enrollment; or (e) forty quarter or sixty semester cooperative work experience contact hours per term of enrollment. An institution may include in a credit hour more classroom, laboratory, clinical, practicum, or cooperative

work experience hours than the minimum required in this subdivision. The institution shall publish in its catalog, or otherwise make known to the student in writing prior to the student enrolling or paying tuition for any courses, the number of credit or contact hours offered in each such course. Such published credit or contact hour offerings shall be used to determine whether a student is a full-time equivalent student pursuant to subdivision (4) of this section;

(7) Classroom hour means a minimum of fifty minutes of formalized instruction on campus or off campus in which a qualified instructor applying any combination of instructional methods such as lecture, directed discussion, demonstration, or the presentation of audiovisual materials is responsible for providing an educational experience to students;

(8) Laboratory hour means a minimum of fifty minutes of educational activity on campus or off campus in which students conduct experiments, perfect skills, or practice procedures under the direction of a qualified instructor;

(9) Clinical hour means a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experience under constant supervision at a health-related agency, receives individual instruction in the performance of a particular function, and is observed and critiqued in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of students and for the delivery of part of the didactic phase of the experience;

(10) Practicum hour means a minimum of fifty minutes of educational activity on campus or off campus during which the student is assigned practical experiences, receives individual instruction in the performance of a particular function, and is observed and critiqued by an instructor in the repeat performance of such function. Adjunct professional personnel, who may or may not be paid by the college, may be used for the directed supervision of the students;

(11) Cooperative work experience means an internship or on-the-job training, designed to provide specialized skills and educational experiences, which is coordinated, supervised, observed, and evaluated by qualified college staff or faculty and may be completed on campus or off campus, depending on the nature of the arrangement;

(12) Independent study means an arrangement between an instructor and a student in which the instructor is responsible for assigning work activity or skill objectives to the student, personally providing needed instruction, assessing the student's progress, and assigning a final grade. Credit hours shall be assigned according to the practice of assigning credits in similar courses;

(13) Full-time equivalent student enrollment total means the total of full-time equivalent students enrolled in a community college in any fiscal year;

(14) General academic transfer course means a course offering in a one-year or two-year degree-credit program, at the associate degree level or below, intended by the offering institution for transfer into a baccalaureate program. The completion of the specified courses in a general academic transfer program may include the award of a formal degree;

(15) Applied technology or occupational course means a course offering in an instructional program, at the associate degree level or below, intended to prepare individuals for immediate entry into a specific occupation or career. The primary intent of the institutions offering an applied technology or occupa-

tional program shall be that such program is for immediate job entry. The completion of the specified courses in an applied technology or occupational program may include the award of a formal degree, diploma, or certificate;

(16) Academic support course means a general education academic course offering which may be necessary to support an applied technology or occupational program;

(17) Class 1 course means an applied technology or occupational course offering which requires the use of equipment, facilities, or instructional methods easily adaptable for use in a general academic transfer program classroom or laboratory;

(18) Class 2 course means an applied technology or occupational course offering which requires the use of specialized equipment, facilities, or instructional methods not easily adaptable for use in a general academic transfer program classroom or laboratory;

(19) Reimbursable educational unit means a full-time equivalent student multiplied by (a) for a general academic transfer course or an academic support course, a factor of one, (b) for a Class 1 course, a factor of one and fifty-hundredths, (c) for a Class 2 course, a factor of two, (d) for a tribally controlled community college general academic transfer course or academic support course, a factor of two, (e) for a tribally controlled community college Class 1 course, a factor of three, and (f) for a tribally controlled community college Class 2 course, a factor of four;

(20) Reimbursable educational unit total means the total of all reimbursable educational units accumulated in a community college area in any fiscal year;

(21) Special instructional term means any term which is less than fifteen weeks for community colleges using semesters or ten weeks for community colleges using quarters;

(22) Statewide reimbursable full-time equivalent total means the total of all reimbursable full-time equivalents accumulated statewide for the community college in any fiscal year;

(23) Tribally controlled community college means an educational institution operating and offering programs pursuant to the federal Tribally Controlled College or University Assistance Act of 1978, 25 U.S.C. 1801; and

(24) Tribally controlled community college state aid amount means:

(a) For fiscal years 2010-11, 2011-12, and 2012-13, the amount of state aid provided to a tribally controlled community college pursuant to section 90-517; and

(b) For fiscal year 2013-14 and each fiscal year thereafter, the quotient of the amount of state aid to be distributed pursuant to the Community College Aid Act, excluding any amounts received from the Nebraska Community College Student Performance and Occupational Education Grant Fund, for such fiscal year to a community college area in which a tribally controlled community college is located divided by the reimbursable educational unit total for such community college area for the fiscal year immediately preceding the fiscal year for which aid is being calculated, with such quotient then multiplied by the reimbursable educational units derived from credit and contact hours awarded by a tribally controlled community college to students for which such institution received no federal reimbursement pursuant to the federal Tribally Controlled College or University Assistance Act of 1978, 25 U.S.C. 1801, for the

fiscal year immediately preceding the fiscal year for which aid is being calculated.

Source: Laws 1975, LB 344, § 2; Laws 1977, LB 459, § 10; Laws 1979, LB 363, § 1; Laws 1984, LB 890, § 1; Laws 1987, LB 329, § 1; Laws 1988, LB 802, § 30; Laws 1991, LB 663, § 45; Laws 1992, LB 921, § 1; R.S.Supp.,1992, § 79-2637; Laws 1993, LB 239, § 25; Laws 1995, LB 241, § 1; Laws 1997, LB 269, § 68; Laws 1999, LB 67, § 1; Laws 2005, LB 38, § 3; Laws 2007, LB342, § 40; Laws 2010, LB1072, § 7; Laws 2011, LB59, § 5; Laws 2012, LB946, § 16.

Effective date February 14, 2012.

Cross References

Community College Aid Act, see section 85-2231.

85-1511 Board; powers and duties; enumerated.

In addition to any other powers and duties imposed upon the community college system or its areas, campuses, or boards by the Community College Aid Act, sections 85-917 to 85-966 and 85-1501 to 85-1540, and any other provision of law, each board shall:

(1) Have general supervision, control, and operation of each community college within its jurisdiction;

(2) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, develop and offer programs of applied technology education, academic transfer programs, academic support courses, and such other programs and courses as the needs of the community college area served may require. The board shall avoid unnecessary duplication of existing programs and courses in meeting the needs of the students and the community college area;

(3) Employ, for a period to be fixed by the board, executive officers, members of the faculty, and such other administrative officers and employees as may be necessary or appropriate and fix their salaries and duties;

(4) Subject to coordination by the Coordinating Commission for Postsecondary Education as prescribed in the Coordinating Commission for Postsecondary Education Act, construct, lease, purchase, purchase on contract, operate, equip, and maintain facilities;

(5) Contract for services connected with the operation of the community college area as needs and interest demand;

(6)(a) Cause a comprehensive audit of the books, accounts, records, and affairs to be made annually covering the most recently completed fiscal year. The audit of each area shall include all sources of revenue used to finance operating expenditures and capital improvements and the county-certified property valuation for the community college for the fiscal year for which such audit is being performed. Such audit of the books, accounts, records, and affairs shall be completed and filed with the Auditor of Public Accounts, the commission, and the Department of Administrative Services on or before October 15 of each year; and

(b) Cause a comprehensive audit of the full-time equivalent student enrollment totals and reimbursable educational unit totals to be made annually

covering the most recently completed fiscal year. The audit of each area shall include a report of full-time equivalent student enrollment totals and reimbursable educational unit totals verified by such audits for the three most recently completed fiscal years which shall be used for calculation of aid to the community college areas for fiscal year 2013-14 and each fiscal year thereafter pursuant to subdivisions (3)(b) and (c) of section 85-2234. The audit of the full-time equivalent student enrollment totals and reimbursable educational unit totals shall be completed and filed with the Auditor of Public Accounts, the commission, and the Department of Administrative Services on or before August 15 of each year;

(7) Establish fees and charges for the facilities authorized by sections 85-1501 to 85-1540. Such fees and charges shall be identified as facility fees at the time they are assessed. The revenue from such fees and charges, other than revenue pledged to retire bonds issued pursuant to sections 85-1515 and 85-1520 to 85-1527 and deposited in a separate bond sinking fund, shall be deposited in the capital improvement and bond sinking fund provided for in section 85-1515. Each board may enter into agreements with owners of facilities to be used for housing regarding the management, operation, and government of such facilities and may employ necessary employees to govern, manage, and operate such facilities;

(8) Receive such gifts, grants, conveyances, and bequests of real and personal property from public or private sources as may be made from time to time, in trust or otherwise, whenever the terms and conditions thereof will aid in carrying out the community college programs as specified by law. Each board may sell, lease, exchange, invest, or expend such gifts, grants, conveyances, and bequests or the proceeds, rents, profits, and income therefrom according to the terms and conditions thereof and adopt and promulgate rules and regulations governing the receipt and expenditure of such proceeds, rents, profits, and income, except that acceptance of such gifts, grants, or conveyances shall not be conditioned on matching state or local funds;

(9) Prescribe the courses of study for any community college under its control and publish such catalogs and bulletins as may be necessary;

(10) Grant to every student upon graduation or completion of a course of study a suitable diploma, associate degree, or certificate;

(11) Adopt and promulgate such rules and regulations and perform all other acts as the board may deem necessary or appropriate to the administration of the community college area. Such rules and regulations shall include, but not be limited to, rules and regulations relating to facilities, housing, scholarships, discipline, and pedestrian and vehicular traffic on property owned, operated, or maintained by the community college area;

(12) Employ, for a period to be fixed by the board, an executive officer for the community college area and, by written order filed in its office, delegate to such executive officer any of the powers and duties vested in or imposed upon it by sections 85-1501 to 85-1540. Such delegated powers and duties may be exercised in the name of the board;

(13) Acquire real property by eminent domain pursuant to sections 76-701 to 76-724;

(14) Acquire real and personal property and sell, convey, or lease such property whenever the community college area will be benefited thereby. The sale, conveyance, or lease of any real estate owned by a community college area

shall be effective only when authorized by an affirmative vote of at least two-thirds of all the members of the board;

(15) Enter into agreements for services, facilities, or equipment and for the presentation of courses for students when such agreements are deemed to be in the best interests of the education of the students involved;

(16) Transfer tribally controlled community college state aid amounts to a tribally controlled community college located within its community college area;

(17) Invest, after proper consideration of the requirements for the availability of money, funds of the community college in securities the nature of which individuals of prudence, discretion, and intelligence acquire or retain in dealing with the property of another;

(18) Establish tuition rates for courses of instruction offered by each community college within its community college area. Separate tuition rates shall be established for students who are nonresidents of the State of Nebraska. Each board may also establish fees to support the operating expenditures of the community college area if such fees are accounted for separately from the fees and charges established for facilities pursuant to subdivision (7) of this section and are identified as operating fees at the time they are assessed;

(19) Establish a fiscal year for the community college area which conforms to the fiscal year of the state;

(20) Enter into a memorandum of understanding with the State Board of Education to adopt a policy to share student data. At a minimum, the policy shall ensure that the exchange of information is conducted in conformance with the requirements of the federal Family Educational Rights and Privacy Act of 1974, as amended, 20 U.S.C. 1232g, and all federal regulations and applicable guidelines adopted in accordance with such act, as such act, regulations, and guidelines existed on January 1, 2010; and

(21) Exercise any other powers, duties, and responsibilities necessary to carry out sections 85-1501 to 85-1540.

Source: Laws 1975, LB 344, § 9; Laws 1977, LB 459, § 11; Laws 1978, LB 756, § 52; Laws 1979, LB 363, § 5; Laws 1987, LB 30, § 2; Laws 1988, LB 802, § 32; Laws 1991, LB 663, § 47; R.S.Supp.,1992, § 79-2644; Laws 1993, LB 239, § 33; Laws 1997, LB 269, § 69; Laws 2007, LB342, § 41; Laws 2010, LB1071, § 36; Laws 2010, LB1072, § 8; Laws 2012, LB946, § 17.
Effective date February 14, 2012.

Cross References

Community College Aid Act, see section 85-2231.

Coordinating Commission for Postsecondary Education Act, see section 85-1401.

85-1517 Board; power to certify tax levy; limit; purposes; approval required to raise levy over limit; how collected.

(1) For fiscal years 2011-12 and 2012-13:

(a) The board may certify to the county board of equalization of each county within the community college area a tax levy not to exceed ten and one-quarter cents on each one hundred dollars on the taxable valuation of all property subject to the levy within the community college area, uniform throughout the

area, for the purpose of supporting operating expenditures of the community college area;

(b) In addition to the levies provided in subdivisions (1)(a) and (c) of this section, the board may certify to the county board of equalization of each county within the community college area a tax levy not to exceed one cent on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, for the purposes of paying off bonds issued under sections 85-1520 to 85-1527 and establishing a capital improvement and bond sinking fund as provided in section 85-1515. The levy provided by this subdivision may be exceeded by that amount necessary to retire the general obligation bonds assumed by the community college area or issued pursuant to section 85-1515 according to the terms of such bonds or for any obligation pursuant to section 85-1535 entered into prior to January 1, 1997; and

(c) In addition to the levies provided in subdivisions (1)(a) and (b) of this section, the board may also certify to the county board of equalization of each county within the community college area a tax levy on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, in the amount which will produce funds only in the amount necessary to pay for funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110. Such tax levy shall not be so certified unless approved by an affirmative vote of a majority of the board taken at a public meeting of the board following notice and a hearing. The board shall give at least seven days' notice of such public hearing and shall publish such notice once in a newspaper of general circulation in the area to be affected by the increase. The proceeds of such tax levy shall be deposited in the capital improvement and bond sinking fund provided for in section 85-1515 for use in funding the projects authorized pursuant to this subdivision.

(2) For fiscal year 2013-14 and each fiscal year thereafter:

(a) The board may certify to the county board of equalization of each county within the community college area a tax levy not to exceed the difference between eleven and one-quarter cents and the rate levied for such fiscal year pursuant to subdivision (b) of this subsection on each one hundred dollars on the taxable valuation of all property subject to the levy within the community college area, uniform throughout the area, for the purpose of supporting operating expenditures of the community college area. For purposes of calculating the amount of levy authority available for operating expenditures pursuant to this subdivision, the rate levied pursuant to subdivision (b) of this subsection shall not include amounts to retire general obligation bonds assumed by the community college area or issued pursuant to section 85-1515 according to the terms of such bonds or for any obligation pursuant to section 85-1535 entered into prior to January 1, 1997;

(b) In addition to the levies provided in subdivisions (a) and (c) of this subsection, the board may certify to the county board of equalization of each county within the community college area a tax levy not to exceed two cents on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, for the purposes of paying off bonds issued under sections 85-1520 to 85-1527 and establishing a capital improvement and bond sinking fund as provided in section 85-1515. The

levy provided by this subdivision may be exceeded by that amount necessary to retire general obligation bonds assumed by the community college area or issued pursuant to section 85-1515 according to the terms of such bonds or for any obligation pursuant to section 85-1535 entered into prior to January 1, 1997; and

(c) In addition to the levies provided in subdivisions (a) and (b) of this subsection, the board of a community college area with a campus located on the site of a former ammunition depot may certify to the county board of equalization of each county within the community college area a tax levy not to exceed three-quarters of one cent on each one hundred dollars on the taxable valuation of all property within the community college area, uniform throughout such area, to pay for funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110. Such tax levy shall not be so certified unless approved by an affirmative vote of a majority of the board taken at a public meeting of the board following notice and a hearing. The board shall give at least seven days' notice of such public hearing and shall publish such notice once in a newspaper of general circulation in the area to be affected by the increase. The proceeds of such tax levy shall be deposited in the capital improvement and bond sinking fund provided for in section 85-1515 for use in funding accessibility barrier elimination project costs and abatement of environmental hazards as such terms are defined in section 79-10,110.

(3) The taxes provided by this section shall be levied and assessed in the same manner as other property taxes and entered on the books of the county treasurer. The proceeds of the tax, as collected, shall be remitted to the treasurer of the board not less frequently than once each month.

Source: Laws 1975, LB 344, § 15; Laws 1978, LB 922, § 5; Laws 1979, LB 363, § 2; Laws 1979, LB 187, § 251; Laws 1980, LB 599, § 16; Laws 1980, LB 824, § 2; Laws 1981, LB 320, § 1; Laws 1984, LB 881, § 1; Laws 1986, LB 796, § 1; Laws 1988, LB 38, § 1; Laws 1990, LB 1050, § 1; Laws 1992, LB 719A, § 197; Laws 1992, LB 1001, § 35; R.S.Supp.,1992, § 79-2650; Laws 1993, LB 239, § 39; Laws 1995, LB 268, § 1; Laws 1996, LB 299, § 32; Laws 1996, LB 900, § 1084; Laws 1996, LB 1114, § 69; Laws 1997, LB 269, § 72; Laws 2005, LB 38, § 4; Laws 2007, LB342, § 42; Laws 2010, LB1072, § 9; Laws 2011, LB59, § 6; Laws 2012, LB946, § 18; Laws 2012, LB1104, § 2.

Note: Changes made by LB946 became effective February 14, 2012. Changes made by LB1104 became effective July 19, 2012.

85-1520 Facilities; construct, purchase, repair, and equip; revenue bonds; authorized.

Each board may construct, purchase, or otherwise acquire, remodel, repair, furnish, and equip dormitories, residence halls, single-dwelling units, multiple-dwelling units, or other facilities for (1) the housing or boarding of single or married students, faculty, or other employees of the institution under its control, (2) buildings and structures for student and faculty unions or centers, and (3) the medical care and other activities of the students of such institutions, on real estate owned or controlled by such board or on real estate purchased, leased, or otherwise acquired for such purpose and pay the cost thereof, including the cost of such real estate, by issuing revenue bonds payable out of the revenue from such buildings or facilities, the revenue from the tax levy

authorized pursuant to subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each fiscal year thereafter, or a combination thereof. Any such buildings or facilities shall be located on or adjacent to a campus or campuses controlled by such board.

Source: Laws 1987, LB 329, § 3; R.S.1943, (1987), § 79-2650.08; Laws 1993, LB 239, § 42; Laws 2012, LB946, § 19.
Effective date February 14, 2012.

85-1521 Revenue bonds; pledge of revenue; payment; board; powers and duties; bonds not obligation of state.

Each board may, by resolution or agreement, pledge all or any part of the revenue and fees derived from the operation of the dormitories, residence halls, single-dwelling units, multiple-dwelling units, buildings, and other facilities for housing, boarding, medical care, and other activities of students, faculty, or employees of the institution under its control erected or acquired or previously erected or acquired by any such board and contract as to the care, insurance, management, and operation of such buildings and facilities and the charges to be made and the rights of the holders of the revenue bonds. When any board contracts that the operation of any building or facility or part thereof shall be performed other than by the board itself, such board shall at all times maintain supervision of and control over the fees and charges imposed for the use of such building, facility, or part. In issuing revenue bonds and pledging revenue therefor, the board may pledge all or any part of the revenue and fees from buildings and facilities other than the building or facility to be constructed. Bonds issued under sections 85-1520 to 85-1527 shall not be an obligation of the State of Nebraska, and no tax, except for the tax authorized under subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each fiscal year thereafter, shall ever be levied to raise funds for the payment thereof or interest thereon. The bonds shall constitute limited obligations of the board issuing the same and shall be paid out of revenue from the tax levy authorized pursuant to subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14 and subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each fiscal year thereafter and out of money derived from the revenue and earnings pledged as provided in sections 85-1501 to 85-1540.

Source: Laws 1987, LB 329, § 4; Laws 1988, LB 802, § 35; R.S.Supp.,1992, § 79-2650.09; Laws 1993, LB 239, § 43; Laws 1997, LB 269, § 73; Laws 2012, LB946, § 20.
Effective date February 14, 2012.

85-1535 Facilities for applied technology educational programs; contracts authorized; costs.

(1) A board of a community college area with a population of less than one hundred thousand according to the last federal decennial census and a campus located on a former military base may enter into contracts with any person, firm, or corporation providing for the implementation of any project for the constructing and improving of facilities to house applied technology educational programs necessary to carry out sections 85-1501 to 85-1540 and providing for the long-term payment of the cost of such project.

(2) In no case shall any such contract run for a period longer than twenty years or shall the aggregate of existing contracts exceed four million five hundred thousand dollars for each area exclusive of administrative costs, credit enhancement costs, financing costs, capitalized interest, and reserves dedicated to secure payment of contracts.

(3) No contract shall be entered into pursuant to this section without prior approval by a resolution of the board and the approval of the Coordinating Commission for Postsecondary Education.

(4) The long-term payment of the cost of such project shall be paid from revenue to be raised pursuant to (a) subdivision (1)(b) of section 85-1517 for fiscal years prior to fiscal year 2013-14 and (b) subdivision (2)(b) of section 85-1517 for fiscal year 2013-14 and each fiscal year thereafter. Any board entering into such contract for the construction and improvement of facilities from revenue to be raised pursuant to such subdivisions shall make annual appropriations for amounts sufficient to pay annual obligations under such contract for the duration of such contract.

(5) The board may also convey or lease and lease back all or any part of the project and the land on which such project is situated to such person, firm, or corporation as the board may contract with pursuant to this section to facilitate the long-term payment of the cost of such project. Any such conveyance or lease shall provide that when the cost of such project has been paid, together with interest and other costs thereon, such project and the land on which such project is located shall become the property of the community college area.

Source: Laws 1993, LB 239, § 57; Laws 1997, LB 269, § 74; Laws 2011, LB59, § 7; Laws 2012, LB946, § 21.
Effective date February 14, 2012.

85-1539 Nebraska Community College Student Performance and Occupational Education Grant Committee; created; duties.

There is hereby created the Nebraska Community College Student Performance and Occupational Education Grant Committee. The committee shall consist of (1) a representative of the Coordinating Commission for Postsecondary Education, (2) a representative of the Department of Economic Development, (3) a representative of the Department of Labor, (4) a representative of the State Department of Education, (5) a representative affiliated with one of the two community college areas with the two smallest full-time equivalent student enrollment totals for the most recent fiscal year, (6) a representative affiliated with one of the two community college areas with the two largest full-time equivalent student enrollment totals for the most recent fiscal year, and (7) a representative affiliated with one of the two community college areas not included in the categories provided in subdivisions (5) and (6) of this section. Each member shall be appointed by the agency or community college areas being represented. The representatives appointed pursuant to subdivisions (5) through (7) of this section shall serve terms of two years and shall be succeeded by a representative affiliated with the community college areas not represented for the preceding term.

The committee shall develop guidelines for and annually determine the allocation of the Nebraska Community College Student Performance and Occupational Education Grant Fund and any other funds appropriated to Program 99 in Agency 83, Aid to Community Colleges, pursuant to this section and

section 85-1540. The total amount allocated for a fiscal year shall not exceed the amounts appropriated from the fund and such other funds as may be appropriated by the Legislature for such fiscal year. The commission shall certify the allocation determined by the committee on or before September 10 of the fiscal year for which such allocation is being certified and shall report such allocation to the Department of Administrative Services. The department shall distribute the total of such appropriated and allocated funds to the selected community college board or boards in a single payment between the fifth and twentieth day of October of the fiscal year for which such allocation is certified.

Source: Laws 1989, LB 305, § 2; R.S.Supp.,1992, § 79-2663; Laws 1993, LB 239, § 61; Laws 2012, LB946, § 22.
Effective date February 14, 2012.

85-1540 Nebraska Community College Student Performance and Occupational Education Grant Fund; created; use; investment.

(1) There is hereby created the Nebraska Community College Student Performance and Occupational Education Grant Fund. The fund shall be under the direction of the Nebraska Community College Student Performance and Occupational Education Grant Committee. The fund shall contain any amount available for transfer pursuant to subdivision (2) of section 85-2234 and such other amounts as may be transferred or otherwise accrue to the fund. The fund shall be used to provide aid or grants to the community colleges for (a) applied technology and occupational faculty training, instructional equipment upgrades, employee assessment, preemployment training, employment training, and dislocated worker programs benefiting the State of Nebraska or (b) programs or activities to enhance (i) student performance in the areas of degree, certificate, or diploma completion, retention, or foundations education as defined in section 85-932.01 or (ii) the collection, reporting, analysis, and utilization of student data. 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.

(2) Applications for aid or grants pursuant to this section may be submitted by a community college area independently or in collaboration with other community college areas.

Source: Laws 1989, LB 305, § 1; Laws 1991, LB 663, § 52; R.S.Supp.,1992, § 79-2664; Laws 1993, LB 239, § 62; Laws 1994, LB 1066, § 140; Laws 1995, LB 1, § 16; Laws 2000, LB 953, § 12; Laws 2012, LB946, § 23.
Effective date February 14, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 16

PRIVATE POSTSECONDARY CAREER SCHOOLS

Section

85-1604. Education and schools; exempt from act.

85-1620. School; authority to award associate degrees; commissioner; authorize.

§ 85-1604 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

Section

85-1643. Private Postsecondary Career Schools Cash Fund; created; use; fees; schedule; no refund.

85-1655. Tuition Recovery Cash Fund; administration.

85-1604 Education and schools; exempt from act.

The following education and schools are exempted from the Private Postsecondary Career School Act:

(1) Schools exclusively offering instruction at any or all levels from preschool through the twelfth grade;

(2) Education sponsored by a bona fide trade, business, professional, or fraternal organization which is offered solely for that organization's membership or offered without charge;

(3) Education provided by or funded by an employer and offered solely to its employees for the purpose of improving such persons in such employment;

(4) Education solely avocational or recreational in nature as determined by the department;

(5) Educational programs offered by a charitable institution, organization, or agency as long as such education or training is not advertised or promoted as leading toward occupational objectives;

(6) Public postsecondary schools established, operated, and governed by this state or its political subdivisions;

(7) Schools or organizations offering education or instruction that is not part of a degree program leading to an associate, a baccalaureate, a graduate, or a professional degree which are licensed and regulated by agencies of this state other than the department, except that such schools or organizations shall not be exempt from the act with respect to agents' permits and the Tuition Recovery Cash Fund;

(8) Schools or organizations which offer education or instruction and which are licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff;

(9) Any postsecondary institution offering or proposing to offer courses or programs leading to a baccalaureate, graduate, or professional degree, but whose offerings may include associate degree programs, diplomas, and other certificates based on the award of college credit, including any such institutions that were regulated prior to May 5, 2011, as private postsecondary career schools pursuant to the Private Postsecondary Career School Act; and

(10) Entities exclusively offering short-term training.

Source: Laws 1977, LB 486, § 4; Laws 1980, LB 774, § 1; Laws 1982, LB 370, § 2; Laws 1990, LB 488, § 4; Laws 1993, LB 348, § 57; R.S.1943, (1994), § 79-2804; Laws 1995, LB 4, § 4; Laws 2003, LB 685, § 31; Laws 2011, LB637, § 30.

85-1620 School; authority to award associate degrees; commissioner; authorize.

A school which has been accredited pursuant to section 85-1619 may apply to the department for authority to award associate degrees. Upon determining that the quality of the courses of instruction at the applicant school meets the standards established in the department's rules and regulations, the commis-

sioner may grant the applicant the authority to award an associate degree and shall issue a certificate setting forth the programs for which the associate degree may be awarded. Such authorization shall continue so long as the school remains accredited.

Source: Laws 1982, LB 370, § 5; Laws 1990, LB 488, § 20; R.S.1943, (1994), § 79-2820.01; Laws 1995, LB 4, § 20; Laws 2003, LB 685, § 32; Laws 2011, LB637, § 31.

85-1643 Private Postsecondary Career Schools Cash Fund; created; use; fees; schedule; no refund.

(1) The Private Postsecondary Career Schools Cash Fund is created. All fees collected pursuant to the Private Postsecondary Career School Act shall be remitted to the State Treasurer for credit to the fund. The fund shall be used only for the purpose of administering the act. No fees shall be subject to refund.

(2) Except as provided in subsection (4) of this section, fees collected pursuant to the act shall be the following:

(a) Initial application for authorization to operate, two hundred dollars plus twenty dollars per program of study offered;

(b) Renewal application for authorization to operate, one hundred dollars plus twenty dollars per program of study offered, except that the board may establish a variable fee schedule based upon the prior school year's gross tuition revenue as provided by the school pursuant to section 85-1656;

(c) Approval to operate a branch facility, one hundred dollars;

(d) Late submission of application, fifty dollars;

(e) Initial agent's permit, fifty dollars;

(f) Agent's permit renewal, twenty dollars;

(g) Accreditation or reaccreditation, one hundred dollars;

(h) Initial authorization to award an associate degree, one hundred dollars;

(i) Significant program change, fifty dollars;

(j) Change of name or location, twenty-five dollars; and

(k) Additional new program, one hundred dollars.

(3) Fees for out-of-state schools may include, but shall not exceed the following:

(a) Certificate of approval to recruit, five hundred dollars annually;

(b) Initial agent's permit, one hundred dollars; and

(c) Agent's permit renewal, forty dollars.

(4)(a) The board shall consult with the advisory council established pursuant to section 85-1607 regarding any increase in fees under the act. Beginning with fiscal year 2006-07 and each year thereafter, the board in consultation with the advisory council shall establish fees sufficient to cover the total cost of administration, except that such fees shall not exceed one hundred ten percent of the previous year's total cost. Such fees shall be set out in the rules and regulations adopted and promulgated by the board.

(b) Total cost of administration shall be determined by an annual audit of:

(i) Salaries and benefits or portions thereof for those department employees who administer the act;

§ 85-1643 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

- (ii) Operating costs such as rent, utilities, and supplies;
- (iii) Capital costs such as office equipment, computer hardware, and computer software;
- (iv) Costs for travel by employees of the department, including car rental, gas, and mileage charges; and
- (v) Other reasonable and necessary costs as determined by the board.

Source: Laws 1977, LB 486, § 46; Laws 1982, LB 928, § 72; Laws 1982, LB 370, § 9; Laws 1990, LB 488, § 42; R.S.1943, (1994), § 79-2846; Laws 1995, LB 4, § 43; Laws 1999, LB 489, § 6; Laws 2003, LB 685, § 35; Laws 2011, LB637, § 32.

85-1655 Tuition Recovery Cash Fund; administration.

The Tuition Recovery Cash Fund shall be administered by the board. The board shall adopt and promulgate rules and regulations for the administration of the fund and for the evaluation and approval of claims pursuant to section 85-1657.

Source: Laws 1993, LB 348, § 53; R.S.1943, (1994), § 79-2860; Laws 1995, LB 4, § 55; Laws 2009, LB154, § 20.

ARTICLE 17

NEBRASKA EDUCATIONAL FINANCE AUTHORITY

Section

85-1738. Authority; bonds; issuance; form; proceeds; how used; replacement; liability; liability insurance; indemnification.

85-1738 Authority; bonds; issuance; form; proceeds; how used; replacement; liability; liability insurance; indemnification.

The authority is hereby authorized to provide by resolution, at one time or from time to time, for the issuance of bonds for the purpose of (1) paying, refinancing, or reimbursing all or any part of the cost of a project, (2) administering and operating the Nebraska Health Education Assistance Loan Program and the Nebraska Student Loan Assistance Program, or (3) making loans to any private institution of higher education in anticipation of the receipt of tuition by the institution. Except to the extent payable from payments to be made on securities or federally guaranteed securities as provided in sections 85-1741 and 85-1742, the principal of and the interest on such bonds shall be payable solely out of the revenue of the authority derived from the project or program to which they relate and from any other facilities or assets pledged or made available therefor by the private institution of higher education for whose benefit such bonds were issued. The bonds of each issue shall be dated, shall bear interest at such rate or rates, without regard to any limit contained in any other statute or law of the State of Nebraska, shall mature at such time or times not exceeding forty years from the date thereof, all as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the authorizing resolution. Except to the extent required by the Nebraska Educational Finance Authority Act and for bonds issued to fund the Nebraska Student Loan Assistance Program, such bonds are to be paid out of the revenue of the project to which they relate and, in certain

instances, the revenue of certain other facilities, and subject to the provisions of sections 85-1741 and 85-1742 with respect to a pledge of securities or government securities, the bonds may be unsecured or secured in the manner and to the extent determined by the authority in its discretion.

The authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest which may be at any bank or trust company within or without the state. The bonds shall be signed in the name of the authority, by its chairperson or vice-chairperson or by a facsimile signature of such person, the official seal of the authority or a facsimile thereof shall be affixed thereto and attested by the manual or facsimile signature of the executive director or assistant executive director of the authority, and any coupons attached thereto shall bear the facsimile signature of the executive director or assistant executive director of the authority. In case any official of the authority whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such an official before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he or she had remained an official of the authority until such delivery.

All bonds issued under the act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the law of the State of Nebraska. The bonds may be issued in coupon or in registered form, or both, and one form may be exchangeable for the other in such manner as the authority may determine. Provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest and for the reconversion into coupon bonds of any bonds registered as to both principal and interest. The bonds may be sold in such manner, either at public or private sale, as the authority may determine.

The proceeds of the bonds of each issue shall be used solely for the payment of the costs of the project or program for which such bonds have been issued and shall be disbursed in such manner and under such restrictions, if any, as the authority may provide in the resolution authorizing the issuance of such bonds or in the trust agreement provided for in section 85-1740 securing the same. If the proceeds of the bonds of any issue, by error of estimates or otherwise, are less than such costs, additional bonds may in like manner be issued to provide the amount of such deficit and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued. If the proceeds of the bonds of any issue exceed the cost of the project or program for which they were issued, the surplus shall be deposited to the credit of the sinking fund for such bonds.

Prior to the preparation of definitive bonds, the authority may under like restrictions issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery.

The authority may also provide for the replacement of any bonds which become mutilated or are destroyed or lost. Bonds may be issued under the act without obtaining the consent of any officer, department, division, commission, board, bureau, or agency of the state and without any other proceedings or

conditions other than those proceedings and conditions which are specifically required by the act. The authority may out of any funds available therefor purchase its bonds. The authority may hold, pledge, cancel, or resell such bonds, subject to and in accordance with any agreement with the bondholders.

Members of the authority shall not be liable to the state, the authority, or any other person as a result of their activities, whether ministerial or discretionary, as authority members, except for willful dishonesty or intentional violations of law. Members of the authority and any person executing bonds or policies of insurance shall not be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The authority may purchase liability insurance for members, officers, and employees and may indemnify any authority member to the same extent that a school district may indemnify a school board member pursuant to section 79-516.

Source: Laws 1981, LB 321, § 38; Laws 1983, LB 159, § 4; Laws 1993, LB 465, § 19; R.S.1943, (1994), § 79-2938; Laws 1995, LB 5, § 38; Laws 2003, LB 107, § 2; Laws 2011, LB424, § 1.

ARTICLE 18

EDUCATIONAL SAVINGS PLAN TRUST

Section

- 85-1801. Legislative findings.
- 85-1802. Terms, defined.
- 85-1803. Repealed. Laws 2010, LB 197, § 11.
- 85-1804. Nebraska educational savings plan trust; created; State Treasurer; Nebraska Investment Council; powers and duties.
- 85-1806. Participation agreements; terms and conditions.
- 85-1807. Deposit of funds; College Savings Plan Program Fund; College Savings Plan Administrative Fund; College Savings Plan Expense Fund; created; use; investment; State Treasurer; report.
- 85-1808. Participation agreement; cancellation; when; effect.
- 85-1809. Ownership rights under participation agreement.
- 85-1810. Benefits received; effect on other student aid.
- 85-1811. Annual audited financial report.
- 85-1812. Benefits received; tax consequences.
- 85-1813. Assets of trust; how treated.
- 85-1814. Sections; how construed.

85-1801 Legislative findings.

The Legislature finds that the general welfare and well-being of the state are directly related to educational levels and skills of the citizens of the state and that a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of higher education by the greatest number of citizens of the state. The state has limited resources to provide additional programs for higher education funding and the continued operation and maintenance of the state's public institutions of higher education, and the general welfare of the citizens of the state will be enhanced by establishing a program which allows parents and others interested in the higher education of our youth to invest money in a public trust for future application to the payment of qualified higher education expenses. The creation of the means of encouragement for persons to invest in such a program represents the carrying out of a vital and valid public purpose. In order to make available to parents and others interested in the higher education of our youth an opportunity to fund future higher education needs, it is necessary that a

public trust be established in which money may be invested for future educational use.

Source: Laws 2000, LB 1003, § 1; Laws 2010, LB197, § 2; Laws 2012, LB1104, § 3.

Effective date July 19, 2012.

85-1802 Terms, defined.

For purposes of sections 85-1801 to 85-1814:

(1) Administrative fund means the College Savings Plan Administrative Fund created in section 85-1807;

(2) Beneficiary means the individual designated by a participation agreement to benefit from advance payments of qualified higher education expenses on behalf of the beneficiary;

(3) Benefits means the payment of qualified higher education expenses on behalf of a beneficiary by the Nebraska educational savings plan trust during the beneficiary's attendance at an eligible educational institution;

(4) Eligible educational institution means an institution described in 20 U.S.C. 1088 which is eligible to participate in a program under Title IV of the federal Higher Education Act of 1965;

(5) Expense fund means the College Savings Plan Expense Fund created in section 85-1807;

(6) Nebraska educational savings plan trust means the trust created in section 85-1804;

(7) Nonqualified withdrawal refers to (a) a distribution from an account to the extent it is not used to pay the qualified higher education expenses of the beneficiary or (b) a qualified rollover permitted by section 529 of the Internal Revenue Code where the funds are transferred to a qualified tuition program sponsored by another state or entity;

(8) Participant or account owner means an individual, an individual's legal representative, or any other legal entity authorized to establish a savings account under section 529 of the Internal Revenue Code who has entered into a participation agreement for the advance payment of qualified higher education expenses on behalf of a beneficiary;

(9) Participation agreement means an agreement between a participant and the Nebraska educational savings plan trust entered into under sections 85-1801 to 85-1814;

(10) Program fund means the College Savings Plan Program Fund created in section 85-1807;

(11) Qualified higher education expenses means the certified costs of tuition and fees, books, supplies, and equipment required for enrollment or attendance at an eligible educational institution. Reasonable room and board expenses, based on the minimum amount applicable for the eligible educational institution during the period of enrollment, shall be included as qualified higher education expenses for those students enrolled on at least a half-time basis. In the case of a special needs beneficiary, expenses for special needs services incurred in connection with enrollment or attendance at an eligible educational institution shall be included as qualified higher education expenses. Expenses paid or incurred in 2009 or 2010 for the purchase of computer technology or

equipment or Internet access and related services, subject to the limitations set forth in section 529 of the Internal Revenue Code, shall be included as qualified higher education expenses. Qualified higher education expenses does not include any amounts in excess of those allowed by section 529 of the Internal Revenue Code;

(12) Section 529 of the Internal Revenue Code means such section of the code and the regulations interpreting such section; and

(13) Tuition and fees means the quarter or semester charges imposed to attend an eligible educational institution.

Source: Laws 2000, LB 1003, § 2; Laws 2001, LB 750, § 1; Laws 2010, LB197, § 3; Laws 2012, LB1104, § 4.
Effective date July 19, 2012.

85-1803 Repealed. Laws 2010, LB 197, § 11.

85-1804 Nebraska educational savings plan trust; created; State Treasurer; Nebraska Investment Council; powers and duties.

The Nebraska educational savings plan trust is created. The State Treasurer is the trustee of the trust and as such is responsible for the administration, operation, and maintenance of the program and has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of sections 85-1801 to 85-1814 pertaining to the administration, operation, and maintenance of the trust and program, except that the state investment officer shall have fiduciary responsibility to make all decisions regarding the investment of the money in the administrative fund, expense fund, and program fund, including the selection of all investment options and the approval of all fees and other costs charged to trust assets except costs for administration, operation, and maintenance of the trust as appropriated by the Legislature, pursuant to the directions, guidelines, and policies established by the Nebraska Investment Council. The State Treasurer may adopt and promulgate rules and regulations to provide for the efficient administration, operation, and maintenance of the trust and program. The State Treasurer shall not adopt and promulgate rules and regulations that in any way interfere with the fiduciary responsibility of the state investment officer to make all decisions regarding the investment of money in the administrative fund, expense fund, and program fund. The State Treasurer or his or her designee shall have the power to:

(1) Enter into agreements with any eligible educational institution, the state, any federal or other state agency, or any other entity to implement sections 85-1801 to 85-1814, except agreements which pertain to the investment of money in the administrative fund, expense fund, or program fund;

(2) Carry out the duties and obligations of the trust;

(3) Carry out studies and projections to advise participants regarding present and estimated future qualified higher education expenses and levels of financial participation in the trust required in order to enable participants to achieve their educational funding objectives;

(4) Participate in any federal, state, or local governmental program for the benefit of the trust;

(5) Procure insurance against any loss in connection with the property, assets, or activities of the trust as provided in section 81-8,239.01;

- (6) Enter into participation agreements with participants;
- (7) Make payments to eligible educational institutions pursuant to participation agreements on behalf of beneficiaries;
- (8) Make distributions to participants upon the termination of participation agreements pursuant to the provisions, limitations, and restrictions set forth in sections 85-1801 to 85-1814;
- (9) Contract for goods and services and engage personnel as necessary, including consultants, actuaries, managers, legal counsels, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice regarding trust administration and operation, except contracts which pertain to the investment of the administrative, expense, or program funds; and
- (10) Establish, impose, and collect administrative fees and charges in connection with transactions of the trust, and provide for reasonable service charges, including penalties for cancellations and late payments with respect to participation agreements.

The Nebraska Investment Council may adopt and promulgate rules and regulations to provide for the prudent investment of the assets of the trust. The council or its designee also has the authority to select and enter into agreements with individuals and entities to provide investment advice and management of the assets held by the trust, establish investment guidelines, objectives, and performance standards with respect to the assets held by the trust, and approve any fees, commissions, and expenses, which directly or indirectly affect the return on assets.

Source: Laws 2000, LB 1003, § 4; Laws 2001, LB 750, § 2; Laws 2003, LB 574, § 28; Laws 2010, LB197, § 4; Laws 2012, LB1104, § 5. Effective date July 19, 2012.

85-1806 Participation agreements; terms and conditions.

The Nebraska educational savings plan trust may enter into participation agreements with participants on behalf of beneficiaries pursuant to the following terms and conditions:

- (1) A participation agreement shall authorize a participant to make contributions to an account which is established for the purpose of meeting the qualified higher education expenses of a beneficiary as allowed by section 529 of the Internal Revenue Code. A participant shall not be required to make an annual contribution on behalf of a beneficiary, shall not be subject to minimum contribution requirements, and shall not be required to maintain a minimum account balance. The maximum contribution shall not exceed the amount allowed under section 529 of the Internal Revenue Code. The State Treasurer may set a maximum cumulative contribution, as necessary, to maintain compliance with section 529 of the Internal Revenue Code. Participation agreements may be amended to provide for adjusted levels of contributions based upon changed circumstances or changes in educational plans or to ensure compliance with section 529 of the Internal Revenue Code or any other applicable laws and regulations;
- (2) Beneficiaries designated in participation agreements shall meet the requirements established by the trustee and section 529 of the Internal Revenue Code;

(3) Payment of benefits provided under participation agreements shall be made in a manner consistent with section 529 of the Internal Revenue Code;

(4) The execution of a participation agreement by the trust shall not guarantee in any way that qualified higher education expenses will be equal to projections and estimates provided by the trust or that the beneficiary named in any participation agreement will (a) be admitted to an eligible educational institution, (b) if admitted, be determined a resident for tuition purposes by the eligible educational institution, (c) be allowed to continue attendance at the eligible educational institution following admission, or (d) graduate from the eligible educational institution;

(5) A beneficiary under a participation agreement may be changed as permitted under the rules and regulations adopted under sections 85-1801 to 85-1814 and consistent with section 529 of the Internal Revenue Code upon written request of the participant as long as the substitute beneficiary is eligible for participation. Participation agreements may otherwise be freely amended throughout their term in order to enable participants to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule and regulation; and

(6) Each participation agreement shall provide that the participation agreement may be canceled upon the terms and conditions and upon payment of applicable fees and costs set forth and contained in the rules and regulations.

Source: Laws 2000, LB 1003, § 6; Laws 2001, LB 750, § 3; Laws 2012, LB1104, § 6.

Effective date July 19, 2012.

85-1807 Deposit of funds; College Savings Plan Program Fund; College Savings Plan Administrative Fund; College Savings Plan Expense Fund; created; use; investment; State Treasurer; report.

(1) The State Treasurer shall deposit money received by the Nebraska educational savings plan trust into three funds: The College Savings Plan Program Fund, the College Savings Plan Expense Fund, and the College Savings Plan Administrative Fund. The State Treasurer shall deposit money received by the trust into the appropriate fund. The State Treasurer and Accounting Administrator of the Department of Administrative Services shall determine the state fund types necessary to comply with section 529 of the Internal Revenue Code and state policy. The money in the funds shall be invested by the state investment officer pursuant to policies established by the Nebraska Investment Council. The program fund, the expense fund, and the administrative fund shall be separately administered. The Nebraska educational savings plan trust shall be operated with no General Fund appropriations.

(2) The College Savings Plan Program Fund is created. All money paid by participants in connection with participation agreements and all investment income earned on such money shall be deposited as received into separate accounts within the program fund. Contributions to the trust made by participants may only be made in the form of cash. All funds generated in connection with participation agreements shall be deposited into the appropriate accounts within the program fund. A participant or beneficiary shall not provide investment direction regarding program contributions or earnings held by the trust. Money accrued by participants in the program fund may be used for payments to any eligible educational institution. Any money in the program 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.

(3) The College Savings Plan Administrative Fund is created. Money from the trust transferred from the expense fund to the administrative fund in an amount authorized by an appropriation from the Legislature shall be utilized to pay for the costs of administering, operating, and maintaining the trust, to the extent permitted by section 529 of the Internal Revenue Code. The administrative fund shall not be credited with any money other than money transferred from the expense fund in an amount authorized by an appropriation by the Legislature or any interest income earned on the balances held in the administrative fund. Any money in the administrative 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.

(4) The College Savings Plan Expense Fund is created. The expense fund shall be used to pay costs associated with the Nebraska educational savings plan trust and shall be funded with fees assessed to the program fund. The State Treasurer shall transfer from the expense fund to the State Investment Officer's Cash Fund an amount equal to the pro rata share of the budget appropriated to the Nebraska Investment Council as permitted in section 72-1249.02, to cover reasonable expenses incurred for investment management of the Nebraska educational savings plan trust. Annually and prior to such transfer to the State Investment Officer's Cash Fund, the State Treasurer shall report to the budget division of the Department of Administrative Services and to the Legislative Fiscal Analyst the amounts transferred during the previous fiscal year. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically. Transfers may be made from the expense fund to the General Fund at the direction of the Legislature. Any money in the expense 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.

Source: Laws 2000, LB 1003, § 7; Laws 2003, LB 574, § 29; Laws 2010, LB197, § 5; Laws 2012, LB782, § 240; Laws 2012, LB1104, § 7.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB782, section 240, with LB1104, section 7, to reflect all amendments.

Note: Changes made by LB1104 became effective July 19, 2012. Changes made by LB782 became operative July 19, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-1808 Participation agreement; cancellation; when; effect.

(1) A participant may cancel a participation agreement at will by submitting a request to terminate the participation agreement. Additionally, if a participant requests and obtains a nonqualified withdrawal, the participation agreement shall be deemed canceled with respect to the amount of the nonqualified withdrawal. A participation agreement shall not be deemed canceled if a participant requests and obtains a distribution of his or her entire account balance for qualified higher education expenses and subsequently closes his or her account. Furthermore, the State Treasurer shall have the power to terminate, freeze, or suspend a participation agreement if he or she determines that the participant provided false or misleading information to the detriment of the Nebraska educational savings plan trust, if the participant's account has a zero

balance, or if the State Treasurer is unable to verify the identity of the participant.

(2) If a participation agreement is canceled for any of the causes listed in this subsection, the participant shall be entitled to receive the principal amount of all contributions made by the participant under the participation agreement plus the actual program fund investment income earned on the contributions, less any losses incurred on the investment, and such distribution will generally not be subject to federal tax penalty:

(a) Death of the beneficiary if the distribution is paid to the estate of the beneficiary or transferred to another beneficiary as set forth in subsection (10) of section 85-1809;

(b) Permanent disability or mental incapacity of the beneficiary;

(c) The beneficiary is awarded a scholarship as defined in section 529 of the Internal Revenue Code, but only to the extent the distribution of earnings does not exceed the scholarship amount; or

(d) A qualified rollover is made as permitted by section 529 of the Internal Revenue Code, except that if a qualified rollover is made into a plan sponsored by another state or entity, the participation agreement shall be deemed to have been canceled for purposes of subdivision (8)(c) of section 77-2716 and federal adjusted gross income shall be increased to the extent previously deducted as a contribution to the trust.

(3) Notwithstanding any other provisions of this section, under no circumstances shall a participant or beneficiary receive a distribution that is more than the fair market value of the specific account on the applicable liquidation date.

(4) If a participant cancels a participation agreement, obtains a rollover into a plan sponsored by another state or entity, or obtains a distribution, a portion of which constitutes a nonqualified withdrawal, the amount of the distribution, rollover, or withdrawal will be subject to recapture of previous Nebraska state income tax deductions as set forth in subdivision (8)(c) of section 77-2716. The transfer of assets among plans sponsored by the State of Nebraska shall be considered an investment option change and not a rollover.

Source: Laws 2000, LB 1003, § 8; Laws 2001, LB 750, § 4; Laws 2003, LB 574, § 30; Laws 2005, LB 216, § 20; Laws 2010, LB197, § 6; Laws 2012, LB1104, § 8.
Effective date July 19, 2012.

85-1809 Ownership rights under participation agreement.

(1) A participant retains ownership of all contributions made under a participation agreement up to the date of utilization for payment of qualified higher education expenses for the beneficiary. Notwithstanding any other provision of law, any amount credited to any account is not susceptible to any levy, execution, judgment, or other operation of law, garnishment, or other judicial enforcement, and the amount is not an asset or property of either the participant or the beneficiary for the purposes of any state insolvency or inheritance tax laws. All income derived from the investment of the contributions made by the participant shall be considered to be held in trust for the benefit of the beneficiary.

(2) If the program created by sections 85-1801 to 85-1814 is terminated prior to payment of qualified higher education expenses for the beneficiary, the participant is entitled to receive the fair market value of the account established in the program.

(3) If the beneficiary graduates from an eligible educational institution and a balance remains in the participant's account, any remaining funds may be transferred as allowed by rule or regulation, subject to the provisions of section 529 of the Internal Revenue Code, as well as any other applicable state or federal laws or regulations.

(4) The eligible educational institution shall obtain ownership of the payments made for the qualified higher education expenses paid to the institution at the time each payment is made to the institution.

(5) Any amounts which may be paid to any person or persons pursuant to the Nebraska educational savings plan trust but which are not listed in this section are owned by the trust.

(6) A participant may transfer ownership rights to another eligible participant, including a gift of the ownership rights to a minor beneficiary. The transfer shall be made and the property distributed in accordance with the rules and regulations or with the terms of the participation agreement.

(7) A participant shall not be entitled to utilize any interest in the Nebraska educational savings plan trust as security for a loan.

(8) The Nebraska educational savings plan trust may accept transfers of cash investments from a custodian under the Nebraska Uniform Transfers to Minors Act or any other similar laws under the terms and conditions established by the trustee.

(9) A participant may designate a successor account owner to succeed to all of the participant's rights, title, and interest in an account, including the right to change the account beneficiary, upon the death or legal incapacity of the participant. If a participant dies or becomes legally incapacitated and has failed to name a successor account owner, the participant's estate, acting through the participant's personal representative, shall be named the successor participant.

(10) Upon the death of a beneficiary, the participant may change the beneficiary on the account, transfer assets to another beneficiary who is a member of the family of the former beneficiary, or request a nonqualified withdrawal.

Source: Laws 2000, LB 1003, § 9; Laws 2001, LB 750, § 5; Laws 2003, LB 574, § 31; Laws 2012, LB1104, § 9.
Effective date July 19, 2012.

Cross References

Nebraska Uniform Transfers to Minors Act, see section 43-2701.

85-1810 Benefits received; effect on other student aid.

A student loan program, student grant program, or other program administered by any agency of the state, 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 amounts available for the payment of qualified higher education expenses pursuant to the Nebraska

§ 85-1810 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

educational savings plan trust in determining need and eligibility for student aid.

Source: Laws 2000, LB 1003, § 10; Laws 2012, LB1104, § 10.
Effective date July 19, 2012.

85-1811 Annual audited financial report.

(1) The State Treasurer shall submit an annual audited financial report, prepared in accordance with generally accepted accounting principles, on the operations of the Nebraska educational savings plan trust by November 1 to the Governor and the Legislature. The report submitted to the Legislature shall be submitted electronically. The State Treasurer shall cause the audit to be made either by the Auditor of Public Accounts or by an independent certified public accountant designated by the State Treasurer, and the audit shall include direct and indirect costs attributable to the use of outside consultants, independent contractors, and any other persons who are not state employees.

(2) The annual audit shall be supplemented by all of the following information prepared by the State Treasurer:

- (a) Any related studies or evaluations prepared in the preceding year;
- (b) A summary of the benefits provided by the trust, including the number of participants and beneficiaries in the trust; and
- (c) Any other information which is relevant in order to make a full, fair, and effective disclosure of the operations of the trust, including the investment performance of the funds.

Source: Laws 2000, LB 1003, § 11; Laws 2012, LB782, § 241.
Operative date July 19, 2012.

85-1812 Benefits received; tax consequences.

(1) For federal income tax purposes, the Nebraska educational savings plan trust shall be considered a qualified state tuition program exempt from taxation pursuant to section 529 of the Internal Revenue Code. The trust meets the requirements of section 529(b) of the Internal Revenue Code as follows:

- (a) Pursuant to section 85-1806, a participant may make contributions to an account which is established for the purpose of meeting the qualified higher education expenses of the designated beneficiary of the account;
- (b) Pursuant to section 85-1806, a maximum contribution level is established;
- (c) Pursuant to section 85-1807, a separate account is established for each beneficiary;
- (d) Pursuant to section 85-1807, contributions may only be made in the form of cash;
- (e) Pursuant to section 85-1807, a participant or beneficiary shall not provide investment direction regarding program contributions or earnings held by the trust;

(f) Penalties are provided on distributions of earnings which are: (i) Not used for qualified higher education expenses of the beneficiary; (ii) made on account of the death of the designated beneficiary if the distribution is not transferred to another beneficiary or paid to the estate of the beneficiary; (iii) not made on account of the permanent disability or mental incapacity of the designated

beneficiary; or (iv) made due to scholarship, allowance, or payment receipt in excess of the scholarship, allowance, or payment receipt; and

(g) Pursuant to section 85-1809, a participant shall not pledge any interest in the trust as security for a loan.

(2) State income tax treatment of the Nebraska educational savings plan trust shall be as provided in section 77-2716.

(3) For purposes of federal gift and generation-skipping transfer taxes, contributions to an account are considered a completed gift from the contributor to the beneficiary.

Source: Laws 2000, LB 1003, § 12; Laws 2012, LB1104, § 11.
Effective date July 19, 2012.

85-1813 Assets of trust; how treated.

The assets of the Nebraska educational savings plan trust, including the program fund and excluding the administrative fund and the expense fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the trust and shall be held in trust for the participants and beneficiaries. No property rights in the trust shall exist in favor of the state. Such assets of the trust shall not be transferred or used by the state for any purposes other than the purposes of the trust.

Source: Laws 2000, LB 1003, § 13; Laws 2010, LB197, § 7.

85-1814 Sections; how construed.

Nothing in sections 85-1801 to 85-1813 shall be deemed to prohibit both resident and nonresident participants and designated beneficiaries from being eligible to participate in and benefit from the Nebraska educational savings plan trust and program. It is the intent of the Legislature that funds and income credited to the program fund are fully portable and may be used at any eligible educational institution.

Source: Laws 2000, LB 1003, § 14; Laws 2012, LB1104, § 12.
Effective date July 19, 2012.

ARTICLE 19

NEBRASKA OPPORTUNITY GRANT ACT

Section

- 85-1901. Act, how cited.
- 85-1902. Definitions, where found.
- 85-1903. Award, defined.
- 85-1907. Eligible student, defined.
- 85-1908. Full-time student and full-time-equivalent student, defined.
- 85-1909. Tuition and mandatory fees, defined.
- 85-1911. Awards; how made.
- 85-1912. Target level of funds; computation.
- 85-1913. Eligible postsecondary educational institutions; duties.
- 85-1914. Commission; awards; duties.
- 85-1915. Award; conditions.
- 85-1917. Commission; duties; rules and regulations.
- 85-1918. Annual report.
- 85-1919. Applicability of act.
- 85-1920. Nebraska Opportunity Grant Fund; created; use; investment.

§ 85-1901 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

85-1901 Act, how cited.

Sections 85-1901 to 85-1920 shall be known and may be cited as the Nebraska Opportunity Grant Act.

Source: Laws 2003, LB 574, § 1; Laws 2010, LB956, § 4.

85-1902 Definitions, where found.

For purposes of the Nebraska Opportunity Grant Act, the definitions found in sections 85-1903 to 85-1910 apply.

Source: Laws 2003, LB 574, § 2; Laws 2010, LB956, § 5.

85-1903 Award, defined.

Award means a grant of money by the commission to an eligible student for educational expenses. Awards shall not exceed:

(1) For each award year except award years 2008-09 and 2009-10, fifty percent of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln; and

(2) For award years 2008-09 and 2009-10, twenty-five percent of the tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln.

Source: Laws 2003, LB 574, § 3; Laws 2004, LB 1107, § 1; Laws 2006, LB 962, § 6; Laws 2007, LB342, § 43; Laws 2010, LB956, § 6.

85-1907 Eligible student, defined.

Eligible student means an undergraduate student who:

(1) Is enrolled in an eligible postsecondary educational institution;

(2) Has applied for federal financial aid through the Free Application for Federal Student Aid for the applicable award year and either is eligible to receive a Federal Pell Grant from the United States Department of Education or has an expected family contribution for the applicable award year of no more than the qualifying maximum which will equal six thousand dollars for award year 2010-11 and will equal the prior year's qualifying maximum increased by two and one-half percent for each award year thereafter;

(3) Is a resident student who is domiciled in Nebraska as provided by section 85-502; and

(4) Complies with all other provisions of the Nebraska Opportunity Grant Act and its rules and regulations.

Source: Laws 2003, LB 574, § 7; Laws 2010, LB956, § 7.

85-1908 Full-time student and full-time-equivalent student, defined.

Full-time student and full-time-equivalent student have the definitions found in rules and regulations adopted and promulgated pursuant to the Nebraska Opportunity Grant Act.

Source: Laws 2003, LB 574, § 8; Laws 2010, LB956, § 8.

85-1909 Tuition and mandatory fees, defined.

Tuition and mandatory fees means the lesser of the student costs for tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the eligible postsecondary educational institution or the student costs for tuition and mandatory fees for a full-time, resident, undergraduate student for the last completed award year at the University of Nebraska-Lincoln.

Source: Laws 2003, LB 574, § 9; Laws 2010, LB956, § 9.

85-1911 Awards; how made.

The Nebraska Opportunity Grant Act shall provide for awards made directly to eligible students based on financial need.

Source: Laws 2003, LB 574, § 11; Laws 2010, LB956, § 10.

85-1912 Target level of funds; computation.

In order to reduce the costs of administering the Nebraska Opportunity Grant Act, the commission shall identify a target level of funds to be distributed to students pursuant to the act at each eligible postsecondary educational institution. The target level of funds shall represent the maximum amount that may be awarded pursuant to the act to eligible students enrolled in such eligible postsecondary educational institution. To determine the target level of funds for each eligible postsecondary educational institution, the commission shall:

(1) Determine the number of eligible full-time-equivalent students enrolled at the eligible postsecondary educational institution for the last completed award year;

(2) Multiply the number determined in subdivision (1) of this section by the tuition and mandatory fees as limited pursuant to section 85-1909;

(3) Divide the product derived pursuant to subdivision (2) of this section for each eligible postsecondary educational institution by the sum of the products derived pursuant to subdivision (2) of this section for all eligible postsecondary educational institutions; and

(4) Multiply the total of federal and state funds appropriated for purposes of distribution pursuant to the act by the ratio derived pursuant to subdivision (3) of this section.

Source: Laws 2003, LB 574, § 12; Laws 2004, LB 1107, § 2; Laws 2010, LB956, § 11.

85-1913 Eligible postsecondary educational institutions; duties.

Eligible postsecondary educational institutions, acting as agents of the commission, shall:

(1) Receive and process applications for awards under the Nebraska Opportunity Grant Act;

(2) Determine eligibility of students based on criteria set forth in the act; and

(3) At any time prior to June 1 of each award year, make recommendations as often as necessary to the commission for awards to eligible students, including the name of each eligible student, social security number of each eligible student, and recommended award amount for each eligible student.

Source: Laws 2003, LB 574, § 13; Laws 2010, LB956, § 12.

85-1914 Commission; awards; duties.

(1) Within thirty days after receiving recommendations pursuant to section 85-1913, the commission shall review the recommended awards for compliance with the Nebraska Opportunity Grant Act and its rules and regulations and notify each eligible postsecondary educational institution of the approval or disapproval of recommended awards.

(2) The commission shall distribute to each eligible postsecondary educational institution the total award amount approved for eligible students at such institution. The eligible postsecondary educational institution shall act as an agent of the commission to disburse the awards directly to eligible students during the award year.

Source: Laws 2003, LB 574, § 14; Laws 2010, LB956, § 13.

85-1915 Award; conditions.

An award may be granted to an eligible student for attendance at an eligible postsecondary educational institution if:

(1) The eligible student is accepted for enrollment as follows:

(a) In the case of an eligible student beginning his or her first year in attendance at an eligible postsecondary educational institution, such eligible student has satisfied requirements for admission and has enrolled or indicated an intent to enroll in an eligible postsecondary educational institution; or

(b) In the case of an eligible student enrolled in an eligible postsecondary educational institution following the successful completion of the student's first year in attendance, such eligible student continues to meet the requirements of the Nebraska Opportunity Grant Act and has maintained the minimum standards of performance as required by the eligible postsecondary educational institution in which the eligible student is enrolled;

(2) The eligible student receiving such award certifies that the award will be used only for educational expenses; and

(3) The eligible student has complied with the act and its rules and regulations.

Source: Laws 2003, LB 574, § 15; Laws 2010, LB956, § 14.

85-1917 Commission; duties; rules and regulations.

(1) The commission shall:

(a) Supervise the issuance of public information concerning the Nebraska Opportunity Grant Act; and

(b) Establish a reasonable and fair appeal procedure for students adversely affected by the actions of the commission or an eligible postsecondary educational institution in the distribution of funds or granting of awards pursuant to the act.

(2) The commission may adopt and promulgate rules and regulations necessary to carry out the act, including such rules and regulations for maintenance of fiscal controls and fund accounting procedures as may be necessary to assure proper disbursement of funds and to assure that the eligible postsecondary educational institutions, as agents of the commission, have complied with the act. Such rules and regulations shall be developed in cooperation with representatives of eligible postsecondary educational institutions and shall be

designed, to the extent consistent with requirements of the act, to minimize the administrative burden on the eligible postsecondary educational institutions and the commission.

Source: Laws 2003, LB 574, § 17; Laws 2010, LB956, § 15.

85-1918 Annual report.

Each eligible postsecondary educational institution shall file an annual report with the commission. The report shall document that students receiving awards under the Nebraska Opportunity Grant Act have met the eligibility standards and requirements established in the act and rules and regulations. The report shall include an accounting of all state-funded or federally funded student financial aid awarded by the eligible postsecondary educational institution in the previous fiscal year. The report may include other data, including the unmet need as defined by the commission for all Federal-Pell-Grant-eligible students at each eligible postsecondary educational institution.

Source: Laws 2003, LB 574, § 18; Laws 2010, LB956, § 16.

85-1919 Applicability of act.

The Nebraska Opportunity Grant Act does not grant any authority to the commission to (1) control or influence the policies of any eligible postsecondary educational institution because such institution accepts students who receive awards or (2) require any eligible postsecondary educational institution to enroll any student receiving an award or, once admitted, to continue in such institution any student receiving an award.

Source: Laws 2003, LB 574, § 19; Laws 2010, LB956, § 17.

85-1920 Nebraska Opportunity Grant Fund; created; use; investment.

The Nebraska Opportunity Grant Fund is created. Money in the fund shall include amounts transferred from the State Lottery Operation Trust Fund pursuant to section 9-812. All amounts accruing to the Nebraska Opportunity Grant Fund shall be used to carry out the Nebraska Opportunity Grant Act. 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. Any money in the Nebraska Scholarship Fund on July 1, 2010, shall be transferred to the Nebraska Opportunity Grant Fund on such date.

Source: Laws 2003, LB 574, § 20; Laws 2010, LB956, § 18.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 21

ACCESS COLLEGE EARLY SCHOLARSHIP PROGRAM ACT

Section

85-2104. Student; eligibility.

85-2105. Applicant; application; contents; commission; powers and duties; educational institution receiving payment; report required.

85-2106. Report.

85-2104 Student; eligibility.

A student who is applying to take one or more courses for credit from a qualified postsecondary educational institution is eligible for the Access College Early Scholarship Program if:

(1) Such student or the student's parent or legal guardian is eligible to receive:

- (a) Supplemental Security Income;
- (b) Supplemental Nutrition Assistance Program benefits;
- (c) Free or reduced-price lunches under United States Department of Agriculture child nutrition programs;
- (d) Aid to families with dependent children; or
- (e) Assistance under the Special Supplemental Nutrition Program for Women, Infants, and Children; or

(2) The student or the student's parent or legal guardian has experienced an extreme hardship.

Source: Laws 2007, LB192, § 5; Laws 2009, LB288, § 45.

85-2105 Applicant; application; contents; commission; powers and duties; educational institution receiving payment; report required.

(1) An applicant for the Access College Early Scholarship Program shall complete an application form developed and provided by the commission and shall forward the form to his or her guidance counselor. Such application shall include, but not be limited to, the applicant's high school, social security number, date of birth, grade point average, grade level, qualified postsecondary educational institution, and information necessary to determine the student's eligibility. The guidance counselor shall verify the student's eligibility under the Access College Early Scholarship Program Act and shall forward the application to the commission for review within fifteen days following receipt of the form from the student. Notification of tuition and mandatory fees to be accrued by the student shall be provided to the commission by the student, high school, or qualified postsecondary educational institution as determined by the commission.

(2) The commission shall review the application and verify the student's eligibility under the act. The commission shall notify the student and the student's guidance counselor of the verification of eligibility and the estimated award amount in writing within thirty days following receipt of the form from the student's guidance counselor. The scholarship award shall equal the lesser of tuition and mandatory fees accrued by the student after any discounts applicable to such student from the qualified postsecondary educational institution or the tuition and mandatory fees that would have been accrued by the student for the same number of credit hours if the student were taking the course as a full-time, resident, undergraduate student from the University of Nebraska-Lincoln. The commission shall forward such amount directly to the qualified postsecondary educational institution as payment of such student's tuition and mandatory fees.

(3) The commission shall make such payments in the order the applications are received, except that the commission may limit the number of scholarships awarded in each term.

(4) The commission may limit the number of scholarships a student may receive.

(5) For any student receiving a scholarship pursuant to the act for tuition and mandatory fees, the qualified postsecondary educational institution receiving the payment shall report either the student's grade for the course or the student's failure to complete the course to the commission within thirty days after the end of the course or within one hundred eighty days after receipt of a payment pursuant to the act if the course for which the scholarship was awarded does not have a specified ending date. The commission shall keep the identity of students receiving scholarships confidential, except as necessary to comply with the requirements of the act.

Source: Laws 2007, LB192, § 6; Laws 2009, LB20, § 1; Laws 2011, LB637, § 33.

85-2106 Report.

The commission shall prepare an annual report on scholarships awarded pursuant to the Access College Early Scholarship Program Act and shall submit the report electronically to the Clerk of the Legislature. The report shall include, but not be limited to, the number and amount of scholarships awarded, the postsecondary educational institutions attended by scholarship recipients, and information regarding the success of scholarship recipients in the courses for which the scholarships were awarded.

Source: Laws 2007, LB192, § 7; Laws 2009, LB20, § 2; Laws 2012, LB782, § 242.

Operative date July 19, 2012.

ARTICLE 22

COMMUNITY COLLEGE AID ACT

Section

- 85-2201. Repealed. Laws 2012, LB 946, § 26.
- 85-2202. Repealed. Laws 2012, LB 946, § 26.
- 85-2203. Repealed. Laws 2012, LB 946, § 26.
- 85-2204. Repealed. Laws 2012, LB 946, § 26.
- 85-2205. Repealed. Laws 2012, LB 946, § 26.
- 85-2206. Repealed. Laws 2012, LB 946, § 26.
- 85-2207. Repealed. Laws 2012, LB 946, § 26.
- 85-2208. Repealed. Laws 2012, LB 946, § 26.
- 85-2209. Repealed. Laws 2012, LB 946, § 26.
- 85-2210. Repealed. Laws 2012, LB 946, § 26.
- 85-2211. Repealed. Laws 2012, LB 946, § 26.
- 85-2212. Repealed. Laws 2012, LB 946, § 26.
- 85-2213. Repealed. Laws 2012, LB 946, § 26.
- 85-2215. Repealed. Laws 2012, LB 946, § 26.
- 85-2216. Repealed. Laws 2012, LB 946, § 26.
- 85-2217. Repealed. Laws 2012, LB 946, § 26.
- 85-2218. Repealed. Laws 2012, LB 946, § 26.
- 85-2220. Repealed. Laws 2012, LB 946, § 26.
- 85-2221. Repealed. Laws 2012, LB 946, § 26.
- 85-2222. Repealed. Laws 2012, LB 946, § 26.
- 85-2223. Repealed. Laws 2012, LB 946, § 26.

§ 85-2201 UNIVERSITY, COLLEGES, POSTSECONDARY EDUCATION

Section

- 85-2224. Repealed. Laws 2012, LB 946, § 26.
- 85-2225. Repealed. Laws 2012, LB 946, § 26.
- 85-2227. Repealed. Laws 2012, LB 946, § 26.
- 85-2228. Repealed. Laws 2012, LB 946, § 26.
- 85-2229. Repealed. Laws 2012, LB 946, § 26.
- 85-2230. Repealed. Laws 2012, LB 946, § 26.
- 85-2231. Act, how cited.
- 85-2232. Definitions.
- 85-2233. Legislative intent; Coordinating Commission for Postsecondary Education; duties; reduction of distribution; when.
- 85-2234. Allocation of aid.
- 85-2235. Community College Aid Fund; created; use; investment.
- 85-2236. Community college area; annual report.
- 85-2237. Rules and regulations.

85-2201 Repealed. Laws 2012, LB 946, § 26.

85-2202 Repealed. Laws 2012, LB 946, § 26.

85-2203 Repealed. Laws 2012, LB 946, § 26.

85-2204 Repealed. Laws 2012, LB 946, § 26.

85-2205 Repealed. Laws 2012, LB 946, § 26.

85-2206 Repealed. Laws 2012, LB 946, § 26.

85-2207 Repealed. Laws 2012, LB 946, § 26.

85-2208 Repealed. Laws 2012, LB 946, § 26.

85-2209 Repealed. Laws 2012, LB 946, § 26.

85-2210 Repealed. Laws 2012, LB 946, § 26.

85-2211 Repealed. Laws 2012, LB 946, § 26.

85-2212 Repealed. Laws 2012, LB 946, § 26.

85-2213 Repealed. Laws 2012, LB 946, § 26.

85-2215 Repealed. Laws 2012, LB 946, § 26.

85-2216 Repealed. Laws 2012, LB 946, § 26.

85-2217 Repealed. Laws 2012, LB 946, § 26.

85-2218 Repealed. Laws 2012, LB 946, § 26.

85-2220 Repealed. Laws 2012, LB 946, § 26.

85-2221 Repealed. Laws 2012, LB 946, § 26.

85-2222 Repealed. Laws 2012, LB 946, § 26.

85-2223 Repealed. Laws 2012, LB 946, § 26.

85-2224 Repealed. Laws 2012, LB 946, § 26.

85-2225 Repealed. Laws 2012, LB 946, § 26.

85-2227 Repealed. Laws 2012, LB 946, § 26.

85-2228 Repealed. Laws 2012, LB 946, § 26.

85-2229 Repealed. Laws 2012, LB 946, § 26.

85-2230 Repealed. Laws 2012, LB 946, § 26.

85-2231 Act, how cited.

Sections 85-2231 to 85-2237 shall be known and may be cited as the Community College Aid Act.

Source: Laws 2012, LB946, § 1.
Effective date February 14, 2012.

85-2232 Definitions.

For purposes of the Community College Aid Act, the definitions in section 85-1503 apply.

Source: Laws 2012, LB946, § 2.
Effective date February 14, 2012.

85-2233 Legislative intent; Coordinating Commission for Postsecondary Education; duties; reduction of distribution; when.

(1)(a) The Legislature recognizes that education, as an investment in human resources, is fundamental to the quality of life and the economic prosperity of Nebraskans and that aid to the community colleges furthers these goals.

(b) It is the intent of the Legislature that such appropriations reflect the commitment of the Legislature to join with local governing bodies in a strong and continuing partnership to further advance the quality, responsiveness, access, and equity of Nebraska's community colleges and to foster high standards of performance and service so that every citizen, community, and business will have the opportunity to receive quality educational programs and services regardless of the size, wealth, or geographic location of the community college area or tribally controlled community college by which that citizen, community, or business is served.

(c) In order to promote quality postsecondary education and to avoid excessive and disproportionate taxation upon the taxable property of each community college area, the Legislature may appropriate each biennium from such funds as may be available an amount for aid and assistance to the community colleges. Such funds so appropriated by the Legislature shall be allocated, adjusted, and distributed to the community college boards of governors as provided in the Community College Aid Act.

(2) The Coordinating Commission for Postsecondary Education shall certify aid amounts attributable to the allocations pursuant to subdivisions (1) and (3) of section 85-2234 and report such amounts to the Department of Administrative Services. The commission shall certify such aid amounts on or before September 1 of the fiscal year for which aid is being certified. The department shall distribute the total of such appropriated and allocated funds to the boards in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning in September of each year. Any amount transferred to the Nebraska Community College Student Performance and Occupational Education Grant Fund pursuant to subdivision (2) of section

85-2234 for a fiscal year shall be certified and distributed in accordance with sections 85-1539 and 85-1540.

(3) The department shall reduce the amount of the distribution to a board by the amount of funds used by the community college area to provide a program or capital construction project as defined in section 85-1402 which has not been approved or has been disapproved by the Coordinating Commission for Postsecondary Education pursuant to the Coordinating Commission for Postsecondary Education Act.

Source: Laws 2012, LB946, § 3.
Effective date February 14, 2012.

Cross References

Coordinating Commission for Postsecondary Education Act, see section 85-1401.

85-2234 Allocation of aid.

Aid appropriated pursuant to the Community College Aid Act for fiscal year 2013-14 and each fiscal year thereafter shall be allocated among community college areas and tribally controlled community colleges as follows:

(1) The initial \$87,870,147 appropriated pursuant to the act shall be allocated to community college areas based on the proportionate share of aid received by each community college area for fiscal year 2012-13. If the amount appropriated for such fiscal year exceeds \$87,870,147, the excess amount shall be allocated as provided in subdivisions (2) and (3) of this section. If the amount appropriated for such fiscal year is less than or equal to \$87,870,147, the amount appropriated shall be allocated to community college areas based on the proportionate share of aid received by each community college area for fiscal year 2012-13;

(2) Of any amount remaining after the allocation of aid pursuant to subdivision (1) of this section, the next amount, up to but not to exceed \$500,000, shall be transferred to the Nebraska Community College Student Performance and Occupational Education Grant Fund provided for in section 85-1540; and

(3) Any amount remaining after the allocations provided for in subdivisions (1) and (2) of this section shall be allocated among the community college areas on the following basis:

(a) Twenty-five percent of such amount shall be divided equally based on the number of community college areas designated pursuant to section 85-1504;

(b) Forty-five percent of such amount shall be divided based on each community college area's proportionate share of three-year average full-time equivalent student enrollment. A community college area's proportionate share of three-year average full-time equivalent student enrollment shall equal the sum of a community college area's full-time equivalent student enrollment total for the three fiscal years immediately preceding the fiscal year for which aid is being calculated divided by three, with such quotient divided by the quotient resulting from the sum of the full-time equivalent student enrollment total of all community college areas for the three fiscal years immediately preceding the fiscal year for which aid is being calculated divided by three; and

(c) Thirty percent of such amount shall be divided based on each community college area's proportionate share of three-year average reimbursable educational units. A community college area's proportionate share of three-year average reimbursable educational units shall equal the sum of a community

college area's reimbursable educational unit total for the three fiscal years immediately preceding the fiscal year for which aid is being calculated divided by three, with such quotient divided by the quotient resulting from the sum of the reimbursable educational unit total of all community college areas for the three fiscal years immediately preceding the fiscal year for which aid is being calculated divided by three.

Source: Laws 2012, LB946, § 4.
Effective date February 14, 2012.

85-2235 Community College Aid Fund; created; use; investment.

The Community College Aid Fund is created. The fund shall be used to provide state aid to community college areas pursuant to the Community College Aid Act. 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.

Source: Laws 2012, LB946, § 5.
Effective date February 14, 2012.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

85-2236 Community college area; annual report.

Each community college area shall annually report such data as necessary to carry out the Community College Aid Act to the Coordinating Commission for Postsecondary Education.

Source: Laws 2012, LB946, § 6.
Effective date February 14, 2012.

85-2237 Rules and regulations.

The Coordinating Commission for Postsecondary Education may adopt and promulgate rules and regulations to carry out the Community College Aid Act.

Source: Laws 2012, LB946, § 7.
Effective date February 14, 2012.

ARTICLE 23

IN THE LINE OF DUTY DEPENDENT EDUCATION ACT

Section

- 85-2301. Act, how cited.
- 85-2302. Legislative findings, declarations, and intent.
- 85-2303. Terms, defined.
- 85-2304. In the Line of Duty Dependent Education Benefit; established; eligibility; waiver of tuition and fees; application; notice; determination; effect.
- 85-2305. Procedures, rules, and regulations.
- 85-2306. Qualification for benefit; how treated.

85-2301 Act, how cited.

Sections 85-2301 to 85-2306 shall be known and may be cited as the In the Line of Duty Dependent Education Act.

Source: Laws 2009, LB206, § 1.

85-2302 Legislative findings, declarations, and intent.

The Legislature finds and declares that:

- (1) Nebraska's law enforcement officers and firefighters place their lives at risk in the line of duty to protect the citizens and property of this state;
- (2) The services performed by Nebraska law enforcement officers and firefighters are necessary for the protection of the citizens and property of this state;
- (3) Nebraska law enforcement officers and firefighters have lost or may lose their lives in the performance of their official duties; and
- (4) Nebraska law enforcement officers and firefighters perform dangerous and hazardous acts in order to protect the citizens and property of this state.

It is the intent of the Legislature to recognize the ultimate sacrifice made by Nebraska law enforcement officers and firefighters who are killed in the line of duty on or after April 23, 2009, by providing a postsecondary educational benefit for their surviving children to attend state universities, state colleges, and community colleges located in Nebraska.

Source: Laws 2009, LB206, § 2.

85-2303 Terms, defined.

For purposes of the In the Line of Duty Dependent Education Act:

- (1) Associate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least sixty semester credit hours or an equivalent that can be shown to accomplish the same goal. Associate degree program does not include a baccalaureate degree program;
- (2) Baccalaureate degree program means a degree program at a community college, state college, or state university which typically requires completion of an organized program of study of at least one hundred twenty semester credit hours or an equivalent that can be shown to accomplish the same goal;
- (3) Child means a resident or nonresident of Nebraska who is the child by birth or adoption of a Nebraska law enforcement officer killed in the line of duty or a Nebraska firefighter killed in the line of duty;
- (4) Community college means a public postsecondary educational institution which is part of the community college system and includes all branches and campuses of such institution located within the State of Nebraska;
- (5) Education benefit means the In the Line of Duty Dependent Education Benefit established under section 85-2304;
- (6) Fatal injury means an event occurring in the line of duty which is a proximate cause of the death of a law enforcement officer or firefighter;
- (7) Firefighter means a member of a paid or volunteer fire department in Nebraska, including a member of a rescue squad associated with a paid or volunteer fire department in Nebraska, and a member of an emergency medical services ambulance squad;
- (8) Law enforcement officer means any person who is responsible for the prevention or detection of crime or the enforcement of the penal, traffic, or highway laws of the State of Nebraska or any political subdivision of the state

for more than one hundred hours per year and who is authorized by law to make arrests;

(9) Line of duty means any action that a Nebraska law enforcement officer or firefighter is authorized or obligated by law, rule, or regulation to perform, related to or as a condition of employment or service;

(10) State college means a public postsecondary educational institution which is part of the Nebraska state college system and includes all branches and campuses of such institution located within the State of Nebraska;

(11) State university means a public postsecondary educational institution which is part of the University of Nebraska and includes all branches and campuses of such institution located within the State of Nebraska;

(12) Tuition and fees means the charges and cost of tuition and fees as set by the governing body of a state university, state college, or community college; and

(13) Volunteer fire department means a volunteer department as defined in section 35-1303 located in Nebraska which provides fire protection services within Nebraska.

Source: Laws 2009, LB206, § 3.

85-2304 In the Line of Duty Dependent Education Benefit; established; eligibility; waiver of tuition and fees; application; notice; determination; effect.

(1) The In the Line of Duty Dependent Education Benefit is established for children of law enforcement officers and firefighters killed in the line of duty. In order for a child to be eligible for the benefit, the law enforcement officer or firefighter must have incurred the fatal injury on or after April 23, 2009.

(2) Notwithstanding the provisions of this section, a death that occurs as the direct and proximate result of a preexisting physical condition, disease, or illness shall be excluded from eligibility under this section unless the aggravation of such condition, disease, or illness caused by being in the line of duty was a direct and proximate cause of death.

(3) Any child who is the child of a law enforcement officer killed in the line of duty as provided in subsection (1) of this section or of a firefighter killed in the line of duty as provided in such subsection shall be eligible for the education benefit if the child is twenty-five years of age or younger. An eligible child shall meet all admission requirements of the state university, state college, or community college to which he or she is applying.

(4) The education benefit shall be provided only for full-time undergraduate students who are pursuing studies leading to a degree from an associate degree program or a baccalaureate degree program. The eligible child may receive the education benefit for up to five years if he or she otherwise continues to be eligible for participation. All education benefits received under the In the Line of Duty Dependent Education Act shall cease when the eligible child reaches twenty-six years of age.

(5) A child becomes eligible for the education benefit after he or she has applied for federal financial aid grants and state scholarships and grants to cover tuition and fees. The child must provide a record of application for such financial aid to the state university, state college, or community college to which he or she is applying.

(6) The state university, state college, or community college shall waive tuition and fees remaining due after subtracting awarded federal financial aid grants and state scholarships and grants for an eligible child during the time the child is enrolled as a full-time student. To remain eligible, the child must comply with all requirements of the institution for continued attendance and award of an associate degree or a baccalaureate degree.

(7) An application for an education benefit shall include a certified copy of the eligible child's birth certificate or applicable adoption record and verification of the death of the law enforcement officer or firefighter who was the child's parent.

(8) Verification of the death of the law enforcement officer or firefighter shall be made by obtaining a certificate of eligibility from the following sources: (a) Certificates of eligibility for the children of law enforcement officers shall be obtained from the Superintendent of Law Enforcement and Public Safety; (b) certificates of eligibility for the children of firefighters, except as provided in subdivision (c) of this subsection, shall be obtained from the State Fire Marshal; and (c) certificates of eligibility for the children of members of emergency medical services ambulance squads that are not associated with a paid or volunteer fire department shall be obtained from the Department of Health and Human Services.

(9) Within forty-five days after receipt of a completed application, the state university, state college, or community college shall send written notice of the applicant's eligibility or ineligibility for the education benefit. If the child is determined not to be eligible for the benefit, the notice shall include the reason or reasons for such determination and an indication that an appeal of the determination may be made pursuant to the Administrative Procedure Act.

(10) Upon a determination of eligibility for the child to obtain the education benefit, the state university, state college, or community college is prohibited from charging the child, the child's surviving parent, or the child's guardian any tuition or fees as long as the child remains eligible.

Source: Laws 2009, LB206, § 4.

Cross References

Administrative Procedure Act, see section 84-920.

85-2305 Procedures, rules, and regulations.

Each state university, state college, or community college shall adopt the procedures, rules, and regulations necessary to carry out the In the Line of Duty Dependent Education Act.

Source: Laws 2009, LB206, § 5.

85-2306 Qualification for benefit; how treated.

A finding that a student qualifies for an education benefit pursuant to the In Line of Duty Dependent Education Act shall not be admissible as evidence for any other purpose.

Source: Laws 2009, LB206, § 6.

ARTICLE 24

POSTSECONDARY INSTITUTION ACT

Section

- 85-2401. Act, how cited.
 85-2402. Purposes of act.
 85-2403. Terms, defined.
 85-2404. Act; administration; commission; powers.
 85-2405. Commission; powers and duties.
 85-2406. Rules and regulations; minimum standards; established.
 85-2407. Act; exemptions.
 85-2408. Postsecondary institution; authorization to operate required.
 85-2409. Postsecondary institution; charge for tuition or fees; loans; prohibited acts.
 85-2410. Repealed. Laws 2012, LB 1104, § 26.
 85-2411. Repealed. Laws 2012, LB 1104, § 26.
 85-2412. Application; review; grant of authorization; terms and conditions; term; renewal; modifications to existing recurrent authorization; application; new campus; public hearing.
 85-2413. Recurrent authorization to operate; form; contents.
 85-2414. Suspension or revocation of recurrent authorization to operate; procedure; hearing; commission; powers.
 85-2415. Recurrent authorization to operate or authorization to operate on a continuing basis; nontransferable; change in ownership; application for new recurrent authorization; failure to apply; effect.
 85-2416. Recurrent authorization to operate; renewal or request to operate on continuing basis.
 85-2417. Commission decision; aggrieved party; right to hearing and review; procedure; notice; judicial review.
 85-2418. Complaint authorized; commission; hearing; notice; cease and desist order; additional actions authorized.
 85-2419. Final commission action; appeal.
 85-2420. Enforcement of act; Attorney General or county attorney; powers.
 85-2421. Violations of act; commission; petition for injunction; additional remedies.

85-2401 Act, how cited.

Sections 85-2401 to 85-2421 shall be known and may be cited as the Postsecondary Institution Act.

Source: Laws 2011, LB637, § 1.

85-2402 Purposes of act.

The purposes of the Postsecondary Institution Act are to ensure that minimum standards of operation are met by both private and out-of-state postsecondary institutions operating in Nebraska and to provide for consumer protection for students who enroll in higher education programs in this state.

Source: Laws 2011, LB637, § 2.

85-2403 Terms, defined.

For purposes of the Postsecondary Institution Act:

- (1) Authorization to operate means either an authorization to operate on a continuing basis or a recurrent authorization to operate;
- (2) Authorization to operate on a continuing basis means approval by the commission to operate a postsecondary institution in this state without a renewal requirement;

(3) Commission means the Coordinating Commission for Postsecondary Education;

(4)(a) Establishing a physical presence means:

(i) Offering a course for college credit or a degree program in this state that leads to an associate, baccalaureate, graduate, or professional degree, including:

(A) Establishing a physical location in this state where a student may receive synchronous or asynchronous instruction; or

(B) Offering a course or program that requires students to physically meet in one location for instructional purposes more than once during the course term; or

(ii) Establishing an administrative office in this state, including:

(A) Maintaining an administrative office in this state for purposes of enrolling students, providing information to students about the institution, or providing student support services;

(B) Providing office space to staff, whether instructional or noninstructional staff; or

(C) Establishing a mailing address in this state.

(b) Physical presence does not include:

(i) Course offerings in the nature of a short course or seminar if instruction for the short course or seminar takes no more than twenty classroom hours and the institution offers no more than two courses as defined by the commission in a calendar year;

(ii) Course offerings on a military installation solely for military personnel or civilians employed on such installation;

(iii) An educational experience arranged for an individual student, such as a clinical, practicum, residency, or internship; or

(iv) Courses offered online or through the United States mail or similar delivery service which do not require the physical meeting of a student with instructional staff;

(5) Executive director means the executive director of the commission or his or her designee;

(6) Nebraska public postsecondary institution means any public institution established, operated, and governed by this state or any of its political subdivisions that provides postsecondary education;

(7) Out-of-state public postsecondary institution means any public institution with a physical presence in Nebraska that is established, operated, and governed by another state or any of its political subdivisions and that provides postsecondary education;

(8) Postsecondary institution means any private postsecondary institution, out-of-state public postsecondary institution, or Nebraska public postsecondary institution exempt from the Private Postsecondary Career School Act;

(9) Private postsecondary institution means any Nebraska or out-of-state nonpublic postsecondary institution with a physical presence in Nebraska, including any for-profit or nonprofit institution, that provides postsecondary education; and

(10) Recurrent authorization to operate means approval by the commission to operate a postsecondary institution in this state until a renewal of such authorization is required.

Source: Laws 2011, LB637, § 3; Laws 2012, LB1104, § 13.
Effective date July 19, 2012.

Cross References

Private Postsecondary Career School Act, see section 85-1601.

85-2404 Act; administration; commission; powers.

The commission shall administer the Postsecondary Institution Act. To fulfill the purposes of the act, the commission may request from any department, division, board, bureau, commission, or other agency of this state, and such entity shall provide, such information as the commission deems necessary to exercise its powers and perform its duties under the act.

Source: Laws 2011, LB637, § 4.

85-2405 Commission; powers and duties.

The commission has the following powers and duties:

- (1) To establish levels for recurrent authorizations to operate based on institutional offerings;
- (2) To receive, investigate as it may deem necessary, and act upon applications for a recurrent authorization to operate and applications to renew a recurrent authorization to operate;
- (3) To establish reporting requirements by campus location either through the federal Integrated Postsecondary Education Data System, 20 U.S.C. 1094(a)(17), as such section existed on January 1, 2011, and 34 C.F.R. 668.14(b)(19), as such regulation existed on January 1, 2011, or directly to the commission for any postsecondary institution which has an authorization to operate;
- (4) To maintain a list of postsecondary institutions which have authorization to operate, which shall be made available to the public;
- (5) To establish a notification process when a postsecondary institution which has an authorization to operate changes its address or adds instructional sites within this state;
- (6) To conduct site visits of postsecondary institutions to carry out the Postsecondary Institution Act;
- (7) To establish fees for applications for a recurrent authorization to operate and applications to renew a recurrent authorization to operate, which shall be not more than the cost of reviewing and evaluating the applications;
- (8) To investigate any violations of the act by a postsecondary institution; and
- (9) To adopt and promulgate rules, regulations, and procedures to administer the act.

Source: Laws 2011, LB637, § 5; Laws 2012, LB1104, § 14.
Effective date July 19, 2012.

85-2406 Rules and regulations; minimum standards; established.

The commission shall adopt and promulgate rules and regulations to establish minimum standards according to which a postsecondary institution shall have a recurrent authorization to operate within the state, and upon failure to operate according to such standards, the postsecondary institution shall be subject to the suspension or revocation of the authorization to operate. An institution shall demonstrate that it can be maintained and operated in accordance with such standards. The standards shall include, but not be limited to:

- (1) The financial soundness of the institution and its capability to fulfill its proposed commitments and sustain its operations;
- (2) The quality and adequacy of teaching faculty, library services, and support services;
- (3) The quality of the programs offered, including courses, programs of instruction, degrees, any necessary clinical placements, and the institution's ability to generate and sustain enrollment;
- (4) The specific locations where programs will be offered or planned locations and a demonstration that facilities are adequate at the locations for the programs to be offered;
- (5) Assurances regarding transfer of credits earned in the program to the main campus of such institution and clear and accurate representations about the transferability of credits to other institutions located in Nebraska and elsewhere;
- (6) Whether such institution and, when appropriate, the program, are fully accredited, or seeking accreditation, by an accrediting body recognized by the United States Department of Education;
- (7) The institution's policies and procedures related to students, including, but not limited to, recruiting and admissions practices;
- (8) The tuition refund policy for an institution that does not participate in federal financial aid programs described in Title IV of the federal Higher Education Act of 1965, 20 U.S.C. 1001 et seq., as such act existed on January 1, 2011; and
- (9) Any other standards deemed necessary by the commission.

Source: Laws 2011, LB637, § 6; Laws 2012, LB1104, § 15.
Effective date July 19, 2012.

85-2407 Act; exemptions.

The following are exempt from the Postsecondary Institution Act:

- (1) Any institution or organization which offers education or instruction and which is licensed and regulated solely by an agency of the federal government with respect to curriculum and qualifications of instructional staff; or
- (2) Any private postsecondary career school as defined in the Private Postsecondary Career School Act.

Source: Laws 2011, LB637, § 7.

Cross References

Private Postsecondary Career School Act, see section 85-1601.

85-2408 Postsecondary institution; authorization to operate required.

Except as provided in section 85-2407, no postsecondary institution shall operate in the State of Nebraska by establishing a physical presence in this state until it has received an authorization to operate by the commission.

Source: Laws 2011, LB637, § 8; Laws 2012, LB1104, § 16.

Effective date July 19, 2012.

85-2409 Postsecondary institution; charge for tuition or fees; loans; prohibited acts.

No postsecondary institution with an authorization to operate under the Postsecondary Institution Act shall charge tuition or fees for more than one academic term or require a student to sign loan documents for more than one academic year.

Source: Laws 2011, LB637, § 9; Laws 2012, LB1104, § 17.

Effective date July 19, 2012.

85-2410 Repealed. Laws 2012, LB 1104, § 26.

85-2411 Repealed. Laws 2012, LB 1104, § 26.

85-2412 Application; review; grant of authorization; terms and conditions; term; renewal; modifications to existing recurrent authorization; application; new campus; public hearing.

(1) Except as otherwise provided in this section, after review of an initial application for a recurrent authorization to operate, including any further information submitted by the applicant as required by the commission and any investigation of the applicant as the commission may deem necessary or appropriate, the commission shall grant or deny the application for an initial recurrent authorization to operate. A grant of an initial recurrent authorization to operate may be on such terms and conditions as the commission may specify. Such authorization shall be for a five-year period unless the commission determines that a shorter period of time is appropriate based on the standards established pursuant to section 85-2406.

(2) After review of an application to renew a recurrent authorization to operate which shall include any further information submitted by the applicant as required by the commission and any investigation of the applicant as the commission may deem necessary or appropriate, the commission shall grant or deny the application. Renewal of a recurrent authorization to operate may be on such terms and conditions as the commission may specify. Such authorization shall be for a five-year period unless the commission determines that a shorter renewal period is appropriate based on the standards established pursuant to section 85-2406.

(3) If an institution has, for at least twenty academic years under the same ownership, continuously offered one or more graduate or four-year undergraduate programs with a physical presence in Nebraska in compliance with state and federal law, the institution may request authorization to operate on a continuing basis. After review of the request which shall include any further information submitted by the applicant as required by the commission and any investigation of the institution as the commission may deem necessary or appropriate, the commission shall grant authorization to operate on a continuing basis unless the commission determines that an additional recurrent au-

thorization to operate is appropriate based on the level of compliance with the standards established pursuant to section 85-2406.

(4) Except as otherwise provided in this section, modifications, as defined by the commission in rules and regulations, to an existing recurrent authorization to operate, but not to an authorization to operate on a continuing basis, shall require an application to the commission. After review of the application, including any further information submitted by the applicant as required by the commission and any investigation of the applicant as the commission may deem necessary or appropriate, the commission shall grant or deny the application. Approval of the application may be on such terms and conditions as the commission may specify. Such recurrent authorization to operate shall replace the existing recurrent authorization to operate and shall be for a five-year period unless the commission determines that a shorter period of time is appropriate based on the standards established pursuant to section 85-2406.

(5) If an application for an initial recurrent authorization to operate or a modification to an existing recurrent authorization to operate includes a request to establish a new campus in this state, as defined by the commission in rules and regulations, the commission shall hold a public hearing. The hearing shall be scheduled following a completed review of the application for a recurrent authorization to operate or the modification of a recurrent authorization to operate, including any further information submitted by the applicant as required by the commission and any investigation of the applicant as the commission may deem necessary or appropriate, and shall be conducted according to the Administrative Procedure Act. After the public hearing, the commission shall grant or deny the application. A grant of a recurrent authorization to operate or the modification of a recurrent authorization to operate may be on such terms and conditions as the commission may specify. Such authorization or modification shall be for a five-year period unless the commission determines that a shorter period of time is appropriate based on the standards established pursuant to section 85-2406.

Source: Laws 2011, LB637, § 12; Laws 2012, LB1104, § 18.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

85-2413 Recurrent authorization to operate; form; contents.

A recurrent authorization to operate shall be in a form approved by the commission and shall state in a clear and conspicuous manner at least the following information:

- (1) The date of issuance, effective date, and term of the authorization to operate;
- (2) The full and correct name and address of the institution authorized to operate;
- (3) The authority for authorization to operate and the conditions thereof; and
- (4) Any limitation of authorization to operate as deemed necessary by the commission.

Source: Laws 2011, LB637, § 13; Laws 2012, LB1104, § 19.
Effective date July 19, 2012.

85-2414 Suspension or revocation of recurrent authorization to operate; procedure; hearing; commission; powers.

Any postsecondary institution with a recurrent authorization to operate which ceases to meet any of the requirements of the Postsecondary Institution Act, any rules or regulations adopted and promulgated under the act, or any terms or conditions specified by the commission for authorization to operate under the act shall be notified in writing of any such specific deficiency by certified mail. A hearing shall be scheduled requiring the institution to show cause why the authorization to operate should not be suspended or revoked. The hearing shall be held according to the Administrative Procedure Act. After the hearing, if the commission determines that any requirements, rules or regulations, or terms and conditions have been violated, the commission may suspend or revoke the recurrent authorization to operate or may require action as a condition of continued authorization.

Source: Laws 2011, LB637, § 14; Laws 2012, LB1104, § 20.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

85-2415 Recurrent authorization to operate or authorization to operate on a continuing basis; nontransferable; change in ownership; application for new recurrent authorization; failure to apply; effect.

The recurrent authorization to operate or authorization to operate on a continuing basis shall be issued to the owner or governing body of the postsecondary institution and shall be nontransferable. If there is a change in ownership, as defined by the commission in rules and regulations, the new owner or governing body shall, within thirty days after the change of ownership, apply for a new recurrent authorization to operate under the Postsecondary Institution Act, and if the institution fails to apply within such time period, the original authorization to operate shall terminate. An application for a new recurrent authorization to operate may be deemed an application for renewal of the institution's original authorization, except that such renewal shall be given in the form of a recurrent authorization to operate even if the original authorization was an authorization to operate on a continuing basis. Verification that all student records are transferred intact and in good condition to the new owner shall accompany the application.

Source: Laws 2011, LB637, § 15; Laws 2012, LB1104, § 21.
Effective date July 19, 2012.

85-2416 Recurrent authorization to operate; renewal or request to operate on continuing basis.

At least ninety days prior to the expiration of its recurrent authorization to operate, a postsecondary institution shall complete and file with the commission an application form for renewal of its recurrent authorization to operate or a request for an authorization to operate on a continuing basis. Financial stability information shall accompany the application.

Source: Laws 2011, LB637, § 16; Laws 2012, LB1104, § 22.
Effective date July 19, 2012.

85-2417 Commission decision; aggrieved party; right to hearing and review; procedure; notice; judicial review.

(1) Any institution denied a recurrent authorization to operate, a renewal of a recurrent authorization to operate, or an authorization to operate on a continuing basis by the commission shall have the right to a hearing and a review of such decision by the commission. If upon written notification of a denial the aggrieved party desires a hearing and review, such party shall notify the commission in writing within ten business days after receipt of notice by the commission. If the aggrieved party does not notify the commission pursuant to this section, the action shall be deemed final. Upon receipt of such notice from the aggrieved party, the commission shall fix the time and place for a hearing and shall notify the aggrieved party of such by certified mail. The hearing shall be conducted according to the Administrative Procedure Act.

(2) A decision of the commission following such hearing shall be deemed final subject to the right of judicial review provided in the Administrative Procedure Act. All matters presented at any such hearing shall be acted upon promptly by the commission, and the commission shall notify all parties in writing of its decision, which shall include a statement of findings and conclusions upon all material issues of fact, law, or discretion presented at the hearing and the appropriate rule, regulation, order, sanction, relief, or denial thereof.

Source: Laws 2011, LB637, § 17; Laws 2012, LB1104, § 23.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

85-2418 Complaint authorized; commission; hearing; notice; cease and desist order; additional actions authorized.

(1) Any person claiming damage or loss as a result of any act or practice by a postsecondary institution which is a violation of the Postsecondary Institution Act, of the rules and regulations adopted and promulgated under the act, or of standards established pursuant to section 85-2406 may file with the commission a complaint against such institution. The complaint shall set forth the alleged violation and shall contain such other information as may be required by the commission. A complaint may also be filed with the commission by the executive director or the Attorney General.

(2) If efforts by the commission to resolve the complaint are not successful and if the commission deems it appropriate, the commission may hold a hearing on such complaint after ten days' written notice by certified mail, return receipt requested, to such institution, giving notice of a time and place for the hearing on such complaint. Such hearing shall be conducted in accordance with the Administrative Procedure Act. If, upon all evidence at the hearing, the commission finds that a postsecondary institution has engaged in or is engaging in any act or practice which violates the Postsecondary Institution Act, the rules and regulations adopted and promulgated under the act, or the standards established pursuant to section 85-2406, the commission shall issue and cause to be served upon such institution an order requiring such institution to cease and desist from such act or practice. The commission may also, as appropriate, based on its own investigation or the evidence adduced at such hearing or both, commence an action:

- (a) To revoke an institution's recurrent authorization to operate; or
- (b) To refer the complaint and all related evidence to the Attorney General.

Source: Laws 2011, LB637, § 18; Laws 2012, LB1104, § 24.
Effective date July 19, 2012.

Cross References

Administrative Procedure Act, see section 84-920.

85-2419 Final commission action; appeal.

Any person aggrieved or adversely affected by any final commission action may appeal such action. The appeal shall be in accordance with the Administrative Procedure Act.

Source: Laws 2011, LB637, § 19.

Cross References

Administrative Procedure Act, see section 84-920.

85-2420 Enforcement of act; Attorney General or county attorney; powers.

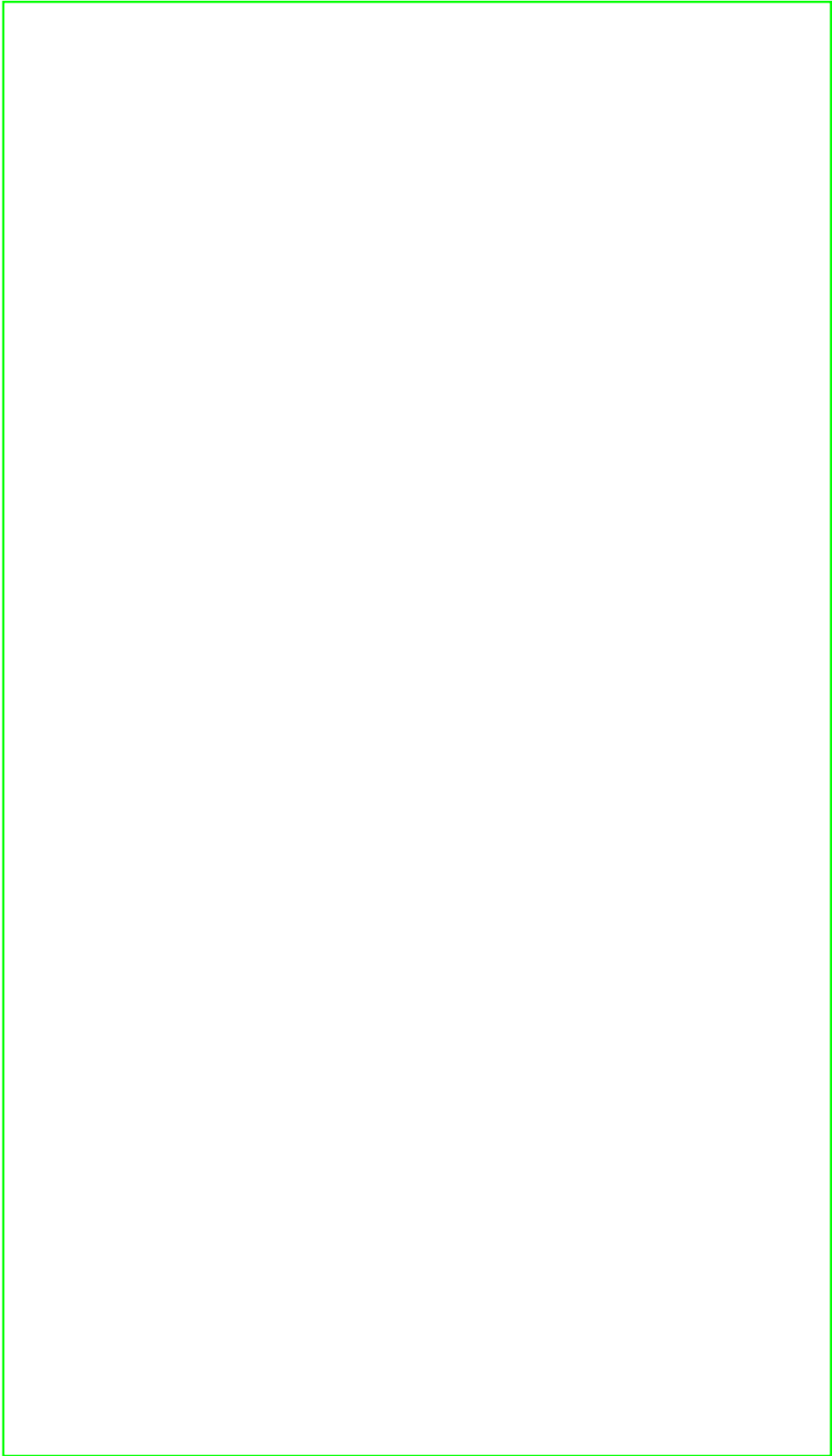
The Attorney General or the county attorney of the county in which a postsecondary institution is located, at the request of the commission or on his or her own accord, may bring any appropriate action or proceeding in any court of competent jurisdiction to enforce the Postsecondary Institution Act.

Source: Laws 2011, LB637, § 20.

85-2421 Violations of act; commission; petition for injunction; additional remedies.

If it appears to the commission that any entity is or has been violating the Postsecondary Institution Act or any of the rules, regulations, or orders of the commission, the commission may file a petition for injunction in the name of the commission in any court of competent jurisdiction in this state against such entity for the purpose of enjoining such violation or for an order directing compliance with the act and any rules, regulations, and orders. The commission shall not be required to allege or prove that there is no adequate remedy at law. The right of injunction provided in this section shall be in addition to any other legal remedy which the commission may possess and shall be in addition to any right of criminal prosecution provided by law. The commission shall not obtain a temporary restraining order without notice to the entity affected. The pendency of commission action with respect to alleged violations shall not operate as a bar to an action for injunctive relief pursuant to this section.

Source: Laws 2011, LB637, § 21.



TELECOMMUNICATIONS AND TECHNOLOGY

CHAPTER 86
TELECOMMUNICATIONS AND TECHNOLOGY

Article.

1. Telecommunications Regulation.
 - (a) General Provisions. 86-101 to 86-103.01.
 - (b) Regulatory Authority. 86-127.
 - (d) Provision of Telecommunication Services. 86-135 to 86-138.
 - (e) Rates and Charges. 86-143, 86-144.
 - (g) Penalties. 86-163.
 - (h) Railroad Carrier Wire-Crossing Agreement. 86-164.
 - (i) Sale of Exchange. 86-165.
2. Telecommunications Consumer Protection.
 - (e) Intercepted Communications. 86-275.
3. Universal Service.
 - (a) Telecommunications Relay System. 86-312, 86-313.
4. Public Safety Systems.
 - (a) Nebraska Public Safety Communication System Act. 86-401, 86-418.01.
 - (c) Enhanced Wireless 911 Services. 86-450.02 to 86-463.
5. Public Technology Infrastructure.
 - (a) Information Technology Infrastructure Act. 86-501 to 86-530.
 - (d) Geographic Information System. 86-572.
 - (h) Retail or Wholesale Services. 86-593 to 86-599.
 - (i) Network Nebraska. 86-5,100, 86-5,101.
7. Telecommunications Rights-of-Way. 86-704.
8. Kelsey Smith Act. 86-801 to 86-807.
9. Prepaid Wireless Surcharge Act. 86-901 to 86-905.

ARTICLE 1

TELECOMMUNICATIONS REGULATION

(a) GENERAL PROVISIONS

Section

- 86-101. Act, how cited.
86-103. Definitions, where found.
86-103.01. Advanced telecommunications capability service, defined.

(b) REGULATORY AUTHORITY

- 86-127. Nebraska Competitive Telephone Marketplace Fund; created; use; investment.

(d) PROVISION OF TELECOMMUNICATION SERVICES

- 86-135. Advanced telecommunications capability service; application; notice; commission; considerations.
86-136. Commission; application approval.
86-137. Certificate of convenience and necessity.
86-138. Application denial.

(e) RATES AND CHARGES

- 86-143. Local competition determination; rate list filing requirements.
86-144. No local competition; rate list filing requirements.

(g) PENALTIES

- 86-163. Commission; duties.

§ 86-101

TELECOMMUNICATIONS AND TECHNOLOGY

Section

(h) RAILROAD CARRIER WIRE-CROSSING AGREEMENT

86-164. Telecommunications carrier; placement of line, wire, or cable across railroad right-of-way; application; petition; hearing; order; standard crossing fee; expenses; agreement.

(i) SALE OF EXCHANGE

86-165. Sale of exchange; application; notice; commission; considerations; order.

(a) GENERAL PROVISIONS

86-101 Act, how cited.

Sections 86-101 to 86-165 shall be known and may be cited as the Nebraska Telecommunications Regulation Act.

Source: Laws 2002, LB 1105, § 2; Laws 2003, LB 2, § 1; Laws 2010, LB181, § 1; Laws 2010, LB183, § 1; Laws 2012, LB715, § 1. Effective date July 19, 2012.

86-103 Definitions, where found.

For purposes of the Nebraska Telecommunications Regulation Act, unless the context otherwise requires, the definitions found in sections 86-103.01 to 86-121 apply.

Source: Laws 1986, LB 835, § 2; Laws 1993, LB 121, § 554; Laws 1997, LB 660, § 6; Laws 1999, LB 150, § 14; R.S.1943, (1999), § 86-802; Laws 2002, LB 1105, § 4; Laws 2012, LB715, § 2. Effective date July 19, 2012.

86-103.01 Advanced telecommunications capability service, defined.

Advanced telecommunications capability service means high-speed, broadband telecommunications capability provided by a local exchange carrier that enables users to originate and receive high-quality voice, data, graphics, and video communications using any technology.

Source: Laws 2012, LB715, § 3. Effective date July 19, 2012.

(b) REGULATORY AUTHORITY

86-127 Nebraska Competitive Telephone Marketplace Fund; created; use; investment.

(1) One of the goals of the federal Telecommunications Act of 1996, as such act existed on January 1, 2002, is to foster competition among telephone companies. Section 271 of the federal act (a) establishes specific incentives, procedures, and requirements for regional Bell operating companies to offer inter-LATA interexchange service and (b) requires the Public Service Commission to monitor the competitive performance of a regional Bell operating company and to consult with the Federal Communications Commission regarding such activities.

(2) The Nebraska Competitive Telephone Marketplace Fund is created. The Public Service Commission may accept, and the fund shall consist of, any voluntary performance payments received from a regional Bell operating company. The fund shall be used by the commission for expenses related to the

monitoring of compliance with section 271 of the federal act. If money in the fund exceeds thirty thousand dollars, the commission shall remit such excess money to the State Treasurer for credit to the Nebraska Internet Enhancement Fund, except that transfers may be made from the Nebraska Competitive Telephone Marketplace Fund to the General Fund at the direction of the Legislature. Any money in the Nebraska Competitive Telephone Marketplace 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.

Source: Laws 2002, LB 1211, § 11; Laws 2008, LB755, § 6; Laws 2009, First Spec. Sess., LB3, § 96.

Cross References

Certificates for inter-LATA interexchange services, see section 86-129.

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

(d) PROVISION OF TELECOMMUNICATION SERVICES

86-135 Advanced telecommunications capability service; application; notice; commission; considerations.

(1) Any person may file an application with the commission to obtain advanced telecommunications capability service furnished by a telecommunications company in the local exchange area adjacent to the local exchange area in which the applicant resides.

(2) The commission shall serve upon each telecommunications company directly affected a copy of the application and notice of the hearing at least thirty days prior to the hearing on the application, which shall be held if all of the telecommunications companies involved do not consent to the application.

(3) If an application for the revision of an exchange service area includes more than one customer in a particular exchange, the commission shall consider the circumstances of each customer and the impact to the obligations of any affected telecommunications company which has not consented to the application.

Source: Laws 1969, c. 601, § 1, p. 2457; Laws 1993, LB 121, § 471; Laws 1994, LB 414, § 108; R.S.1943, (1996), § 75-612; Laws 2002, LB 1105, § 34; Laws 2012, LB715, § 4.
Effective date July 19, 2012.

86-136 Commission; application approval.

Upon the completion of the hearing on such an application made pursuant to section 86-135, if a hearing is required, the commission may grant the application, in whole or in part, if the evidence establishes the following:

(1) That such applicant is not receiving, and will not within a reasonable time receive, reasonable advanced telecommunications capability service from the telecommunications company which furnishes telecommunications service in the local exchange area in which the applicant resides;

(2) That the revision of the exchange service area required to grant the application is economically sound, will not impair the capability of any telecommunications company affected to serve the remaining subscribers in any

affected exchanges, and will not impose an undue and unreasonable technological or engineering burden on any affected telecommunications company; and

(3) That the applicant is willing and, unless waived by the affected telecommunications company, will pay such construction and other costs and rates as are fair and equitable and will reimburse the affected telecommunications company for any undepreciated investment in existing property as determined by the commission. The amount of any payment by the applicant for construction and other costs associated with providing service to the applicant may be negotiated between the applicant and the affected telecommunications company.

Source: Laws 1969, c. 601, § 2, p. 2457; Laws 1982, LB 229, § 1; Laws 1994, LB 414, § 109; R.S.1943, (1996), § 75-613; Laws 2002, LB 1105, § 35; Laws 2012, LB715, § 5.
Effective date July 19, 2012.

86-137 Certificate of convenience and necessity.

After the commission has lawfully granted an application pursuant to section 86-136, the telecommunications company ordered to provide the advanced telecommunications capability service shall be issued a certificate of convenience and necessity to serve that area added to its local exchange area by the commission, if necessary. The commission shall set the date when the service granted shall take effect and, in doing so, shall take into consideration any construction or major repair which will be required of the telecommunications company involved.

Source: Laws 1969, c. 601, § 3, p. 2458; Laws 1994, LB 414, § 110; R.S.1943, (1996), § 75-614; Laws 2002, LB 1105, § 36; Laws 2012, LB715, § 6.
Effective date July 19, 2012.

86-138 Application denial.

If the commission refuses to grant an application made pursuant to section 86-135, no new application for the same advanced telecommunications capability service shall be filed or shall be considered by the commission until one year has elapsed after the date of mailing of the commission order.

Source: Laws 1969, c. 601, § 4, p. 2458; Laws 1994, LB 414, § 111; R.S.1943, (1996), § 75-615; Laws 2002, LB 1105, § 37; Laws 2012, LB715, § 7.
Effective date July 19, 2012.

(e) RATES AND CHARGES

86-143 Local competition determination; rate list filing requirements.

(1)(a) Except as provided in subdivision (b) of this subsection, in an exchange in which local competition exists, telecommunications companies shall file rate lists for each telecommunications service which shall be effective after ten days' notice to the commission.

(b) Notwithstanding any other provision of Chapter 86, a telecommunications company shall not be required to file rate lists, tariffs, or contracts for any telecommunications service, including local exchange and interexchange ser-

vices, provided as a business service. Upon written notice to the commission, a telecommunications company may withdraw any rate list, tariff, or contract not required to be filed under this subdivision if the telecommunications company posts the rates, terms, and conditions of its telecommunications service on the company's web site.

(2) Local competition shall be deemed to exist in an exchange if a telecommunications company files an application with the commission requesting a determination as to whether local competition exists in one or more exchanges specified in the application and the commission enters an order after public notice and a hearing which determines that local competition exists in such exchange or exchanges. Notwithstanding any other provision of the Nebraska Telecommunications Regulation Act, the commission may consider any wireless telecommunications service provided in the exchange or exchanges when determining whether local competition exists.

(3) The notice of the hearing on the telecommunications company's application shall be given once each week for two consecutive weeks in a newspaper of general circulation in the affected area and shall state that a determination of local competition may result in the freeing of the telecommunications company from rate regulation by the commission. The notice of the hearing on the commission's motion shall be sent to the telecommunications company by certified mail, return receipt requested, and notice of such hearing shall be published in a newspaper of general circulation in the exchange area. The hearing on the commission's motion shall be held no sooner than ten days after the receipt of notice by the telecommunications company.

(4) The commission may, on its own motion at any time after a determination as to whether local competition exists, reexamine and redetermine the determination after notice and a hearing on the issue.

Source: Laws 2002, LB 1105, § 42; Laws 2011, LB257, § 1.

86-144 No local competition; rate list filing requirements.

(1)(a) Except as provided in subdivision (b) of this subsection, in an exchange in which local competition does not exist, telecommunications companies shall file rate lists which, for all telecommunications service except for basic local exchange rates, shall be effective after ten days' notice to the commission.

(b) Notwithstanding any other provision of Chapter 86, a telecommunications company shall not be required to file rate lists, tariffs, or contracts for any telecommunications service, including local exchange and interexchange services, provided as a business service. Upon written notice to the commission, a telecommunications company may withdraw any rate list, tariff, or contract not required to be filed under this subdivision if the telecommunications company posts the rates, terms, and conditions of its telecommunications service on the company's web site.

(2) In an exchange in which local competition does not exist, basic local exchange rates may be increased by a telecommunications company only after ninety days' notice to all affected subscribers. Such notice of increase shall include (a) the reasons for the rate increase, (b) a description of the affected telecommunications service, (c) an explanation of the right of the subscriber to petition the commission for a public hearing on the rate increase, (d) a list of exchanges which are affected by the proposed rate increase, and (e) the dates, times, and places for the public informational meetings required by this section.

(3) A telecommunications company which proposes to increase its basic local exchange rates shall hold at least one public informational meeting in each public service commissioner district as established by section 75-101.01 in which there is an exchange affected by the proposed rate increase.

Source: Laws 2002, LB 1105, § 43; Laws 2011, LB257, § 2.

(g) PENALTIES

86-163 Commission; duties.

The commission shall file with the Clerk of the Legislature an annual report on or before September 30 of each year on the status of the Nebraska telecommunications industry. The report shall be submitted in electronic format. The report shall:

(1) Describe the quality of telecommunications service being provided to the citizens of Nebraska;

(2) Describe the availability of diverse and affordable telecommunications service to all of the people of Nebraska;

(3) Describe the level of telecommunications service rates;

(4) Describe the use and continued need for the Nebraska Telecommunications Universal Service Fund;

(5) Describe the availability and location of 911 service and E-911 service as required by section 86-437;

(6) Describe the availability and location of wireless 911 service or enhanced wireless 911 service as required by section 86-460;

(7) Address the need for further legislation to achieve the purposes of the Nebraska Telecommunications Regulation Act; and

(8) Address the funding level of the Nebraska Competitive Telephone Marketplace Fund and an accounting of commission expenses related to its duties under section 86-127.

Source: Laws 1986, LB 835, § 4; Laws 1991, LB 286, § 2; Laws 1997, LB 686, § 12; Laws 2001, LB 389, § 1; Laws 2001, LB 585, § 15; R.S.Supp.,2001, § 86-804; Laws 2002, LB 1105, § 62; Laws 2002, LB 1211, § 12; Laws 2012, LB782, § 243.

Operative date July 19, 2012.

(h) RAILROAD CARRIER WIRE-CROSSING AGREEMENT

86-164 Telecommunications carrier; placement of line, wire, or cable across railroad right-of-way; application; petition; hearing; order; standard crossing fee; expenses; agreement.

(1) Any telecommunications carrier that intends to place a line, wire, or cable across a railroad right-of-way shall request permission for such placement from the railroad carrier. The request shall be in the form of a completed crossing application, including engineering specifications. Upon receipt of such application, the railroad carrier and the telecommunications carrier may enter into a binding wire-crossing agreement. If the railroad carrier and the telecommunications carrier are unable to negotiate a binding wire-crossing agreement within sixty days after receipt of the crossing application by the railroad

carrier, either party may submit a petition to the commission for a hearing on the disputed terms and conditions of the purported wire-crossing agreement.

(2)(a) Unless otherwise agreed to by all parties, the commission shall, after providing proper notice, hold and complete such hearing within sixty days after receipt of the petition. The commission shall issue an order of its decision within thirty days after the hearing. In rendering its decision, the commission shall consider whether the terms and conditions at issue are unreasonable or against the public interest, taking into account safety, engineering, and access requirements of the railroad carrier as such requirements are prescribed by the Federal Railroad Administration and established rail industry standards.

(b) Upon issuance of an order by the commission under subdivision (a) of this subsection, the railroad carrier and the telecommunications carrier shall have fifteen days after the date of issuance to file a conforming wire-crossing agreement with the commission. The commission shall have fifteen days after the date of such filing to approve or reject the agreement. If the commission does not issue an approval or rejection of such agreement within the fifteen-day requirement, the agreement shall be deemed approved. The commission may reject a wire-crossing agreement if it finds that the agreement does not conform to the order issued by the commission. If the commission enters such a finding, the parties shall revise the agreement to comply with the commission's order and shall refile the agreement to the commission for further review. If the commission does not approve or reject the revised agreement within fifteen days after the date of refiling, the agreement shall be deemed approved.

(3)(a) Except as provided in subsection (4) of this section or as otherwise agreed to by all parties, if a telecommunications carrier places a line, wire, or cable across a railroad right-of-way pursuant to this section, it shall pay the railroad carrier, owner, manager, agent, or representative of the railroad carrier a one-time standard crossing fee of one thousand two hundred fifty dollars for each applicable crossing. In addition to the standard crossing fee, the telecommunications carrier shall reimburse the railroad carrier for any actual flagging expenses associated with the placement of the line, wire, or cable.

(b) The standard crossing fee shall be in lieu of any license fee or any other fees or charges to reimburse the railroad carrier for any direct expense incurred as a result of the placement of the line, wire, or cable.

(4) If a railroad carrier or telecommunications carrier believes a special circumstance exists for the placement of a line, wire, or cable across a railroad right-of-way, the railroad carrier or telecommunications carrier may petition the commission for additional requirements or for modification of the standard crossing fee in its initial petition to the commission pursuant to subsection (1) of this section. If the petition is filed with the request for additional requirements or modification, the commission shall determine if a special circumstance exists that necessitates additional requirements for such placement or a modification of the standard crossing fee.

(5) This section applies to any telecommunications carrier certified by the commission pursuant to section 86-128. This section does not apply to any longitudinal encumbrance or any line, wire, or cable within any public right-of-way and does not change, modify, or supersede any rights or obligations created pursuant to sections 86-701 to 86-707.

(6)(a) A wire-crossing agreement between a railroad carrier and a telecommunications carrier that includes a provision, clause, covenant, or agreement contained in, collateral to, or affecting such wire-crossing agreement that purports to indemnify, defend, or hold harmless the railroad carrier from any liability for loss or damage resulting from the negligence or willful and wanton misconduct of the carrier or its agents, employees, or independent contractors who are directly responsible to such carrier or has the effect of indemnifying, defending, or holding harmless such carrier from the negligence or willful and wanton misconduct of the carrier or its agents, employees, or independent contractors who are directly responsible to the carrier is against the public policy of this state and is unenforceable.

(b) Nothing in this section shall affect a provision, clause, covenant, or agreement in which the telecommunications carrier indemnifies, defends, or holds harmless a railroad carrier against liability for loss or damage to the extent that the loss or damage results from the negligence or willful and wanton misconduct of the telecommunications carrier or its agents, employees, or independent contractors who are directly responsible to the telecommunications carrier.

(7) For purposes of this section:

(a) Railroad carrier has the same meaning as in section 75-402; and

(b) Telecommunications carrier means a telecommunications common carrier as defined in section 86-118 or a telecommunications contract carrier as defined in section 86-120.

Source: Laws 2010, LB181, § 2; Laws 2011, LB47, § 1.

(i) SALE OF EXCHANGE

86-165 Sale of exchange; application; notice; commission; considerations; order.

(1) A telecommunications company that proposes to sell any exchange owned by the company shall submit an application to the commission on a form provided by the commission for approval of the sale. Within twenty days after receipt of the application, the commission shall publish notice of the proposed sale in a newspaper of general circulation in each county in which an exchange proposed for sale provides basic local exchange service. The notice shall inform the residents of this state of their right to file a petition of intervention or submit a comment. Such filing or submission shall occur within fifteen days after publication of the notice. The telecommunications company shall reimburse the commission for the cost of such publication.

(2) In approving or rejecting the application, the commission shall consider the protection of the public interest and to the extent applicable to the exchange proposed to be sold, (a) the adequacy of local telephone service, (b) the reasonableness of rates for the local telephone service, (c) the provision of 911 service, enhanced-911 service, and other public safety services, (d) the payment of taxes by the company, and (e) the ability of the telecommunications company to provide modern, state-of-the-art telecommunications services. If the commission does not hold a hearing on the application, it shall issue an order of approval or rejection within forty-five days after the publication of the notice pursuant to subsection (1) of this section. If the commission holds a hearing on the application, it shall issue an order of approval or rejection within one

hundred twenty days after the publication of such notice. The order may include conditions that the commission deems necessary to ensure protection of the public interest pursuant to the criteria set forth in this subsection.

(3) For purposes of this section:

(a) Exchange means (i) switching, transmission, and other equipment and (ii) facilities and associated permits, authorizations, service rights, customer contracts, and related assets by which a telecommunications company provides basic local exchange service within a local exchange area; and

(b) Sell or sale means the transfer, for consideration, of title to the assets comprising an exchange. Sell or sale does not include a transaction such as a merger, a consolidation, stock sale, financing transaction, or other non-asset sale transaction.

Source: Laws 2010, LB183, § 2.

ARTICLE 2

TELECOMMUNICATIONS CONSUMER PROTECTION

(e) INTERCEPTED COMMUNICATIONS

Section

86-275. Electronic, mechanical, or other device, defined.

(e) INTERCEPTED COMMUNICATIONS

86-275 Electronic, mechanical, or other device, defined.

Electronic, mechanical, or other device means any device or apparatus which can be used to intercept a wire, electronic, or oral communication other than:

(1) Any telephone or telegraph instrument, equipment, or facility, or any component thereof, (a) furnished to the subscriber or user by a provider in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used by the subscriber or user in the ordinary course of its business or (b) being used by a provider in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of his or her duties; or

(2) A hearing instrument or similar device being used to correct subnormal hearing to not better than normal.

Source: Laws 2002, LB 1105, § 137; Laws 2009, LB195, § 109.

ARTICLE 3

UNIVERSAL SERVICE

(a) TELECOMMUNICATIONS RELAY SYSTEM

Section

86-312. Nebraska Telecommunications Relay System Fund; created; use; investment.

86-313. Surcharge; amount; hearing; commission; powers and duties.

(a) TELECOMMUNICATIONS RELAY SYSTEM

86-312 Nebraska Telecommunications Relay System Fund; created; use; investment.

(1) The Nebraska Telecommunications Relay System Fund is created. The fund shall be used to provide a statewide telecommunications relay system and

to administer a statewide voucher program to provide specialized telecommunications equipment to qualified deaf, hard of hearing, and speech-impaired persons in Nebraska, except that transfers may be made from the fund to the General Fund at the direction of the Legislature.

(2) Based upon the price of the equipment, vouchers shall be issued by the program administrator to pay private vendors for all or part of the cost of the equipment. After purchase, the recipient is the owner of the equipment and responsible for enforcement of any warranties and repairs.

(3) Any money in the Nebraska Telecommunications Relay System 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.

Source: Laws 1990, LB 240, § 3; R.S.Supp.,1992, § 86-903; Laws 1993, LB 305, § 26; Laws 1994, LB 1066, § 141; Laws 1995, LB 146, § 3; Laws 1997, LB 568, § 2; Laws 1999, LB 359, § 6; R.S.1943, (1999), § 86-1304; Laws 2002, LB 1105, § 190; Laws 2009, First Spec. Sess., LB3, § 97.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

86-313 Surcharge; amount; hearing; commission; powers and duties.

(1)(a) Each telephone company in Nebraska shall collect from each of the telephone subscribers a surcharge not to exceed twenty cents per month on each telephone number or functional equivalent in Nebraska, including wireless service as defined in section 86-456.01. Except for wireless service, the surcharge shall only be collected on the first one hundred telephone numbers or functional equivalents per subscriber. The companies shall add the surcharge to each subscriber's bill. The surcharge shall not be collected with respect to prepaid wireless telecommunications service as defined in the Prepaid Wireless Surcharge Act.

(b) The telephone companies are not liable for any surcharge not paid by a subscriber.

(2) Before April 1 of each year, the commission shall hold a public hearing to determine the amount of surcharge necessary to carry out the Telecommunications Relay System Act. After the hearing, the commission shall set the surcharge at the level necessary to fund the statewide telecommunications relay system and the specialized telecommunications equipment program for the following year plus a reasonable reserve. The surcharge shall become effective on July 1 following the change.

(3) In an emergency the commission may adjust the amount of the surcharge to become effective before such date but only after a public hearing for such purpose.

(4) Each telephone company shall remit the proceeds from the surcharge to the commission. The commission shall remit the funds to the State Treasurer for credit to the fund.

(5) The commission may require an audit of any company collecting the surcharge pursuant to the act.

(6) This section shall not apply to subscribers who have no access to relay service.

Source: Laws 1990, LB 240, § 4; R.S.Supp.,1992, § 86-904; Laws 1993, LB 305, § 27; Laws 1995, LB 146, § 4; R.S.1943, (1999), § 86-1305; Laws 2002, LB 1105, § 191; Laws 2003, LB 187, § 28; Laws 2007, LB661, § 3; Laws 2010, LB723, § 1; Laws 2012, LB1091, § 6.
Operative date January 1, 2013.

Cross References

Prepaid Wireless Surcharge Act, see section 86-901.

ARTICLE 4

PUBLIC SAFETY SYSTEMS

(a) NEBRASKA PUBLIC SAFETY COMMUNICATION SYSTEM ACT

Section

86-401. Act, how cited.

86-418.01. Repealed. Laws 2009, LB 154, § 27.

(c) ENHANCED WIRELESS 911 SERVICES

86-450.02. Repealed. Laws 2012, LB 1091, § 12.

86-450.03. Primary place of use, defined.

86-457. Surcharge; wireless carrier; duties; applicability of section.

86-463. Enhanced Wireless 911 Fund; created; use; investment.

(a) NEBRASKA PUBLIC SAFETY COMMUNICATION SYSTEM ACT

86-401 Act, how cited.

Sections 86-401 to 86-418 shall be known and may be cited as the Nebraska Public Safety Communication System Act.

Source: Laws 1999, LB 446, § 1; R.S.1943, (1999), § 86-1803; Laws 2002, LB 1105, § 208; Laws 2002, LB 1211, § 14; Laws 2005, LB 343, § 2; Laws 2006, LB 1061, § 14; Laws 2009, LB154, § 21.

86-418.01 Repealed. Laws 2009, LB 154, § 27.

(c) ENHANCED WIRELESS 911 SERVICES

86-450.02 Repealed. Laws 2012, LB 1091, § 12.

Operative date January 1, 2013.

86-450.03 Primary place of use, defined.

Primary place of use means the street address representative of where the use of wireless service primarily occurs. The place of primary use shall be the residential street address or the primary business street address of the user of the wireless service and shall be within the service area of the home service provider.

Source: Laws 2007, LB661, § 20; Laws 2012, LB1091, § 7.
Operative date January 1, 2013.

86-457 Surcharge; wireless carrier; duties; applicability of section.

(1) Each wireless carrier shall collect:

(a) A surcharge of up to seventy cents, except as provided in subdivision (1)(b) of this subsection, on all active telephone numbers or functional equivalents every month from users of wireless service and shall remit the surcharge in accordance with section 86-459; or

(b) A surcharge of up to fifty cents on all active telephone numbers or functional equivalents every month from users of wireless service whose primary place of use is in a county containing a city of the metropolitan class and shall remit the surcharge in accordance with section 86-459.

The wireless carrier is not liable for any surcharge not paid by a customer.

(2) Except as otherwise provided in this section, the wireless carrier shall add the surcharge to each user's billing statement. The surcharge shall appear as a separate line-item charge on the user's billing statement and shall be labeled as "Enhanced Wireless 911 Surcharge" or a reasonable abbreviation of such phrase.

(3) If a wireless carrier, except as otherwise provided in this section, resells its service through other entities, each reseller shall collect the surcharge from its customers and shall remit the surcharge in accordance with section 86-459.

(4) The surcharges authorized by this section shall not apply to prepaid wireless telecommunications service as defined in section 86-902.

(5) This section shall not apply to users who have no 911 service.

Source: Laws 2001, LB 585, § 2; R.S.Supp.,2001, § 86-2202; Laws 2002, LB 1105, § 258; Laws 2003, LB 187, § 31; Laws 2006, LB 1222, § 8; Laws 2007, LB661, § 23; Laws 2012, LB1091, § 8.
Operative date January 1, 2013.

86-463 Enhanced Wireless 911 Fund; created; use; investment.

The Enhanced Wireless 911 Fund is created. The fund shall consist of the surcharges credited to the fund, any money appropriated by the Legislature, any federal funds received for wireless emergency communication, and any other funds designated for credit to the fund. Money in the fund shall be used for the costs of administering the fund and the purposes specified in section 86-465 unless otherwise directed by federal law with respect to any federal funds. The costs of administering the fund shall be kept to a minimum. The money in the fund shall not be subject to any fiscal-year limitation or lapse provision of unexpended balance at the end of any fiscal year or biennium. Interest accruing to the fund from invested fund balances may be transferred to the General Fund at the direction of the Legislature through June 30, 2010. Any money in the Enhanced Wireless 911 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.

Source: Laws 2001, LB 585, § 8; R.S.Supp.,2001, § 86-2208; Laws 2002, LB 1105, § 264; Laws 2006, LB 1222, § 10; Laws 2009, First Spec. Sess., LB3, § 98.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

ARTICLE 5

PUBLIC TECHNOLOGY INFRASTRUCTURE

(a) INFORMATION TECHNOLOGY INFRASTRUCTURE ACT

Section

- 86-501. Act, how cited.
 86-505. Enterprise, defined.
 86-506. Enterprise project, defined.
 86-515. Nebraska Information Technology Commission; created; members; expenses; executive director.
 86-516. Commission; duties.
 86-518. Progress report.
 86-520. Chief Information Officer; duties.
 86-520.01. Information technology purchases; standards; use of Network Nebraska; notice required; when.
 86-530. Enterprise project; report.

(d) GEOGRAPHIC INFORMATION SYSTEM

- 86-572. Council; duties.

(h) RETAIL OR WHOLESALE SERVICES

- 86-593. Terms, defined.
 86-597. Retail or wholesale service; how construed.
 86-598. Sections; how construed.
 86-599. Repealed. Laws 2009, LB 154, § 27.

(i) NETWORK NEBRASKA

- 86-5,100. Network Nebraska; development and maintenance; access; Chief Information Officer; duties; cost; report.
 86-5,101. Repealed. Laws 2009, LB 545, § 26.

(a) INFORMATION TECHNOLOGY INFRASTRUCTURE ACT

86-501 Act, how cited.

Sections 86-501 to 86-530 shall be known and may be cited as the Information Technology Infrastructure Act.

Source: Laws 1996, LB 1190, § 1; Laws 2000, LB 1349, § 3; R.S.Supp.,2000, § 81-1190; Laws 2002, LB 1105, § 271; Laws 2008, LB823, § 1; Laws 2010, LB1071, § 37.

86-505 Enterprise, defined.

Enterprise means one or more departments, offices, boards, bureaus, commissions, or institutions of the state for which money is to be appropriated for communications or data processing services, equipment, or facilities, including all executive, legislative, and judicial departments, the Nebraska state colleges, the University of Nebraska, and all other state institutions and entities.

Source: Laws 2002, LB 1105, § 275; Laws 2010, LB1071, § 38.

86-506 Enterprise project, defined.

Enterprise project means an endeavor undertaken by an enterprise over a fixed period of time using information technology, which would have a significant effect on a core business function or which affects multiple government programs, agencies, or institutions. Enterprise project includes all aspects of

planning, design, implementation, project management, and training relating to the endeavor.

Source: Laws 2002, LB 1105, § 276; Laws 2008, LB823, § 2; Laws 2010, LB1071, § 39.

86-515 Nebraska Information Technology Commission; created; members; expenses; executive director.

(1) The Nebraska Information Technology Commission is created. The commission shall consist of (a) one member representing elementary and secondary education, (b) one member representing postsecondary education, (c) the Governor or his or her designee, (d) one member representing communities, and (e) five members representing the general public who have experience in developing strategic plans and making high-level business decisions. A member of the Transportation and Telecommunications Committee of the Legislature shall be appointed by the Executive Board of the Legislative Council to serve as an ex officio, nonvoting member of the commission. The Executive Board shall make the initial appointment of such member after January 5, 2011, and shall appoint a member every two years after the initial appointment. At any time that there is not a member of the Educational Service Unit Coordinating Council serving on the Nebraska Information Technology Commission, the technical panel established pursuant to section 86-521, or any working groups established pursuant to sections 86-512 to 86-524 that establish, coordinate, or prioritize needs for education, the Governor shall appoint to the commission one member who serves on the Educational Service Unit Coordinating Council.

(2) The Governor or a designee of the Governor shall serve as chairperson of the commission.

(3) The members of the commission other than the legislative member shall be appointed by the Governor with the approval of a majority of the Legislature. Members of the commission shall serve for terms of four years, except that two members initially appointed to represent the general public shall be appointed for a term of two years and any member appointed to represent the Educational Service Unit Coordinating Council shall be appointed for a term of one year. Members shall be limited to two consecutive terms. The Governor or his or her designee shall serve on the commission for his or her term. The legislative member of the commission shall serve until he or she is reappointed or a successor is appointed. Each member shall serve until the appointment and qualification of his or her successor. In case of a vacancy occurring prior to the expiration of the term of a member, the appointment shall be made only for the remainder of the term.

(4) Members shall be reimbursed for their actual and necessary expenses as provided in sections 81-1174 to 81-1177.

(5) The commission may employ or designate an executive director to provide administrative and operational support for the commission. The Department of Administrative Services and Nebraska Educational Telecommunications Commission shall assist with administrative and operational support for the Nebraska Information Technology Commission as necessary to carry out its duties.

Source: Laws 1998, LB 924, § 5; R.S.1943, (1999), § 86-1505; Laws 2002, LB 1105, § 285; Laws 2006, LB 1208, § 27; Laws 2007, LB603, § 32; Laws 2010, LB787, § 1.

86-516 Commission; duties.

The commission shall:

- (1) Annually by July 1, adopt policies and procedures used to develop, review, and annually update a statewide technology plan;
- (2) Create an information technology clearinghouse to identify and share best practices and new developments, as well as identify existing problems and deficiencies;
- (3) Review and adopt policies to provide incentives for investments in information technology infrastructure services;
- (4) Determine a broad strategy and objectives for developing and sustaining information technology development in Nebraska, including long-range funding strategies, research and development investment, support and maintenance requirements, and system usage and assessment guidelines;
- (5) Adopt guidelines regarding project planning and management and administrative and technical review procedures involving state-owned or state-supported technology and infrastructure. Governmental entities, state agencies, and noneducation political subdivisions shall submit all projects which use any combination of general funds, federal funds, or cash funds for information technology purposes to the process established by sections 86-512 to 86-524. The commission may adopt policies that establish the format and minimum requirements for project submissions. The commission may monitor the progress of any such project and may require progress reports;
- (6) Adopt minimum technical standards, guidelines, and architectures upon recommendation by the technical panel. Such standards and guidelines shall not unnecessarily restrict the use of new technologies or prevent commercial competition, including competition with Network Nebraska;
- (7) Establish ad hoc technical advisory groups to study and make recommendations on specific topics, including workgroups to establish, coordinate, and prioritize needs for education, local communities, intergovernmental data communications, and state agencies;
- (8) By November 15 of each even-numbered year, make recommendations on technology investments to the Governor and the Legislature, including a prioritized list of projects, reviewed by the technical panel pursuant to section 86-521. The recommendations submitted to the Legislature shall be submitted electronically;
- (9) Approve grants from the Community Technology Fund and Government Technology Collaboration Fund;
- (10) Adopt schedules and procedures for reporting needs, priorities, and recommended projects;
- (11) Assist the Chief Information Officer in developing and maintaining Network Nebraska pursuant to section 86-5,100; and
- (12) Determine the format that state agencies, boards, and commissions shall use to report their information technology plans under section 86-524.01. The commission shall include an analysis of such plans in the statewide technology plan.

Source: Laws 1998, LB 924, § 6; Laws 1999, LB 446, § 12; R.S.1943, (1999), § 86-1506; Laws 2002, LB 1105, § 286; Laws 2005, LB

343, § 9; Laws 2006, LB 1208, § 28; Laws 2008, LB823, § 3; Laws 2010, LB1071, § 40; Laws 2012, LB782, § 244.
Operative date July 19, 2012.

86-518 Progress report.

By November 15 of each even-numbered year, the Nebraska Information Technology Commission shall submit a progress report to the Governor and Legislature. The report submitted to the Legislature shall be submitted electronically.

Source: Laws 1998, LB 924, § 8; R.S.1943, (1999), § 86-1508; Laws 2002, LB 1105, § 288; Laws 2012, LB782, § 245.
Operative date July 19, 2012.

86-520 Chief Information Officer; duties.

The Chief Information Officer shall:

- (1) Maintain, in cooperation with the Department of Administrative Services, an inventory of noneducation state government technology assets, including hardware, applications, and data bases;
- (2) Recommend policies and guidelines for acceptable and cost-effective use of information technology in noneducation state government;
- (3) Advise the Governor and Legislature on policy issues affecting noneducation state government related to information technology;
- (4) Coordinate efforts among other noneducation state government technology agencies and coordinating bodies;
- (5) Implement a strategic, tactical, and project planning process for noneducation state government information technology that is linked to the budget process;
- (6) Assist the budget division of the Department of Administrative Services and Legislative Fiscal Analyst in evaluating technology-related budget requests;
- (7) Work with each governmental department and noneducation state agency to evaluate and act upon opportunities to more efficiently and effectively deliver government services through the use of information technology;
- (8) Recommend to the Governor and Legislature methods for improving the organization and management of data by noneducation agencies to achieve the goals of making information sharable and reusable, eliminating redundancy of data and programs, improving the quality and usefulness of data, and improving access to data, and implement such recommendations as the Governor or Legislature may direct;
- (9) Monitor the status of major noneducation state government technology projects;
- (10) Establish and maintain Network Nebraska pursuant to section 86-5,100;
- (11) Apply in aggregate for reimbursements from the federal Universal Service Fund pursuant to section 254 of the Telecommunications Act of 1996, 47 U.S.C. 254, as such section existed on January 1, 2006, on behalf of school districts requesting to be included in such aggregated application;
- (12) Administer such funds as may be appropriated to the Chief Information Officer by the Legislature;

(13) Monitor the status of information technology projects that are enterprise projects;

(14) Collect information from state agencies, boards, and commissions as provided in section 86-524.01; and

(15) Complete other tasks as assigned by the Governor.

Source: Laws 1998, LB 924, § 10; R.S.1943, (1999), § 86-1510; Laws 2002, LB 1105, § 290; Laws 2006, LB 1208, § 29; Laws 2008, LB823, § 4; Laws 2010, LB1071, § 41.

86-520.01 Information technology purchases; standards; use of Network Nebraska; notice required; when.

Information technology purchases made with state funds or local tax receipts by education-related political subdivisions shall meet or exceed any applicable technical standards established by the commission. The Chief Information Officer may bid for such equipment and allow education-related political subdivisions to participate in leasing or purchasing contracts. An education-related political subdivision shall provide notice in writing, if required by guidelines established by the University of Nebraska and the Chief Information Officer for participation in Network Nebraska, to the distance education director of the Educational Service Unit Coordinating Council, the University of Nebraska, and the Chief Information Officer prior to the use of any new or additional equipment that will impact the use of Network Nebraska by such education-related political subdivision or other education-related political subdivisions.

Source: Laws 2010, LB1071, § 42.

86-530 Enterprise project; report.

The Chief Information Officer shall report annually to the Governor and the Appropriations Committee of the Legislature on the status of enterprise projects. The report submitted to the committee shall be submitted electronically.

Source: Laws 1996, LB 1190, § 13; Laws 2000, LB 1349, § 10; R.S.Supp.,2000, § 81-11,102; Laws 2002, LB 1105, § 300; Laws 2008, LB823, § 11; Laws 2012, LB782, § 246.
Operative date July 19, 2012.

(d) GEOGRAPHIC INFORMATION SYSTEM

86-572 Council; duties.

The Geographic Information Systems Council shall:

(1) Make recommendations to the Legislature and the Nebraska Information Technology Commission for program initiatives and funding. The recommendations submitted to the Legislature shall be submitted electronically;

(2) Establish guidelines and policies for statewide Geographic Information Systems operations and management to include:

(a) The acquisition, development, maintenance, quality assurance such as standards, access, ownership, cost recovery, and priorities of data bases;

(b) The compatibility, acquisition, and communications of hardware and software;

(c) The assessment of needs, identification of scope, setting of standards, and determination of an appropriate enforcement mechanism;

(d) The fostering of training programs and promoting education and information about Geographic Information Systems; and

(e) The promoting of Geographic Information Systems development in the State of Nebraska and providing or coordinating additional support to address Geographic Information Systems issues as such issues arise;

(3) Report to, assist, and advise the Chief Information Officer in setting information technology policy; and

(4) Provide assistance as requested by the commission and support the technical panel created in section 86-521.

Source: Laws 1991, LB 639, § 4; Laws 1998, LB 924, § 49; Laws 1999, LB 446, § 11; R.S.1943, (1999), § 81-2604; Laws 2002, LB 1105, § 342; Laws 2005, LB 343, § 11; Laws 2008, LB823, § 20; Laws 2012, LB782, § 247.

Operative date July 19, 2012.

(h) RETAIL OR WHOLESALE SERVICES

86-593 Terms, defined.

For purposes of sections 86-593 to 86-598:

(1) Broadband services means the offering of a capability for high-speed broadband telecommunications capability at a speed or bandwidth in excess of two hundred kilobits per second that enables users to originate and receive high-quality voice, data, and video telecommunications using any technology;

(2) Internet services means the offering of Internet service provider services, providing voice over Internet protocol services, or providing Internet protocol-based video services;

(3) Public power supplier means a public power district, a public power and irrigation district, a municipal electric system, a joint entity formed under the Interlocal Cooperation Act, a joint public agency formed under the Joint Public Agency Act, an agency formed under the Municipal Cooperative Financing Act, or any other governmental entity providing electric service;

(4) Telecommunications has the same meaning as telecommunications defined in section 86-117;

(5) Telecommunications services has the same meaning as telecommunications service defined in section 86-121; and

(6) Video services means the delivery of any subscription video service except those described in section 70-625.

Source: Laws 2005, LB 645, § 1; Laws 2009, LB154, § 22.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Municipal Cooperative Financing Act, see section 18-2401.

86-597 Retail or wholesale service; how construed.

(1) For purposes of sections 86-594 to 86-596, providing a service on a retail or wholesale basis shall not include an agency or political subdivision of the

state, whether or not a public power supplier, deploying or utilizing broadband services, Internet services, telecommunications services, or video services, for its own use either individually or jointly through the Interlocal Cooperation Act, the Joint Public Agency Act, or the Municipal Cooperative Financing Act for the internal use and purpose of the agency, political subdivision, or public power supplier or to carry out the public purposes of the agency, political subdivision, or public power supplier.

(2) Nothing in sections 86-593 to 86-598 prohibits or restricts the ability of an agency, political subdivision, or public power supplier from deploying or utilizing broadband services, Internet services, telecommunications services, or video services for the internal use and purpose of the agency, political subdivision, or public power supplier, or to carry out the public purposes of the agency, political subdivision, or public power supplier.

Source: Laws 2005, LB 645, § 5; Laws 2009, LB154, § 23.

Cross References

Interlocal Cooperation Act, see section 13-801.

Joint Public Agency Act, see section 13-2501.

Municipal Cooperative Financing Act, see section 18-2401.

86-598 Sections; how construed.

Except as otherwise provided in sections 86-595 and 86-596, nothing in sections 86-593 to 86-598 shall be construed to restrict or expand any authority of a public power supplier as that authority existed prior to September 4, 2005.

Source: Laws 2005, LB 645, § 6; Laws 2009, LB154, § 24.

86-599 Repealed. Laws 2009, LB 154, § 27.

(i) NETWORK NEBRASKA

86-5,100 Network Nebraska; development and maintenance; access; Chief Information Officer; duties; cost; report.

The Chief Information Officer, in partnership with the University of Nebraska, shall develop and maintain a statewide, multipurpose, high capacity, scalable telecommunications network to be called Network Nebraska. The network shall consist of contractual arrangements with providers to meet the demand of state agencies, local governments, and educational entities as defined in section 79-1201.01. Such network shall provide access to a reliable and affordable infrastructure capable of carrying a spectrum of services and applications, including distance education, across the state. The Chief Information Officer shall provide access to each school district, each educational service unit, each community college, each state college, and the University of Nebraska at the earliest feasible date and no later than July 1, 2012. Access may be provided through educational service units or other aggregation points. Participation in Network Nebraska shall not be required for any educational entity. The Chief Information Officer shall aggregate demand for those state agencies and educational entities choosing to participate and shall reduce costs for participants whenever feasible. The Chief Information Officer shall establish a cost structure based on actual costs, including necessary administrative expenses but not including administrative travel or conference expenses, and shall charge participants according to such cost structure. The Chief Information

Officer shall annually provide a detailed report of such costs to each participant and to the Legislative Fiscal Analyst. The report submitted to the Legislative Fiscal Analyst shall be submitted electronically.

Source: Laws 2006, LB 1208, § 30; Laws 2007, LB603, § 33; Laws 2010, LB1071, § 43; Laws 2012, LB782, § 248.
Operative date July 19, 2012.

86-5,101 Repealed. Laws 2009, LB 545, § 26.

ARTICLE 7

TELECOMMUNICATIONS RIGHTS-OF-WAY

Section

86-704. Telecommunications companies; right-of-way; wires; municipalities; powers and duties; increase in occupation tax; procedure; election.

86-704 Telecommunications companies; right-of-way; wires; municipalities; powers and duties; increase in occupation tax; procedure; election.

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

(2) Sections 86-701 to 86-707 shall not transfer the rights now vested in municipalities in relation to the regulation of the poles, wires, cables, and other appliances or authorize a telecommunications company to erect any poles or construct any conduit, cable, or other facilities along, upon, across, or under a public highway within a municipality without first obtaining the consent of the governing body of the municipality. The municipality shall not exercise any authority over any rights the telecommunications company may have to deliver telecommunications services as authorized by the Public Service Commission or the Federal Communications Commission.

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

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

(i)(A) Until January 1, 2013, an occupation tax authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525; and

(B) Beginning January 1, 2013, an occupation tax authorized under section 14-109, 15-202, 15-203, 16-205, or 17-525 that meets the following requirements:

(I) The occupation tax shall be imposed only on the receipts from the sale of telecommunications service as defined in subdivision (7)(aa) of section 77-2703.04; and

(II) The occupation tax shall not exceed six and twenty-five hundredths percent except as provided in subsection (5) of this section; and

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

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

(5) Beginning January 1, 2013, a municipality may increase an occupation tax described in subdivision (4)(a)(i)(B) of this section to a rate that exceeds the limit contained in subdivision (4)(a)(i)(B)(II) of this section if the question of whether to increase such rate has been submitted at a primary or general election at which members of the governing body of the municipality are nominated or elected or at a special election held within the municipality and in which all registered voters shall be entitled to vote on such question. A municipality may not increase its existing rate pursuant to this subsection by more than twenty-five hundredths percent at any one election. The officials of the municipality shall order the submission of the question by submitting a certified copy of the resolution proposing the rate increase to the election commissioner or county clerk at least fifty days before the election. The election shall be conducted in accordance with the Election Act. If a majority of the votes cast upon such question are in favor of such rate increase, then the governing body of such municipality shall be empowered to impose the rate increase. If a majority of those voting on the question are opposed to such rate increase, then the governing body of the municipality shall not impose such rate increase.

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

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

(8) The terms of any agreement between a municipality and a telecommunications company regarding use of public highways shall be matters of public record and shall be made available to any member of the public upon request, except that information submitted to a municipality by a telecommunications

company which such telecommunications company determines to be proprietary shall be deemed to be a trade secret pursuant to subdivision (3) of section 84-712.05 and shall be accorded full protection from disclosure to third parties in a manner consistent with state law.

Source: Laws 1887, c. 87, § 1, p. 634; R.S.1913, § 7418; C.S.1922, § 7097; C.S.1929, § 86-301; Laws 1931, c. 158, § 1, p. 419; Laws 1941, c. 193, § 1, p. 762; C.S.Supp.,1941, § 86-301; Laws 1943, c. 231, § 1, p. 778; R.S.1943, § 86-301; Laws 1999, LB 496, § 1; R.S.1943, (1999), § 86-301; Laws 2002, LB 1105, § 409; Laws 2011, LB165, § 1.

Cross References

Election Act, see section 32-101.

**ARTICLE 8
KELSEY SMITH ACT**

Section

- 86-801. Act, how cited.
- 86-802. Terms, defined.
- 86-803. Wireless carrier; provide call location information.
- 86-804. Limitation on liability.
- 86-805. Wireless carrier; provide contact information; Nebraska State Patrol; duties.
- 86-806. Nebraska State Patrol; provide information to law enforcement agencies.
- 86-807. Voluntary disclosure of call location information.

86-801 Act, how cited.

Sections 86-801 to 86-807 shall be known and may be cited as the Kelsey Smith Act.

Source: Laws 2010, LB735, § 1.

86-802 Terms, defined.

For purposes of the Kelsey Smith Act:

- (1) Call location information means the best available location information, including, but not limited to, information obtained using historical cellular site information or a mobile locator tool;
- (2) Law enforcement agency means a police department, a town marshal, the office of sheriff, and the Nebraska State Patrol;
- (3) Wireless carrier has the same meaning as in section 86-456; and
- (4) Wireless communication device means any wireless electronic communication device that provides for voice or data communication between two or more parties, including a mobile or cellular telephone.

Source: Laws 2010, LB735, § 2.

86-803 Wireless carrier; provide call location information.

Upon request of any law enforcement agency, a wireless carrier shall provide call location information concerning the wireless communication device of a user as soon as practicable following receipt of the request to facilitate the

response to a call for emergency services or in an emergency situation that involves the risk or threat of death or serious physical harm.

Source: Laws 2010, LB735, § 3.

86-804 Limitation on liability.

No cause of action shall lie in any court against any wireless carrier or its officers, employees, agents, or assigns for providing call location information while acting at the request of a law enforcement agency in accordance with the provisions of the Kelsey Smith Act. All wireless carriers shall be held harmless from any and all claims, damages, costs, and expenses, including attorney's fees, arising from or related to the release of call location information while acting at the request of a law enforcement agency.

Source: Laws 2010, LB735, § 4.

86-805 Wireless carrier; provide contact information; Nebraska State Patrol; duties.

(1) Any wireless carrier authorized to do business in this state or submitting to the jurisdiction of this state shall provide updated contact information to the Nebraska State Patrol on a semiannual basis or within three working days after a change in such information that would render previous contact information invalid or inefficient for use under the Kelsey Smith Act.

(2) The Nebraska State Patrol shall collect and maintain a register of contact information for all such wireless carriers.

Source: Laws 2010, LB735, § 5.

86-806 Nebraska State Patrol; provide information to law enforcement agencies.

The Nebraska State Patrol shall provide the information collected pursuant to section 86-805 to all law enforcement agencies in this state on a quarterly basis or as soon as practicable if a change in such information has occurred.

Source: Laws 2010, LB735, § 6.

86-807 Voluntary disclosure of call location information.

Notwithstanding any other provision of law to the contrary, nothing in the Kelsey Smith Act shall prohibit a wireless carrier from establishing protocols by which the wireless carrier could voluntarily disclose call location information.

Source: Laws 2010, LB735, § 7.

ARTICLE 9

PREPAID WIRELESS SURCHARGE ACT

Section

86-901. Act, how cited.

86-902. Terms, defined.

86-903. Prepaid wireless surcharge; determination; Department of Revenue; duties; collection; disclosure; liability of consumer.

86-904. Sellers; remittance; deduction authorized; audit and appeal provisions applicable; Department of Revenue; duties; deduction.

86-905. Prepaid wireless surcharge; no imposition for other tax, fee, surcharge, or other charge.

86-901 Act, how cited.

Sections 86-901 to 86-905 shall be known and may be cited as the Prepaid Wireless Surcharge Act.

Source: Laws 2012, LB1091, § 1.
Operative date July 19, 2012.

86-902 Terms, defined.

For purposes of the Prepaid Wireless Surcharge Act:

(1) Consumer means a person who purchases prepaid wireless telecommunications service in a retail transaction;

(2) Prepaid wireless surcharge means the charge that is required to be collected by a seller from a consumer in the amount established under section 86-903;

(3) Prepaid wireless telecommunications service means a wireless telecommunications service that allows a caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or dollars of which the number declines with use in a known amount;

(4) Provider means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission;

(5) Retail transaction means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale;

(6) Seller means a person who sells prepaid wireless telecommunications service to another person; and

(7) Wireless telecommunications service means mobile service as defined by 47 C.F.R. 20.3, as such section existed on July 19, 2012.

Source: Laws 2012, LB1091, § 2.
Operative date July 19, 2012.

86-903 Prepaid wireless surcharge; determination; Department of Revenue; duties; collection; disclosure; liability of consumer.

(1) The Department of Revenue shall determine the prepaid wireless surcharge annually, effective January 1, based on the charges described in subsection (2) of this section as in effect on the preceding July 1. The department shall provide not less than ninety days' advance notice of any change in the prepaid wireless surcharge on the department's web site.

(2) The prepaid wireless surcharge shall be the sum of the following two percentages, rounded up to the nearest tenth of one percent:

(a) The percentage obtained by dividing (i) the amount of the wireless E-911 surcharge authorized under subdivision (1)(b) of section 86-457 by (ii) fifty; and

(b) The percentage obtained by dividing (i) the amount of the Nebraska Telecommunications Relay System Fund surcharge set by the Public Service Commission pursuant to the Telecommunications Relay System Act by (ii) fifty.

(3) Beginning January 1, 2013, each seller shall collect the prepaid wireless surcharge from the consumer with respect to each retail transaction occurring in this state. The seller shall disclose the amount of the prepaid wireless

surcharge either separately on an invoice, receipt, or other similar document that is provided to the consumer by the seller or otherwise. A retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of section 77-2703.

(4) The prepaid wireless surcharge is the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless surcharges that the seller collects from consumers as provided in section 86-904, including all such charges that the seller is deemed to collect when the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(5) The amount of the prepaid wireless surcharge that is collected by a seller from a consumer, whether or not such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(6) For purposes of subsection (3) of this section, when prepaid wireless telecommunications service is sold with one or more other products or services for a single, non-itemized price, the seller shall elect to treat the price of the prepaid wireless telecommunications service (a) as such entire non-itemized price, (b) if the amount of prepaid wireless telecommunications service is disclosed to the consumer as a dollar amount, as such dollar amount, or (c) if the retailer can identify the portion of the price that is attributable to the prepaid wireless telecommunications service by reasonable and verifiable standards from its books and records that are kept in the regular course of business for other purposes, including, but not limited to, nontax purposes, as such portion. If the amount of prepaid wireless telecommunications service is denominated as ten minutes or less or as five dollars or less, the seller may elect not to collect any prepaid wireless surcharge with respect to the retail transaction.

Source: Laws 2012, LB1091, § 3.
Operative date July 19, 2012.

Cross References

Telecommunications Relay System Act, see section 86-301.

86-904 Sellers; remittance; deduction authorized; audit and appeal provisions applicable; Department of Revenue; duties; deduction.

(1) Sellers shall remit collected prepaid wireless surcharges to the Department of Revenue at the times and in the manner provided in the Nebraska Revenue Act of 1967 with respect to sales tax. The department shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to sales tax.

(2) A seller shall be permitted to deduct and retain three percent of prepaid wireless surcharges that are collected by the seller from consumers.

(3) The audit and appeal procedures applicable to sales tax under the Nebraska Revenue Act of 1967 shall apply to prepaid wireless surcharges.

(4) The Department of Revenue shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions for sales tax purposes.

(5) After deducting an amount, not to exceed two percent of charges, to be retained by the department to reimburse its direct costs of administering the collection and remittance of prepaid wireless surcharges, the department shall remit all collected prepaid wireless surcharges to the State Treasurer for credit to the Enhanced Wireless 911 Fund and the Nebraska Telecommunications Relay System Fund in the proportions that the respective corresponding components of the prepaid wireless surcharge under subsection (2) of section 86-903 bear to the total prepaid wireless surcharge.

Source: Laws 2012, LB1091, § 4.
Operative date July 19, 2012.

Cross References

Nebraska Revenue Act of 1967, see section 77-2701.

86-905 Prepaid wireless surcharge; no imposition for other tax, fee, surcharge, or other charge.

The prepaid wireless surcharge shall be the only funding obligation imposed with respect to prepaid wireless telecommunications service for E-911 and telecommunications relay service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency, for purposes of funding E-911 or telecommunications relay service, upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service.

Source: Laws 2012, LB1091, § 5.
Operative date July 19, 2012.

CHAPTER 87

TRADE PRACTICES

Article.

1. Trademarks. 87-130 to 87-134.
2. Trade Names. 87-208 to 87-220.
3. Deceptive Trade Practices.
 - (a) Uniform Deceptive Trade Practices Act. 87-301 to 87-306.

ARTICLE 1

TRADEMARKS

Section

- 87-130. Application for registration; contents.
87-132. Certificate of registration; contents; how treated.
87-134. Registration; assignment; change of name; other recordings.

87-130 Application for registration; contents.

Subject to the limitations set forth in the Trademark Registration Act, any person who uses a mark may file in the office of the secretary, in a manner complying with the requirements of the secretary, an application for registration of that mark including, but not limited to, the following information:

- (1) The name and business address of the person applying for such registration and, if a corporation or other type of business entity except a partnership, the state of incorporation or organization, or if a partnership, the state in which the partnership is organized and the names of the general partners, as specified by the secretary;
- (2) The goods or services on or in connection with which the mark is used and the mode or manner in which the mark is used on or in connection with such goods or services and the class in which such goods or services fall;
- (3) The date when the mark was first used anywhere and the date when it was first used in this state by the applicant or a predecessor in interest; and
- (4) A statement that the applicant is the owner of the mark, that the mark is in use, and that, to the knowledge of the person verifying the application, no other person has registered, either federally or in this state, or has the right to use such mark either in the identical form or in such near resemblance as to be likely, when applied to the goods or services of such other person, to cause confusion or mistake or to deceive.

The secretary may also require a statement as to whether an application to register the mark, or portions or a composite thereof, has been filed by the applicant or a predecessor in interest in the United States Patent and Trademark Office, and if so, the applicant shall provide full particulars with respect thereto, including the filing date and serial number of each application, the status of each application, and if any application was finally refused registration or has otherwise not resulted in a registration, the reasons for the refusal or rejection. The secretary may also require that a drawing of the mark, complying with such requirements as the secretary may specify, accompany the

application. The application shall be signed and verified, by oath, affirmation, or declaration subject to perjury laws, by the applicant or by a member of the firm or an officer of the corporation or association applying. The application shall be submitted in duplicate and shall be accompanied by three specimens showing the mark as actually used and by the application fee of one hundred dollars payable to the secretary.

Source: Laws 2000, LB 626, § 5; Laws 2012, LB886, § 1.
Effective date July 19, 2012.

87-132 Certificate of registration; contents; how treated.

Upon compliance by the applicant with the requirements of the Trademark Registration Act, the secretary shall return the duplicate copy of the application stamped with the filing date to the applicant. The certificate of registration shall be issued under the signature of the secretary and the seal of the state, and it shall show the name and business address and, if a corporation or other type of business entity except a partnership, the state of incorporation or organization, or if a partnership, the state in which the partnership is organized and the names of the general partners, as specified by the secretary, of the person claiming ownership of the mark, the date claimed for the first use of the mark anywhere and the date claimed for the first use of the mark in this state, the class of goods or services and a description of the goods or services on or in connection with which the mark is used, a reproduction of the mark, the registration date, and the term of the registration. An original, a duplicate original, or a certified copy of an application for trademark which has the file stamp and date of the secretary shall be admissible in evidence as competent and sufficient proof of the registration of such mark in any actions or judicial proceedings in any court of this state. Registration of a mark with the secretary shall be prima facie evidence of the right to use the mark shown in the registration on or in connection with the class or classes of goods or services designated in the registration.

Source: Laws 2000, LB 626, § 7; Laws 2012, LB886, § 2.
Effective date July 19, 2012.

87-134 Registration; assignment; change of name; other recordings.

(1) Any mark and its registration under the Trademark Registration Act is assignable with the goodwill of the business in which the mark is used or with that part of the goodwill of the business connected with the use of and symbolized by the mark. Assignment shall be by instruments in writing duly executed and may be recorded with the secretary upon the payment of the recording fee payable to the secretary who, upon recording of the assignment, shall issue in the name of the assignee a new certificate for the remainder of the term of the registration or of the last renewal thereof. An assignment of any registration under the Trademark Registration Act is void as against any subsequent purchaser for valuable consideration without notice unless it is recorded with the secretary within three months after the date of the assignment or prior to such subsequent purchase.

(2)(a) Any registrant or applicant effecting a change of the name of the person to whom the mark was issued or for whom an application was filed or a change of address or state of incorporation or organization may record a certificate of such change with the secretary upon the payment of the recording

fee. A registrant or an applicant may be required to submit documented proof of its name change at the discretion of the secretary.

(b) The secretary may issue in the name of the assignee a certificate of registration of an assigned application. The secretary may issue in the name of the assignee a new certificate of registration for the remainder of the term of the registration or last renewal of the registration.

(3) Other instruments which relate to a mark registered or application pending pursuant to the act, such as licenses, security interests, or mortgages, may be recorded in the discretion of the secretary if the instrument is in writing and duly executed.

(4) Acknowledgment shall be prima facie evidence of the execution of an assignment or other instrument and, when recorded by the secretary, the record shall be prima facie evidence of execution.

(5) A photocopy of any instrument referred to in this section shall be accepted for recording if it is certified by any of the parties to the instrument, or their successors, to be a true and correct copy of the original.

(6) In a registration that resulted from an application that was filed before the effective date of a change to the Trademark Registration Act or any rules or regulations adopted and promulgated pursuant to the act, the registrant may be allowed to file an amendment to the registration in order to comply with the current requirements of the act and the rules and regulations. The registrant shall pay a recording fee for such amendment.

Source: Laws 2000, LB 626, § 9; Laws 2012, LB886, § 3.
Effective date July 19, 2012.

ARTICLE 2

TRADE NAMES

Section

- 87-208. Terms, defined.
- 87-209. Trade name; not registered; when.
- 87-210. Trade name; application for registration; requirements; Secretary of State.
- 87-211. Trade name; registration; term effective; renewal; fee; statement.
- 87-212. Trade name; assignment; recordation; fee.
- 87-213. Secretary of State; record; public examination.
- 87-214. Registration; Secretary of State; cancel; when.
- 87-215. False representation or declaration; damages.
- 87-216. Action for misuse; when.
- 87-217. Injury to business; injunction; remedies; attorney's fees.
- 87-218. Trade name; enforcement of rights.
- 87-219. Trade name; publication; file; failure; effect.
- 87-220. Repealed. Laws 2011, LB 462, § 20.

87-208 Terms, defined.

As used in sections 87-208 to 87-219.01, unless the context otherwise requires:

(1) Applicant means a person filing an application for registration of a trade name under such sections or his or her legal representatives, successors, or assigns;

(2) Person means an individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability

company, unincorporated association, or two or more of the foregoing having a joint or common interest or any other legal or commercial entity;

(3) Registrant means a person to whom registration of a trade name under such sections is issued or his or her legal representatives, successors, or assigns; and

(4) Trade name means every name under which any person does or transacts any business in this state other than the true name of such person.

Source: Laws 1967, c. 628, § 1, p. 2099; Laws 1971, LB 486, § 1; Laws 1993, LB 121, § 556; Laws 1997, LB 453, § 6; Laws 2011, LB462, § 8.

87-209 Trade name; not registered; when.

A trade name shall not be registered if it:

(1) Consists of or comprises immoral, deceptive, or scandalous matter;

(2) Consists of or comprises matter which may disparage, bring into contempt or disrepute, or falsely suggest a connection with, persons living or dead, institutions, beliefs, or national symbols;

(3) Consists of, comprises, or simulates the flag or coat of arms or other insignia of the United States, any state or municipality, or any foreign nation;

(4) Consists of or comprises the name, signature, or portrait of any living individual without his or her consent;

(5)(a) Is merely descriptive or misdescriptive, or is primarily geographically descriptive or geographically misdescriptive as applied to the business of the applicant, or (b) is primarily merely a surname, but nothing in this subdivision shall prevent the registration of a trade name which has become distinctive of the applicant's business in this state. The Secretary of State may accept as evidence that a trade name has become distinctive proof of continuous use by the applicant as a trade name in this state or elsewhere for five years preceding the date of the filing of the application for registration;

(6) Consists of or comprises a trade name which so resembles a trade name registered under sections 87-208 to 87-219.01, registered in this state, or the name of a business entity on file or registered with the Secretary of State pursuant to Nebraska law as to be likely to cause confusion, mistake, or deception of purchasers, except that a name, although similar, may be used if the business entity affected consents in writing and such writing is filed with the Secretary of State. The word incorporated, inc., or corporation shall not be a part of the trade name being registered unless the firm is duly incorporated in the State of Nebraska or some other state; or

(7) Consists of the word geologist or any modification or derivative of such word, and the applicant does not meet the requirements of subsection (6) of section 81-3528.

Source: Laws 1967, c. 628, § 2, p. 2100; Laws 1969, c. 856, § 2, p. 3225; Laws 1971, LB 486, § 2; Laws 1997, LB 44, § 12; Laws 1997, LB 453, § 7; Laws 1998, LB 1161, § 91; Laws 2011, LB462, § 9.

87-210 Trade name; application for registration; requirements; Secretary of State.

(1) Subject to the limitations set forth in sections 87-208 to 87-219.01, any person who adopts a trade name for use in this state may file in the office of the Secretary of State on a form furnished by the Secretary of State an application, in duplicate, for registration of the trade name setting forth, but not limited to, the following information:

(a) The name and street address of the applicant for registration and, if a corporation or other type of business entity, the state of incorporation or organization;

(b) The trade name sought to be registered;

(c) The general nature of the business in fact conducted by the applicant;

(d) The length of time during which the trade name has been used in this state;

(e) The signature of the applicant; and

(f) A filing fee of one hundred dollars.

(2) Upon compliance by the applicant with the requirements of sections 87-208 to 87-219.01, the Secretary of State shall return the duplicate copy stamped with the date of filing to the applicant or the representative submitting the applications for filing.

Source: Laws 1967, c. 628, § 3, p. 2100; Laws 1971, LB 486, § 3; Laws 1975, LB 95, § 9; Laws 1982, LB 928, § 78; Laws 1997, LB 453, § 8; Laws 2005, LB 450, § 1; Laws 2011, LB462, § 10; Laws 2012, LB886, § 4.

Effective date July 19, 2012.

87-211 Trade name; registration; term effective; renewal; fee; statement.

(1) Registration of a trade name under sections 87-208 to 87-219.01 shall be effective for a term of ten years from the date of registration and, upon application filed in duplicate within six months prior to the expiration of such term on a form to be furnished by the Secretary of State, the registration may be renewed for a like term. A renewal fee of one hundred dollars payable to the Secretary of State shall accompany the application for renewal of the registration.

(2) A trade name registration may be renewed for successive periods of ten years in like manner.

(3) The Secretary of State shall notify registrants of trade names under sections 87-208 to 87-219.01 of the necessity of renewal within the year next preceding the expiration of the ten years from the date of registration or of last renewal by writing to the last-known street address of the registrants.

(4) Any registration in force on August 27, 1971, shall expire ten years from the date of the registration or of the last renewal thereof, whichever is later, and may be renewed by filing an application with the Secretary of State on a form furnished by him or her and paying the renewal fee as provided in this section within six months prior to the expiration of the registration.

(5) All applications for renewals under sections 87-208 to 87-219.01 whether of registrations made under sections 87-208 to 87-219.01 or of registrations effected under any prior act shall include a statement that the trade name is still in use in this state.

(6) A registrant may change its name, street address, and, if the registrant is a corporation or other type of business entity, its state of incorporation or organization by filing a statement of change with the Secretary of State on a form to be furnished by the Secretary of State and paying a fee of ten dollars. A registrant may be required to submit documented proof of its name change at the discretion of the Secretary of State.

Source: Laws 1967, c. 628, § 4, p. 2101; Laws 1971, LB 486, § 4; Laws 1975, LB 95, § 10; Laws 1984, LB 1016, § 1; Laws 1997, LB 453, § 9; Laws 2011, LB462, § 11; Laws 2012, LB886, § 5.
Effective date July 19, 2012.

87-212 Trade name; assignment; recordation; fee.

Any trade name registered under sections 87-208 to 87-219.01 shall be assignable with the goodwill of the business in which the trade name is used. Assignment shall be by an instrument in writing duly executed, in duplicate, and may be recorded with the Secretary of State upon the payment of a fee of five dollars. The street address, city, and state of the assignee must be included in the assignment. Upon recording of the assignment, the Secretary of State shall return the duplicate copy stamped with the date of filing to the applicant or the representative submitting the applications for filing. An assignment of any registration under sections 87-208 to 87-219.01 shall be void as against any subsequent purchaser for value without notice unless the assignment is recorded with the Secretary of State prior to the subsequent purchase.

Source: Laws 1967, c. 628, § 5, p. 2101; Laws 1969, c. 856, § 3, p. 3226; Laws 1997, LB 453, § 10; Laws 2011, LB462, § 12.

87-213 Secretary of State; record; public examination.

The Secretary of State shall keep for public examination a record of all trade names registered or renewed under sections 87-208 to 87-219.01.

Source: Laws 1967, c. 628, § 6, p. 2102; Laws 1997, LB 453, § 11; Laws 2011, LB462, § 13.

87-214 Registration; Secretary of State; cancel; when.

The Secretary of State shall cancel from the register:

- (1) Any registration concerning which the Secretary of State shall receive a voluntary request for cancellation from the registrant or the assignee of record;
- (2) Any registration granted under sections 87-208 to 87-219.01 and not renewed in accordance with such sections;
- (3) Any registration concerning which a court of competent jurisdiction shall find:
 - (a) That the registered trade name has been abandoned;
 - (b) That the registrant is not the owner of the trade name;
 - (c) That the registration was granted improperly; or
 - (d) That the registration was obtained fraudulently;
- (4) Any registration that a court of competent jurisdiction shall order canceled on any ground; and
- (5) Any registration where the registrant has failed to publish such trade name within forty-five days from the filing in the office of the Secretary of State

and filing proof of publication with the Secretary of State and county clerk within the forty-five days.

Source: Laws 1967, c. 628, § 7, p. 2102; Laws 1997, LB 453, § 12; Laws 2010, LB690, § 1; Laws 2011, LB462, § 14.

87-215 False representation or declaration; damages.

Any person who, for himself or herself or on behalf of any other person, procures the registration of any trade name in the office of the Secretary of State under the provisions of sections 87-208 to 87-219.01, by knowingly making any false or fraudulent representation or declaration, verbally or in writing, or by any other fraudulent means, shall be liable to pay all damages sustained in consequence of this filing or registration, to be recovered by any party injured in any court of competent jurisdiction.

Source: Laws 1967, c. 628, § 8, p. 2102; Laws 1997, LB 453, § 13; Laws 2011, LB462, § 15.

87-216 Action for misuse; when.

Subject to section 87-218, any person shall be liable to a civil action by the registrant of the trade name for any or all of the remedies provided in section 87-217 if that person shall:

(1) Use in connection with his or her business, without the consent of the registrant, any reproduction, counterfeit, copy, or colorable imitation of a trade name registered under sections 87-208 to 87-219.01 in a manner likely to cause confusion, mistake, or deception of purchasers; or

(2) Reproduce, counterfeit, copy, or colorably imitate any registered trade name and apply the reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be in conjunction with another business in this state; except that the registrant shall not be entitled to recover profits or damages unless the acts were committed with knowledge that the imitation was intended to be used to cause confusion, mistake, or deception of purchasers.

Source: Laws 1967, c. 628, § 9, p. 2103; Laws 1997, LB 453, § 14; Laws 2011, LB462, § 16.

87-217 Injury to business; injunction; remedies; attorney's fees.

Any registrant of a trade name may proceed by suit to enjoin the use, display, or sale of any counterfeits or imitations thereof, and a court of competent jurisdiction may restrain such use, display, or sale on terms which the court deems just and reasonable and may require the defendants to pay to the registrant (1) all profits attributable to the wrongful use, display, or sale, (2) all damages caused by the wrongful use, display, or sale, or (3) both such profits and damages, and reasonable attorney's fees. In lieu of the remedies available in subdivisions (1), (2), and (3) of this section, the court may require the defendants to pay statutory damages of one thousand dollars and reasonable attorney's fees. The court may order that any counterfeits or imitations in the possession or under the control of any defendant be delivered to an officer of the court, or to the complainant, to be destroyed.

Source: Laws 1967, c. 628, § 10, p. 2103; Laws 1997, LB 453, § 15; Laws 2011, LB462, § 17.

87-218 Trade name; enforcement of rights.

Sections 87-208 to 87-219.01 shall not adversely affect rights in trade names, or the enforcement of rights in trade names, acquired at any time in good faith at common law.

Source: Laws 1967, c. 628, § 11, p. 2104; Laws 1997, LB 453, § 16; Laws 2011, LB462, § 18.

87-219 Trade name; publication; file; failure; effect.

Every duplicate of the registration of a trade name shall be published by the applicant once in a newspaper of general circulation published in the city or village where the business is to be located, or, if there is no newspaper in the city or village, in some newspaper of general circulation in the county. Proof of such publication shall be filed in the office of the Secretary of State and with the county clerk of the county wherein the principal office is located, within forty-five days from the date of registration in the office of the Secretary of State. If proof of publication is not filed with the Secretary of State and county clerk within the forty-five days, the registration shall be canceled by the Secretary of State.

Source: Laws 1967, c. 628, § 13, p. 2104; Laws 2010, LB690, § 2.

87-220 Repealed. Laws 2011, LB 462, § 20.**ARTICLE 3****DECEPTIVE TRADE PRACTICES****(a) UNIFORM DECEPTIVE TRADE PRACTICES ACT**

Section

- 87-301. Terms, defined.
 87-302. Deceptive trade practices; enumerated.
 87-303. Deceptive trade practices; damages; injunction; costs; additional remedy.
 87-303.02. Deceptive trade practice or unconscionable act; Attorney General; powers.
 87-303.03. Attorney General; additional powers.
 87-303.12. Copy of pleadings, orders, judgments, and notices; provided to Attorney General; right to intervene.
 87-306. Act, how cited.

(a) UNIFORM DECEPTIVE TRADE PRACTICES ACT**87-301 Terms, defined.**

For purposes of the Uniform Deceptive Trade Practices Act, unless the context otherwise requires:

(1) Access software provider means a provider of software, including client or server software, or enabling tools that do any one or more of the following: (a) Filter, screen, allow, or disallow content; (b) pick, choose, analyze, or digest content; or (c) transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content;

(2) Appropriate inventory repurchase program means a program by which a plan or operation repurchases, upon request and upon commercially reasonable terms, when the salesperson's business relationship with the company ends, current and marketable inventory in the possession of the salesperson that was purchased by the salesperson for resale. Any such plan or operation

shall clearly describe the program in its recruiting literature, sales manual, or contract with independent salespersons, including the disclosure of any inventory that is not eligible for repurchase under the program;

(3) Article means a product as distinguished from its trademark, label, or distinctive dress in packaging;

(4) Attorney General means the Attorney General of the State of Nebraska or the county attorney of any county with the consent and advice of the Attorney General;

(5) Cable operator means any person or group of persons (a) who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in such cable system or (b) who otherwise controls or is responsible for, through any arrangement, the management and operation of such a cable system;

(6) Certification mark means a mark used in connection with the goods or services of a person other than the certifier to indicate geographic origin, material, mode of manufacture, quality, accuracy, or other characteristics of the goods or services or to indicate that the work or labor on the goods or services was performed by members of a union or other organization;

(7) Collective mark means a mark used by members of a cooperative, association, or other collective group or organization to identify goods or services and distinguish them from those of others, or to indicate membership in the collective group or organization;

(8) Commercially reasonable terms means the repurchase of current and marketable inventory within twelve months from the date of purchase at not less than ninety percent of the original net cost, less appropriate setoffs and legal claims, if any;

(9) Compensation means a payment of any money, thing of value, or financial benefit;

(10) Consideration means anything of value, including the payment of cash or the purchase of goods, services, or intangible property. The term does not include the purchase of goods or services furnished at cost to be used in making sales and not for resale or time and effort spent in pursuit of sales or recruiting activities;

(11) Covered file-sharing program means a computer program, application, or software that enables the computer on which such program, application, or software is installed to designate files as available for searching by and copying to one or more other computers, to transmit such designated files directly to one or more other computers, and to request the transmission of such designated files directly from one or more other computers. Covered file-sharing program does not mean a program, application, or software designed primarily to operate as a server that is accessible over the Internet using the Internet Domain Name System, to transmit or receive email messages, instant messaging, real-time audio or video communications, or real-time voice communications, or to provide network or computer security, network management, hosting and backup services, maintenance, diagnostics, technical support or repair, or to detect or prevent fraudulent activities;

(12) Current and marketable has its plain and ordinary meaning but excludes inventory that is no longer within its commercially reasonable use or shelf-life period, was clearly described to salespersons prior to purchase as seasonal,

discontinued, or special promotion products not subject to the plan or operation's inventory repurchase program, or has been used or opened;

(13) Information content provider means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the Internet or any other interactive computer service;

(14) Interactive computer service means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions;

(15) Inventory includes both goods and services, including company-produced promotional materials, sales aids, and sales kits that the plan or operation requires independent salespersons to purchase;

(16) Inventory loading means that the plan or operation requires or encourages its independent salespersons to purchase inventory in an amount which exceeds that which the salesperson can expect to resell for ultimate consumption or to a consumer in a reasonable time period, or both;

(17) Investment means any acquisition, for a consideration other than personal services, of personal property, tangible or intangible, for profit or business purposes, and includes, without limitation, franchises, business opportunities, and services. It does not include real estate, securities registered under the Securities Act of Nebraska, or sales demonstration equipment and materials furnished at cost for use in making sales and not for resale;

(18) Mark means a word, name, symbol, device, or any combination of a word, name, symbol, or device in any form or arrangement;

(19) Person means a natural person, a corporation, a government, or a governmental subdivision or agency, a business trust, an estate, a trust, a partnership, a joint venture, a limited liability company, an unincorporated association, a sole proprietorship, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;

(20) Pyramid promotional scheme means any plan or operation in which a participant gives consideration for the right to receive compensation that is derived primarily from the recruitment of other persons as participants in the plan or operation rather than from the sales of goods, services, or intangible property to participants or by participants to others. A limitation as to the number of persons who may participate, or the presence of additional conditions affecting eligibility, or upon payment of anything of value by a person whereby the person obtains any other property in addition to the right to receive consideration, does not change the identity of the scheme as a pyramid promotional scheme;

(21) Referral or chain referral sales or leases means any sales technique, plan, arrangement, or agreement whereby the seller or lessor gives or offers to give a rebate or discount or otherwise pays or offers to pay value to the buyer or lessee as an inducement for a sale or lease in consideration of the buyer or lessee giving to the seller or lessor the names of prospective buyers or lessees or otherwise aiding the seller or lessor in making a sale or lease to another person if the earning of the rebate, discount, or other value is contingent upon the occurrence of an event subsequent to the time the buyer or lessee agrees to buy or lease;

(22) Service mark means a mark used in the sale or advertising of services to identify the services of one person and distinguish them from the services of others;

(23) Telecommunications service means the offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used;

(24) Trademark means any word, name, symbol, or device or any combination thereof adopted and used by a person to identify goods made or sold by such person and to distinguish such goods from goods made or sold by others;

(25) Trade name means a word or a name, or any combination of the foregoing in any form or arrangement used by a person to identify such person's business, vocation, or occupation and distinguish such business, vocation, or occupation from the business, vocation, or occupation of others; and

(26) Use or promote the use of, for purposes of subdivision (a)(12) of section 87-302, means contrive, prepare, establish, plan, operate, advertise, or otherwise induce or attempt to induce another person to participate in a pyramid promotional scheme, including a pyramid promotional scheme run through the Internet, email, or other electronic communications.

Source: Laws 1969, c. 855, § 1, p. 3221; Laws 1974, LB 327, § 1; Laws 1993, LB 121, § 557; Laws 2002, LB 857, § 6; Laws 2010, LB801, § 1.

Cross References

Securities Act of Nebraska, see section 8-1123.

87-302 Deceptive trade practices; enumerated.

(a) A person engages in a deceptive trade practice when, in the course of his or her business, vocation, or occupation, he or she:

- (1) Passes off goods or services as those of another;
- (2) Causes likelihood of confusion or of misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) Causes likelihood of confusion or of misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (4) Uses deceptive representations or designations of geographic origin in connection with goods or services;
- (5) Represents that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities that they do not have or that a person has a sponsorship, approval, status, affiliation, or connection that he or she does not have;
- (6) Represents that goods are original or new if they are deteriorated, altered, reconditioned, reclaimed, used, or secondhand, except that sellers may repair damage to and make adjustments on or replace parts of otherwise new goods in an effort to place such goods in compliance with factory specifications;
- (7) Represents that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (8) Disparages the goods, services, or business of another by false or misleading representation of fact;

(9) Advertises goods or services with intent not to sell them as advertised or advertises the price in any manner calculated or tending to mislead or in any way deceive a person;

(10) Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity;

(11) Makes false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

(12) Uses or promotes the use of or establishes, operates, or participates in a pyramid promotional scheme in connection with the solicitation of such scheme to members of the public. This subdivision shall not be construed to prohibit a plan or operation, or to define a plan or operation as a pyramid promotional scheme, based on the fact that participants in the plan or operation give consideration in return for the right to receive compensation based upon purchases of goods, services, or intangible property by participants for personal use, consumption, or resale so long as the plan or operation does not promote or induce inventory loading and the plan or operation implements an appropriate inventory repurchase program;

(13) With respect to a sale or lease to a natural person of goods or services purchased or leased primarily for personal, family, household, or agricultural purposes, uses or employs any referral or chain referral sales technique, plan, arrangement, or agreement;

(14) Knowingly makes a false or misleading statement in a privacy policy, published on the Internet or otherwise distributed or published, regarding the use of personal information submitted by members of the public;

(15) Uses any scheme or device to defraud by means of:

(i) Obtaining money or property by knowingly false or fraudulent pretenses, representations, or promises; or

(ii) Selling, distributing, supplying, furnishing, or procuring any property for the purpose of furthering such scheme;

(16) Offers an unsolicited check, through the mail or by other means, to promote goods or services if the cashing or depositing of the check obligates the endorser or payee identified on the check to pay for goods or services. This subdivision does not apply to an extension of credit or an offer to lend money;

(17) Mails or causes to be sent an unsolicited billing statement, invoice, or other document that appears to obligate the consumer to make a payment for services or merchandise he or she did not order;

(18)(i) Installs, offers to install, or makes available for installation or download a covered file-sharing program on a computer not owned by such person without providing clear and conspicuous notice to the owner or authorized user of the computer that files on that computer will be made available to the public and without requiring intentional and affirmative activation of the file-sharing function of such covered file-sharing program by the owner or authorized user of the computer; or

(ii) Prevents reasonable efforts to block the installation, execution, or disabling of a covered file-sharing program; or

(19) Violates any provision of the Nebraska Foreclosure Protection Act.

(b) In order to prevail in an action under the Uniform Deceptive Trade Practices Act, a complainant need not prove competition between the parties.

(c) This section does not affect unfair trade practices otherwise actionable at common law or under other statutes of this state.

Source: Laws 1969, c. 855, § 2, p. 3222; Laws 1974, LB 327, § 2; Laws 1976, LB 820, § 1; Laws 1979, LB 257, § 1; Laws 1988, LB 180, § 1; Laws 1991, LB 408, § 1; Laws 1993, LB 305, § 32; Laws 2003, LB 118, § 1; Laws 2008, LB123, § 29; Laws 2008, LB781, § 1; Laws 2009, LB155, § 18; Laws 2010, LB801, § 2.

Cross References

Nebraska Foreclosure Protection Act, see section 76-2701.

87-303 Deceptive trade practices; damages; injunction; costs; additional remedy.

(a) A person likely to be damaged by a deceptive trade practice of another may bring an action for, and the court may grant, an injunction under the principles of equity against the person committing the deceptive trade practice. The court may order such additional equitable relief as it deems necessary to protect the public from further violations, including temporary and permanent injunctive relief. Proof of monetary damage, loss of profits, or intent to deceive is not required. Relief granted for the copying of an article shall be limited to the prevention of confusion or misunderstanding as to source.

(b) Costs shall be allowed to the prevailing party unless the court otherwise directs. The court in its discretion may award attorneys' fees to the prevailing party if (1) the party complaining of a deceptive trade practice has brought an action which he knew to be groundless or (2) the party charged with a deceptive trade practice has willfully engaged in the trade practice knowing it to be deceptive.

(c) A claim filed for a violation of the Uniform Deceptive Trade Practices Act shall be proved by a preponderance of the evidence.

(d) The relief provided in this section is in addition to remedies otherwise available against the same conduct under the common law or other statutes of this state.

(e) Subdivision (a)(12) of section 87-302 shall not be construed to authorize a civil action against an interactive computer service, provider of telecommunications service, or cable operator for the actions of an information content provider.

Source: Laws 1969, c. 855, § 3, p. 3223; Laws 2010, LB801, § 3.

87-303.02 Deceptive trade practice or unconscionable act; Attorney General; powers.

When the Attorney General has cause to believe that any person has engaged in or is engaging in any deceptive trade practice or unconscionable act listed in section 87-302 or 87-303.01, the Attorney General may:

(a) Require such person to file a statement or report in writing under oath or otherwise, on such forms as shall be prescribed by the Attorney General, as to all facts and circumstances concerning the sale, offer, or advertisement of property by such person, and such other data and information as the Attorney General deems necessary;

(b) Examine under oath any person in connection with the sale or advertisement of any property;

(c) Examine any property or sample thereof, record, book, document, account, or paper as the Attorney General deems necessary; or

(d) Pursuant to an order of any district court, impound any record, book, document, account, paper, or sample of property which is material to such practice and retain the same in his or her possession until the completion of all proceedings undertaken under the Uniform Deceptive Trade Practices Act.

Source: Laws 1974, LB 327, § 4; Laws 2008, LB781, § 3; Laws 2010, LB801, § 5.

87-303.03 Attorney General; additional powers.

(1) The Attorney General, in addition to other powers conferred upon him or her by the Uniform Deceptive Trade Practices Act:

(a) May issue subpoenas to require the attendance of witnesses or the production of documents, administer oaths, conduct hearings in aid of any investigation or inquiry, and prescribe such forms and adopt and promulgate such rules as may be necessary to administer the act; and

(b) May issue a cease and desist order, with or without prior hearing, against any person engaged in activities in violation of the act, directing such person to cease and desist from such activity.

(2) Service of any notice or subpoena may be made in the manner prescribed by the rules of civil procedure.

Source: Laws 1974, LB 327, § 5; Laws 2008, LB781, § 4; Laws 2010, LB801, § 6.

87-303.12 Copy of pleadings, orders, judgments, and notices; provided to Attorney General; right to intervene.

(1) A party filing a petition, counterclaim, cross-petition, or pleading in intervention alleging a violation under the Uniform Deceptive Trade Practices Act, within seven days following the date of filing such pleading, shall provide a copy to the Attorney General and, within seven days following entry of any final judgment in the action, shall provide a copy of the judgment to the Attorney General. This subsection does not apply to Small Claims Court actions, except as provided in subsection (2) of this section.

(2) A party appealing a Small Claims Court order or judgment to district court involving an issue raised under the act, within seven days of providing notice of the appeal, shall notify the Attorney General in writing and provide a copy of the pleading raising the issue and a copy of the Small Claims Court order or judgment.

(3) A party appealing an order or judgment involving an issue raised under the act, within seven days following the date such notice of appeal is filed with the court, shall notify the Attorney General in writing and provide a copy of the pleading raising the issue and a copy of the court order or judgment being appealed.

(4) Upon timely application to the court in which an action involving an issue raised under the act is pending, the Attorney General may intervene as a party at any time or may be heard at any time. The Attorney General's failure to

intervene shall not preclude the Attorney General from bringing a separate enforcement action.

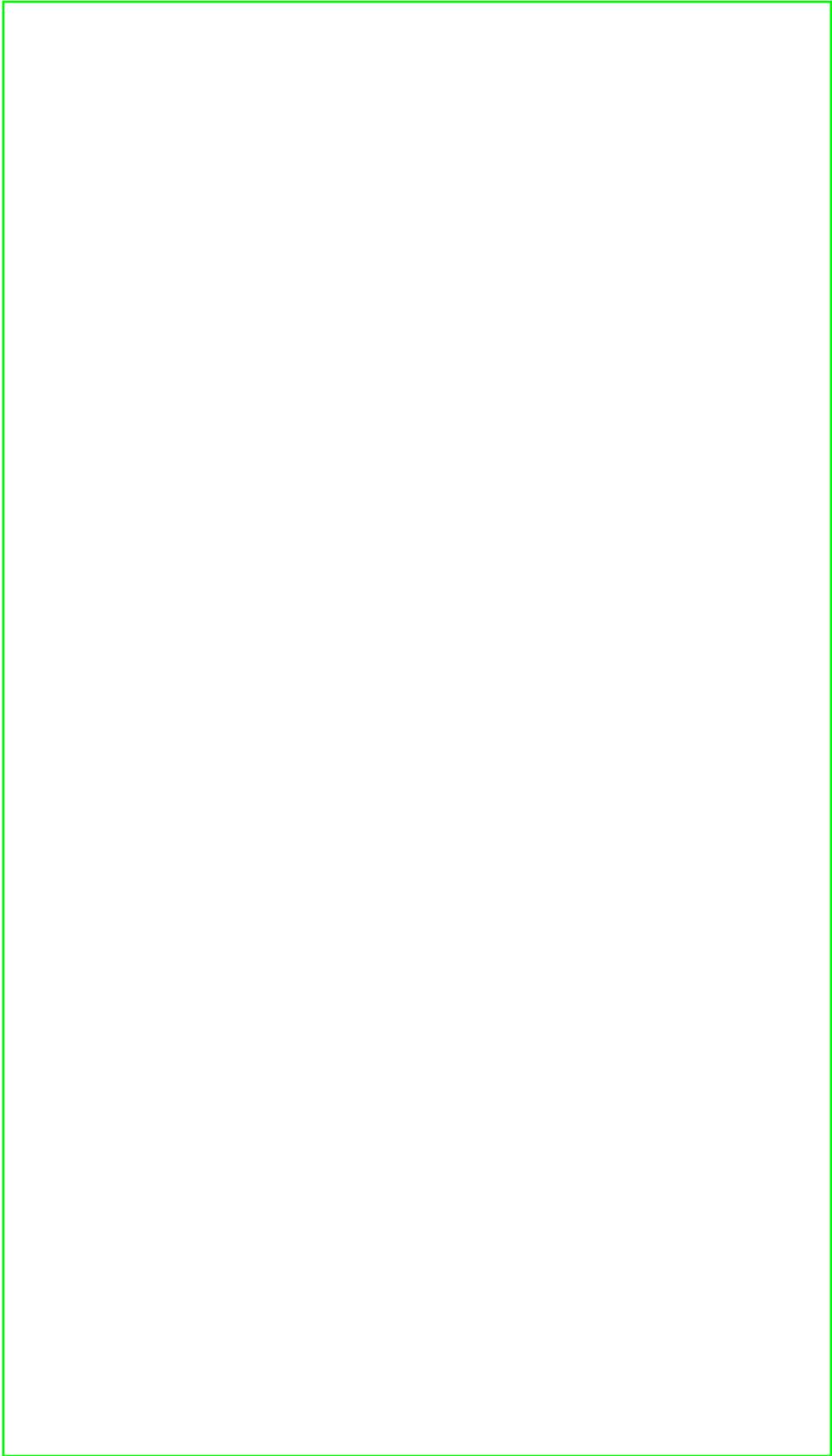
(5) All copies of pleadings, orders, judgments, and notices required by this section to be sent to the Attorney General shall be sent by certified mail unless the Attorney General has previously been provided such copies of the pleadings, orders, judgments, or notices in the same action by certified mail, in which case subsequent mailings may be made by regular mail. Failure to provide the required mailings to the Attorney General shall not be grounds for dismissal of an action under the act, but may be grounds for a subsequent action by the Attorney General to vacate or modify the judgment.

Source: Laws 2010, LB801, § 4.

87-306 Act, how cited.

Sections 87-301 to 87-306 shall be known and may be cited as the Uniform Deceptive Trade Practices Act.

Source: Laws 1969, c. 855, § 6, p. 3224; Laws 1974, LB 327, § 14; Laws 1990, LB 656, § 26; Laws 2010, LB801, § 7.



CHAPTER 88 WAREHOUSES

Article.

5. Grain Warehouses. 88-545.01, 88-552.

ARTICLE 5 GRAIN WAREHOUSES

Section

- 88-545.01. Commission; contracts for audit or examination work authorized; Grain Warehouse Auditing Fund; created; use; investment.
88-552. Nebraska Grain Warehouse Surveillance Cash Fund; created; use; investment.

88-545.01 Commission; contracts for audit or examination work authorized; Grain Warehouse Auditing Fund; created; use; investment.

(1) The commission may enter into contracts with public or private entities which provide a benefit for both parties for purposes of performing audit or examination work. The commission shall conduct the work as time permits and shall not allow the work to conflict with the commission's primary responsibility of performing grain warehouse examinations within the prescribed statutory time.

(2) Fees from audit or examination contracts shall be remitted by the commission to the State Treasurer for credit to the Grain Warehouse Auditing Fund which is created. The fund shall be available to the commission to buy material and equipment for performing audits and examinations or to offset the cost of performing audits and examinations. Transfers may be made from the fund to the General Fund at the direction of the Legislature. Any money in the Grain Warehouse Auditing 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.

Source: Laws 1996, LB 1123, § 7; Laws 2009, First Spec. Sess., LB3, § 99.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

88-552 Nebraska Grain Warehouse Surveillance Cash Fund; created; use; investment.

There is hereby created in the state treasury a fund to be known as the Nebraska Grain Warehouse Surveillance Cash Fund. Such fund shall be used solely for disbursing funds and receiving reimbursement for services performed by the commission in the suspension or termination of a warehouse operation, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. All money received by the commission for such services shall be remitted to the State Treasurer for credit to the Nebraska

Grain Warehouse Surveillance Cash Fund. 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.

Source: Laws 1986, LB 137, § 1; R.S.1943, (1981), § 88-502.02; Laws 1987, LB 164, § 28; Laws 1995, LB 7, § 154; Laws 2009, First Spec. Sess., LB3, § 100.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

Nebraska State Funds Investment Act, see section 72-1260.

CHAPTER 89

WEIGHTS AND MEASURES

Article.

1. General Provisions.
 - (b) Weights and Measures Act. 89-1,100.

ARTICLE 1

GENERAL PROVISIONS

(b) WEIGHTS AND MEASURES ACT

Section

- 89-1,100. Weights and Measures Administrative Fund; created; use; investment; fees, penalties, and other money; lien.

(b) WEIGHTS AND MEASURES ACT

89-1,100 Weights and Measures Administrative Fund; created; use; investment; fees, penalties, and other money; lien.

The director shall collect registration, permit, laboratory, test, and inspection fees, penalties, and money required to be reimbursed as provided for in the Weights and Measures Act and shall remit such funds to the State Treasurer. The State Treasurer shall credit such funds to the Weights and Measures Administrative Fund, which fund is hereby created. All fees, penalties, and reimbursements collected pursuant to the act and credited to the fund shall be appropriated to the uses of the department to aid in defraying the expenses of administering the act, except that transfers may be made from the fund to the General Fund at the direction of the Legislature. Any unexpended balance in the Weights and Measures Administrative Fund at the close of any biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding biennium. 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. The registration, permit, laboratory, test, and inspection fees, penalties, and money required to be reimbursed as provided for in the Weights and Measures Act shall constitute a lien on the weighing and measuring devices or standards required to be registered or approved for use in this state until such fees, penalties, and reimbursements are paid. The director may sue for such fees, penalties, and reimbursements and may seek to foreclose on any lien in the name of the state. The county attorney of the county in which the device is located or the Attorney General's office shall, upon the request of the director, take appropriate action to establish and foreclose on any such lien.

Source: Laws 1972, LB 1413, § 18; Laws 1974, LB 17, § 2; Laws 1986, LB 258, § 45; Laws 1991, LB 356, § 30; Laws 1994, LB 1066, § 142; Laws 2001, LB 541, § 9; Laws 2003, LB 161, § 7; Laws 2009, First Spec. Sess., LB3, § 101.

Cross References

Nebraska Capital Expansion Act, see section 72-1269.

§ 89-1,100

WEIGHTS AND MEASURES

Nebraska State Funds Investment Act, see section 72-1260.

CHAPTER 90 SPECIAL ACTS

Article.

1. State, General Provisions. 90-115.
2. Specific Conveyances. 90-215 to 90-280.
3. Capitol Environs. 90-303, 90-309.
5. Appropriations. 90-501 to 90-538.

ARTICLE 1

STATE, GENERAL PROVISIONS

Section

90-115 Nebraska Educational Telecommunications Building in Lincoln; named the Terry M. Carpenter and Jack G. McBride Educational Telecommunications Building.

90-115 Nebraska Educational Telecommunications Building in Lincoln; named the Terry M. Carpenter and Jack G. McBride Educational Telecommunications Building.

The Nebraska Educational Telecommunications Building in Lincoln, Nebraska, shall be named and known as the Terry M. Carpenter and Jack G. McBride Educational Telecommunications Building.

Source: Laws 1978, LB 955, § 2; Laws 2011, LB122, § 1.

ARTICLE 2

SPECIFIC CONVEYANCES

Section

- 90-215. Repealed. Laws 2010, LB 743, § 6.
- 90-272. Game and Parks Commission; convey property to village of Arnold.
- 90-273. Game and Parks Commission; convey property to city of Atkinson.
- 90-274. Game and Parks Commission; convey property to village of Ayr.
- 90-275. Game and Parks Commission; convey property to county of Sherman.
- 90-276. Game and Parks Commission; convey property to village of Brownville.
- 90-277. Property conveyed to Brownville; management.
- 90-278. Game and Parks Commission; convey property to county of Chase.
- 90-279. Game and Parks Commission; convey property to Lower Loup Natural Resources District.
- 90-280. Property conveyed to Lower Loup Natural Resources District; operation and maintenance.

90-215 Repealed. Laws 2010, LB 743, § 6.

90-272 Game and Parks Commission; convey property to village of Arnold.

The Game and Parks Commission is authorized to convey to the village of Arnold for public park purposes the following described real estate now known as Arnold State Recreation Area, situated in the county of Custer, in the State of Nebraska, to-wit: A tract of land in the northwest quarter of the southeast quarter of section 28, township 17 north, range 25 west of the 6th principal

meridian, described as follows: Beginning at the northeast corner of said northwest quarter of the southeast quarter, running thence west 660.0 feet, thence south 330.0 feet, thence south 45 degrees east to a point 330.0 feet north of the southeast corner of said northwest quarter of the southeast quarter, thence north 990.0 feet to the place of beginning, and containing 10 acres more or less; and a tract of land in the northeast quarter of the southeast quarter of section 28, township 17 north, range 25 west of the 6th principal meridian, described as follows: Beginning at the northwest corner of said northeast quarter of the southeast quarter, running thence east 660.0 feet, more or less, to the center of the channel of the South Loup River, thence in a southerly and easterly direction along the center of the channel of said river to its intersection with the east line of said northeast quarter of the southeast quarter, said point of intersection being 528.0 feet, more or less, south of the northeast corner of said northeast quarter of the southeast quarter, thence south along said east line 630.0 feet, thence west 1,320.0 feet, more or less, to the west line of said northeast quarter of the southeast quarter, thence north along said west line 1,158.0 feet to the place of beginning, and containing 30 acres, more or less, except that if the village of Arnold ceases to operate the lands conveyed as a public park and recreation area, title to such lands shall revert to the Game and Parks Commission.

Source: Laws 2010, LB743, § 1.

90-273 Game and Parks Commission; convey property to city of Atkinson.

The Game and Parks Commission is authorized to convey to the city of Atkinson for public park purposes the following described real estate now known as Atkinson State Recreation Area, situated in the county of Holt, in the State of Nebraska, to-wit: A tract of land in Blocks 53, 54, 55, 56, 57, 58, 59, and 60, all in Mathew's Addition to Atkinson, Holt County, Nebraska; and the southeast quarter of the southwest quarter of section 30, township 30 north, range 14 west of the 6th principal meridian, excepting therefrom a parcel described as follows: Commencing at the southwest corner of the southeast quarter of the southwest quarter, section 30, township 30 north, range 14 west of the 6th principal meridian, thence running due north 42.42 rods; thence running due east 36.36 rods; thence running due south 24.24 rods; thence running due east 18.18 rods; thence running due south 18.18 rods; thence running due west 54.54 rods to the place of beginning, containing 49.51 acres, more or less, Holt County, Nebraska; the southwest quarter of section 30, township 30 north, range 14 west, Holt County, Nebraska; and that part of the southwest quarter of the southeast quarter of section 30, township 30 north, range 14 west of the 6th principal meridian, Holt County, Nebraska, described as follows: Commencing at the northwest corner of the southwest quarter of the southeast quarter of said section 30, thence running on a line south 57 degrees, 35 minutes, east a distance of 347.56 feet, thence due south a distance of 433.75 feet, thence due west a distance of 293.38 feet, thence due north a distance of 620.1 feet to the point of beginning containing 3.55 acres, more or less, except that if the city of Atkinson ceases to operate the lands conveyed as a public park and recreation area, title to such lands shall revert to the Game and Parks Commission.

Source: Laws 2010, LB743, § 2.

90-274 Game and Parks Commission; convey property to village of Ayr.

The Game and Parks Commission is authorized to convey to the village of Ayr for public park purposes the following described real estate, now known as Crystal Lake State Recreation Area, situated in the county of Adams, in the State of Nebraska, to wit:

(1) That part of the southeast quarter of section 28, township 6 north, range 10 west of the 6th principal meridian, in Adams County, Nebraska, described as follows: Begin at a stone at the northeast corner of the southeast quarter of section 28, township 6 north, range 10 west; thence south along the section line 254 feet to a point where the south right-of-way line of the Burlington-Northern Railroad intersects the said section line, said point being the point of beginning for the parcel herein conveyed; thence northwesterly along the south right-of-way line of the Burlington-Northern Railroad, 648 feet to an iron pin; thence left 95 degrees, 28 minutes, 414.7 feet to an iron pin; thence left 38 degrees, 21 minutes, 324.2 feet; thence right 57 degrees, 15 minutes, 805.8 feet to an iron pin; thence right 60 degrees, 13 minutes, 48.9 feet to an iron pin; thence left 51 degrees, 20 minutes, 1,026.7 feet to an iron pin; thence left 62 degrees, 21 minutes, 208.9 feet to an iron pin on the south side of section 28; thence left 58 degrees, 38 minutes, 186.5 feet along the section line to an iron pin; thence left 48 degrees, 22 minutes, 371.7 feet to an iron pin; thence left 21 degrees, 30 minutes, 574 feet to an iron pin; thence right 70 degrees, 20 minutes, 605.8 feet to an iron pin on the section line between sections 27 and 28; thence north along said section line 1,588 feet to the point of beginning, containing 32.79 acres more or less;

(2) That part of the southwest quarter of section 27, township 6 north, range 10 west, in Adams County, Nebraska, described as follows: Begin at a stone at the northwest corner of the southwest quarter of section 27, township 6 north, range 10 west; thence south along the section line 254 feet to a point where the south right-of-way line of the Burlington-Northern Railroad intersects the said section line, said point being the point of beginning for the parcel herein conveyed; thence southeasterly along the south right-of-way line of said railroad 265.7 feet to an iron pin; thence right 81 degrees, 14 minutes, 272 feet to an iron pin; thence left 52 degrees, 50 minutes, 151 feet to an iron pin; thence left 12 degrees, 165 feet to an iron pin; thence right 19 degrees, 06 minutes, 211.5 feet to an iron pin; thence right 6 degrees, 36 minutes, 132 feet to an iron pin; thence right 6 degrees, 34 minutes, 198.2 feet to an iron pin; thence left 6 degrees, 35 minutes, 198 feet to an iron pin; thence right 10 degrees, 22 minutes, 132.3 feet to an iron pin; thence right 13 degrees, 54 minutes, 132 feet to an iron pin; thence right 7 degrees, 15 minutes, 132 feet; thence right 13 degrees, 05 minutes, 120.5 feet; thence left 15 degrees, 28 minutes, 131.8 feet; thence right 31 degrees, 10 minutes, 66 feet; thence right 34 degrees, 14 minutes, 99 feet; thence right 23 degrees, 04 minutes, 157.8 feet; thence right 19 degrees, 19 minutes, 264 feet; thence right 9 degrees, 20 minutes, 642.6 feet to a point on the north and south dividing line between sections 27 and 28 and 812 feet north of the southwest corner of section 27; thence north along the section line, 1,588 feet to the place of beginning, containing 30.22 acres; and

(3) That part of the southwest quarter of section 27, township 6 north, range 10 west of the 6th principal meridian, in Adams County, Nebraska, more particularly described as follows: To ascertain the point of beginning, begin at the northwest corner of the southwest quarter of section 27, township 6 north, range 10 west; thence south along the section line 254 feet of the point where the south right-of-way line of the Burlington-Northern Railroad intersects the

said section line; thence southeasterly along the south right-of-way line of said railroad 265.70 feet; thence deflecting right 81 degrees, 14 minutes, for a distance of 55.63 feet to the actual point of beginning; thence continuing on the same course 216.37 feet; thence deflecting left 52 degrees, 50 minutes, for a distance of 38.57 feet; thence deflecting left 127 degrees, 01 minute for a distance of 130.48 feet; thence deflecting left 8 degrees, 40 minutes, for a distance of 59.87 feet; thence deflecting left 15 degrees, 24 minutes, for a distance of 54.80 feet to the actual point of beginning and containing 0.154 acres, a little more or a little less as surveyed by Edwin D. Benjamin.

If the village of Ayr ceases to operate the lands conveyed as a public park and recreation area, title to such lands shall revert to the Game and Parks Commission.

Source: Laws 2011, LB563, § 1.

90-275 Game and Parks Commission; convey property to county of Sherman.

The Game and Parks Commission is authorized to convey to the county of Sherman for public park purposes the following described real estate, now known as Bowman State Recreation Area, situated in the county of Sherman, in the State of Nebraska, to wit:

(1) A tract of land in the northwest quarter of section 13, township 15 north, range 15 west of the 6th principal meridian, in Sherman County, Nebraska, more particularly described as follows: Commencing at a point on the line between sections 13 and 14, township 15 north, range 15 west of the 6th principal meridian, at a point 33 feet south of the corner of sections 11, 12, 13, and 14, township 15 north, range 15 west of the 6th principal meridian, and running thence east on a line parallel with the line between sections 12 and 13, township 15 north, range 15 west of the 6th principal meridian, and 33 feet distant, 995.94 feet, thence south 14 degrees, 15 minutes east 1252.35 feet, thence south 37 degrees east 488.06 feet, thence south 59 degrees, 45 minutes east 132.99 feet, thence south 86 degrees west 974.16 feet to the left bank of the Middle Loup River, thence in a northwesterly direction along the left bank of the stream, 1201.86 feet to a point on the line between sections 13 and 14 aforesaid 917.40 feet south of said corner of sections 11, 12, 13, and 14, thence north on the line between sections 13 and 14, 884.40 feet to the point of beginning, containing 43.06 acres, more or less; and

(2) A tract of land in the northwest quarter of section 13, township 15 north, range 15 west of the 6th principal meridian, in Sherman County, Nebraska, more particularly described as follows: Commencing at the east quarter corner of said section 13, township 15 north, range 15 west of the 6th principal meridian; thence southerly on said section line a distance of 910.56 feet; thence northwesterly with a deflection angle of 117 degrees, 42 minutes, a distance of 3492.39 feet to the point of beginning, this point of beginning being marked by an iron stake and being the southeast corner of a tract of land conveyed to the State of Nebraska by warranty deed from John Haesler and Bertha Haesler, husband and wife, dated October 30, 1930, and recorded April 29, 1931, in Book 43 at Page 151 of Deed Records; thence southwesterly with a bearing of south 46 degrees, 10 minutes, west 699.13 feet to a point on the left bank of the Middle Loup River; thence northwesterly along the left bank of said Middle Loup River with a bearing of north 46 degrees, 0 minutes, west 602.55 feet; thence easterly, on the south line of said tract, on a bearing north 86 degrees, 0

minutes, east a distance of 940 feet to the point of beginning; containing 4.83 acres, more or less.

Source: Laws 2011, LB207, § 1.

90-276 Game and Parks Commission; convey property to village of Brownville.

The Game and Parks Commission is authorized to convey to the village of Brownville, Nebraska, for public park purposes the following described real estate now known as Brownville State Recreation Area, situated in the county of Nemaha, in the State of Nebraska, to wit:

(1) From the southeast corner of Block 1 in the Original Town of Brownville, Nebraska, running east parallel to the center line of Main Street a distance of 237.1 feet to the place of beginning, said place of beginning being 90 feet east of the center line of the C.B. & Q. R.R. track; thence south 6 degrees, 26 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 11 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 24 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 16 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 12 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 6 degrees, 35 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 5 degrees, 00 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 3 degrees, 58 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 2 degrees, 26 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 1 degree, 11 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 0 degrees, 03 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 0 degrees, 42 minutes west, parallel to the C.B. & Q. R.R. track, a distance of 60.3 feet to a point, said point being 90 feet east of the center line of the C.B. & Q. R.R. track; thence east 860.4 feet to a point on the right high mark of the Missouri River; thence north 27 degrees, 14 minutes west along the said high bank of the Missouri River, a distance of 199.9 feet to a point; thence north 21 degrees, 39 minutes west along the said high bank of the Missouri River a distance of 635.51 feet to a point; thence north 18 degrees, 50 minutes west along said high bank of the Missouri River a distance of 408.21 feet to a point; thence west 497.90 feet to the place of beginning, all in Nemaha County, Nebraska, containing 17.20 acres, more or less, plus all accretions thereto; and

(2) Commencing at the southeast corner of Block 1 in the Original Town of Brownville, Nebraska, running east parallel to the center line of Main Street a distance of 237.1 feet to a point, said point being 90 feet east of the center line of the C.B. & Q. R.R. track; thence south 6 degrees, 26 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 11 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 24 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 16 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 7 degrees, 12 minutes east, parallel to the C.B. & Q. R.R.

track, a distance of 100 feet to a point; thence south 6 degrees, 35 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 5 degrees, 00 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 3 degrees, 58 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 2 degrees, 26 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 1 degree, 11 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 0 degrees, 03 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 0 degrees, 42 minutes west, parallel to the C.B. & Q. R.R. track, a distance of 60.3 feet to a point, said point being 90 feet east of the center line of the C.B. & Q. R.R. track, being the place of beginning; thence south 2 degrees, 04 minutes east, parallel to the C.B. & Q. R.R. track, a distance of 52.5 feet to a point; thence south 4 degrees, 46 minutes west, parallel to the C.B. & Q. R.R. track, a distance of 100 feet to a point; thence south 9 degrees, 48 minutes west, parallel to the C.B. & Q. R.R. track, a distance of 46.4 feet to a point; said point being 90 feet east of the center line of the C.B. & Q. R.R. track and on the section line between sections 18 and 19, township 5 north, range 16 east of the 6th principal meridian; thence north 88 degrees, 42 minutes east along the section line between sections 18 and 19, township 5 north, range 16 east, a distance of 906.9 feet to the corners of sections 17, 18, 19, and 20, township 5 north, range 16 east; thence continuing north 88 degrees, 42 minutes east along the section line between sections 17 and 20, township 5 north, range 16 east, a distance of 449.4 feet to a point on the right high bank of the Missouri River; thence north 34 degrees, 17 minutes west along said right high bank of the said Missouri River, a distance of 202.41 feet to a point; thence west a distance of 1,224.44 feet to the place of beginning, containing 5.41 acres, more or less, all in Nemaha County, Nebraska, plus all accretions thereto.

The above described tract being immediately south of the tract described and recorded in Book number 79, page 398 of the Deed records of Nemaha County, Nebraska.

Source: Laws 2011, LB621, § 1.

90-277 Property conveyed to Brownville; management.

Property conveyed by the Game and Parks Commission pursuant to section 90-276 is conveyed with the intent that the property continue to be managed for public access and for public outdoor recreation opportunities, in a safe and sanitary manner, and in compliance with all relevant provisions and responsibilities outlined within prior covenants, easements, and agreements hereby transferred, including continued maintenance of the federally funded public boating access facilities existing on the property, which is specifically assigned through 2013.

Source: Laws 2011, LB621, § 2.

90-278 Game and Parks Commission; convey property to county of Chase.

(1) The Game and Parks Commission is authorized to convey to the county of Chase for public purposes the following described real estate, now known as Champion Mill State Historical Park, situated in the county of Chase, in the State of Nebraska, to-wit: All of block 4, original town of Champion, Nebraska, and lots 1, 2, and 3, lot 4 except beginning at the southwest corner of lot 4 in

block 5 of the original town of Champion, Nebraska, said point of beginning being at the point of intersection of the north property line of Second Street and the east line of the alley in said block 5; thence running north along the west line of said lot 4 a distance of 70 feet; thence running east 75 feet parallel with the south line of said lot 4; thence south parallel with the west line of lot 4 a distance of 70 feet to intersect the south line of said lot 4; thence west along the south line of said lot 4 a distance of 75 feet to the place of beginning, the north half of lot 9, and all of lots 10, 11, 12, and 13, all in block 5, original town of Champion, Nebraska.

(2) The Game and Parks Commission is authorized to convey to the county of Chase for public purposes the following described real estate, now known as Champion Lake State Recreation Area, situated in the county of Chase, in the State of Nebraska, to-wit:

(a) The following described portion of the southwest quarter of section 21, township 6 north, range 39 west of the 6th principal meridian in Chase County, Nebraska, to-wit: Beginning at the northeast corner of said quarter section; thence west on the north line of said quarter section 1,017 feet to a stone; thence southeasterly 992 feet in a straight line to a point on the west line of the west side of block 23, West Champion, which is 102.5 feet south of the northwest corner of said block 23; thence north 102.5 feet to the northwest corner of said block 23, in West Champion; thence east along the north side of said block 23 and along a line which is the north side of said block 23 produced eastward to the east line of said quarter section; thence north along the east line of said quarter section 644 feet to the northeast corner of said quarter section; and

(b) The following described property, same being a part of the northwest quarter of the southeast quarter of section 21, township 6 north, range 39 west of the 6th principal meridian in Chase County, Nebraska, to-wit: Beginning at the northwest corner of the southeast quarter of section 21, township 6 north, range 39 west of the 6th principal meridian in Chase County, Nebraska, and running thence east 1,080 feet; thence south 100 feet to the north line of Fourth Street of the original town of Champion, Nebraska; thence west along the said north line of Fourth Street aforesaid 1,080 feet; thence north 100 feet to the place of beginning, said land being also described as Lots 3, 4, 5, 6, 7, 8, 9, 10, and 11, Champion subdivision of the northwest quarter of the southeast quarter of section 21, township 6 north, range 39 west of the 6th principal meridian in Chase County, Nebraska.

Source: Laws 2012, LB739, § 1.

Effective date March 15, 2012.

90-279 Game and Parks Commission; convey property to Lower Loup Natural Resources District.

The Game and Parks Commission is authorized to convey to the Lower Loup Natural Resources District for public purposes the following described real estate, now known as Pibel Lake State Recreation Area, situated in the county of Wheeler, in the State of Nebraska, to-wit: A tract of land in the southeast quarter of section 25, township 21 north, range 11 west of the 6th principal meridian, Wheeler County, Nebraska, more fully described as follows: Commencing at the southeast corner of section 25, township 21 north, range 11 west of the 6th principal meridian, (the east side of said section having an

assumed bearing of north 0 degrees, 00 minutes east and the south side of said section an assumed bearing of south 89 degrees, 25 minutes west); thence south 89 degrees, 25 minutes west a distance of 440 feet to the point of beginning; thence south 89 degrees, 25 minutes west a distance of 1409.85 feet; thence north 0 degrees, 53 minutes east a distance of 890.25 feet; thence north 89 degrees, 25 minutes east a distance of 396 feet; thence north 0 degrees, 00 minutes east a distance of 160 feet; thence north 89 degrees, 25 minutes east a distance of 160 feet; thence north 0 degrees, 00 minutes east a distance of 930 feet; thence south 89 degrees, 25 minutes west a distance of 480 feet; thence north 9 degrees, 18 minutes west a distance of 367.51 feet; thence south 79 degrees, 13 minutes east a distance of 1017.65 feet; thence south 42 degrees, 54 minutes east a distance of 220 feet; thence south 17 degrees, 13 minutes east a distance of 580.15 feet; thence south 0 degrees, 58 minutes west a distance of 586.0 feet; thence south 37 degrees, 44 minutes east a distance of 111.0 feet; thence south 0 degrees, 00 minutes west a distance of 750 feet to the point of beginning; excepting lots 49, 50, 77 and 78 in the plat of Pibel Lake, a total of 53.4 acres.

Source: Laws 2012, LB849, § 1.
Effective date March 15, 2012.

90-280 Property conveyed to Lower Loup Natural Resources District; operation and maintenance.

(1) Property conveyed by the Game and Parks Commission pursuant to section 90-279 shall be operated and maintained as follows:

(a) The property shall be maintained so as to appear attractive and inviting to the public;

(b) Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards;

(c) The property shall be kept reasonably open, accessible, and safe for public use. Fire prevention and similar activities shall be maintained for proper public safety;

(d) Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use, including the maintenance of the area's federally funded public boating access facilities existing on the property, which is specially assigned and required through 2024; and

(e) The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.

(2) The Lower Loup Natural Resources District shall be responsible for compliance and enforcement of the requirements set forth in subsection (1) of this section.

Source: Laws 2012, LB849, § 2.
Effective date March 15, 2012.

**ARTICLE 3
CAPITOL ENVIRONS**

Section

90-303. Nebraska State Capitol Environs District; maximum height restrictions; enforcement; exemptions; city of Lincoln; powers and duties.

Section

90-309. Nebraska State Capitol Environs Commission; annual meeting; report.

90-303 Nebraska State Capitol Environs District; maximum height restrictions; enforcement; exemptions; city of Lincoln; powers and duties.

(1) The maximum height of any buildings and structures built after March 8, 1977, shall be restricted as follows:

(a) The maximum height of buildings and structures shall be forty-five feet or National Geodetic Survey elevation 1235.0 feet, whichever is lower, within an area bounded on the west by Seventeenth Street, on the north by K Street, on the east by a boundary formed by a line extending in a true south direction as an extension of the east property line of Twenty-fourth Street, and on the south by a boundary formed by a line extending directly in a true east direction to the east property line of Twenty-fourth Street from the centerpoint of the intersection of Seventeenth and H Streets, all streets in the city of Lincoln, Lancaster County, Nebraska;

(b) The maximum height of buildings and structures shall be forty-five feet or National Geodetic Survey elevation 1235.0 feet, whichever is lower, within an area bounded on the west by Fourteenth Street, on the north by G Street, on the east by Sixteenth Street, and on the south by Washington Street, all streets in the city of Lincoln, Lancaster County, Nebraska;

(c) The maximum height of the buildings and structures shall be fifty-seven feet or National Geodetic Survey elevation 1247.0 feet, whichever is lower, within an area bounded on the west by Thirteenth Street, on the north by L Street, on the east by Seventeenth Street, and on the south by G Street, all streets in the city of Lincoln, Lancaster County, Nebraska;

(d) The maximum height of the buildings and structures shall be fifty-seven feet or National Geodetic Survey elevation 1247.0 feet, whichever is lower, within an area bounded on the west by Fourteenth Street, on the north by S Street, on the east by Sixteenth Street, and on the south by L Street, all streets in the city of Lincoln, Lancaster County, Nebraska; and

(e) The maximum height of the buildings and structures shall be fifty-seven feet or National Geodetic Survey elevation 1247.0 feet, whichever is lower, within an area bounded on the west by Fifth Street, on the north by K Street, on the east by Thirteenth Street, and on the south by H Street, all streets in the city of Lincoln, Lancaster County, Nebraska.

(2) For the purposes of the Nebraska State Capitol Environs Act, the areas and the full width of the right-of-way boundary streets described in subsections (1) and (3) of this section shall together constitute and be defined as the Nebraska State Capitol Environs District.

(3) Design approval shall be required for all aboveground utility, construction, and landscape improvements in the public right-of-way bounded on the north and south by the property lines of J Street, on the west by a boundary formed by a line extending in a true south direction as an extension of the east property line of Twenty-fourth Street, and on the east by a line extending in a true north direction as an extension of the east property line of Thirty-fifth Street.

(4) The city of Lincoln shall insure, through its inspection and permit procedures, that the maximum height restrictions and design review process

prescribed by this section for the Nebraska State Capitol Environs District are enforced.

(5) The height restrictions and design review process required by this section shall apply, within the Nebraska State Capitol Environs District, to all real estate in private or quasi-public ownership and to real estate owned by the State of Nebraska and local governmental units of all types.

(6) The following appurtenances shall be exempt from the height restrictions required by this section, but such appurtenances shall not exceed twenty feet in height above the maximum height permitted in subsection (1) of this section and shall be set back a minimum of fifteen feet from all faces of a building when such faces are adjacent to a street: Church spires, cooling towers with approved screening, elevator bulkheads, fire towers, monuments, stage towers or scenery lofts, ornamental towers, and spires.

(7) Nothing in the act shall be construed as limiting the authority of the city of Lincoln to impose lower height restrictions than those maximum height limits established by subsection (1) of this section or in establishing lower height restrictions for appurtenances than those required by subsection (6) of this section.

(8) The city of Lincoln shall review and approve or disapprove plans and proposals for demolition, exterior alteration, and construction of structures and other improvements in the Nebraska State Capitol Environs District. The city of Lincoln shall adopt regulations within its zoning code vesting responsibility for review, approval, and disapproval of projects with the Nebraska State Capitol Environs Commission established by the city of Lincoln.

(9) The regulations of the city of Lincoln for design review in the Nebraska State Capitol Environs District shall emphasize the long-term enhancement of the State Capitol's setting and of enjoyment of the State Capitol by the citizens while respecting the interests of property owners, including economic interests and the desirability of predictable, expeditious review.

Source: Laws 1977, LB 172, § 3; Laws 1993, LB 271, § 3; Laws 2002, LB 729, § 13; Laws 2009, LB450, § 1.

90-309 Nebraska State Capitol Environs Commission; annual meeting; report.

(1) The Nebraska State Capitol Environs Commission shall meet at least annually with the Nebraska Capitol Commission to discuss and coordinate projects that may impact the capitol and its surrounding environs pursuant to section 81-1108.38.

(2) The Nebraska State Capitol Environs Commission shall report each January to the city council and mayor of the city of Lincoln, to the Legislature, and to the Governor. The report submitted to the Legislature shall be submitted electronically. The report shall review the major decisions rendered during the preceding year and outline the rationale for the decisions. The report may also survey the status of the Nebraska State Capitol Environs District and make recommendations for its enhancement and protection.

Source: Laws 1993, LB 271, § 6; Laws 1999, LB 297, § 3; Laws 2012, LB782, § 249.

Operative date July 19, 2012.

**ARTICLE 5
APPROPRIATIONS**

Section

- 90-501. Transfer to Personnel Division Revolving Fund.
- 90-502. Transfer to Personnel Division Revolving Fund.
- 90-503. Transfer to Ethanol Production Incentive Cash Fund.
- 90-504. Transfer to Ethanol Production Incentive Cash Fund.
- 90-505. Repealed. Laws 2009, First Spec. Sess., LB 2, § 9.
- 90-506. Transfer to Water Resources Cash Fund.
- 90-507. Transfer to Water Resources Cash Fund.
- 90-508. Transfer to Ethanol Production Incentive Cash Fund.
- 90-509. Transfer to Ethanol Production Incentive Cash Fund.
- 90-510. Transfer to Property Tax Credit Cash Fund.
- 90-511. Transfer to Property Tax Credit Cash Fund.
- 90-512. Transfer to Joseph Soukup Trust Fund.
- 90-513. Transfer to Nebraska Cultural Preservation Endowment Fund.
- 90-514. Transfer to Nebraska Cultural Preservation Endowment Fund.
- 90-515. Transfer to Ethanol Production Incentive Cash Fund.
- 90-516. Transfer to Ethanol Production Incentive Cash Fund.
- 90-517. State aid for community college areas.
- 90-518. Legislative Council.
- 90-519. State Department of Education.
- 90-520. Fund Transfers.
- 90-535. Department of Health and Human Services; Public Assistance.
- 90-536. Department of Correctional Services; Operations.
- 90-537. Department of Economic Development; Tourism Promotion.
- 90-538. Cash Funds.

90-501 Transfer to Personnel Division Revolving Fund.

The State Treasurer shall transfer \$100,000 from the Department of Administrative Services Revolving Fund to the Personnel Division Revolving Fund, as soon as possible, on or after May 20, 2009.

Source: Laws 2009, LB316, § 1.

90-502 Transfer to Personnel Division Revolving Fund.

The State Treasurer shall transfer \$265,000 from the Accounting Division Revolving Fund to the Personnel Division Revolving Fund, as soon as possible, on or after May 20, 2009.

Source: Laws 2009, LB316, § 2.

90-503 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$2,500,000 from the General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2010, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivision (2)(g) of section 66-1345.04.

Source: Laws 2009, LB316, § 3.

90-504 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$2,500,000 from the General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the

Department of Administrative Services, pursuant to subdivision (2)(g) of section 66-1345.04.

Source: Laws 2009, LB316, § 4.

90-505 Repealed. Laws 2009, First Spec. Sess., LB 2, § 9.

90-506 Transfer to Water Resources Cash Fund.

The State Treasurer shall transfer \$2,700,000 from the General Fund to the Water Resources Cash Fund on or before June 30, 2010, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 61-218.

Source: Laws 2009, LB316, § 6.

90-507 Transfer to Water Resources Cash Fund.

The State Treasurer shall transfer \$2,700,000 from the General Fund to the Water Resources Cash Fund on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 61-218.

Source: Laws 2009, LB316, § 7.

90-508 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$8,250,000 from the General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2010, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivision (2)(j) of section 66-1345.04.

Source: Laws 2009, LB316, § 8.

90-509 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$3,000,000 from the General Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivision (2)(k) of section 66-1345.04.

Source: Laws 2009, LB316, § 9.

90-510 Transfer to Property Tax Credit Cash Fund.

The State Treasurer shall transfer \$112,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 31, 2009, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services.

Source: Laws 2009, LB316, § 10.

90-511 Transfer to Property Tax Credit Cash Fund.

The State Treasurer shall transfer \$112,000,000 from the General Fund to the Property Tax Credit Cash Fund on or before December 31, 2010, on such date

as directed by the budget administrator of the budget division of the Department of Administrative Services.

Source: Laws 2009, LB316, § 11.

90-512 Transfer to Joseph Soukup Trust Fund.

The State Treasurer shall transfer \$100,000 from the Nebraska Health Care Cash Fund to the Joseph Soukup Trust Fund before July 1, 2009.

Source: Laws 2009, LB316, § 12.

90-513 Transfer to Nebraska Cultural Preservation Endowment Fund.

The State Treasurer shall transfer an amount as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivisions (3) and (4) of section 82-331, not to exceed \$500,000, from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31, 2009, or as soon thereafter as administratively possible.

Source: Laws 2009, LB316, § 13.

90-514 Transfer to Nebraska Cultural Preservation Endowment Fund.

The State Treasurer shall transfer an amount as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to subdivisions (3) and (4) of section 82-331, not to exceed \$500,000, plus an amount equal to unused transfer authority from the prior fiscal year, from the General Fund to the Nebraska Cultural Preservation Endowment Fund on December 31, 2010, or as soon thereafter as administratively possible.

Source: Laws 2009, LB316, § 14.

90-515 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$214,008 from the Agricultural Alcohol Fuel Tax Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2010, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 66-1334.

Source: Laws 2009, First Spec. Sess., LB2, § 5.

90-516 Transfer to Ethanol Production Incentive Cash Fund.

The State Treasurer shall transfer \$28,016 from the Agricultural Alcohol Fuel Tax Fund to the Ethanol Production Incentive Cash Fund on or before June 30, 2011, on such date as directed by the budget administrator of the budget division of the Department of Administrative Services, pursuant to section 66-1334.

Source: Laws 2009, First Spec. Sess., LB2, § 6.

90-517 State aid for community college areas.

(1) Notwithstanding any other provision of law, state aid for each community college area for fiscal year 2010-11 shall equal:

(a) For the Central Community College Area, \$8,289,499;

§ 90-517

SPECIAL ACTS

- (b) For the Metropolitan Community College Area, \$18,389,499;
 - (c) For the Mid-Plains Community College Area, \$8,251,373;
 - (d) For the Northeast Community College Area, \$12,784,454, including \$38,815 for Nebraska Indian Community College and \$13,120 for Little Priest Tribal College;
 - (e) For the Southeast Community College Area, \$27,133,220; and
 - (f) For the Western Community College Area, \$11,909,980.
- (2) Notwithstanding any other provision of law, state aid for each community college area for fiscal years 2011-12 and 2012-13 shall equal the amount of state aid appropriated by the Legislature for the respective fiscal year multiplied by the following percentage for each community college area:
- (a) For the Central Community College Area, eight and eighty-six hundredths percent;
 - (b) For the Metropolitan Community College Area, twenty-six and fifty-one hundredths percent;
 - (c) For the Mid-Plains Community College Area, nine and five-hundredths percent;
 - (d) For the Northeast Community College Area, fourteen and four-hundredths percent. Of such amount provided for the Northeast Community College Area, one-tenth of one percent shall be provided for Nebraska Indian Community College and two-tenths of one percent for Little Priest Tribal College;
 - (e) For the Southeast Community College Area, twenty-eight and twenty-seven hundredths percent; and
 - (f) For the Western Community College Area, thirteen and twenty-seven hundredths percent.
- (3) The Department of Administrative Services shall distribute the amounts provided in subsection (1) or (2) of this section for the respective fiscal year to each community college area in ten as nearly as possible equal monthly payments between the fifth and the twentieth day of each month beginning in September of each year.

Source: Laws 2010, LB1072, § 10; Laws 2011, LB59, § 8; Laws 2012, LB946, § 24.
 Effective date February 14, 2012.

90-518 Legislative Council.

AGENCY NO. 3 — LEGISLATIVE COUNCIL

Program No. 122 - Legislative Services

	FY2009-10	FY2010-11
GENERAL FUND	8,141,163	8,209,452
CASH FUND	194,480	209,174
FEDERAL FUND est.	39,270	39,270
PROGRAM TOTAL	8,374,913	8,457,896
SALARY LIMIT	6,072,714	6,222,174

There is included in the appropriation to this program for FY2009-10 \$84,802 Cash Funds and for FY2010-11 \$100,000 Cash Funds from the Nebraska Health Care Cash Fund for the purpose of ongoing health-related research and public policy development by the Health and Human Services Committee of the

APPROPRIATIONS

§ 90-519

Legislature. Such funds may be used for, but shall not be limited to, hiring temporary legal research assistance, consulting and research contracts, reimbursement for necessary and appropriate expenses incurred in connection with such research and policy development, and actual and necessary travel reimbursement for task forces and committees established to conduct health policy work.

The unexpended General Fund appropriation balance existing on June 30, 2009, less \$59,448, is hereby reappropriated.

The unexpended Cash Fund appropriation balance existing on June 30, 2009, less \$206,692, is hereby reappropriated and less \$184,802 from the Nebraska Health Care Cash Fund.

Source: Laws 2009, First Spec. Sess., LB1, § 15; Laws 2010, LB935, § 20; Laws 2010, LB987A, § 2.

90-519 State Department of Education.

AGENCY NO. 13 — STATE DEPARTMENT OF EDUCATION

Program No. 158 - Education Aid

	FY2009-10	FY2010-11
GENERAL FUND	1,034,668,501	1,004,011,278
CASH FUND	3,290,938	3,290,938
FEDERAL FUND est.	373,683,935	431,176,314
PROGRAM TOTAL	1,411,643,374	1,438,478,530

There is included in the appropriation to this program for FY2009-10 \$1,034,668,501 General Funds, \$3,290,938 Cash Funds, and \$373,683,935 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2010-11 \$1,004,011,278 General Funds, \$3,290,938 Cash Funds, and \$431,176,314 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the amount shown for FY2009-10 \$824,960,159 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY2010-11 \$795,941,720 General Funds which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for FY2009-10 \$93,668,750 Federal Funds estimate pursuant to the American Recovery and Reinvestment Act of 2009 which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act. There is included in the amount shown for FY2010-11 \$140,287,176 Federal Funds estimate pursuant to the American Recovery and Reinvestment Act of 2009 which are hereby appropriated to the Tax Equity and Educational Opportunities Fund, which fund is hereby appropriated to provide state aid to public school districts pursuant to the Tax Equity and Educational Opportunities Support Act.

There is included in the amount shown for this program \$184,893,842 General Funds provided as state aid for FY2009-10 for special education reimbursement. There is included in the amount shown for this program \$184,893,842 General Funds provided as state aid for FY2010-11 for special education reimbursement.

There is included in the amount shown for this program \$487,500 General Funds provided as state aid for FY2009-10 and \$465,500 General Funds provided as state aid for FY2010-11 to carry out the provisions of subsection (2) of section 79-734.

There is included in the amount shown for this program \$3,604,328 General Funds provided as state aid for FY2009-10 and \$3,365,962 General Funds provided as state aid for FY2010-11 for early childhood education projects.

There is included in the amount shown for this program \$11,858,793 General Funds provided as state aid for FY2009-10 and \$11,040,536 General Funds provided as state aid for FY2010-11 for core services for educational service units.

There is included in the amount shown for this program \$3,700,477 General Funds provided as state aid for FY2009-10 and \$3,445,144 General Funds provided as state aid for FY2010-11 for technology infrastructure for educational service units.

There is included in the amount shown for this program \$328,300 General Funds provided as state aid for FY2009-10 and \$305,647 General Funds provided as state aid for FY2010-11 for distance education aid to educational service units.

There is included in the amount shown for this program \$2,336,921 General Funds provided as state aid for FY2009-10 and \$2,175,673 General Funds provided as state aid for FY2010-11 for programs for learners with high ability.

There is included in the amount shown for this program \$412,811 General Funds provided as state aid for FY2009-10 and \$438,283 General Funds provided as state aid for FY2010-11 for the school breakfast program.

There is included in the amount shown for this program \$410,560 General Funds provided as state aid for FY2009-10 and \$392,032 General Funds provided as state aid for FY2010-11 for the school lunch program.

There is included in the amount shown for this program \$224,810 General Funds provided as state aid for FY2009-10 and \$214,664 General Funds provided as state aid for FY2010-11 for adult basic education programs.

There is included in the amount shown for this program \$450,000 General Funds provided as state aid for FY2009-10 and \$450,000 General Funds provided as state aid for FY2010-11 for the Career Education Partnership Act.

There is included in the amount shown for this program \$1,000,000 General Funds provided as state aid for FY2009-10 and \$882,275 General Funds provided as state aid for FY2010-11 for learning community aid.

On or before October 1 of each year, the Department of Health and Human Services and the State Department of Education shall jointly certify to the budget administrator of the budget division of the Department of Administrative Services the amount of federal medicaid funds paid to school districts pursuant to the Early Intervention Act for special education services for children age five years and older. The General Fund appropriation to the State Department of Education, Program 158, for state special education aid shall be

APPROPRIATIONS

§ 90-520

decreased by an amount equal to the amount that would have been reimbursed with state General Funds to the school districts through the special education reimbursement process for special education services for children age five years and older that was paid to school districts or approved cooperatives with federal medicaid funds. There is hereby appropriated from the General Fund an amount equal to the amount certified to the budget administrator for FY2009-10 and FY2010-11 to the Department of Health and Human Services to aid in carrying out the provisions of Laws 1991, LB 701. The budget administrator shall distribute the amount appropriated between budget programs according to percentages certified by the Department of Health and Human Services.

Notwithstanding other provisions of this act, all appropriations within this program existing on June 30, 2009, in excess of expended or encumbered amounts are hereby lapsed.

The unexpended General Fund appropriation balance existing on June 30, 2010, less \$47,596, is hereby reappropriated.

Source: Laws 2010, LB935, § 128; Laws 2010, LB937A, § 1; Laws 2011, LB373, § 33.

Cross References

Early Intervention Act, see section 43-2501.

Tax Equity and Educational Opportunities Support Act, see section 79-1001.

90-520 Fund Transfers.

FUND TRANSFERS

The State Treasurer shall, on or before June 30 in each fiscal year on such dates as directed by the budget administrator of the budget division of the Department of Administrative Services, transfer the amounts shown in this section to the General Fund from the specified cash funds:

AG#	Fund Name	FY2009-10	FY2010-11
3	Clerk of the Legislature Cash Fund	1,220	145,539
3	Nebraska Legislative Shared Information System Cash Fund	10,505	11,009
5	Supreme Court Automation Cash Fund	0	201,502
5	Probation Program Cash Fund	0	479,572
9	Administration Cash Fund	3,890	7,977
9	Corporation Cash Fund	16,055	32,762
9	Records Management Cash Fund	71,543	118,154
9	Uniform Commercial Code Cash Fund	28,706	58,366
9	Nebraska Collection Agency Fund	2,023	4,156
11	State Settlement Cash Fund	26,587	53,896
12	Unclaimed Property Cash Fund	16,060	32,866
12	Treasury Management Cash Fund	16,711	34,177
12	Educational Savings Plan Administrative Fund	1,262,619	0
12	College Savings Plan Expense Fund	0	25,636
13	Professional Practices Commission Fund	3,773	6,485
13	State Department of Education Cash Fund	47,605	97,468
14	Municipal Rate Negotiations Revolving Loan Fund	43,253	87,175
14	Nebraska Competitive Telephone Marketplace Fund	225	100
14	Nebraska Telecommunications Relay System Fund	39,931	80,016

2719

2012 Cumulative Supplement

§ 90-520

SPECIAL ACTS

AG#	Fund Name	FY2009-10	FY2010-11
14	Enhanced Wireless 911 Fund	3,400,000	0
14	Grain Warehouse Auditing Fund	725	1,590
14	Nebraska Grain Warehouse Surveillance Cash Fund	242	530
14	Nebraska Internet Enhancement Fund	1,819	3,663
16	Charitable Gaming Operations Fund	556,734	116,817
16	Motor Fuel Tax Enforcement and Collection Cash Fund	905,300	94,700
16	Petroleum Release Remedial Action Collection Fund	3,748	7,800
16	Department of Revenue Miscellaneous Receipts Fund	1,717	3,453
16	Department of Revenue Property Assessment Division Cash Fund	1,250,000	1,000,000
16	Marijuana and Controlled Substances Tax Administration Cash Fund	578	1,162
16	Department of Revenue Enforcement Fund	27,919	56,151
16	Waste Reduction and Recycling Incentive Fees Collection Fund	1,328	2,671
16	Severance Tax Administration Fund	100,000	0
16	Nebraska Incentives Fund	7,748	15,583
16	Tobacco Products Administration Cash Fund	500,000	500,000
16	State Athletic Commissioner's Cash Fund	300,000	0
17	Department of Aeronautics Cash Fund	87,127	154,510
18	Buffer Strip Incentive Fund	150,000	48,002
18	Commercial Feed Administration Cash Fund	650,000	0
18	Weed Book Cash Fund	19,999	19,997
18	Nebraska Seed Administrative Cash Fund	20,001	20,001
18	Pure Food Cash Fund	0	29,998
18	Weights and Measures Administrative Fund	20,027	19,997
19	Securities Act Cash Fund	4,286,041	17,322,121
21	Nebraska Natural Gas Pipeline Safety Cash Fund	200,000	0
21	State Fire Marshal Cash Fund	140,429	84,009
21	Training Division Cash Fund	566	1,135
21	Underground Storage Tank Fund	100,000	0
22	Department of Insurance Cash Fund	3,000,000	5,500,000
24	Motorcycle Safety Education Fund	4,583	9,650
24	Department of Motor Vehicles Cash Fund	1,174,344	328,407
25	Professional and Occupational Credentialing Cash Fund	126,959	258,672
25	Rural Health Professional Incentive Fund	38,600	77,201
25	Tobacco Prevention and Control Cash Fund	75,150	650,300
25	Health and Human Services Cash Fund	3,419,720	2,559,140
27	State Recreation Road Fund	378,306	1,064,006
29	Small Watersheds Flood Control Fund	12,500	25,000
29	Nebraska Soil and Water Conservation Fund	10,125	20,250
29	Nebraska Resources Development Fund	1,250	2,500
29	Natural Resources Water Quality Fund	31,250	62,500
29	Water Well Decommissioning Fund	6,021	12,042
29	Department of Natural Resources Cash Fund	12,456	24,913
29	Water Resources Cash Fund	75,000	150,000
30	Electrical Division Fund	160,430	203,396
31	Military Department Cash Fund	11,415	22,829
32	Surveyors' Cash Fund	90	176
32	Survey Record Repository Fund	500	975

APPROPRIATIONS			§ 90-520
AG#	Fund Name	FY2009-10	FY2010-11
33	Nebraska Outdoor Recreation Development Cash Fund	378,307	1,064,007
33	Nebraska Snowmobile Trail Cash Fund	250,000	0
33	Niobrara Council Fund	25	50
35	Nebraska Liquor Control Commission Rule and Regulation Cash Fund	1,861	3,722
37	Compensation Court Cash Fund	1,000,000	1,000,000
40	Nebraska Motor Vehicle Industry Licensing Fund	17,477	35,988
41	State Real Estate Commission's Fund	27,887	57,449
45	Board of Barber Examiners Fund	17,261	7,739
46	Department of Correctional Services Facility Cash Fund	2,388	4,775
47	State Educational Telecommunications Fund	6,388	12,777
48	Coordinating Commission for Postsecondary Education Cash Fund	251	502
53	Real Property Appraiser Fund	35,441	14,559
54	Historical Society Fund	43,425	92,400
57	Oil and Gas Conservation Fund	19,719	39,503
58	Engineers and Architects Regulation Fund	169,464	39,745
59	Geologists Regulation Fund	812	1,650
62	Land Surveyor Examiner's Fund	747	1,494
63	Certified Public Accountants Fund	78,310	21,690
64	Carrier Enforcement Cash Fund	446,890	459,035
64	Nebraska State Patrol Drug Control and Education Cash Fund	36,500	74,450
65	Communications Cash Fund	115,307	229,771
65	Vacant Building and Excess Land Cash Fund	6,038	12,075
65	State Building Renewal Assessment Fund	12,007	23,958
65	Resource Recovery Fund	1,677	3,353
65	Capitol Restoration Cash Fund	931	1,863
66	Abstracters Board of Examiners Cash Fund	1,151	2,368
71	State Energy Office Cash Fund	10,655	20,307
71	School Weatherization Fund	756	1,510
72	Local Civic, Cultural, and Convention Center Financing Fund	16,250	32,500
72	Job Training Cash Fund	5,000,340	680
72	Administrative Cash Fund	6,112	12,242
72	Nebraska Agricultural Products Research Fund	375	750
72	Affordable Housing Trust Fund	340	1,609,680
73	State Board of Landscape Architects Cash Fund	572	1,143
74	Nebraska Power Review Fund	10,052	20,583
78	Community Corrections Uniform Data Analysis Cash Fund	12,914	21,364
78	Nebraska Law Enforcement Training Center Cash Fund	16,039	32,456
78	Law Enforcement Improvement Fund	12,051	24,145
81	Commission for the Blind and Visually Impaired Cash Fund	1,461	4,531
82	Commission for the Deaf and Hard of Hearing Fund	148	672
84	Chemigation Costs Fund	150,000	0
84	Livestock Waste Management Cash Fund	200,000	100,000
84	Waste Reduction and Recycling Incentive Fund	1,608,863	1,517,501
84	Superfund Cost Share Cash Fund	64,686	0
	2721	2012 Cumulative Supplement	

§ 90-520

SPECIAL ACTS

AG#	Fund Name	FY2009-10	FY2010-11
87	Nebraska Accountability and Disclosure Commission Cash Fund	4,095	8,423
87	Campaign Finance Limitation Cash Fund	21,588	48,495
93	Tax Equalization and Review Commission Cash Fund	77,500	5,000
94	Commission on Public Advocacy Operations Cash Fund	258,374	288,247

Source: Laws 2010, LB197, § 8; Laws 2010, LB935, § 129.

90-535 Department of Health and Human Services; Public Assistance.

AGENCY NO. 25 — DEPARTMENT OF HEALTH AND HUMAN SERVICES

Program No. 347 - Public Assistance

	FY2011-12	FY2012-13
GENERAL FUND	266,818,578	108,524,785
CASH FUND	6,044,444	3,310,000
FEDERAL FUND est.	141,003,570	103,663,429
PROGRAM TOTAL	413,866,592	215,498,214

There is included in the appropriation to this program for FY2011-12 \$266,818,578 General Funds, \$6,044,444 Cash Funds, and \$141,003,570 Federal Funds estimate for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2012-13 \$108,524,785 General Funds, \$3,310,000 Cash Funds, and \$103,663,429 Federal Funds estimate for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2011-12 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program. There is included in the appropriation to this program for FY2012-13 \$810,000 Cash Funds from the Nebraska Health Care Cash Fund for state aid to aid in carrying out the Nebraska Lifespan Respite Services Program and to provide payment to caregivers to purchase services under the respite subsidy program.

There is included in the appropriation to this program for FY2011-12 \$2,734,444 Cash Funds from the Nebraska Health Care Cash Fund for state aid for the continuation of the behavioral health provider rate increase.

If Legislative Bill 985A, One Hundred Second Legislature, Second Session, 2012, becomes law, the reduction to the FY2012-13 General Fund appropriation to Program 347 contained in Legislative Bill 985A, One Hundred Second Legislature, Second Session, 2012, shall not be made in Program 347 but shall be reduced from Program 354.

If Legislative Bill 993A, One Hundred Second Legislature, Second Session, 2012, becomes law, the FY2012-13 and FY2013-14 General Fund appropriations to Program 347 contained in Legislative Bill 993A, One Hundred Second Legislature, Second Session, 2012, shall be transferred to Program 354 and are hereby appropriated.

If Legislative Bill 820A, One Hundred Second Legislature, Second Session, 2012, becomes law, the FY2012-13 and FY2013-14 General Fund appropriations to Program 347 contained in Legislative Bill 820A, One Hundred Second

APPROPRIATIONS

§ 90-536

Legislature, Second Session, 2012, shall be transferred to Program 354 and are hereby appropriated.

If the home visitation program earmark contained in section 47, Legislative Bill 968, One Hundred Second Legislature, Second Session, 2012, becomes law, the earmark shall transfer to Program 354.

There is included in the appropriation to this program for FY2011-12 \$500,000 General Funds for home visitation programs. There is included in the appropriation to this program for FY2012-13 \$750,000 General Funds for an increase for home visitation programs receiving funds in FY2011-12.

Source: Laws 2012, LB949A, § 2; Laws 2012, LB968, § 47; Laws 2012, LB985A, § 5.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB968, section 47, with LB949A, section 2, and LB985A, section 5, to reflect all amendments.

Note: Changes made by LB968 became effective April 3, 2012. Changes made by LB985A became effective April 6, 2012. Changes made by LB949A became effective April 10, 2012.

90-536 Department of Correctional Services; Operations.

AGENCY NO. 46 — DEPARTMENT OF CORRECTIONAL SERVICES

Program No. 200 - Operations

	FY2011-12	FY2012-13
GENERAL FUND	156,031,016	156,768,354
CASH FUND	1,741,500	1,741,500
FEDERAL FUND est.	1,732,408	1,738,680
REVOLVING FUND est.	18,229,738	18,309,400
PROGRAM TOTAL	177,734,662	178,557,934
SALARY LIMIT	89,564,114	90,327,675

The unexpended General Fund and Cash Fund appropriation balances existing on June 30, 2011, are hereby reappropriated.

Included in the salary limitations provided by this section is \$3,441,193 for FY2011-12 and \$3,441,193 for FY2012-13 for Revolving Fund salaries for program classifications 390 and 563, that shall not be limited to the amounts shown.

The Department of Administrative Services shall monitor the appropriations and expenditures for this program according to the following program classifications:

- No. 260 - Nebraska Correctional Youth Facility
- No. 300 - Tecumseh Correctional Center
- No. 368 - Lincoln Community Corrections Center
- No. 369 - Omaha Community Corrections Center
- No. 370 - Central Office
- No. 372 - Nebraska State Penitentiary
- No. 373 - Nebraska Center for Women - York
- No. 375 - Diagnostic and Evaluation Center
- No. 376 - Lincoln Correctional Center
- No. 377 - Omaha Correctional Center
- No. 386 - McCook Incarceration Work Camp
- No. 389 - Adult Parole Administration

- No. 390 - Federal Surplus Property
- No. 495 - Department Central Warehouse
- No. 563 - Correctional Industries

Revolving Fund expenditures shall not be limited to the amounts shown.

It is intended that the Department of Correctional Services shall maintain a Department Contingency Fund and a Department Equipment Fund.

Source: Laws 2012, LB599A, § 3; Laws 2012, LB793A, § 1.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB599A, section 3, with LB793A, section 1, to reflect all amendments.

Note: Changes made by LB599A became effective April 19, 2012. Changes made by LB793A became effective July 19, 2012.

90-537 Department of Economic Development; Tourism Promotion.

AGENCY NO. 72 — DEPARTMENT OF ECONOMIC DEVELOPMENT

Program No. 618 - Tourism Promotion

	FY2011-12	FY2012-13
GENERAL FUND	250,000	-0-
CASH FUND	4,214,556	-0-
FEDERAL FUND est.	959,815	-0-
PROGRAM TOTAL	5,424,371	-0-
SALARY LIMIT	712,821	-0-

The unexpended General Fund appropriation balance existing on June 30, 2011, is hereby reappropriated. The unexpended General, Cash, and Federal Fund appropriation balances existing on June 30, 2012, are hereby reappropriated to Agency 91, Program 618.

There is included in the appropriation to this program for FY2011-12 \$102,600 Cash Funds for state aid, which shall only be used for such purpose. There is included in the appropriation to this program for FY2012-13 \$-0- Cash Funds for state aid, which shall only be used for such purpose.

There is included in the appropriation to this program for FY2011-12 \$250,000 General Funds, which shall be used by the Department of Economic Development for advertising, marketing, and promotional efforts for tourism activities and travel destinations. Such promotional activities shall be representative of the statewide tourism economy and targeted toward external markets in an effort to bring outside capital into the state. There is included in the appropriation to this program for FY2012-13 \$-0- General Funds, which shall be used by the Department of Economic Development for advertising, marketing, and promotional efforts for tourism activities and travel destinations. Such promotional activities shall be representative of the statewide tourism economy and targeted toward external markets in an effort to bring outside capital into the state.

There is included in the appropriation to this program \$250,000 Cash Funds for FY2011-12 to provide funding for promotional and visitor development activities related to the hosting of an Olympic Team Trial event and a United States National Championship event by a city of the metropolitan class.

Source: Laws 2012, LB968, § 61; Laws 2012, LB1053A, § 1.

Note: Changes made by LB968 became effective April 3, 2012. Changes made by LB1053A became operative July 1, 2012.

90-538 Cash Funds.

CASH FUNDS.

The receipts for FY2011-12 and FY2012-13 inuring to the several Cash Funds, together with any amounts held in account by the State Treasurer on June 30, 2011, are hereby credited to each of the funds respectively.

Expenditure of Cash Funds appropriated in this act shall be limited to the amount shown by program except when specific exceptions are made. The amounts appropriated in this act include the following funds:

(1) Legislative Council: Nebraska Legislative Shared Information System Cash Fund, Donations/Contributions Cash Fund, Nebraska Health Care Cash Fund;

(2) Supreme Court: Supreme Court Reports Cash Fund, Probation Program Cash Fund, Probation Cash Fund, State Probation Contractual Services Cash Fund, Dispute Resolution Cash Fund, Counsel for Discipline Cash Fund, Supreme Court Education Fund, Supreme Court Automation Cash Fund, Parenting Act Fund;

(3) Governor: Governor's Policy Research Cash Fund;

(4) Secretary of State: Nebraska Collection Agency Fund, Records Management Cash Fund, Secretary of State Administration Cash Fund, Uniform Commercial Code Cash Fund, Corporation Cash Fund, Election Administration Fund;

(5) Auditor of Public Accounts: Cooperative Audit Cash Fund;

(6) Attorney General: Motor Vehicle Fraud Cash Fund, Department of Justice Natural Resources Enforcement Fund, State Settlement Cash Fund, Nebraska Health Care Cash Fund, State DNA Sample and Data Base Fund, State Medicaid Fraud Control Unit Cash Fund;

(7) State Treasurer: State Treasurer Administrative Fund, Unclaimed Property Cash Fund, Mutual Finance Assistance Fund, College Savings Plan Administrative Fund, College Savings Plan Expense Fund, Convention Center Support Fund, State Disbursement Unit Cash Fund, Treasury Management Cash Fund, Sports Arena Facility Support Fund;

(8) State Department of Education: State Department of Education Cash Fund, Certification Fund, Professional Practices Commission Fund, Tax Equity and Educational Opportunities Fund, Education Innovation Fund, School Technology Fund, Tuition Recovery Cash Fund, Private Postsecondary Career Schools Cash Fund, Excellence in Teaching Cash Fund, School District Reorganization Fund;

(9) Public Service Commission: Nebraska Grain Warehouse Surveillance Cash Fund, Nebraska Telecommunications Relay System Fund, Public Service Commission Housing and Recreational Vehicle Cash Fund, Nebraska Telecommunications Universal Service Fund, Nebraska Internet Enhancement Fund, Nebraska Competitive Telephone Marketplace Fund, Enhanced Wireless 911 Fund, Moisture Testing Examination Fund, Grain Warehouse Auditing Fund, Municipal Rate Negotiations Revolving Loan Fund, Public Service Commission Pipeline Regulation Fund;

(10) Department of Revenue: Department of Revenue Enforcement Fund, State Lottery Operation Cash Fund, Marijuana and Controlled Substances Tax Administration Cash Fund, Department of Revenue Contractor Enforcement Fund, Waste Reduction and Recycling Incentive Fees Collection Fund, Petroleum Release Remedial Action Collection Fund, Litter Fee Collection Fund,

Severance Tax Administration Fund, Department of Revenue Miscellaneous Receipts Fund, Charitable Gaming Operations Fund, Tobacco Products Administration Cash Fund, Nebraska Incentives Fund, Motor Fuel Tax Enforcement and Collection Cash Fund, Nebraska Health Care Cash Fund, State Athletic Commissioner's Cash Fund, Department of Revenue Property Assessment Division Cash Fund, Property Tax Credit Cash Fund, Energy Conservation Improvement Fund, Nebraska Advantage Transformational Tourism and Redevelopment Act Cash Fund;

(11) Department of Aeronautics: Department of Aeronautics Cash Fund;

(12) Department of Agriculture: Fertilizers and Soil Conditioners Administrative Fund, Commercial Feed Administration Cash Fund, Pure Milk Cash Fund, Soil and Plant Analysis Laboratory Cash Fund, Livestock Auction Market Fund, Nebraska Potato Development Fund, Graded Egg Fund, Weights and Measures Administrative Fund, Nebraska Poultry and Egg Development, Utilization, and Marketing Fund, Agricultural Products Marketing Information Cash Fund, Manufacturing Milk Cash Fund, Pure Food Cash Fund, Nebraska Agricultural Products Marketing Cash Fund, State Apiary Cash Fund, Pseudorabies Control Cash Fund, Weed Book Cash Fund, Pesticide Administrative Cash Fund, Nebraska Seed Administrative Cash Fund, Plant Protection and Plant Pest Cash Fund, Tractor Permit Cash Fund, Nebraska Origin and Premium Quality Grain Cash Fund, Animal Damage Control Cash Fund, Noxious Weed Cash Fund, Buffer Strip Incentive Fund, Winery and Grape Producers Promotional Fund, Commercial Dog and Cat Operator Inspection Program Cash Fund, Domesticated Cervine Animal Cash Fund, Anthrax Control Act Cash Fund;

(13) Department of Banking and Finance: Financial Institution Assessment Cash Fund, Securities Act Cash Fund, Banking Settlement Cash Fund;

(14) State Fire Marshal: Nebraska Natural Gas Pipeline Safety Cash Fund, State Fire Marshal Cash Fund, Underground Storage Tank Fund, Training Division Cash Fund, Reduced Cigarette Ignition Propensity Fund;

(15) Department of Insurance: Department of Insurance Cash Fund;

(16) Department of Labor: Employment Security Special Contingent Fund, Farm Labor Contractors Fund, Contractor Registration Cash Fund, Boiler Inspection Cash Fund, Mechanical Safety Inspection Fund, Professional Employer Organization Cash Fund;

(17) Department of Motor Vehicles: Motor Carrier Division Cash Fund, Department of Motor Vehicles Cash Fund, License Plate Cash Fund, Motorcycle Safety Education Fund;

(18) Department of Health and Human Services: Health and Human Services Cash Fund, Veterans' Home Building Fund, Institution Cash Fund, Small Business Enterprises Cash Fund, School District Reimbursement Fund, Compulsive Gamblers Assistance Fund, Nebraska Child Abuse Prevention Fund, Nebraska Health Care Cash Fund, Children's Health Insurance Cash Fund, Childhood Care Cash Fund, University of Nebraska Medical Center Medical Education Revolving Fund, Behavioral Health Services Fund, Health and Human Services Reimbursement Fund, Professional and Occupational Credentialing Cash Fund, Rural Health Professional Incentive Fund, Organ and Tissue Donor Awareness and Education Fund, Tobacco Prevention and Control Cash Fund, Stem Cell Research Cash Fund;

APPROPRIATIONS**§ 90-538**

(19) Department of Roads: Highway Cash Fund, Grade Crossing Protection Fund, State Recreation Road Fund, Roads Operations Cash Fund, Midwest Interstate Passenger Rail Compact Cash Fund, Light-Density Rail Line Assistance Cash Fund;

(20) Department of Veterans' Affairs: Veteran Cemetery Construction Fund, Nebraska Veteran Cemetery System Operation Fund;

(21) Department of Natural Resources: Water Resources Cash Fund, Republican River Basin Water Sustainability Task Force Cash Fund, Small Watersheds Flood Control Fund, Nebraska Resources Development Fund, Nebraska Soil and Water Conservation Fund, Natural Resources Water Quality Fund, Water Well Decommissioning Fund, Carbon Sequestration Assessment Cash Fund, Water Resources Trust Fund, Department of Natural Resources Cash Fund;

(22) State Electrical Board: Electrical Division Fund;

(23) Military Department: Military Department Cash Fund, Governor's Emergency Cash Fund, Nebraska Emergency Management Agency Cash Fund, Nebraska Emergency Planning and Community Right to Know Cash Fund, Joint Operations Center Cash Fund;

(24) Board of Educational Lands and Funds: Surveyors' Cash Fund, Board of Educational Lands and Funds Cash Fund, Survey Record Repository Fund;

(25) Game and Parks Commission: State Game Fund, State Park Cash Revolving Fund, Nebraska Habitat Fund, Nebraska Aquatic Habitat Fund, Nebraska Snowmobile Trail Cash Fund, Nebraska Outdoor Recreation Development Cash Fund, Wildlife Conservation Fund, Nebraska Environmental Trust Fund, Cowboy Trail Fund, Game Law Investigation Cash Fund, Niobrara Council Fund, Nebraska Environmental Endowment Fund, Ferguson House Fund;

(26) Nebraska Library Commission: Nebraska Library Commission Cash Fund;

(27) Nebraska Liquor Control Commission: Nebraska Liquor Control Commission Rule and Regulation Cash Fund;

(28) State Racing Commission: Racing Commission's Cash Fund, Track Distribution Fund;

(29) Nebraska Workers' Compensation Court: Compensation Court Cash Fund;

(30) Nebraska Brand Committee: Nebraska Brand Inspection and Theft Prevention Fund;

(31) Nebraska Motor Vehicle Industry Licensing Board: Nebraska Motor Vehicle Industry Licensing Fund;

(32) State Real Estate Commission: State Real Estate Commission's Fund;

(33) Board of Barber Examiners: Board of Barber Examiners Fund;

(34) Department of Correctional Services: Department of Correctional Services Facility Cash Fund, Parole Program Cash Fund, Reentry Cash Fund;

(35) Nebraska Educational Telecommunications Commission: State Educational Telecommunications Fund, NEB*SAT Cash Fund;

(36) Coordinating Commission for Postsecondary Education: Coordinating Commission for Postsecondary Education Cash Fund, Nebraska Opportunity Grant Fund;

(37) Nebraska State Colleges: Chadron Cash Fund, Peru Cash Fund, Wayne Cash Fund, Chadron State College Designated Cash Fund, Peru State College Designated Cash Fund, Wayne State College Designated Cash Fund, Board of Trustees Cash Fund;

(38) University of Nebraska: University Cash Fund, Temporary University Fund, University of Nebraska at Omaha Cash Fund, University of Nebraska Medical Center Cash Fund, University of Nebraska at Kearney Cash Fund, University of Nebraska Central Administration Designated Cash Fund, University of Nebraska-Lincoln Designated Cash Fund, University of Nebraska at Omaha Designated Cash Fund, University of Nebraska Medical Center Designated Cash Fund, University of Nebraska at Kearney Designated Cash Fund;

(39) Nebraska State Fair Board: Antique Farm Machinery and Equipment Fund;

(40) Real Property Appraiser Board: Real Property Appraiser Fund;

(41) Nebraska State Historical Society: Historical Society Fund, Historical Landmark Cash Fund;

(42) Nebraska Wheat Development, Utilization, and Marketing Board: Nebraska Wheat Development, Utilization, and Marketing Fund;

(43) Nebraska Oil and Gas Conservation Commission: Oil and Gas Conservation Fund;

(44) Board of Engineers and Architects: Engineers and Architects Regulation Fund;

(45) Board of Geologists: Geologists Regulation Fund;

(46) Nebraska Ethanol Board: Agricultural Alcohol Fuel Tax Fund, Ethanol Production Incentive Cash Fund;

(47) Nebraska Dairy Industry Development Board: Nebraska Dairy Industry Development Fund;

(48) State Board of Examiners for Land Surveyors: Land Surveyor Examiner's Fund;

(49) Nebraska State Board of Public Accountancy: Certified Public Accountants Fund;

(50) Nebraska State Patrol: Nebraska State Patrol Cash Fund, Investigation Petty Cash Fund, Carrier Enforcement Cash Fund, Nebraska State Patrol Drug Control and Education Cash Fund, Public Safety Cash Fund, Nebraska State Patrol Vehicle Replacement Cash Fund, Nebraska Public Safety Communication System Cash Fund;

(51) Department of Administrative Services: Building Renewal Allocation Fund, State Building Renewal Assessment Fund, University Building Renewal Assessment Fund, State College Building Renewal Assessment Fund, Capitol Restoration Cash Fund, Vacant Building and Excess Land Cash Fund, Resource Recovery Fund, Tort Claims Fund, Information Technology Infrastructure Fund, Health and Life Benefit Administration Cash Fund, City of the Primary Class Development Fund, City of the Metropolitan Class Development Fund, World Day on the Mall Cash Fund;

(52) Abstracters Board of Examiners: Abstracters Board of Examiners Cash Fund;

(53) Commission on Latino-Americans: Hispanic Awareness Cash Fund, Commission on Latino-Americans Cash Fund;

APPROPRIATIONS**§ 90-538**

(54) Nebraska Arts Council: Nebraska Arts Council Cash Fund, Nebraska Arts and Humanities Cash Fund;

(55) State Foster Care Review Board: Foster Care Review Board Cash Fund;

(56) Foster Care Review Office: Foster Care Review Office Cash Fund;

(57) Nebraska Energy Office: School Weatherization Fund, State Energy Office Cash Fund;

(58) Department of Economic Development: Nebraska Agricultural Products Research Fund, Aerospace Museum Cash Fund, Job Training Cash Fund, Administrative Cash Fund, Affordable Housing Trust Fund, Comprehensive Housing Strategy Cash Fund, Economic Development Cash Fund, Civic and Community Center Financing Fund;

(59) State Board of Landscape Architects: State Board of Landscape Architects Cash Fund;

(60) Nebraska Power Review Board: Nebraska Power Review Fund;

(61) Nebraska Investment Council: State Investment Officer's Cash Fund;

(62) Nebraska Commission on Law Enforcement and Criminal Justice: Nebraska Law Enforcement Training Center Cash Fund, Law Enforcement Improvement Fund, Victim's Compensation Fund, Community Corrections Uniform Data Analysis Cash Fund, Violence Prevention Cash Fund, Nebraska Crime Victim Fund;

(63) Commission for the Blind and Visually Impaired: Commission for the Blind and Visually Impaired Cash Fund;

(64) Commission for the Deaf and Hard of Hearing: Commission for the Deaf and Hard of Hearing Fund;

(65) Department of Environmental Quality: Integrated Solid Waste Management Cash Fund, Nebraska Litter Reduction and Recycling Fund, Department of Environmental Quality Cash Fund, Chemigation Costs Fund, Low-Level Radioactive Waste Cash Fund, Petroleum Products and Hazardous Substances Storage and Handling Fund, Petroleum Release Remedial Action Cash Fund, Wastewater Treatment Operator Certification Cash Fund, Local Site Selection Cash Fund, Local Monitoring Committee Cash Fund, Waste Reduction and Recycling Incentive Fund, Wastewater Treatment Facilities Construction Loan Fund, Remedial Action Plan Monitoring Fund, Livestock Waste Management Cash Fund, Drinking Water Administration Fund, Clean Air Title V Cash Fund, Air Quality Permit Cash Fund, Superfund Cost Share Cash Fund, Private Onsite Wastewater Treatment System Certification and Registration Cash Fund, Solid Waste Landfill Closure Assistance Fund;

(66) Public Employees Retirement Board: School Expense Fund, Judges Expense Fund, State Patrol Expense Fund, Deferred Compensation Expense Fund, State Employees Retirement System Expense Fund, County Employees Retirement System Expense Fund, State Employer Retirement Expense Fund, County Employer Retirement Expense Fund, State Cash Balance Expense Fund, County Cash Balance Expense Fund;

(67) Dry Bean Commission: Dry Bean Development, Utilization, Promotion, and Education Fund;

(68) Nebraska Accountability and Disclosure Commission: Nebraska Accountability and Disclosure Commission Cash Fund, Campaign Finance Limitation Cash Fund;

(69) Corn Development, Utilization, and Marketing Board: Nebraska Corn Development, Utilization, and Marketing Fund;

(70) Community College Aid: Nebraska Community College Aid Cash Fund;

(71) Nebraska Tourism Commission: State Visitors Promotion Cash Fund;

(72) Grain Sorghum Development, Utilization, and Marketing Board: Grain Sorghum Development, Utilization, and Marketing Fund;

(73) Tax Equalization and Review Commission: Tax Equalization and Review Commission Cash Fund;

(74) Commission on Public Advocacy: Commission on Public Advocacy Operations Cash Fund, Legal Aid and Services Fund, Civil Legal Services Fund; and

(75) Commission on Indian Affairs: Designated Collection Fund.

Source: Laws 2012, LB968, § 65; Laws 2012, LB998A, § 2; Laws 2012, LB1053A, § 2.

Note: The Revisor of Statutes has pursuant to section 49-769 correlated LB968, section 65, with LB998A, section 2, and LB1053A, section 2, to reflect all amendments.

Note: Changes made by LB968 became effective April 3, 2012. Changes made by LB998A and LB1053A became operative July 1, 2012.

UNIFORM COMMERCIAL CODE

UNIFORM COMMERCIAL CODE

Article.

1. General Provisions.
 - Part 1. General Provisions. 1-101 to 1-110.
 - Part 2. General Definitions and Principles of Interpretation. 1-201 to 1-206.
 - Part 3. Territorial Applicability and General Rules. 1-301 to 1-310.
2. Sales.
 - Part 1. Short Title, General Construction, and Subject Matter. 2-103, 2-104.
 - Part 2. Form, Formation, and Readjustment of Contract. 2-202, 2-208.
 - Part 3. General Obligation and Construction of Contract. 2-310, 2-323.
 - Part 4. Title, Creditors, and Good Faith Purchasers. 2-401.
 - Part 5. Performance. 2-503 to 2-509.
 - Part 6. Breach, Repudiation, and Excuse. 2-605.
 - Part 7. Remedies. 2-705.
- 2A. Leases.
 - Part 1. General Provisions. 2A-103, 2A-104.
 - Part 2. Formation and Construction of Lease Contract. 2A-207.
 - Part 5. Default.
 - A. In General. 2A-501.
 - B. Default by Lessor. 2A-514 to 2A-519.
 - C. Default by Lessee. 2A-526 to 2A-528.
3. Negotiable Instruments.
 - Part 1. General Provisions and Definitions. 3-103 to 3-118.
 - Part 3. Enforcement of Instruments. 3-309.
 - Part 4. Liability of Parties. 3-416, 3-417.
4. Bank Deposits and Collections.
 - Part 1. General Provisions and Definitions. 4-104.
 - Part 2. Collection of Items: Depositary and Collecting Banks. 4-207 to 4-210.
- 4A. Funds Transfers.
 - Part 1. Subject Matter and Definitions. 4A-105, 4A-106.
 - Part 2. Issue and Acceptance of Payment Order. 4A-204.
5. Letters of Credit.
 - Part 1. General Provisions. 5-103.
7. Documents of Title.
 - Part 1. General. 7-101 to 7-106.
 - Part 2. Warehouse Receipts: Special Provisions. 7-201 to 7-210.
 - Part 3. Bills of Lading: Special Provisions. 7-301 to 7-309.
 - Part 4. Warehouse Receipts and Bills of Lading: General Obligations. 7-401 to 7-404.
 - Part 5. Warehouse Receipts and Bills of Lading: Negotiation and Transfer. 7-501 to 7-509.
 - Part 6. Warehouse Receipts and Bills of Lading: Miscellaneous Provisions. 7-601 to 7-603.
 - Part 7. Miscellaneous Provisions. 7-701 to 7-704.
8. Investment Securities.
 - Part 1. Short Title and General Matters. 8-103.
9. Secured Transactions.
 - Part 1. General Provisions.
 - Subpart 1. Short Title, Definitions, and General Concepts. 9-102, 9-105.
 - Part 2. Effectiveness of Security Agreement; Attachment of Security Interest; Rights of Parties to Security Agreement.
 - Subpart 1. Effectiveness and Attachment. 9-203.
 - Subpart 2. Rights and Duties. 9-207, 9-208.
 - Part 3. Perfection and Priority.
 - Subpart 1. Law Governing Perfection and Priority. 9-301 to 9-307.
 - Subpart 2. Perfection. 9-309 to 9-316.
 - Subpart 3. Priority. 9-317 to 9-338.

§ 1-101

UNIFORM COMMERCIAL CODE

Article.

- Part 4. Rights of Third Parties. 9-406, 9-408.
- Part 5. Filing.
 - Subpart 1. Filing Office; Contents and Effectiveness of Financing Statement. 9-502 to 9-518.
 - Subpart 2. Duties and Operation of Filing Office. 9-521 to 9-531.
- Part 6. Default.
 - Subpart 1. Default and Enforcement of Security Interest. 9-601, 9-607.
- Part 7. Transition. 9-705, 9-707.
- Part 8. Transition Provisions for 2011 Amendments. 9-801 to 9-809.
- 10. Effective Date and Repealer. 10-104.

ARTICLE 1

GENERAL PROVISIONS

Part 1. GENERAL PROVISIONS

Section

- 1-101. Short titles.
- 1-102. Scope of article.
- 1-103. Construction of Uniform Commercial Code to promote its purposes and policies; applicability of supplemental principles of law.
- 1-104. Construction against implied repeal.
- 1-105. Severability.
- 1-106. Use of singular and plural; gender.
- 1-107. Section captions.
- 1-108. Relation to Electronic Signatures in Global and National Commerce Act.
- 1-109. Repealed. Laws 2005, LB 570, § 116.
- 1-110. Repealed. Laws 2005, LB 570, § 116.

Part 2. GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

- 1-201. General definitions.
- 1-202. Notice; knowledge.
- 1-203. Lease distinguished from security interest.
- 1-204. Value.
- 1-205. Reasonable time; seasonableness.
- 1-206. Presumptions.

Part 3. TERRITORIAL APPLICABILITY AND GENERAL RULES

- 1-301. Territorial applicability; parties' power to choose applicable law.
- 1-302. Variation by agreement.
- 1-303. Course of performance, course of dealing, and usage of trade.
- 1-304. Obligation of good faith.
- 1-305. Remedies to be liberally administered.
- 1-306. Waiver or renunciation of claim or right after breach.
- 1-307. Prima facie evidence by third-party documents.
- 1-308. Performance or acceptance under reservation of rights.
- 1-309. Option to accelerate at will.
- 1-310. Subordinated obligations.

Part 1

GENERAL PROVISIONS

1-101 Short titles.

- (a) Sections 1-101 to 10-103 may be cited as the Uniform Commercial Code.
- (b) This article may be cited as Uniform Commercial Code—General Provisions.

Source: Laws 2005, LB 570, § 6.

1-102 Scope of article.

This article applies to a transaction to the extent that it is governed by another article of the Uniform Commercial Code.

Source: Laws 2005, LB 570, § 7.

1-103 Construction of Uniform Commercial Code to promote its purposes and policies; applicability of supplemental principles of law.

(a) The Uniform Commercial Code must be liberally construed and applied to promote its underlying purposes and policies, which are:

(1) to simplify, clarify, and modernize the law governing commercial transactions;

(2) to permit the continued expansion of commercial practices through custom, usage, and agreement of the parties; and

(3) to make uniform the law among the various jurisdictions.

(b) Unless displaced by the particular provisions of the Uniform Commercial Code, the principles of law and equity, including the law merchant and the law relative to capacity to contract, principal and agent, estoppel, fraud, misrepresentation, duress, coercion, mistake, bankruptcy, or other validating or invalidating cause supplement its provisions.

Source: Laws 2005, LB 570, § 8.

1-104 Construction against implied repeal.

The Uniform Commercial Code being a general act intended as a unified coverage of its subject matter, no part of it shall be deemed to be impliedly repealed by subsequent legislation if such construction can reasonably be avoided.

Source: Laws 2005, LB 570, § 9.

1-105 Severability.

If any provision or clause of the Uniform Commercial Code or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of the code are severable.

Source: Laws 2005, LB 570, § 10.

1-106 Use of singular and plural; gender.

In the Uniform Commercial Code, unless the statutory context otherwise requires:

(1) words in the singular number include the plural, and those in the plural include the singular; and

(2) words of any gender also refer to any other gender.

Source: Laws 2005, LB 570, § 11.

1-107 Section captions.

Section captions are part of the Uniform Commercial Code.

Source: Laws 2005, LB 570, § 12.

1-108 Relation to Electronic Signatures in Global and National Commerce Act.

This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, 15 U.S.C. section 7001 et seq., except that nothing in this article modifies, limits, or supersedes section 7001(c) of that act or authorizes electronic delivery of any of the notices described in section 7003(b) of that act.

Source: Laws 2005, LB 570, § 13.

1-109 Repealed. Laws 2005, LB 570, § 116.

1-110 Repealed. Laws 2005, LB 570, § 116.

Part 2

GENERAL DEFINITIONS AND PRINCIPLES OF INTERPRETATION

1-201 General definitions.

(a) Unless the context otherwise requires, words or phrases defined in this section, or in the additional definitions contained in other articles of the Uniform Commercial Code that apply to particular articles or parts thereof, have the meanings stated.

(b) Subject to definitions contained in other articles of the code that apply to particular articles or parts thereof:

(1) "Action", in the sense of a judicial proceeding, includes recoupment, counterclaim, setoff, suit in equity, and any other proceeding in which rights are determined.

(2) "Aggrieved party" means a party entitled to pursue a remedy.

(3) "Agreement", as distinguished from "contract", means the bargain of the parties in fact, as found in their language or inferred from other circumstances, including course of performance, course of dealing, or usage of trade as provided in section 1-303.

(4) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company.

(5) "Bearer" means a person in control of a negotiable electronic document of title or a person in possession of a negotiable instrument, negotiable tangible document of title, or certificated security that is payable to bearer or indorsed in blank.

(6) "Bill of lading" means a document of title evidencing the receipt of goods for shipment issued by a person engaged in the business of directly or indirectly transporting or forwarding goods. The term does not include a warehouse receipt.

(7) "Branch" includes a separately incorporated foreign branch of a bank.

(8) "Burden of establishing" a fact means the burden of persuading the trier of fact that the existence of the fact is more probable than its nonexistence.

(9) "Buyer in ordinary course of business" means a person that buys goods in good faith, without knowledge that the sale violates the rights of another person in the goods, and in the ordinary course from a person, other than a pawnbroker, in the business of selling goods of that kind. A person buys goods in the

ordinary course if the sale to the person comports with the usual or customary practices in the kind of business in which the seller is engaged or with the seller's own usual or customary practices. A person that sells oil, gas, or other minerals at the wellhead or minehead is a person in the business of selling goods of that kind. A buyer in ordinary course of business may buy for cash, by exchange of other property, or on secured or unsecured credit, and may acquire goods or documents of title under a preexisting contract for sale. Only a buyer that takes possession of the goods or has a right to recover the goods from the seller under article 2 may be a buyer in ordinary course of business. "Buyer in ordinary course of business" does not include a person that acquires goods in a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(10) "Conspicuous", with reference to a term, means so written, displayed, or presented that a reasonable person against which it is to operate ought to have noticed it. Whether a term is "conspicuous" or not is a decision for the court. Conspicuous terms include the following:

(A) a heading in capitals equal to or greater in size than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same or lesser size; and

(B) language in the body of a record or display in larger type than the surrounding text, or in contrasting type, font, or color to the surrounding text of the same size, or set off from surrounding text of the same size by symbols or other marks that call attention to the language.

(11) "Consumer" means an individual who enters into a transaction primarily for personal, family, or household purposes.

(12) "Contract", as distinguished from "agreement", means the total legal obligation that results from the parties' agreement as determined by the Uniform Commercial Code as supplemented by any other applicable laws.

(13) "Creditor" includes a general creditor, a secured creditor, a lien creditor, and any representative of creditors, including an assignee for the benefit of creditors, a trustee in bankruptcy, a receiver in equity, and a personal representative, an executor, or an administrator of an insolvent debtor's or assignor's estate.

(14) "Defendant" includes a person in the position of defendant in a counterclaim, cross-claim, or third-party claim.

(15) "Delivery" with respect to an electronic document of title means voluntary transfer of control and with respect to an instrument, a tangible document of title, or chattel paper means voluntary transfer of possession.

(16) "Document of title" means a record (i) that in the regular course of business or financing is treated as adequately evidencing that the person in possession or control of the record is entitled to receive, control, hold, and dispose of the record and the goods the record covers and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods. An electronic document of title means a document of title evidenced by a record consisting of information stored in an electronic medium. A tangible document of title means

a document of title evidenced by a record consisting of information that is inscribed on a tangible medium.

(17) "Fault" means a default, breach, or wrongful act or omission.

(18) "Fungible goods" means:

(A) goods of which any unit, by nature or usage of trade, is the equivalent of any other like unit; or

(B) goods that by agreement are treated as equivalent.

(19) "Genuine" means free of forgery or counterfeiting.

(20) "Good faith" means honesty in fact in the conduct or transaction concerned.

(21) "Holder" means:

(A) the person in possession of a negotiable instrument that is payable either to bearer or to an identified person that is the person in possession;

(B) the person in possession of a negotiable tangible document of title if the goods are deliverable either to bearer or to the order of the person in possession; or

(C) the person in control of a negotiable electronic document of title.

(22) "Insolvency proceeding" includes an assignment for the benefit of creditors or other proceeding intended to liquidate or rehabilitate the estate of the person involved.

(23) "Insolvent" means:

(A) having generally ceased to pay debts in the ordinary course of business other than as a result of bona fide dispute;

(B) being unable to pay debts as they become due; or

(C) being insolvent within the meaning of federal bankruptcy law.

(24) "Money" means a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.

(25) "Organization" means a person other than an individual.

(26) "Party", as distinguished from "third party", means a person that has engaged in a transaction or made an agreement subject to the Uniform Commercial Code.

(27) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, government, governmental subdivision, agency, or instrumentality, public corporation, or any other legal or commercial entity.

(28) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain by use of either an interest rate specified by the parties if that rate is not manifestly unreasonable at the time the transaction is entered into or, if an interest rate is not so specified, a commercially reasonable rate that takes into account the facts and circumstances at the time the transaction is entered into.

(29) "Purchase" means taking by sale, lease, discount, negotiation, mortgage, pledge, lien, security interest, issue or reissue, gift, or any other voluntary transaction creating an interest in property.

(30) "Purchaser" means a person that takes by purchase.

(31) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(32) "Remedy" means any remedial right to which an aggrieved party is entitled with or without resort to a tribunal.

(33) "Representative" means a person empowered to act for another, including an agent, an officer of a corporation or association, and a trustee, a personal representative, an executor, or an administrator of an estate.

(34) "Right" includes remedy.

(35) "Security interest" means an interest in personal property or fixtures which secures payment or performance of an obligation. "Security interest" includes any interest of a consignor and a buyer of accounts, chattel paper, a payment intangible, or a promissory note in a transaction that is subject to article 9. "Security interest" does not include the special property interest of a buyer of goods on identification of those goods to a contract for sale under section 2-401, but a buyer may also acquire a "security interest" by complying with article 9. Except as otherwise provided in section 2-505, the right of a seller or lessor of goods under article 2 or 2A to retain or acquire possession of the goods is not a "security interest", but a seller or lessor may also acquire a "security interest" by complying with article 9. The retention or reservation of title by a seller of goods notwithstanding shipment or delivery to the buyer under section 2-401 is limited in effect to a reservation of a "security interest". Whether a transaction in the form of a lease creates a "security interest" is determined pursuant to section 1-203. "Security interest" does not include a consumer rental purchase agreement as defined in the Consumer Rental Purchase Agreement Act.

(36) "Send" in connection with a writing, record, or notice means:

(A) to deposit in the mail or deliver for transmission by any other usual means of communication with postage or cost of transmission provided for and properly addressed and, in the case of an instrument, to an address specified thereon or otherwise agreed, or if there be none to any address reasonable under the circumstances; or

(B) in any other way to cause to be received any record or notice within the time it would have arrived if properly sent.

(37) "Signed" includes using any symbol executed or adopted with present intention to adopt or accept a writing.

(38) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(39) "Surety" includes a guarantor or other secondary obligor.

(40) "Term" means a portion of an agreement that relates to a particular matter.

(41) "Unauthorized signature" means a signature made without actual, implied, or apparent authority. The term includes a forgery.

(42) "Warehouse receipt" means a receipt issued by a person engaged in the business of storing goods for hire.

(43) "Writing" includes printing, typewriting, or any other intentional reduction to tangible form. "Written" has a corresponding meaning.

Source: Laws 2005, LB 570, § 14.

Cross References

Consumer Rental Purchase Agreement Act, see section 69-2101.

1-202 Notice; knowledge.

(a) Subject to subsection (f), a person has "notice" of a fact if the person:

(1) has actual knowledge of it;

(2) has received a notice or notification of it; or

(3) from all the facts and circumstances known to the person at the time in question, has reason to know that it exists.

(b) "Knowledge" means actual knowledge. "Knows" has a corresponding meaning.

(c) "Discover", "learn", or words of similar import refer to knowledge rather than to reason to know.

(d) A person "notifies" or "gives" a notice or notification to another person by taking such steps as may be reasonably required to inform the other person in ordinary course, whether or not the other person actually comes to know of it.

(e) Subject to subsection (f), a person "receives" a notice or notification when:

(1) it comes to that person's attention; or

(2) it is duly delivered in a form reasonable under the circumstances at the place of business through which the contract was made or at another location held out by that person as the place for receipt of such communications.

(f) Notice, knowledge, or a notice or notification received by an organization is effective for a particular transaction from the time it is brought to the attention of the individual conducting that transaction and, in any event, from the time it would have been brought to the individual's attention if the organization had exercised due diligence. An organization exercises due diligence if it maintains reasonable routines for communicating significant information to the person conducting the transaction and there is reasonable compliance with the routines. Due diligence does not require an individual acting for the organization to communicate information unless the communication is part of the individual's regular duties or the individual has reason to know of the transaction and that the transaction would be materially affected by the information.

Source: Laws 2005, LB 570, § 15.

1-203 Lease distinguished from security interest.

(a) Whether a transaction in the form of a lease creates a lease or security interest is determined by the facts of each case.

(b) A transaction in the form of a lease creates a security interest if the consideration that the lessee is to pay the lessor for the right to possession and use of the goods is an obligation for the term of the lease and is not subject to termination by the lessee, and:

(1) the original term of the lease is equal to or greater than the remaining economic life of the goods;

(2) the lessee is bound to renew the lease for the remaining economic life of the goods or is bound to become the owner of the goods;

(3) the lessee has an option to renew the lease for the remaining economic life of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement; or

(4) the lessee has an option to become the owner of the goods for no additional consideration or for nominal additional consideration upon compliance with the lease agreement.

(c) A transaction in the form of a lease does not create a security interest merely because:

(1) the present value of the consideration the lessee is obligated to pay the lessor for the right to possession and use of the goods is substantially equal to or is greater than the fair market value of the goods at the time the lease is entered into;

(2) the lessee assumes risk of loss of the goods;

(3) the lessee agrees to pay, with respect to the goods, taxes, insurance, filing, recording, or registration fees, or service or maintenance costs;

(4) the lessee has an option to renew the lease or to become the owner of the goods;

(5) the lessee has an option to renew the lease for a fixed rent that is equal to or greater than the reasonably predictable fair market rent for the use of the goods for the term of the renewal at the time the option is to be performed; or

(6) the lessee has an option to become the owner of the goods for a fixed price that is equal to or greater than the reasonably predictable fair market value of the goods at the time the option is to be performed.

(d) Additional consideration is nominal if it is less than the lessee's reasonably predictable cost of performing under the lease agreement if the option is not exercised. Additional consideration is not nominal if:

(1) when the option to renew the lease is granted to the lessee, the rent is stated to be the fair market rent for the use of the goods for the term of the renewal determined at the time the option is to be performed; or

(2) when the option to become the owner of the goods is granted to the lessee, the price is stated to be the fair market value of the goods determined at the time the option is to be performed.

(e) The "remaining economic life of the goods" and "reasonably predictable" fair market rent, fair market value, or cost of performing under the lease agreement must be determined with reference to the facts and circumstances at the time the transaction is entered into.

Source: Laws 2005, LB 570, § 16.

1-204 Value.

Except as otherwise provided in articles 3, 4, and 5, a person gives value for rights if the person acquires them:

(1) in return for a binding commitment to extend credit or for the extension of immediately available credit, whether or not drawn upon and whether or not a charge back is provided for in the event of difficulties in collection;

(2) as security for, or in total or partial satisfaction of, a preexisting claim;

(3) by accepting delivery under a preexisting contract for purchase; or

(4) in return for any consideration sufficient to support a simple contract.

Source: Laws 2005, LB 570, § 17.

1-205 Reasonable time; seasonableness.

(a) Whether a time for taking an action required by the Uniform Commercial Code is reasonable depends on the nature, purpose, and circumstances of the action.

(b) An action is taken seasonably if it is taken at or within the time agreed or, if no time is agreed, at or within a reasonable time.

Source: Laws 2005, LB 570, § 18.

1-206 Presumptions.

Whenever the Uniform Commercial Code creates a “presumption” with respect to a fact, or provides that a fact is “presumed”, the trier of fact must find the existence of the fact unless and until evidence is introduced that supports a finding of its nonexistence.

Source: Laws 2005, LB 570, § 19.

Part 3

TERRITORIAL APPLICABILITY AND GENERAL RULES

1-301 Territorial applicability; parties’ power to choose applicable law.

(a) Except as otherwise provided in this section, when a transaction bears a reasonable relation to this state and also to another state or nation the parties may agree that the law either of this state or of such other state or nation shall govern their rights and duties.

(b) In the absence of an agreement effective under subsection (a), and except as provided in subsection (c), the Uniform Commercial Code applies to transactions bearing an appropriate relation to this state.

(c) If one of the following provisions of the Uniform Commercial Code specifies the applicable law, that provision governs and a contrary agreement is effective only to the extent permitted by the law so specified:

(1) Section 2-402;

(2) Sections 2A-105 and 2A-106;

(3) Section 4-102;

(4) Section 4A-507;

(5) Section 5-116;

(6) Section 8-110;

(7) Sections 9-301 through 9-307.

Source: Laws 2005, LB 570, § 20.

1-302 Variation by agreement.

(a) Except as otherwise provided in subsection (b) or elsewhere in the Uniform Commercial Code, the effect of provisions of the code may be varied by agreement.

(b) The obligations of good faith, diligence, reasonableness, and care prescribed by the code may not be disclaimed by agreement. The parties, by agreement, may determine the standards by which the performance of those obligations is to be measured if those standards are not manifestly unreasonable. Whenever the code requires an action to be taken within a reasonable time, a time that is not manifestly unreasonable may be fixed by agreement.

(c) The presence in certain provisions of the code of the phrase “unless otherwise agreed”, or words of similar import, does not imply that the effect of other provisions may not be varied by agreement under this section.

Source: Laws 2005, LB 570, § 21.

1-303 Course of performance, course of dealing, and usage of trade.

(a) A “course of performance” is a sequence of conduct between the parties to a particular transaction that exists if:

(1) the agreement of the parties with respect to the transaction involves repeated occasions for performance by a party; and

(2) the other party, with knowledge of the nature of the performance and opportunity for objection to it, accepts the performance or acquiesces in it without objection.

(b) A “course of dealing” is a sequence of conduct concerning previous transactions between the parties to a particular transaction that is fairly to be regarded as establishing a common basis of understanding for interpreting their expressions and other conduct.

(c) A “usage of trade” is any practice or method of dealing having such regularity of observance in a place, vocation, or trade as to justify an expectation that it will be observed with respect to the transaction in question. The existence and scope of such a usage must be proved as facts. If it is established that such a usage is embodied in a trade code or similar record, the interpretation of the record is a question of law.

(d) A course of performance or course of dealing between the parties or usage of trade in the vocation or trade in which they are engaged or of which they are or should be aware is relevant in ascertaining the meaning of the parties’ agreement, may give particular meaning to specific terms of the agreement, and may supplement or qualify the terms of the agreement. A usage of trade applicable in the place in which part of the performance under the agreement is to occur may be so utilized as to that part of the performance.

(e) Except as otherwise provided in subsection (f), the express terms of an agreement and any applicable course of performance, course of dealing, or usage of trade must be construed whenever reasonable as consistent with each other. If such a construction is unreasonable:

(1) express terms prevail over course of performance, course of dealing, and usage of trade;

(2) course of performance prevails over course of dealing and usage of trade; and

(3) course of dealing prevails over usage of trade.

(f) Subject to section 2-209, a course of performance is relevant to show a waiver or modification of any term inconsistent with the course of performance.

(g) Evidence of a relevant usage of trade offered by one party is not admissible unless that party has given the other party notice that the court finds sufficient to prevent unfair surprise to the other party.

Source: Laws 2005, LB 570, § 22.

1-304 Obligation of good faith.

Every contract or duty within the Uniform Commercial Code imposes an obligation of good faith in its performance and enforcement.

Source: Laws 2005, LB 570, § 23.

1-305 Remedies to be liberally administered.

(a) The remedies provided by the Uniform Commercial Code must be liberally administered to the end that the aggrieved party may be put in as good a position as if the other party had fully performed but neither consequential or special damages nor penal damages may be had except as specifically provided in the code or by other rule of law.

(b) Any right or obligation declared by the code is enforceable by action unless the provision declaring it specifies a different and limited effect.

Source: Laws 2005, LB 570, § 24.

1-306 Waiver or renunciation of claim or right after breach.

A claim or right arising out of an alleged breach may be discharged in whole or in part without consideration by agreement of the aggrieved party in an authenticated record.

Source: Laws 2005, LB 570, § 25.

1-307 Prima facie evidence by third-party documents.

A document in due form purporting to be a bill of lading, policy or certificate of insurance, official weigher's or inspector's certificate, consular invoice, or any other document authorized or required by the contract to be issued by a third party is prima facie evidence of its own authenticity and genuineness and of the facts stated in the document by the third party.

Source: Laws 2005, LB 570, § 26.

1-308 Performance or acceptance under reservation of rights.

(a) A party that with explicit reservation of rights performs or promises performance or assents to performance in a manner demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice", "under protest", or the like are sufficient.

(b) Subsection (a) does not apply to an accord and satisfaction.

Source: Laws 2005, LB 570, § 27.

1-309 Option to accelerate at will.

A term providing that one party or that party's successor in interest may accelerate payment or performance or require collateral or additional collateral "at will" or when the party "deems itself insecure", or words of similar import, means that the party has power to do so only if that party in good faith believes that the prospect of payment or performance is impaired. The burden of establishing lack of good faith is on the party against which the power has been exercised.

Source: Laws 2005, LB 570, § 28.

1-310 Subordinated obligations.

An obligation may be issued as subordinated to performance of another obligation of the person obligated, or a creditor may subordinate its right to performance of an obligation by agreement with either the person obligated or another creditor of the person obligated. Subordination does not create a security interest as against either the common debtor or a subordinated creditor.

Source: Laws 2005, LB 570, § 29.

ARTICLE 2

SALES

Part 1. SHORT TITLE, GENERAL CONSTRUCTION, AND SUBJECT MATTER

Section

- 2-103. Definitions and index of definitions.
2-104. Definitions; merchant; between merchants; financing agency.

Part 2. FORM, FORMATION, AND READJUSTMENT OF CONTRACT

- 2-202. Final written expression; parol or extrinsic evidence.
2-208. Repealed. Laws 2005, LB 570, § 116.

Part 3. GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

- 2-310. Open time for payment or running of credit; authority to ship under reservation.
2-323. Form of bill of lading required in overseas shipment; overseas.

Part 4. TITLE, CREDITORS, AND GOOD FAITH PURCHASERS

- 2-401. Passing of title; reservation for security; limited application of this section.

Part 5. PERFORMANCE

- 2-503. Manner of seller's tender of delivery.
2-505. Seller's shipment under reservation.
2-506. Rights of financing agency.
2-509. Risk of loss in the absence of breach.

Part 6. BREACH, REPUDIATION, AND EXCUSE

- 2-605. Waiver of buyer's objections by failure to particularize.

Part 7. REMEDIES

- 2-705. Seller's stoppage of delivery in transit or otherwise.

Part 1

SHORT TITLE, GENERAL CONSTRUCTION, AND SUBJECT MATTER

2-103 Definitions and index of definitions.

- (1) In this article unless the context otherwise requires
(a) "Buyer" means a person who buys or contracts to buy goods.

(b) "Good faith" in the case of a merchant means honesty in fact and the observance of reasonable commercial standards of fair dealing in the trade.

(c) "Receipt" of goods means taking physical possession of them.

(d) "Seller" means a person who sells or contracts to sell goods.

(2) Other definitions applying to this article or to specified parts thereof, and the sections in which they appear are:

"Acceptance".	Section 2-606.
"Banker's credit".	Section 2-325.
"Between merchants".	Section 2-104.
"Cancellation".	Section 2-106(4).
"Commercial unit".	Section 2-105.
"Confirmed credit".	Section 2-325.
"Conforming to contract".	Section 2-106.
"Contract for sale".	Section 2-106.
"Cover".	Section 2-712.
"Entrusting".	Section 2-403.
"Financing agency".	Section 2-104.
"Future goods".	Section 2-105.
"Goods".	Section 2-105.
"Identification".	Section 2-501.
"Installment contract".	Section 2-612.
"Letter of credit".	Section 2-325.
"Lot".	Section 2-105.
"Merchant".	Section 2-104.
"Overseas".	Section 2-323.
"Person in position of seller".	Section 2-707.
"Present sale".	Section 2-106.
"Sale".	Section 2-106.
"Sale on approval".	Section 2-326.
"Sale or return".	Section 2-326.
"Termination".	Section 2-106.

(3) "Control" as provided in section 7-106 and the following definitions in other articles apply to this article:

"Check".	Section 3-104.
"Consignee".	Section 7-102.
"Consignor".	Section 7-102.
"Consumer goods".	Section 9-102.
"Dishonor".	Section 3-502.
"Draft".	Section 3-104.

(4) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1963, c. 544, Art. II, § 2-103, p. 1706; Laws 1991, LB 161, § 3; Laws 1999, LB 550, § 54; Laws 2005, LB 570, § 30.

2-104 Definitions; merchant; between merchants; financing agency.

(1) "Merchant" means a person who deals in goods of the kind or otherwise by his or her occupation holds himself or herself out as having knowledge or skill peculiar to the practices or goods involved in the transaction or to whom such knowledge or skill may be attributed by his or her employment of an agent

or broker or other intermediary who by his or her occupation holds himself or herself out as having such knowledge or skill.

(2) “Financing agency” means a bank, finance company, or other person who in the ordinary course of business makes advances against goods or documents of title or who by arrangement with either the seller or the buyer intervenes in ordinary course to make or collect payment due or claimed under the contract for sale, as by purchasing or paying the seller’s draft or making advances against it or by merely taking it for collection whether or not documents of title accompany or are associated with the draft. “Financing agency” includes also a bank or other person who similarly intervenes between persons who are in the position of seller and buyer in respect to the goods (section 2-707).

(3) “Between merchants” means in any transaction with respect to which both parties are chargeable with the knowledge or skill of merchants.

Source: Laws 1963, c. 544, Art. II, § 2-104, p. 1708; Laws 2005, LB 570, § 31.

Part 2

FORM, FORMATION, AND READJUSTMENT OF CONTRACT

2-202 Final written expression; parol or extrinsic evidence.

Terms with respect to which the confirmatory memoranda of the parties agree or which are otherwise set forth in a writing intended by the parties as a final expression of their agreement with respect to such terms as are included therein may not be contradicted by evidence of any prior agreement or of a contemporaneous oral agreement but may be explained or supplemented

(a) by course of performance, course of dealing, or usage of trade (section 1-303); and

(b) by evidence of consistent additional terms unless the court finds the writing to have been intended also as a complete and exclusive statement of the terms of the agreement.

Source: Laws 1963, c. 544, Art. II, § 2-202, p. 1712; Laws 2005, LB 570, § 32.

2-208 Repealed. Laws 2005, LB 570, § 116.

Part 3

GENERAL OBLIGATION AND CONSTRUCTION OF CONTRACT

2-310 Open time for payment or running of credit; authority to ship under reservation.

Unless otherwise agreed

(a) payment is due at the time and place at which the buyer is to receive the goods even though the place of shipment is the place of delivery; and

(b) if the seller is authorized to send the goods he or she may ship them under reservation, and may tender the documents of title, but the buyer may inspect the goods after their arrival before payment is due unless such inspection is inconsistent with the terms of the contract (section 2-513); and

(c) if delivery is authorized and made by way of documents of title otherwise than by subsection (b) then payment is due regardless of where the goods are to be received (i) at the time and place at which the buyer is to receive delivery of the tangible documents or (ii) at the time the buyer is to receive delivery of the electronic documents and at the seller's place of business or if none, the seller's residence; and

(d) where the seller is required or authorized to ship the goods on credit the credit period runs from the time of shipment but postdating the invoice or delaying its dispatch will correspondingly delay the starting of the credit period.

Source: Laws 1963, c. 544, Art. II, § 2-310, p. 1720; Laws 2005, LB 570, § 33.

2-323 Form of bill of lading required in overseas shipment; overseas.

(1) Where the contract contemplates overseas shipment and contains a term C.I.F. or C. & F. or F.O.B. vessel, the seller unless otherwise agreed must obtain a negotiable bill of lading stating that the goods have been loaded on board or, in the case of a term C.I.F. or C. & F., received for shipment.

(2) Where in a case within subsection (1) a tangible bill of lading has been issued in a set of parts, unless otherwise agreed if the documents are not to be sent from abroad the buyer may demand tender of the full set; otherwise only one part of the bill of lading need be tendered. Even if the agreement expressly requires a full set

(a) due tender of a single part is acceptable within the provisions of this article on cure of improper delivery (subsection (1) of section 2-508); and

(b) even though the full set is demanded, if the documents are sent from abroad the person tendering an incomplete set may nevertheless require payment upon furnishing an indemnity which the buyer in good faith deems adequate.

(3) A shipment by water or by air or a contract contemplating such shipment is "overseas" insofar as by usage of trade or agreement it is subject to the commercial, financing, or shipping practices characteristic of international deep water commerce.

Source: Laws 1963, c. 544, Art. II, § 2-323, p. 1729; Laws 2005, LB 570, § 34.

Part 4

TITLE, CREDITORS, AND GOOD FAITH PURCHASERS

2-401 Passing of title; reservation for security; limited application of this section.

Each provision of this article with regard to the rights, obligations, and remedies of the seller, the buyer, purchasers, or other third parties applies irrespective of title to the goods except where the provision refers to such title. Insofar as situations are not covered by the other provisions of this article and matters concerning title become material the following rules apply:

(1) Title to goods cannot pass under a contract for sale prior to their identification to the contract (section 2-501), and unless otherwise explicitly agreed the buyer acquires by their identification a special property as limited by

the Uniform Commercial Code. Any retention or reservation by the seller of the title (property) in goods shipped or delivered to the buyer is limited in effect to a reservation of a security interest. Subject to these provisions and to the provisions of the Article on Secured Transactions (Article 9), title to goods passes from the seller to the buyer in any manner and on any conditions explicitly agreed on by the parties.

(2) Unless otherwise explicitly agreed title passes to the buyer at the time and place at which the seller completes performance with reference to the physical delivery of the goods, despite any reservation of a security interest and even though a document of title is to be delivered at a different time or place; and in particular and despite any reservation of a security interest by the bill of lading

(a) if the contract requires or authorizes the seller to send the goods to the buyer but does not require him or her to deliver them at destination, title passes to the buyer at the time and place of shipment; but

(b) if the contract requires delivery at destination, title passes on tender there.

(3) Unless otherwise explicitly agreed where delivery is to be made without moving the goods,

(a) if the seller is to deliver a tangible document of title, title passes at the time when and the place where he or she delivers such documents and if the seller is to deliver an electronic document of title, title passes when the seller delivers the document; or

(b) if the goods are at the time of contracting already identified and no documents of title are to be delivered, title passes at the time and place of contracting.

(4) A rejection or other refusal by the buyer to receive or retain the goods, whether or not justified, or a justified revocation of acceptance reverts title to the goods in the seller. Such reversion occurs by operation of law and is not a "sale".

Source: Laws 1963, c. 544, Art. II, § 2-401, p. 1733; Laws 1992, LB 861, § 11; Laws 2005, LB 570, § 35.

Part 5

PERFORMANCE

2-503 Manner of seller's tender of delivery.

(1) Tender of delivery requires that the seller put and hold conforming goods at the buyer's disposition and give the buyer any notification reasonably necessary to enable him or her to take delivery. The manner, time, and place for tender are determined by the agreement and this article, and in particular

(a) tender must be at a reasonable hour, and if it is of goods they must be kept available for the period reasonably necessary to enable the buyer to take possession; but

(b) unless otherwise agreed the buyer must furnish facilities reasonably suited to the receipt of the goods.

(2) Where the case is within the next section respecting shipment tender requires that the seller comply with its provisions.

(3) Where the seller is required to deliver at a particular destination tender requires that he or she comply with subsection (1) and also in any appropriate case tender documents as described in subsections (4) and (5) of this section.

(4) Where goods are in the possession of a bailee and are to be delivered without being moved

(a) tender requires that the seller either tender a negotiable document of title covering such goods or procure acknowledgment by the bailee of the buyer's right to possession of the goods; but

(b) tender to the buyer of a nonnegotiable document of title or of a record directing the bailee to deliver is sufficient tender unless the buyer seasonably objects, and except as otherwise provided in article 9 receipt by the bailee of notification of the buyer's rights fixes those rights as against the bailee and all third persons; but risk of loss of the goods and of any failure by the bailee to honor the nonnegotiable document of title or to obey the direction remains on the seller until the buyer has had a reasonable time to present the document or direction, and a refusal by the bailee to honor the document or to obey the direction defeats the tender.

(5) Where the contract requires the seller to deliver documents

(a) he or she must tender all such documents in correct form, except as provided in this article with respect to bills of lading in a set (subsection (2) of section 2-323); and

(b) tender through customary banking channels is sufficient and dishonor of a draft accompanying or associated with the documents constitutes nonacceptance or rejection.

Source: Laws 1963, c. 544, Art. II, § 2-503, p. 1738; Laws 2005, LB 570, § 36.

2-505 Seller's shipment under reservation.

(1) Where the seller has identified goods to the contract by or before shipment:

(a) his or her procurement of a negotiable bill of lading to his or her own order or otherwise reserves in him or her a security interest in the goods. His or her procurement of the bill to the order of a financing agency or of the buyer indicates in addition only the seller's expectation of transferring that interest to the person named.

(b) a nonnegotiable bill of lading to himself or herself or his or her nominee reserves possession of the goods as security but except in a case of conditional delivery (subsection (2) of section 2-507) a nonnegotiable bill of lading naming the buyer as consignee reserves no security interest even though the seller retains possession or control of the bill of lading.

(2) When shipment by the seller with reservation of a security interest is in violation of the contract for sale it constitutes an improper contract for transportation within the preceding section but impairs neither the rights given to the buyer by shipment and identification of the goods to the contract nor the seller's powers as a holder of a negotiable document of title.

Source: Laws 1963, c. 544, Art. II, § 2-505, p. 1740; Laws 2005, LB 570, § 37.

2-506 Rights of financing agency.

(1) A financing agency by paying or purchasing for value a draft which relates to a shipment of goods acquires to the extent of the payment or purchase and in addition to its own rights under the draft and any document of title securing it any rights of the shipper in the goods including the right to stop delivery and the shipper's right to have the draft honored by the buyer.

(2) The right to reimbursement of a financing agency which has in good faith honored or purchased the draft under commitment to or authority from the buyer is not impaired by subsequent discovery of defects with reference to any relevant document which was apparently regular.

Source: Laws 1963, c. 544, Art. II, § 2-506, p. 1740; Laws 2005, LB 570, § 38.

2-509 Risk of loss in the absence of breach.

(1) Where the contract requires or authorizes the seller to ship the goods by carrier

(a) if it does not require him or her to deliver them at a particular destination, the risk of loss passes to the buyer when the goods are duly delivered to the carrier even though the shipment is under reservation (section 2-505); but

(b) if it does require him or her to deliver them at a particular destination and the goods are there duly tendered while in the possession of the carrier, the risk of loss passes to the buyer when the goods are there duly so tendered as to enable the buyer to take delivery.

(2) Where the goods are held by a bailee to be delivered without being moved, the risk of loss passes to the buyer

(a) on his or her receipt of possession or control of a negotiable document of title covering the goods; or

(b) on acknowledgment by the bailee of the buyer's right to possession of the goods; or

(c) after his or her receipt of possession or control of a nonnegotiable document of title or other direction to deliver in a record, as provided in subsection (4)(b) of section 2-503.

(3) In any case not within subsection (1) or (2), the risk of loss passes to the buyer on his or her receipt of the goods if the seller is a merchant; otherwise the risk passes to the buyer on tender of delivery.

(4) The provisions of this section are subject to contrary agreement of the parties and to the provisions of this article on sale on approval (section 2-327) and on effect of breach on risk of loss (section 2-510).

Source: Laws 1963, c. 544, Art. II, § 2-509, p. 1741; Laws 2005, LB 570, § 39.

Part 6

BREACH, REPUDIATION, AND EXCUSE

2-605 Waiver of buyer's objections by failure to particularize.

(1) The buyer's failure to state in connection with rejection a particular defect which is ascertainable by reasonable inspection precludes him or her from relying on the unstated defect to justify rejection or to establish breach

(a) where the seller could have cured it if stated seasonably; or
 (b) between merchants when the seller has after rejection made a request in writing for a full and final written statement of all defects on which the buyer proposes to rely.

(2) Payment against documents made without reservation of rights precludes recovery of the payment for defects apparent in the documents.

Source: Laws 1963, c. 544, Art. II, § 2-605, p. 1747; Laws 2005, LB 570, § 40.

Part 7

REMEDIES

2-705 Seller's stoppage of delivery in transit or otherwise.

(1) The seller may stop delivery of goods in the possession of a carrier or other bailee when he or she discovers the buyer to be insolvent (section 2-702) and may stop delivery of carload, truckload, planeload, or larger shipments of express or freight when the buyer repudiates or fails to make a payment due before delivery or if for any other reason the seller has a right to withhold or reclaim the goods.

(2) As against such buyer the seller may stop delivery until

- (a) receipt of the goods by the buyer; or
- (b) acknowledgment to the buyer by any bailee of the goods except a carrier that the bailee holds the goods for the buyer; or
- (c) such acknowledgment to the buyer by a carrier by reshipment or as a warehouse; or
- (d) negotiation to the buyer of any negotiable document of title covering the goods.

(3)(a) To stop delivery the seller must so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After such notification the bailee must hold and deliver the goods according to the directions of the seller but the seller is liable to the bailee for any ensuing charges or damages.

(c) If a negotiable document of title has been issued for goods the bailee is not obliged to obey a notification to stop until surrender of possession or control of the document.

(d) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

Source: Laws 1963, c. 544, Art. II, § 2-705, p. 1756; Laws 2005, LB 570, § 41.

ARTICLE 2A

LEASES

Part 1. GENERAL PROVISIONS

Section

2A-103. Definitions and index of definitions.

2A-104. Leases subject to other law.

Part 2. FORMATION AND CONSTRUCTION OF LEASE CONTRACT

2A-207. Repealed. Laws 2005, LB 570, § 116.

Section

Part 5. DEFAULT

A. In General

2A-501. Default: procedure.

B. Default by Lessor

2A-514. Waiver of lessee's objections.

2A-518. Cover; substitute goods.

2A-519. Lessee's damages for nondelivery, repudiation, default, and breach of warranty in regard to accepted goods.

C. Default by Lessee

2A-526. Lessor's stoppage of delivery in transit or otherwise.

2A-527. Lessor's rights to dispose of goods.

2A-528. Lessor's damages for nonacceptance, failure to pay, repudiation, or other default.

Part 1

GENERAL PROVISIONS

2A-103 Definitions and index of definitions.

(1) In this article unless the context otherwise requires:

(a) "Buyer in ordinary course of business" means a person who in good faith and without knowledge that the sale to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods, buys in ordinary course from a person in the business of selling goods of that kind but does not include a pawnbroker. "Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(b) "Cancellation" occurs when either party puts an end to the lease contract for default by the other party.

(c) "Commercial unit" means such a unit of goods as by commercial usage is a single whole for purposes of lease and division of which materially impairs its character or value on the market or in use. A commercial unit may be a single article, as a machine, or a set of articles, as a suite of furniture or a line of machinery, or a quantity, as a gross or carload, or any other unit treated in use or in the relevant market as a single whole.

(d) "Conforming" goods or performance under a lease contract means goods or performance that are in accordance with the obligations under the lease contract.

(e) "Consumer lease" means a lease that a lessor regularly engaged in the business of leasing or selling makes to a lessee who is an individual and who takes under the lease primarily for a personal, family, or household purpose, if the total payments to be made under the lease contract, excluding payments for options to renew or buy, do not exceed twenty-five thousand dollars.

(f) "Fault" means wrongful act, omission, breach, or default.

(g) "Finance lease" means a lease with respect to which:

(i) the lessor does not select, manufacture, or supply the goods;

(ii) the lessor acquires the goods or the right to possession and use of the goods in connection with the lease; and

(iii) one of the following occurs:

(A) the lessee receives a copy of the contract by which the lessor acquired the goods or the right to possession and use of the goods before signing the lease contract;

(B) the lessee's approval of the contract by which the lessor acquired the goods or the right to possession and use of the goods is a condition to effectiveness of the lease contract;

(C) the lessee, before signing the lease contract, receives an accurate and complete statement designating the promises and warranties, and any disclaimers of warranties, limitations or modifications of remedies, or liquidated damages, including those of a third party, such as the manufacturer of the goods, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods; or

(D) if the lease is not a consumer lease, the lessor, before the lessee signs the lease contract, informs the lessee in writing (a) of the identity of the person supplying the goods to the lessor, unless the lessee has selected that person and directed the lessor to acquire the goods or the right to possession and use of the goods from that person, (b) that the lessee is entitled under this article to the promises and warranties, including those of any third party, provided to the lessor by the person supplying the goods in connection with or as part of the contract by which the lessor acquired the goods or the right to possession and use of the goods, and (c) that the lessee may communicate with the person supplying the goods to the lessor and receive an accurate and complete statement of those promises and warranties, including any disclaimers and limitations of them or of remedies.

(h) "Goods" means all things that are movable at the time of identification to the lease contract, or are fixtures (section 2A-309), but the term does not include money, documents, instruments, accounts, chattel paper, general intangibles, or minerals or the like, including oil and gas, before extraction. The term also includes the unborn young of animals.

(i) "Installment lease contract" means a lease contract that authorizes or requires the delivery of goods in separate lots to be separately accepted, even though the lease contract contains a clause "each delivery is a separate lease" or its equivalent.

(j) "Lease" means a transfer of the right to possession and use of goods for a term in return for consideration, but a sale, including a sale on approval or a sale or return, or retention or creation of a security interest is not a lease. Unless the context clearly indicates otherwise, the term includes a sublease.

(k) "Lease agreement" means the bargain, with respect to the lease, of the lessor and the lessee in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade or course of performance as provided in this article. Unless the context clearly indicates otherwise, the term includes a sublease agreement.

(l) "Lease contract" means the total legal obligation that results from the lease agreement as affected by this article and any other applicable rules of law.

Unless the context clearly indicates otherwise, the term includes a sublease contract.

(m) "Leasehold interest" means the interest of the lessor or the lessee under a lease contract.

(n) "Lessee" means a person who acquires the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessee.

(o) "Lessee in ordinary course of business" means a person who in good faith and without knowledge that the lease to him or her is in violation of the ownership rights or security interest or leasehold interest of a third party in the goods leases in ordinary course from a person in the business of selling or leasing goods of that kind but does not include a pawnbroker. "Leasing" may be for cash or by exchange of other property or on secured or unsecured credit and includes acquiring goods or documents of title under a preexisting lease contract but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

(p) "Lessor" means a person who transfers the right to possession and use of goods under a lease. Unless the context clearly indicates otherwise, the term includes a sublessor.

(q) "Lessor's residual interest" means the lessor's interest in the goods after expiration, termination, or cancellation of the lease contract.

(r) "Lien" means a charge against or interest in goods to secure payment of a debt or performance of an obligation, but the term does not include a security interest.

(s) "Lot" means a parcel or a single article that is the subject matter of a separate lease or delivery, whether or not it is sufficient to perform the lease contract.

(t) "Merchant lessee" means a lessee that is a merchant with respect to goods of the kind subject to the lease.

(u) "Present value" means the amount as of a date certain of one or more sums payable in the future, discounted to the date certain. The discount is determined by the interest rate specified by the parties if the rate was not manifestly unreasonable at the time the transaction was entered into; otherwise, the discount is determined by a commercially reasonable rate that takes into account the facts and circumstances of each case at the time the transaction was entered into.

(v) "Purchase" includes taking by sale, lease, mortgage, security interest, pledge, gift, or any other voluntary transaction creating an interest in goods.

(w) "Sublease" means a lease of goods the right to possession and use of which was acquired by the lessor as a lessee under an existing lease.

(x) "Supplier" means a person from whom a lessor buys or leases goods to be leased under a finance lease.

(y) "Supply contract" means a contract under which a lessor buys or leases goods to be leased.

(z) "Termination" occurs when either party pursuant to a power created by agreement or law puts an end to the lease contract otherwise than for default.

(2) Other definitions applying to this article and the sections in which they appear are:

“Accessions”.	Section 2A-310(1).
“Construction mortgage”.	Section 2A-309(1)(d).
“Encumbrance”.	Section 2A-309(1)(e).
“Fixtures”.	Section 2A-309(1)(a).
“Fixture filing”.	Section 2A-309(1)(b).
“Purchase money lease”.	Section 2A-309(1)(c).

(3) The following definitions in other articles apply to this article:

“Account”.	Section 9-102(a)(2).
“Between merchants”.	Section 2-104(3).
“Buyer”.	Section 2-103(1)(a).
“Chattel paper”.	Section 9-102(a)(11).
“Consumer goods”.	Section 9-102(a)(23).
“Document”.	Section 9-102(a)(30).
“Entrusting”.	Section 2-403(3).
“General intangible”.	Section 9-102(a)(42).
“Good faith”.	Section 2-103(1)(b).
“Instrument”.	Section 9-102(a)(47).
“Merchant”.	Section 2-104(1).
“Mortgage”.	Section 9-102(a)(55).
“Pursuant to commitment”.	Section 9-102(a)(69).
“Receipt”.	Section 2-103(1)(c).
“Sale”.	Section 2-106(1).
“Sale on approval”.	Section 2-326.
“Sale or return”.	Section 2-326.
“Seller”.	Section 2-103(1)(d).

(4) In addition, article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1991, LB 159, § 5; Laws 1999, LB 550, § 59; Laws 2005, LB 570, § 42; Laws 2011, LB90, § 1.
Operative date July 1, 2013.

2A-104 Leases subject to other law.

(1) A lease, although subject to this article, is also subject to any applicable:

- (a) certificate of title statute of this state (the Motor Vehicle Certificate of Title Act);
- (b) certificate of title statute of another jurisdiction (section 2A-105); or
- (c) consumer protection statute of this state, or final consumer protection decision of a court of this state existing on September 6, 1991.

(2) In case of conflict between this article, other than sections 2A-105, 2A-304(3), and 2A-305(3), and a statute or decision referred to in subsection (1), the statute or decision controls.

(3) Failure to comply with an applicable law has only the effect specified therein.

Source: Laws 1991, LB 159, § 6; Laws 1995, LB 589, § 11; Laws 2005, LB 276, § 113.

Cross References

Motor Vehicle Certificate of Title Act, see section 60-101.

Part 2

FORMATION AND CONSTRUCTION OF LEASE CONTRACT

2A-207 Repealed. Laws 2005, LB 570, § 116.

Part 5

DEFAULT

A. In General

2A-501 Default: procedure.

(1) Whether the lessor or the lessee is in default under a lease contract is determined by the lease agreement and this article.

(2) If the lessor or the lessee is in default under the lease contract, the party seeking enforcement has rights and remedies as provided in this article and, except as limited by this article, as provided in the lease agreement.

(3) If the lessor or the lessee is in default under the lease contract, the party seeking enforcement may reduce the party's claim to judgment, or otherwise enforce the lease contract by self-help or any available judicial procedure or nonjudicial procedure, including administrative proceeding, arbitration, or the like, in accordance with this article.

(4) Except as otherwise provided in section 1-305(a) or this article or the lease agreement, the rights and remedies referred to in subsections (2) and (3) are cumulative.

(5) If the lease agreement covers both real property and goods, the party seeking enforcement may proceed under this part as to the goods, or under other applicable law as to both the real property and the goods in accordance with that party's rights and remedies in respect of the real property, in which case this part does not apply.

Source: Laws 1991, LB 159, § 51; Laws 2005, LB 570, § 43.

B. Default by Lessor

2A-514 Waiver of lessee's objections.

(1) In rejecting goods, a lessee's failure to state a particular defect that is ascertainable by reasonable inspection precludes the lessee from relying on the defect to justify rejection or to establish default:

(a) if, stated seasonably, the lessor or the supplier could have cured it (section 2A-513); or

(b) between merchants if the lessor or the supplier after rejection has made a request in writing for a full and final written statement of all defects on which the lessee proposes to rely.

(2) A lessee's failure to reserve rights when paying rent or other consideration against documents precludes recovery of the payment for defects apparent in the documents.

Source: Laws 1991, LB 159, § 64; Laws 2005, LB 570, § 44.

2A-518 Cover; substitute goods.

(1) After a default by a lessor under the lease contract of a type described in section 2A-508(1), or, if agreed, after other default by the lessor, the lessee may cover by making any purchase or lease of or contract to purchase or lease goods in substitution for those due from the lessor.

(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 2A-504) or otherwise determined pursuant to agreement of the parties (sections 1-302 and 2A-503), if a lessee's cover is by a lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessee may recover from the lessor as damages (i) the present value, as of the date of the commencement of the term of the new lease agreement, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement minus the present value as of the same date of the total rent for the then remaining lease term of the original lease agreement, and (ii) any incidental or consequential damages, less expenses saved in consequence of the lessor's default.

(3) If a lessee's cover is by lease agreement that for any reason does not qualify for treatment under subsection (2), or is by purchase or otherwise, the lessee may recover from the lessor as if the lessee had elected not to cover and section 2A-519 governs.

Source: Laws 1991, LB 159, § 68; Laws 2005, LB 570, § 45.

2A-519 Lessee's damages for nondelivery, repudiation, default, and breach of warranty in regard to accepted goods.

(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 2A-504) or otherwise determined pursuant to agreement of the parties (sections 1-302 and 2A-503), if a lessee elects not to cover or a lessee elects to cover and the cover is by lease agreement that for any reason does not qualify for treatment under section 2A-518(2), or is by purchase or otherwise, the measure of damages for nondelivery or repudiation by the lessor or for rejection or revocation of acceptance by the lessee is the present value, as of the date of the default, of the then market rent minus the present value as of the same date of the original rent, computed for the remaining lease term of the original lease agreement, together with incidental and consequential damages, less expenses saved in consequence of the lessor's default.

(2) Market rent is to be determined as of the place for tender or, in cases of rejection after arrival or revocation of acceptance, as of the place of arrival.

(3) Except as otherwise agreed, if the lessee has accepted goods and given notification (section 2A-516(3)), the measure of damages for nonconforming tender or delivery or other default by a lessor is the loss resulting in the ordinary course of events from the lessor's default as determined in any manner that is reasonable together with incidental and consequential damages, less expenses saved in consequence of the lessor's default.

(4) Except as otherwise agreed, the measure of damages for breach of warranty is the present value at the time and place of acceptance of the difference between the value of the use of the goods accepted and the value if they had been as warranted for the lease term, unless special circumstances show proximate damages of a different amount, together with incidental and

consequential damages, less expenses saved in consequence of the lessor's default or breach of warranty.

Source: Laws 1991, LB 159, § 69; Laws 2005, LB 570, § 46.

C. Default by Lessee

2A-526 Lessor's stoppage of delivery in transit or otherwise.

(1) A lessor may stop delivery of goods in the possession of a carrier or other bailee if the lessor discovers the lessee to be insolvent and may stop delivery of carload, truckload, planeload, or larger shipments of express or freight if the lessee repudiates or fails to make a payment due before delivery, whether for rent, security, or otherwise under the lease contract, or for any other reason the lessor has a right to withhold or take possession of the goods.

(2) In pursuing its remedies under subsection (1), the lessor may stop delivery until

- (a) receipt of the goods by the lessee;
- (b) acknowledgment to the lessee by any bailee of the goods, except a carrier, that the bailee holds the goods for the lessee; or
- (c) such an acknowledgment to the lessee by a carrier via reshipment or as a warehouse.

(3)(a) To stop delivery, a lessor shall so notify as to enable the bailee by reasonable diligence to prevent delivery of the goods.

(b) After notification, the bailee shall hold and deliver the goods according to the directions of the lessor, but the lessor is liable to the bailee for any ensuing charges or damages.

(c) A carrier who has issued a nonnegotiable bill of lading is not obliged to obey a notification to stop received from a person other than the consignor.

Source: Laws 1991, LB 159, § 76; Laws 2005, LB 570, § 47.

2A-527 Lessor's rights to dispose of goods.

(1) After a default by a lessee under the lease contract of the type described in section 2A-523(1) or 2A-523(3)(a) or after the lessor refuses to deliver or takes possession of goods (section 2A-525 or 2A-526), or, if agreed, after other default by a lessee, the lessor may dispose of the goods concerned or the undelivered balance thereof by lease, sale, or otherwise.

(2) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 2A-504) or otherwise determined pursuant to agreement of the parties (sections 1-302 and 2A-503), if the disposition is by lease agreement substantially similar to the original lease agreement and the new lease agreement is made in good faith and in a commercially reasonable manner, the lessor may recover from the lessee as damages (i) accrued and unpaid rent as of the date of the commencement of the term of the new lease agreement, (ii) the present value, as of the same date, of the total rent for the then remaining lease term of the original lease agreement minus the present value, as of the same date, of the rent under the new lease agreement applicable to that period of the new lease term which is comparable to the then remaining term of the original lease agreement, and (iii) any incidental damages allowed

under section 2A-530, less expenses saved in consequence of the lessee's default.

(3) If the lessor's disposition is by lease agreement that for any reason does not qualify for treatment under subsection (2), or is by sale or otherwise, the lessor may recover from the lessee as if the lessor had elected not to dispose of the goods and section 2A-528 governs.

(4) A subsequent buyer or lessee who buys or leases from the lessor in good faith for value as a result of a disposition under this section takes the goods free of the original lease contract and any rights of the original lessee even though the lessor fails to comply with one or more of the requirements of this article.

(5) The lessor is not accountable to the lessee for any profit made on any disposition. A lessee who has rightfully rejected or justifiably revoked acceptance shall account to the lessor for any excess over the amount of the lessee's security interest (section 2A-508(5)).

Source: Laws 1991, LB 159, § 77; Laws 2005, LB 570, § 48.

2A-528 Lessor's damages for nonacceptance, failure to pay, repudiation, or other default.

(1) Except as otherwise provided with respect to damages liquidated in the lease agreement (section 2A-504) or otherwise determined pursuant to agreement of the parties (sections 1-302 and 2A-503), if a lessor elects to retain the goods or a lessor elects to dispose of the goods and the disposition is by lease agreement that for any reason does not qualify for treatment under section 2A-527(2), or is by sale or otherwise, the lessor may recover from the lessee as damages for a default of the type described in section 2A-523(1) or 2A-523(3)(a), or, if agreed, for other default of the lessee, (i) accrued and unpaid rent as of the date of default if the lessee has never taken possession of the goods, or, if the lessee has taken possession of the goods, as of the date the lessor repossesses the goods or an earlier date on which the lessee makes a tender of the goods to the lessor, (ii) the present value as of the date determined under clause (i) of the total rent for the then remaining lease term of the original lease agreement minus the present value as of the same date of the market rent at the place where the goods are located computed for the same lease term, and (iii) any incidental damages allowed under section 2A-530, less expenses saved in consequence of the lessee's default.

(2) If the measure of damages provided in subsection (1) is inadequate to put a lessor in as good a position as performance would have, the measure of damages is the present value of the profit, including reasonable overhead, the lessor would have made from full performance by the lessee, together with any incidental damages allowed under section 2A-530, due allowance for costs reasonably incurred, and due credit for payments or proceeds of disposition.

Source: Laws 1991, LB 159, § 78; Laws 2005, LB 570, § 49.

ARTICLE 3

NEGOTIABLE INSTRUMENTS

Part 1. GENERAL PROVISIONS AND DEFINITIONS

Section

3-103. Definitions.

3-104. Negotiable instrument.

Section

3-118. Statute of limitations.

Part 3. ENFORCEMENT OF INSTRUMENTS

3-309. Enforcement of lost, destroyed, or stolen instrument.

Part 4. LIABILITY OF PARTIES

3-416. Transfer warranties.

3-417. Presentment warranties.

Part 1

GENERAL PROVISIONS AND DEFINITIONS

3-103 Definitions.

(a) In this article:

(1) "Acceptor" means a drawee who has accepted a draft.

(2) "Drawee" means a person ordered in a draft to make payment.

(3) "Drawer" means a person who signs or is identified in a draft as a person ordering payment.

(4) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(5) "Maker" means a person who signs or is identified in a note as a person undertaking to pay.

(6) "Order" means a written instruction to pay money signed by the person giving the instruction. The instruction may be addressed to any person, including the person giving the instruction, or to one or more persons jointly or in the alternative but not in succession. An authorization to pay is not an order unless the person authorized to pay is also instructed to pay.

(7) "Ordinary care" in the case of a person engaged in business means observance of reasonable commercial standards, prevailing in the area in which the person is located, with respect to the business in which the person is engaged. In the case of a bank that takes an instrument for processing for collection or payment by automated means, reasonable commercial standards do not require the bank to examine the instrument if the failure to examine does not violate the bank's prescribed procedures and the bank's procedures do not vary unreasonably from general banking usage not disapproved by this article or article 4.

(8) "Party" means a party to an instrument.

(9) "Promise" means a written undertaking to pay money signed by the person undertaking to pay. An acknowledgment of an obligation by the obligor is not a promise unless the obligor also undertakes to pay the obligation.

(10) "Prove" with respect to a fact means to meet the burden of establishing the fact (section 1-201(b)(8)).

(11) "Remitter" means a person who purchases an instrument from its issuer if the instrument is payable to an identified person other than the purchaser.

(b) Other definitions applying to this article and the sections in which they appear are:

"Acceptance".

Section 3-409.

"Accommodated party".

Section 3-419.

“Accommodation party”.	Section 3-419.
“Alteration”.	Section 3-407.
“Anomalous indorsement”.	Section 3-205.
“Blank indorsement”.	Section 3-205.
“Cashier’s check”.	Section 3-104.
“Certificate of deposit”.	Section 3-104.
“Certified check”.	Section 3-409.
“Check”.	Section 3-104.
“Consideration”.	Section 3-303.
“Demand draft”.	Section 3-104.
“Draft”.	Section 3-104.
“Holder in due course”.	Section 3-302.
“Incomplete instrument”.	Section 3-115.
“Indorsement”.	Section 3-204.
“Indorser”.	Section 3-204.
“Issue”.	Section 3-105.
“Issuer”.	Section 3-105.
“Negotiable instrument”.	Section 3-104.
“Negotiation”.	Section 3-201.
“Note”.	Section 3-104.
“Payable at a definite time”.	Section 3-108.
“Payable on demand”.	Section 3-108.
“Payable to bearer”.	Section 3-109.
“Payable to order”.	Section 3-109.
“Payment”.	Section 3-602.
“Person entitled to enforce”.	Section 3-301.
“Presentment”.	Section 3-501.
“Reacquisition”.	Section 3-207.
“Special indorsement”.	Section 3-205.
“Teller’s check”.	Section 3-104.
“Transfer of instrument”.	Section 3-203.
“Traveler’s check”.	Section 3-104.
“Value”.	Section 3-303.

(c) The following definitions in other articles apply to this article:

“Bank”.	Section 4-105.
“Banking day”.	Section 4-104.
“Clearinghouse”.	Section 4-104.
“Collecting bank”.	Section 4-105.
“Depositary bank”.	Section 4-105.
“Documentary draft”.	Section 4-104.
“Intermediary bank”.	Section 4-105.
“Item”.	Section 4-104.
“Payor bank”.	Section 4-105.
“Suspends payments”.	Section 4-104.

(d) In addition, article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1991, LB 161, § 7; Laws 2003, LB 128, § 1; Laws 2005, LB 570, § 50.

3-104 Negotiable instrument.

(a) Except as provided in subsections (c) and (d), “negotiable instrument” means an unconditional promise or order to pay a fixed amount of money, with or without interest or other charges described in the promise or order, if it:

(1) is payable to bearer or to order at the time it is issued or first comes into possession of a holder;

(2) is payable on demand or at a definite time; and

(3) does not state any other undertaking or instruction by the person promising or ordering payment to do any act in addition to the payment of money, but the promise or order may contain (i) an undertaking or power to give, maintain, or protect collateral to secure payment, (ii) an authorization or power to the holder to confess judgment or realize on or dispose of collateral, or (iii) a waiver of the benefit of any law intended for the advantage or protection of an obligor.

(b) “Instrument” means a negotiable instrument.

(c) An order that meets all of the requirements of subsection (a), except paragraph (1), and otherwise falls within the definition of “check” in subsection (f) is a negotiable instrument and a check.

(d) A promise or order other than a check is not an instrument if, at the time it is issued or first comes into possession of a holder, it contains a conspicuous statement, however expressed, to the effect that the promise or order is not negotiable or is not an instrument governed by this article.

(e) An instrument is a “note” if it is a promise and is a “draft” if it is an order. If an instrument falls within the definition of both “note” and “draft”, a person entitled to enforce the instrument may treat it as either.

(f) “Check” means (i) a draft, other than a documentary draft, payable on demand and drawn on a bank, (ii) a cashier’s check or teller’s check, or (iii) a demand draft. An instrument may be a check even though it is described on its face by another term, such as “money order”.

(g) “Cashier’s check” means a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.

(h) “Teller’s check” means a draft drawn by a bank (i) on another bank, or (ii) payable at or through a bank.

(i) “Traveler’s check” means an instrument that (i) is payable on demand, (ii) is drawn on or payable at or through a bank, (iii) is designated by the term “traveler’s check” or by a substantially similar term, and (iv) requires, as a condition to payment, a countersignature by a person whose specimen signature appears on the instrument.

(j) “Certificate of deposit” means an instrument containing an acknowledgment by a bank that a sum of money has been received by the bank and a promise by the bank to repay the sum of money. A certificate of deposit is a note of the bank.

(k) “Demand draft” means a writing not signed by a customer, as defined in section 4-104, that is created by a third party under the purported authority of the customer for the purpose of charging the customer’s account with a bank. A demand draft shall contain the customer’s account number and may contain any or all of the following:

(i) The customer’s printed or typewritten name;

(ii) A notation that the customer authorized the draft; or

(iii) The statement “no signature required”, “authorization on file”, “signature on file”, or words to that effect.

Demand draft does not include a check purportedly drawn by and bearing the signature of a fiduciary, as defined in section 3-307.

Source: Laws 1991, LB 161, § 8; Laws 2003, LB 128, § 2.

3-118 Statute of limitations.

(a) Except as provided in subsection (e), an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within six years after the due date or dates stated in the note or, if a due date is accelerated, within six years after the accelerated due date.

(b) Except as provided in subsection (d) or (e), if demand for payment is made to the maker of a note payable on demand, an action to enforce the obligation of a party to pay the note must be commenced within six years after the demand. If no demand for payment is made to the maker, an action to enforce the note is barred if neither principal nor interest on the note has been paid for a continuous period of ten years.

(c) Except as provided in subsection (d), an action to enforce the obligation of a party to an unaccepted draft to pay the draft must be commenced within three years after dishonor of the draft or ten years after the date of the draft, whichever period expires first.

(d) An action to enforce the obligation of the acceptor of a certified check or the issuer of a teller's check, cashier's check, or traveler's check must be commenced within three years after demand for payment is made to the acceptor or issuer, as the case may be.

(e) Subject to the provisions of section 25-227, an action to enforce the obligation of a party to a certificate of deposit to pay the instrument must be commenced within six years after demand for payment is made to the maker, but if the instrument states a due date and the maker is not required to pay before that date, the six-year period begins when a demand for payment is in effect and the due date has passed.

(f) An action to enforce the obligation of a party to pay an accepted draft, other than a certified check, must be commenced (i) within six years after the due date or dates stated in the draft or acceptance if the obligation of the acceptor is payable at a definite time, or (ii) within six years after the date of the acceptance if the obligation of the acceptor is payable on demand.

(g) Unless governed by other law regarding claims for indemnity or contribution, an action (i) for conversion of an instrument, for money had and received, or like action based on conversion, (ii) for breach of warranty, or (iii) to enforce an obligation, duty, or right arising under this article and not governed by this section must be commenced within three years after the cause of action accrues.

Source: Laws 1991, LB 161, § 22; Laws 2008, LB151, § 2.

Part 3

ENFORCEMENT OF INSTRUMENTS

3-309 Enforcement of lost, destroyed, or stolen instrument.

(a) A person not in possession of an instrument is entitled to enforce the instrument if (i) the person seeking to enforce the instrument (1) was entitled to enforce the instrument when loss of possession occurred or (2) had directly or

indirectly acquired ownership of the instrument from a person who was entitled to enforce the instrument when loss of possession occurred, (ii) the loss of possession was not the result of a transfer by the person or a lawful seizure, and (iii) the person cannot reasonably obtain possession of the instrument because the instrument was destroyed, its whereabouts cannot be determined, or it is in the wrongful possession of an unknown person or a person that cannot be found or is not amenable to service of process.

(b) A person seeking enforcement of an instrument under subsection (a) must prove the terms of the instrument and the person's right to enforce the instrument. If that proof is made, section 3-308 applies to the case as if the person seeking enforcement had produced the instrument. The court may not enter judgment in favor of the person seeking enforcement unless it finds that the person required to pay the instrument is adequately protected against loss that might occur by reason of a claim by another person to enforce the instrument. Adequate protection may be provided by any reasonable means.

Source: Laws 1991, LB 161, § 39; Laws 2003, LB 128, § 3.

Part 4

LIABILITY OF PARTIES

3-416 Transfer warranties.

(a) A person who transfers an instrument for consideration warrants to the transferee and, if the transfer is by indorsement, to any subsequent transferee that:

- (1) the warrantor is a person entitled to enforce the instrument;
- (2) all signatures on the instrument are authentic and authorized;
- (3) the instrument has not been altered;
- (4) the instrument is not subject to a defense or claim in recoupment of any party which can be asserted against the warrantor;
- (5) the warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer; and
- (6) if the instrument is a demand draft, creation of the instrument according to the terms on its face was authorized by the person identified as drawer.

(b) A person to whom the warranties under subsection (a) are made and who took the instrument in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the instrument plus expenses and loss of interest incurred as a result of the breach.

(c) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(d) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

(e) If the warranty under subdivision (a)(6) of this section is not given by a transferor under applicable conflict of law rules, then the warranty is not given to that transferor when that transferor is a transferee.

Source: Laws 1991, LB 161, § 57; Laws 2003, LB 128, § 4.

3-417 Presentment warranties.

(a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee making payment or accepting the draft in good faith that:

(1) the warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

(2) the draft has not been altered;

(3) the warrantor has no knowledge that the signature of the drawer of the draft is unauthorized; and

(4) if the draft is a demand draft, creation of the demand draft according to the terms on its face was authorized by the person identified as drawer.

(b) A drawee making payment may recover from any warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft, breach of warranty is a defense to the obligation of the acceptor. If the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from any warrantor for breach of warranty the amounts stated in this subsection.

(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under section 3-404 or 3-405 or the drawer is precluded under section 3-406 or 4-406 from asserting against the drawee the unauthorized indorsement or alteration.

(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other instrument is presented for payment to a party obliged to pay the instrument, and (iii) payment is received, the following rules apply:

(1) The person obtaining payment and a prior transferor of the instrument warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the instrument, a person entitled to enforce the instrument or authorized to obtain payment on behalf of a person entitled to enforce the instrument.

(2) The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to

the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the liability of the warrantor under subsection (b) or (d) is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

(g) A demand draft is a check as provided in subsection (f) of section 3-104.

(h) If the warranty under subdivision (a)(4) of this section is not given by a transferor under applicable conflict of law rules, then the warranty is not given to that transferor when that transferor is a transferee.

Source: Laws 1991, LB 161, § 58; Laws 2003, LB 128, § 5.

ARTICLE 4

BANK DEPOSITS AND COLLECTIONS

Part 1. GENERAL PROVISIONS AND DEFINITIONS

Section

4-104. Definitions and index of definitions.

Part 2. COLLECTION OF ITEMS: DEPOSITARY AND COLLECTING BANKS

4-207. Transfer warranties.

4-208. Presentment warranties.

4-210. Security interest of collecting bank in items, accompanying documents and proceeds.

Part 1

GENERAL PROVISIONS AND DEFINITIONS

4-104 Definitions and index of definitions.

(a) In this article, unless the context otherwise requires:

(1) "Account" means any deposit or credit account with a bank, including a demand, time, savings, passbook, share draft, or like account, other than an account evidenced by a certificate of deposit;

(2) "Afternoon" means the period of a day between noon and midnight;

(3) "Banking day" means that part of any day on which a bank is open to the public for carrying on substantially all of its banking functions but, for purposes of a bank's midnight deadline, shall not include Saturday, Sunday, or any holiday when the federal reserve banks are not performing check clearing functions;

(4) "Clearinghouse" means an association of banks or other payors regularly clearing items;

(5) "Customer" means a person having an account with a bank or for whom a bank has agreed to collect items, including a bank that maintains an account at another bank;

(6) "Documentary draft" means a draft to be presented for acceptance or payment if specified documents, certificated securities (section 8-102) or instructions for uncertificated securities (section 8-102), or other certificates, statements, or the like are to be received by the drawee or other payor before acceptance or payment of the draft;

(7) "Draft" means a draft as defined in section 3-104 or an item, other than an instrument, that is an order;

(8) "Drawee" means a person ordered in a draft to make payment;

(9) "Item" means an instrument or a promise or order to pay money handled by a bank for collection or payment. The term does not include a payment order governed by article 4A or a credit or debit card slip;

(10) "Midnight deadline" with respect to a bank is midnight on its next banking day following the banking day on which it receives the relevant item or notice or from which the time for taking action commences to run, whichever is later;

(11) "Settle" means to pay in cash, by clearinghouse settlement, in a charge or credit or by remittance, or otherwise as agreed. A settlement may be either provisional or final;

(12) "Suspends payments" with respect to a bank means that it has been closed by order of the supervisory authorities, that a public officer has been appointed to take it over, or that it ceases or refuses to make payments in the ordinary course of business.

(b) Other definitions applying to this article and the sections in which they appear are:

"Agreement for electronic presentment".	Section 4-110.
"Bank".	Section 4-105.
"Collecting bank".	Section 4-105.
"Depository bank".	Section 4-105.
"Intermediary bank".	Section 4-105.
"Payor bank".	Section 4-105.
"Presenting bank".	Section 4-105.
"Presentment notice".	Section 4-110.

(c) "Control" as provided in section 7-106 and the following definitions in other articles apply to this article:

"Acceptance".	Section 3-409.
"Alteration".	Section 3-407.
"Cashier's check".	Section 3-104.
"Certificate of deposit".	Section 3-104.
"Certified check".	Section 3-409.
"Check".	Section 3-104.
"Good faith".	Section 3-103.
"Holder in due course".	Section 3-302.
"Instrument".	Section 3-104.
"Notice of dishonor".	Section 3-503.
"Order".	Section 3-103.
"Ordinary care".	Section 3-103.
"Person entitled to enforce".	Section 3-301.
"Presentment".	Section 3-501.
"Promise".	Section 3-103.
"Prove".	Section 3-103.
"Teller's check".	Section 3-104.
"Unauthorized signature".	Section 3-403.

(d) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1963, c. 544, Art. IV, § 4-104, p. 1812; Laws 1991, LB 161, § 75; Laws 1994, LB 1015, § 1; Laws 1995, LB 97, § 3; Laws 2005, LB 570, § 51.

Part 2

COLLECTION OF ITEMS: DEPOSITARY AND COLLECTING BANKS

4-207 Transfer warranties.

(a) A customer or collecting bank that transfers an item and receives a settlement or other consideration warrants to the transferee and to any subsequent collecting bank that:

- (1) the warrantor is a person entitled to enforce the item;
- (2) all signatures on the item are authentic and authorized;
- (3) the item has not been altered;
- (4) the item is not subject to a defense or claim in recoupment (section 3-305(a)) of any party that can be asserted against the warrantor;
- (5) the warrantor has no knowledge of any insolvency proceeding commenced with respect to the maker or acceptor or, in the case of an unaccepted draft, the drawer; and
- (6) if the item is a demand draft, creation of the item according to the terms on its face was authorized by the person identified as drawer.

(b) If an item is dishonored, a customer or collecting bank transferring the item and receiving settlement or other consideration is obliged to pay the amount due on the item (i) according to the terms of the item at the time it was transferred, or (ii) if the transfer was of an incomplete item, according to its terms when completed as stated in sections 3-115 and 3-407. The obligation of a transferor is owed to the transferee and to any subsequent collecting bank that takes the item in good faith. A transferor cannot disclaim its obligation under this subsection by an indorsement stating that it is made “without recourse” or otherwise disclaiming liability.

(c) A person to whom the warranties under subsection (a) are made and who took the item in good faith may recover from the warrantor as damages for breach of warranty an amount equal to the loss suffered as a result of the breach, but not more than the amount of the item plus expenses and loss of interest incurred as a result of the breach.

(d) The warranties stated in subsection (a) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(e) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

(f) If the warranty under subdivision (a)(6) of this section is not given by a transferor or collecting bank under applicable conflict of law rules, the warran-

ty is not given to that transferor when that transferor is a transferee or to any prior collecting bank of that transferee.

Source: Laws 1963, c. 544, Art. IV, § 4-207, p. 1818; Laws 1991, LB 161, § 89; Laws 2003, LB 128, § 6.

4-208 Presentment warranties.

(a) If an unaccepted draft is presented to the drawee for payment or acceptance and the drawee pays or accepts the draft, (i) the person obtaining payment or acceptance, at the time of presentment, and (ii) a previous transferor of the draft, at the time of transfer, warrant to the drawee that pays or accepts the draft in good faith that:

(1) the warrantor is, or was, at the time the warrantor transferred the draft, a person entitled to enforce the draft or authorized to obtain payment or acceptance of the draft on behalf of a person entitled to enforce the draft;

(2) the draft has not been altered;

(3) the warrantor has no knowledge that the signature of the purported drawer of the draft is unauthorized; and

(4) if the draft is a demand draft, creation of the demand draft according to the terms on its face was authorized by the person identified as drawer.

(b) A drawee making payment may recover from a warrantor damages for breach of warranty equal to the amount paid by the drawee less the amount the drawee received or is entitled to receive from the drawer because of the payment. In addition, the drawee is entitled to compensation for expenses and loss of interest resulting from the breach. The right of the drawee to recover damages under this subsection is not affected by any failure of the drawee to exercise ordinary care in making payment. If the drawee accepts the draft (i) breach of warranty is a defense to the obligation of the acceptor, and (ii) if the acceptor makes payment with respect to the draft, the acceptor is entitled to recover from a warrantor for breach of warranty the amounts stated in this subsection.

(c) If a drawee asserts a claim for breach of warranty under subsection (a) based on an unauthorized indorsement of the draft or an alteration of the draft, the warrantor may defend by proving that the indorsement is effective under section 3-404 or 3-405 or the drawer is precluded under section 3-406 or 4-406 from asserting against the drawee the unauthorized indorsement or alteration.

(d) If (i) a dishonored draft is presented for payment to the drawer or an indorser or (ii) any other item is presented for payment to a party obliged to pay the item, and the item is paid, the person obtaining payment and a prior transferor of the item warrant to the person making payment in good faith that the warrantor is, or was, at the time the warrantor transferred the item, a person entitled to enforce the item or authorized to obtain payment on behalf of a person entitled to enforce the item. The person making payment may recover from any warrantor for breach of warranty an amount equal to the amount paid plus expenses and loss of interest resulting from the breach.

(e) The warranties stated in subsections (a) and (d) cannot be disclaimed with respect to checks. Unless notice of a claim for breach of warranty is given to the warrantor within thirty days after the claimant has reason to know of the breach and the identity of the warrantor, the warrantor is discharged to the extent of any loss caused by the delay in giving notice of the claim.

(f) A cause of action for breach of warranty under this section accrues when the claimant has reason to know of the breach.

(g) A demand draft is a check as provided in subsection (f) of section 3-104.

(h) If the warranty under subdivision (a)(4) of this section is not given by a transferor under applicable conflict of law rules, the warranty is not given to that transferor when that transferor is a transferee.

Source: Laws 1963, c. 544, Art. IV, § 4-208, p. 1820; Laws 1991, LB 161, § 90; Laws 2003, LB 128, § 7.

4-210 Security interest of collecting bank in items, accompanying documents and proceeds.

(a) A collecting bank has a security interest in an item and any accompanying documents, or the proceeds of either:

(1) in case of an item deposited in an account, to the extent to which credit given for the item has been withdrawn or applied;

(2) in case of an item for which it has given credit available for withdrawal as of right, to the extent of the credit given, whether or not the credit is drawn upon or there is a right of chargeback; or

(3) if it makes an advance on or against the item.

(b) If credit given for several items received at one time or pursuant to a single agreement is withdrawn or applied in part, the security interest remains upon all the items, any accompanying documents, or the proceeds of either. For the purpose of this section, credits first given are first withdrawn.

(c) Receipt by a collecting bank of a final settlement for an item is a realization on its security interest in the item, accompanying documents, and proceeds. So long as the bank does not receive final settlement for the item or give up possession of the item or possession or control of the accompanying documents for purposes other than collection, the security interest continues to that extent and is subject to article 9, but:

(1) no security agreement is necessary to make the security interest enforceable (section 9-203(b)(3)(A));

(2) no filing is required to perfect the security interest; and

(3) the security interest has priority over conflicting perfected security interests in the item, accompanying documents, or proceeds.

Source: Laws 1963, c. 544, Art. IV, § 4-210, p. 1821; Laws 1991, LB 161, § 92; Laws 1999, LB 550, § 63; Laws 2005, LB 570, § 52.

ARTICLE 4A

FUNDS TRANSFERS

Part 1. SUBJECT MATTER AND DEFINITIONS

Section

4A-105. Other definitions.

4A-106. Time payment order is received.

Part 2. ISSUE AND ACCEPTANCE OF PAYMENT ORDER

4A-204. Refund of payment and duty of customer to report with respect to unauthorized payment order.

Part 1

SUBJECT MATTER AND DEFINITIONS

4A-105 Other definitions.

(a) In this article:

(1) "Authorized account" means a deposit account of a customer in a bank designated by the customer as a source of payment of payment orders issued by the customer to the bank. If a customer does not so designate an account, any account of the customer is an authorized account if payment of a payment order from that account is not inconsistent with a restriction on the use of that account.

(2) "Bank" means a person engaged in the business of banking and includes a savings bank, savings and loan association, credit union, and trust company. A branch or separate office of a bank is a separate bank for purposes of this article.

(3) "Customer" means a person, including a bank, having an account with a bank or from whom a bank has agreed to receive payment orders.

(4) "Funds-transfer business day" of a receiving bank means the part of a day during which the receiving bank is open for the receipt, processing, and transmittal of payment orders and cancellations and amendments of payment orders.

(5) "Funds-transfer system" means a wire transfer network, automated clearinghouse, or other communication system of a clearinghouse or other association of banks through which a payment order by a bank may be transmitted to the bank to which the order is addressed.

(6) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(7) "Prove" with respect to a fact means to meet the burden of establishing the fact (section 1-201(b)(8)).

(b) Other definitions applying to this article and the sections in which they appear are:

"Acceptance".	Section 4A-209.
"Beneficiary".	Section 4A-103.
"Beneficiary's bank".	Section 4A-103.
"Executed".	Section 4A-301.
"Execution date".	Section 4A-301.
"Funds transfer".	Section 4A-104.
"Funds-transfer system rule".	Section 4A-501.
"Intermediary bank".	Section 4A-104.
"Originator".	Section 4A-104.
"Originator's bank".	Section 4A-104.
"Payment by beneficiary's bank to beneficiary".	Section 4A-405.
"Payment by originator to beneficiary".	Section 4A-406.
"Payment by sender to receiving bank".	Section 4A-403.
"Payment date".	Section 4A-401.
"Payment order".	Section 4A-103.
"Receiving bank".	Section 4A-103.
"Security procedure".	Section 4A-201.
"Sender".	Section 4A-103.

(c) The following definitions in article 4 apply to this article:

“Clearinghouse”.	Section 4-104.
“Item”.	Section 4-104.
“Suspends payments”.	Section 4-104.

(d) In addition article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1991, LB 160, § 6; Laws 2005, LB 570, § 53.

4A-106 Time payment order is received.

(a) The time of receipt of a payment order or communication canceling or amending a payment order is determined by the rules applicable to receipt of a notice stated in section 1-202. A receiving bank may fix a cutoff time or times on a funds-transfer business day for the receipt and processing of payment orders and communications canceling or amending payment orders. Different cutoff times may apply to payment orders, cancellations, or amendments, or to different categories of payment orders, cancellations, or amendments. A cutoff time may apply to senders generally or different cutoff times may apply to different senders or categories of payment orders. If a payment order or communication canceling or amending a payment order is received after the close of a funds-transfer business day or after the appropriate cutoff time on a funds-transfer business day, the receiving bank may treat the payment order or communication as received at the opening of the next funds-transfer business day.

(b) If this article refers to an execution date or payment date or states a day on which a receiving bank is required to take action, and the date or day does not fall on a funds-transfer business day, the next day that is a funds-transfer business day is treated as the date or day stated, unless the contrary is stated in this article.

Source: Laws 1991, LB 160, § 7; Laws 2005, LB 570, § 54.

Part 2

ISSUE AND ACCEPTANCE OF PAYMENT ORDER

4A-204 Refund of payment and duty of customer to report with respect to unauthorized payment order.

(a) If a receiving bank accepts a payment order issued in the name of its customer as sender which is (i) not authorized and not effective as the order of the customer under section 4A-202, or (ii) not enforceable, in whole or in part, against the customer under section 4A-203, the bank shall refund any payment of the payment order received from the customer to the extent the bank is not entitled to enforce payment and shall pay interest on the refundable amount calculated from the date the bank received payment to the date of the refund. However, the customer is not entitled to interest from the bank on the amount to be refunded if the customer fails to exercise ordinary care to determine that the order was not authorized by the customer and to notify the bank of the relevant facts within a reasonable time not exceeding ninety days after the date the customer received notification from the bank that the order was accepted or that the customer's account was debited with respect to the order. The bank is

not entitled to any recovery from the customer on account of a failure by the customer to give notification as stated in this section.

(b) Reasonable time under subsection (a) may be fixed by agreement as stated in section 1-302(b), but the obligation of a receiving bank to refund payment as stated in subsection (a) may not otherwise be varied by agreement.

Source: Laws 1991, LB 160, § 13; Laws 2005, LB 570, § 55.

ARTICLE 5

LETTERS OF CREDIT

Part 1. GENERAL PROVISIONS

Section

5-103. Scope.

Part 1

GENERAL PROVISIONS

5-103 Scope.

(a) This article applies to letters of credit and to certain rights and obligations arising out of transactions involving letters of credit.

(b) The statement of a rule in this article does not by itself require, imply, or negate application of the same or a different rule to a situation not provided for, or to a person not specified, in this article.

(c) With the exception of this subsection, subsections (a) and (d), sections 5-102(a)(9) and (10), 5-106(d), and 5-114(d), and except to the extent prohibited in sections 1-302 and 5-117(d), the effect of this article may be varied by agreement or by a provision stated or incorporated by reference in an undertaking. A term in an agreement or undertaking generally excusing liability or generally limiting remedies for failure to perform obligations is not sufficient to vary obligations prescribed by this article.

(d) Rights and obligations of an issuer to a beneficiary or a nominated person under a letter of credit are independent of the existence, performance, or nonperformance of a contract or arrangement out of which the letter of credit arises or which underlies it, including contracts or arrangements between the issuer and the applicant and between the applicant and the beneficiary.

Source: Laws 1996, LB 1028, § 5; Laws 2005, LB 570, § 56.

ARTICLE 7

DOCUMENTS OF TITLE

Part 1. GENERAL

Section

7-101. Short title.

7-102. Definitions and index of definitions.

7-103. Relation of article to treaty or statute.

7-104. Negotiable and nonnegotiable document of title.

7-105. Reissuance in alternative medium.

7-106. Control of electronic document of title.

Part 2. WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

7-201. Person that may issue a warehouse receipt; storage under bond.

Section

- 7-202. Form of warehouse receipt; effect of omission.
- 7-203. Liability for nonreceipt or misdescription.
- 7-204. Duty of care; contractual limitation of warehouse's liability.
- 7-205. Title under warehouse receipt defeated in certain cases.
- 7-206. Termination of storage at warehouse's option.
- 7-207. Goods must be kept separate; fungible goods.
- 7-208. Altered warehouse receipts.
- 7-209. Lien of warehouse.
- 7-210. Enforcement of warehouse's lien.

Part 3. BILLS OF LADING: SPECIAL PROVISIONS

- 7-301. Liability for nonreceipt or misdescription; "said to contain"; "shipper's weight, load, and count"; improper handling.
- 7-302. Through bills of lading and similar documents of title.
- 7-303. Diversion; reconsignment; change of instructions.
- 7-304. Tangible bills of lading in a set.
- 7-305. Destination bills.
- 7-306. Altered bills of lading.
- 7-307. Lien of carrier.
- 7-308. Enforcement of carrier's lien.
- 7-309. Duty of care; contractual limitation of carrier's liability.

Part 4. WAREHOUSE RECEIPTS AND BILLS OF LADING: GENERAL OBLIGATIONS

- 7-401. Irregularities in issue of receipt or bill or conduct of issuer.
- 7-402. Duplicate document of title; overissue.
- 7-403. Obligation of bailee to deliver; excuse.
- 7-404. No liability for good faith delivery pursuant to document of title.

Part 5. WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

- 7-501. Form of negotiation and requirements of due negotiation.
- 7-502. Rights acquired by due negotiation.
- 7-503. Document of title to goods defeated in certain cases.
- 7-504. Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.
- 7-505. Indorser not guarantor for other parties.
- 7-506. Delivery without indorsement: right to compel indorsement.
- 7-507. Warranties on negotiation or delivery of document of title.
- 7-508. Warranties of collecting bank as to documents of title.
- 7-509. Adequate compliance with commercial contract.

Part 6. WAREHOUSE RECEIPTS AND BILLS OF LADING: MISCELLANEOUS PROVISIONS

- 7-601. Lost, stolen, or destroyed documents of title.
- 7-602. Judicial process against goods covered by negotiable document of title.
- 7-603. Conflicting claims; interpleader.

Part 7. MISCELLANEOUS PROVISIONS

- 7-701. Omitted.
- 7-702. Omitted.
- 7-703. Applicability.
- 7-704. Savings clause.

Part 1

GENERAL

7-101 Short title.

This article may be cited as Uniform Commercial Code—Documents of Title.

Source: Laws 2005, LB 570, § 57.

7-102 Definitions and index of definitions.

(a) In this article, unless the context otherwise requires:

(1) “Bailee” means a person that by a warehouse receipt, bill of lading, or other document of title acknowledges possession of goods and contracts to deliver them.

(2) “Carrier” means a person that issues a bill of lading.

(3) “Consignee” means a person named in a bill of lading to which or to whose order the bill promises delivery.

(4) “Consignor” means a person named in a bill of lading as the person from which the goods have been received for shipment.

(5) “Delivery order” means a record that contains an order to deliver goods directed to a warehouse, carrier, or other person that in the ordinary course of business issues warehouse receipts or bills of lading.

(6) “Good faith” means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(7) “Goods” means all things that are treated as movable for the purposes of a contract for storage or transportation.

(8) “Issuer” means a bailee that issues a document of title or, in the case of an unaccepted delivery order, the person that orders the possessor of goods to deliver. The term includes a person for which an agent or employee purports to act in issuing a document if the agent or employee has real or apparent authority to issue documents, even if the issuer did not receive any goods, the goods were misdescribed, or in any other respect the agent or employee violated the issuer’s instructions.

(9) “Person entitled under the document” means the holder, in the case of a negotiable document of title, or the person to which delivery of the goods is to be made by the terms of, or pursuant to instructions in a record under, a nonnegotiable document of title.

(10) “Record” means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

(11) “Sign” means, with present intent to authenticate or adopt a record:

(A) to execute or adopt a tangible symbol; or

(B) to attach to or logically associate with the record an electronic sound, symbol, or process.

(12) “Shipper” means a person that enters into a contract of transportation with a carrier.

(13) “Warehouse” means a person engaged in the business of storing goods for hire.

(b) Definitions in other articles applying to this article and the sections in which they appear are:

(1) “Contract for sale”, section 2-106.

(2) “Lessee in ordinary course of business”, section 2A-103.

(3) “Receipt” of goods, section 2-103.

(c) In addition, article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 2005, LB 570, § 58.

7-103 Relation of article to treaty or statute.

(a) This article is subject to any treaty or statute of the United States or regulatory statute of this state to the extent the treaty, statute, or regulatory statute is applicable.

(b) This article does not modify or repeal any law prescribing the form or content of a document of title or the services or facilities to be afforded by a bailee, or otherwise regulating a bailee's business in respects not specifically treated in this article. However, violation of such a law does not affect the status of a document of title that otherwise is within the definition of a document of title.

(c) This article modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act (15 U.S.C. section 7001, et seq.) but does not modify, limit, or supersede section 101(c) of that act (15 U.S.C. section 7001(c)) or authorize electronic delivery of any of the notices described in section 103(b) of that act (15 U.S.C. section 7003(b)).

(d) To the extent there is a conflict between the Uniform Electronic Transactions Act and this article, this article governs.

Source: Laws 2005, LB 570, § 59.

7-104 Negotiable and nonnegotiable document of title.

(a) Except as otherwise provided in subsection (c), a document of title is negotiable if by its terms the goods are to be delivered to bearer or to the order of a named person.

(b) A document of title other than one described in subsection (a) is nonnegotiable. A bill of lading that states that the goods are consigned to a named person is not made negotiable by a provision that the goods are to be delivered only against an order in a record signed by the same or another named person.

(c) A document of title is nonnegotiable if, at the time it is issued, the document has a conspicuous legend, however expressed, that it is nonnegotiable.

Source: Laws 2005, LB 570, § 60.

7-105 Reissuance in alternative medium.

(a) Upon request of a person entitled under an electronic document of title, the issuer of the electronic document may issue a tangible document of title as a substitute for the electronic document if:

(1) the person entitled under the electronic document surrenders control of the document to the issuer; and

(2) the tangible document when issued contains a statement that it is issued in substitution for the electronic document.

(b) Upon issuance of a tangible document of title in substitution for an electronic document of title in accordance with subsection (a):

(1) the electronic document ceases to have any effect or validity; and

(2) the person that procured issuance of the tangible document warrants to all subsequent persons entitled under the tangible document that the warrantor was a person entitled under the electronic document when the warrantor surrendered control of the electronic document to the issuer.

(c) Upon request of a person entitled under a tangible document of title, the issuer of the tangible document may issue an electronic document of title as a substitute for the tangible document if:

(1) the person entitled under the tangible document surrenders possession of the document to the issuer; and

(2) the electronic document when issued contains a statement that it is issued in substitution for the tangible document.

(d) Upon issuance of an electronic document of title in substitution for a tangible document of title in accordance with subsection (c):

(1) the tangible document ceases to have any effect or validity; and

(2) the person that procured issuance of the electronic document warrants to all subsequent persons entitled under the electronic document that the warrantor was a person entitled under the tangible document when the warrantor surrendered possession of the tangible document to the issuer.

Source: Laws 2005, LB 570, § 61.

7-106 Control of electronic document of title.

(a) A person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

(b) A system satisfies subsection (a), and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the document exists which is unique, identifiable, and, except as otherwise provided in paragraphs (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the person asserting control as:

(A) the person to which the document was issued; or

(B) if the authoritative copy indicates that the document has been transferred, the person to which the document was most recently transferred;

(3) the authoritative copy is communicated to and maintained by the person asserting control or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the person asserting control;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

Source: Laws 2005, LB 570, § 62.

Part 2

WAREHOUSE RECEIPTS: SPECIAL PROVISIONS

7-201 Person that may issue a warehouse receipt; storage under bond.

(a) A warehouse receipt may be issued by any warehouse.

(b) If goods, including distilled spirits and agricultural commodities, are stored under a statute requiring a bond against withdrawal or a license for the issuance of receipts in the nature of warehouse receipts, a receipt issued for the goods is deemed to be a warehouse receipt even if issued by a person that is the owner of the goods and is not a warehouse.

Source: Laws 2005, LB 570, § 63.

7-202 Form of warehouse receipt; effect of omission.

(a) A warehouse receipt need not be in any particular form.

(b) Unless a warehouse receipt provides for each of the following, the warehouse is liable for damages caused to a person injured by its omission:

(1) a statement of the location of the warehouse facility where the goods are stored;

(2) the date of issue of the receipt;

(3) the unique identification code of the receipt;

(4) a statement whether the goods received will be delivered to the bearer, to a named person, or to a named person or its order;

(5) the rate of storage and handling charges, unless goods are stored under a field warehousing arrangement, in which case a statement of that fact is sufficient on a nonnegotiable receipt;

(6) a description of the goods or the packages containing them;

(7) the signature of the warehouse or its agent;

(8) if the receipt is issued for goods that the warehouse owns, either solely, jointly, or in common with others, a statement of the fact of that ownership; and

(9) a statement of the amount of advances made and of liabilities incurred for which the warehouse claims a lien or security interest, unless the precise amount of advances made or liabilities incurred, at the time of the issue of the receipt, is unknown to the warehouse or to its agent that issued the receipt, in which case a statement of the fact that advances have been made or liabilities incurred and the purpose of the advances or liabilities is sufficient.

(c) A warehouse may insert in its receipt any terms that are not contrary to the Uniform Commercial Code and do not impair its obligation of delivery under section 7-403 or its duty of care under section 7-204. Any contrary provision is ineffective.

Source: Laws 2005, LB 570, § 64.

7-203 Liability for nonreceipt or misdescription.

A party to or purchaser for value in good faith of a document of title, other than a bill of lading, that relies upon the description of the goods in the

document may recover from the issuer damages caused by the nonreceipt or misdescription of the goods, except to the extent that:

(1) the document conspicuously indicates that the issuer does not know whether all or part of the goods in fact were received or conform to the description, such as a case in which the description is in terms of marks or labels or kind, quantity, or condition, or the receipt or description is qualified by “contents, condition, and quality unknown”, “said to contain”, or words of similar import, if the indication is true; or

(2) the party or purchaser otherwise has notice of the nonreceipt or misdescription.

Source: Laws 2005, LB 570, § 65.

7-204 Duty of care; contractual limitation of warehouse’s liability.

(a) A warehouse is liable for damages for loss of or injury to the goods caused by its failure to exercise care with regard to the goods that a reasonably careful person would exercise under similar circumstances. Unless otherwise agreed, the warehouse is not liable for damages that could not have been avoided by the exercise of that care.

(b) Damages may be limited by a term in the warehouse receipt or storage agreement limiting the amount of liability in case of loss or damage beyond which the warehouse is not liable. Such a limitation is not effective with respect to the warehouse’s liability for conversion to its own use. On request of the bailor in a record at the time of signing the storage agreement or within a reasonable time after receipt of the warehouse receipt, the warehouse’s liability may be increased on part or all of the goods covered by the storage agreement or the warehouse receipt. In this event, increased rates may be charged based on an increased valuation of the goods.

(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the bailment may be included in the warehouse receipt or storage agreement.

(d) This section does not modify or repeal any law of this state that imposes a higher responsibility upon the warehouse or invalidates contractual limitations that would be permissible under this article.

Source: Laws 2005, LB 570, § 66.

7-205 Title under warehouse receipt defeated in certain cases.

A buyer in ordinary course of business of fungible goods sold and delivered by a warehouse that is also in the business of buying and selling such goods takes the goods free of any claim under a warehouse receipt even if the receipt is negotiable and has been duly negotiated.

Source: Laws 2005, LB 570, § 67.

7-206 Termination of storage at warehouse’s option.

(a) A warehouse, by giving notice to the person on whose account the goods are held and any other person known to claim an interest in the goods, may require payment of any charges and removal of the goods from the warehouse at the termination of the period of storage fixed by the document of title or, if a period is not fixed, within a stated period not less than 30 days after the

warehouse gives notice. If the goods are not removed before the date specified in the notice, the warehouse may sell them pursuant to section 7-210.

(b) If a warehouse in good faith believes that goods are about to deteriorate or decline in value to less than the amount of its lien within the time provided in subsection (a) and section 7-210, the warehouse may specify in the notice given under subsection (a) any reasonable shorter time for removal of the goods and, if the goods are not removed, may sell them at public sale held not less than one week after a single advertisement or posting.

(c) If, as a result of a quality or condition of the goods of which the warehouse did not have notice at the time of deposit, the goods are a hazard to other property, the warehouse facilities, or other persons, the warehouse may sell the goods at public or private sale without advertisement or posting on reasonable notification to all persons known to claim an interest in the goods. If the warehouse, after a reasonable effort, is unable to sell the goods, it may dispose of them in any lawful manner and does not incur liability by reason of that disposition.

(d) A warehouse shall deliver the goods to any person entitled to them under this article upon due demand made at any time before sale or other disposition under this section.

(e) A warehouse may satisfy its lien from the proceeds of any sale or disposition under this section but shall hold the balance for delivery on the demand of any person to which the warehouse would have been bound to deliver the goods.

Source: Laws 2005, LB 570, § 68.

7-207 Goods must be kept separate; fungible goods.

(a) Unless the warehouse receipt provides otherwise, a warehouse shall keep separate the goods covered by each receipt so as to permit at all times identification and delivery of those goods. However, different lots of fungible goods may be commingled.

(b) If different lots of fungible goods are commingled, the goods are owned in common by the persons entitled thereto and the warehouse is severally liable to each owner for that owner's share. If, because of overissue, a mass of fungible goods is insufficient to meet all the receipts the warehouse has issued against it, the persons entitled include all holders to which overissued receipts have been duly negotiated.

Source: Laws 2005, LB 570, § 69.

7-208 Altered warehouse receipts.

If a blank in a negotiable tangible warehouse receipt has been filled in without authority, a good faith purchaser for value and without notice of the lack of authority may treat the insertion as authorized. Any other unauthorized alteration leaves any tangible or electronic warehouse receipt enforceable against the issuer according to its original tenor.

Source: Laws 2005, LB 570, § 70.

7-209 Lien of warehouse.

(a) A warehouse has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in its

possession for charges for storage or transportation, including demurrage and terminal charges, insurance, labor, or other charges, present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law. If the person on whose account the goods are held is liable for similar charges or expenses in relation to other goods whenever deposited and it is stated in the warehouse receipt or storage agreement that a lien is claimed for charges and expenses in relation to other goods, the warehouse also has a lien against the goods covered by the warehouse receipt or storage agreement or on the proceeds thereof in its possession for those charges and expenses, whether or not the other goods have been delivered by the warehouse. However, as against a person to which a negotiable warehouse receipt is duly negotiated, a warehouse's lien is limited to charges in an amount or at a rate specified in the warehouse receipt or, if no charges are so specified, to a reasonable charge for storage of the specific goods covered by the receipt subsequent to the date of the receipt.

(b) A warehouse may also reserve a security interest against the bailor for the maximum amount specified on the receipt for charges other than those specified in subsection (a), such as for money advanced and interest. The security interest is governed by article 9.

(c) A warehouse's lien for charges and expenses under subsection (a) or a security interest under subsection (b) is also effective against any person that so entrusted the bailor with possession of the goods that a pledge of them by the bailor to a good faith purchaser for value would have been valid. However, the lien or security interest is not effective against a person that before issuance of a document of title had a legal interest or a perfected security interest in the goods and that did not:

(1) deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(A) actual or apparent authority to ship, store, or sell;

(B) power to obtain delivery under section 7-403; or

(C) power of disposition under section 2-403, 2A-304(2), 2A-305(2), 9-320, or 9-321(c) or other statute or rule of law; or

(2) acquiesce in the procurement by the bailor or its nominee of any document.

(d) A warehouse's lien on household goods for charges and expenses in relation to the goods under subsection (a) is also effective against all persons if the depositor was the legal possessor of the goods at the time of deposit. In this subsection, "household goods" means furniture, furnishings, or personal effects used by the depositor in a dwelling.

(e) A warehouse loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

Source: Laws 2005, LB 570, § 71.

7-210 Enforcement of warehouse's lien.

(a) Except as otherwise provided in subsection (b), a warehouse's lien may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification must include a statement of the amount due, the nature of the proposed sale,

and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the warehouse is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The warehouse sells in a commercially reasonable manner if the warehouse sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

(b) A warehouse may enforce its lien on goods, other than goods stored by a merchant in the course of its business, only if the following requirements are satisfied:

(1) All persons known to claim an interest in the goods must be notified.

(2) The notification must include an itemized statement of the claim, a description of the goods subject to the lien, a demand for payment within a specified time not less than 10 days after receipt of the notification, and a conspicuous statement that unless the claim is paid within that time the goods will be advertised for sale and sold by auction at a specified time and place.

(3) The sale must conform to the terms of the notification.

(4) The sale must be held at the nearest suitable place to where the goods are held or stored.

(5) After the expiration of the time given in the notification, an advertisement of the sale must be published once a week for two weeks consecutively in a newspaper of general circulation where the sale is to be held. The advertisement must include a description of the goods, the name of the person on whose account the goods are being held, and the time and place of the sale. The sale must take place at least 15 days after the first publication. If there is no newspaper of general circulation where the sale is to be held, the advertisement must be posted at least 10 days before the sale in not fewer than six conspicuous places in the neighborhood of the proposed sale.

(c) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but must be retained by the warehouse subject to the terms of the receipt and this article.

(d) A warehouse may buy at any public sale held pursuant to this section.

(e) A purchaser in good faith of goods sold to enforce a warehouse's lien takes the goods free of any rights of persons against which the lien was valid, despite the warehouse's noncompliance with this section.

(f) A warehouse may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the warehouse would have been bound to deliver the goods.

(g) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

(h) If a lien is on goods stored by a merchant in the course of its business, the lien may be enforced in accordance with subsection (a) or (b).

(i) A warehouse is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

Source: Laws 2005, LB 570, § 72.

Part 3

BILLS OF LADING: SPECIAL PROVISIONS

7-301 Liability for nonreceipt or misdescription; “said to contain”; “shipper’s weight, load, and count”; improper handling.

(a) A consignee of a nonnegotiable bill of lading which has given value in good faith, or a holder to which a negotiable bill has been duly negotiated, relying upon the description of the goods in the bill or upon the date shown in the bill, may recover from the issuer damages caused by the misdating of the bill or the nonreceipt or misdescription of the goods, except to the extent that the bill indicates that the issuer does not know whether any part or all of the goods in fact were received or conform to the description, such as in a case in which the description is in terms of marks or labels or kind, quantity, or condition or the receipt or description is qualified by “contents or condition of contents of packages unknown”, “said to contain”, “shipper’s weight, load, and count”, or words of similar import, if that indication is true.

(b) If goods are loaded by the issuer of a bill of lading:

(1) the issuer shall count the packages of goods if shipped in packages and ascertain the kind and quantity if shipped in bulk; and

(2) words such as “shipper’s weight, load, and count”, or words of similar import indicating that the description was made by the shipper are ineffective except as to goods concealed in packages.

(c) If bulk goods are loaded by a shipper that makes available to the issuer of a bill of lading adequate facilities for weighing those goods, the issuer shall ascertain the kind and quantity within a reasonable time after receiving the shipper’s request in a record to do so. In that case, “shipper’s weight” or words of similar import are ineffective.

(d) The issuer of a bill of lading, by including in the bill the words “shipper’s weight, load, and count”, or words of similar import, may indicate that the goods were loaded by the shipper, and, if that statement is true, the issuer is not liable for damages caused by the improper loading. However, omission of such words does not imply liability for damages caused by improper loading.

(e) A shipper guarantees to an issuer the accuracy at the time of shipment of the description, marks, labels, number, kind, quantity, condition, and weight, as furnished by the shipper, and the shipper shall indemnify the issuer against damage caused by inaccuracies in those particulars. This right of indemnity does not limit the issuer’s responsibility or liability under the contract of carriage to any person other than the shipper.

Source: Laws 2005, LB 570, § 73.

7-302 Through bills of lading and similar documents of title.

(a) The issuer of a through bill of lading, or other document of title embodying an undertaking to be performed in part by a person acting as its agent or by a performing carrier, is liable to any person entitled to recover on

the bill or other document for any breach by the other person or the performing carrier of its obligation under the bill or other document. However, to the extent that the bill or other document covers an undertaking to be performed overseas or in territory not contiguous to the continental United States or an undertaking including matters other than transportation, this liability for breach by the other person or the performing carrier may be varied by agreement of the parties.

(b) If goods covered by a through bill of lading or other document of title embodying an undertaking to be performed in part by a person other than the issuer are received by that person, the person is subject, with respect to its own performance while the goods are in its possession, to the obligation of the issuer. The person's obligation is discharged by delivery of the goods to another person pursuant to the bill or other document and does not include liability for breach by any other person or by the issuer.

(c) The issuer of a through bill of lading or other document of title described in subsection (a) is entitled to recover from the performing carrier, or other person in possession of the goods when the breach of the obligation under the bill or other document occurred:

(1) the amount it may be required to pay to any person entitled to recover on the bill or other document for the breach, as may be evidenced by any receipt, judgment, or transcript of judgment; and

(2) the amount of any expense reasonably incurred by the issuer in defending any action commenced by any person entitled to recover on the bill or other document for the breach.

Source: Laws 2005, LB 570, § 74.

7-303 Diversion; reconsignment; change of instructions.

(a) Unless the bill of lading otherwise provides, a carrier may deliver the goods to a person or destination other than that stated in the bill or may otherwise dispose of the goods, without liability for misdelivery, on instructions from:

(1) the holder of a negotiable bill;

(2) the consignor on a nonnegotiable bill, even if the consignee has given contrary instructions;

(3) the consignee on a nonnegotiable bill in the absence of contrary instructions from the consignor, if the goods have arrived at the billed destination or if the consignee is in possession of the tangible bill or in control of the electronic bill; or

(4) the consignee on a nonnegotiable bill, if the consignee is entitled as against the consignor to dispose of the goods.

(b) Unless instructions described in subsection (a) are included in a negotiable bill of lading, a person to which the bill is duly negotiated may hold the bailee according to the original terms.

Source: Laws 2005, LB 570, § 75.

7-304 Tangible bills of lading in a set.

(a) Except as customary in international transportation, a tangible bill of lading may not be issued in a set of parts. The issuer is liable for damages caused by violation of this subsection.

(b) If a tangible bill of lading is lawfully issued in a set of parts, each of which contains an identification code and is expressed to be valid only if the goods have not been delivered against any other part, the whole of the parts constitutes one bill.

(c) If a tangible negotiable bill of lading is lawfully issued in a set of parts and different parts are negotiated to different persons, the title of the holder to which the first due negotiation is made prevails as to both the document of title and the goods even if any later holder may have received the goods from the carrier in good faith and discharged the carrier's obligation by surrendering its part.

(d) A person that negotiates or transfers a single part of a tangible bill of lading issued in a set is liable to holders of that part as if it were the whole set.

(e) The bailee shall deliver in accordance with part 4 against the first presented part of a tangible bill of lading lawfully issued in a set. Delivery in this manner discharges the bailee's obligation on the whole bill.

Source: Laws 2005, LB 570, § 76.

7-305 Destination bills.

(a) Instead of issuing a bill of lading to the consignor at the place of shipment, a carrier, at the request of the consignor, may procure the bill to be issued at destination or at any other place designated in the request.

(b) Upon request of any person entitled as against a carrier to control the goods while in transit and on surrender of possession or control of any outstanding bill of lading or other receipt covering the goods, the issuer, subject to section 7-105, may procure a substitute bill to be issued at any place designated in the request.

Source: Laws 2005, LB 570, § 77.

7-306 Altered bills of lading.

An unauthorized alteration or filling in of a blank in a bill of lading leaves the bill enforceable according to its original tenor.

Source: Laws 2005, LB 570, § 78.

7-307 Lien of carrier.

(a) A carrier has a lien on the goods covered by a bill of lading or on the proceeds thereof in its possession for charges after the date of the carrier's receipt of the goods for storage or transportation, including demurrage and terminal charges, and for expenses necessary for preservation of the goods incident to their transportation or reasonably incurred in their sale pursuant to law. However, against a purchaser for value of a negotiable bill of lading, a carrier's lien is limited to charges stated in the bill or the applicable tariffs or, if no charges are stated, a reasonable charge.

(b) A lien for charges and expenses under subsection (a) on goods that the carrier was required by law to receive for transportation is effective against the consignor or any person entitled to the goods unless the carrier had notice that

the consignor lacked authority to subject the goods to those charges and expenses. Any other lien under subsection (a) is effective against the consignor and any person that permitted the bailor to have control or possession of the goods unless the carrier had notice that the bailor lacked authority.

(c) A carrier loses its lien on any goods that it voluntarily delivers or unjustifiably refuses to deliver.

Source: Laws 2005, LB 570, § 79.

7-308 Enforcement of carrier's lien.

(a) A carrier's lien on goods may be enforced by public or private sale of the goods, in bulk or in packages, at any time or place and on any terms that are commercially reasonable, after notifying all persons known to claim an interest in the goods. The notification must include a statement of the amount due, the nature of the proposed sale, and the time and place of any public sale. The fact that a better price could have been obtained by a sale at a different time or in a method different from that selected by the carrier is not of itself sufficient to establish that the sale was not made in a commercially reasonable manner. The carrier sells goods in a commercially reasonable manner if the carrier sells the goods in the usual manner in any recognized market therefor, sells at the price current in that market at the time of the sale, or otherwise sells in conformity with commercially reasonable practices among dealers in the type of goods sold. A sale of more goods than apparently necessary to be offered to ensure satisfaction of the obligation is not commercially reasonable, except in cases covered by the preceding sentence.

(b) Before any sale pursuant to this section, any person claiming a right in the goods may pay the amount necessary to satisfy the lien and the reasonable expenses incurred in complying with this section. In that event, the goods may not be sold but must be retained by the carrier, subject to the terms of the bill of lading and this article.

(c) A carrier may buy at any public sale pursuant to this section.

(d) A purchaser in good faith of goods sold to enforce a carrier's lien takes the goods free of any rights of persons against which the lien was valid, despite the carrier's noncompliance with this section.

(e) A carrier may satisfy its lien from the proceeds of any sale pursuant to this section but shall hold the balance, if any, for delivery on demand to any person to which the carrier would have been bound to deliver the goods.

(f) The rights provided by this section are in addition to all other rights allowed by law to a creditor against a debtor.

(g) A carrier's lien may be enforced pursuant to either subsection (a) or the procedure set forth in section 7-210(b).

(h) A carrier is liable for damages caused by failure to comply with the requirements for sale under this section and, in case of willful violation, is liable for conversion.

Source: Laws 2005, LB 570, § 80.

7-309 Duty of care; contractual limitation of carrier's liability.

(a) A carrier that issues a bill of lading, whether negotiable or nonnegotiable, shall exercise the degree of care in relation to the goods which a reasonably

careful person would exercise under similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

(b) Damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement.

Source: Laws 2005, LB 570, § 81.

Part 4

WAREHOUSE RECEIPTS AND BILLS OF
LADING: GENERAL OBLIGATIONS

7-401 Irregularities in issue of receipt or bill or conduct of issuer.

The obligations imposed by this article on an issuer apply to a document of title even if:

- (1) the document does not comply with the requirements of this article or of any other statute, rule, or regulation regarding its issuance, form, or content;
- (2) the issuer violated laws regulating the conduct of its business;
- (3) the goods covered by the document were owned by the bailee when the document was issued; or
- (4) the person issuing the document is not a warehouse but the document purports to be a warehouse receipt.

Source: Laws 2005, LB 570, § 82.

7-402 Duplicate document of title; overissue.

A duplicate or any other document of title purporting to cover goods already represented by an outstanding document of the same issuer does not confer any right in the goods, except as provided in the case of tangible bills of lading in a set of parts, overissue of documents for fungible goods, substitutes for lost, stolen, or destroyed documents, or substitute documents issued pursuant to section 7-105. The issuer is liable for damages caused by its overissue or failure to identify a duplicate document by a conspicuous notation.

Source: Laws 2005, LB 570, § 83.

7-403 Obligation of bailee to deliver; excuse.

(a) A bailee shall deliver the goods to a person entitled under a document of title if the person complies with subsections (b) and (c), unless and to the extent that the bailee establishes any of the following:

- (1) delivery of the goods to a person whose receipt was rightful as against the claimant;

(2) damage to or delay, loss, or destruction of the goods for which the bailee is not liable;

(3) previous sale or other disposition of the goods in lawful enforcement of a lien or on a warehouse's lawful termination of storage;

(4) the exercise by a seller of its right to stop delivery pursuant to section 2-705 or by a lessor of its right to stop delivery pursuant to section 2A-526;

(5) a diversion, reconsignment, or other disposition pursuant to section 7-303;

(6) release, satisfaction, or any other personal defense against the claimant; or

(7) any other lawful excuse.

(b) A person claiming goods covered by a document of title shall satisfy the bailee's lien if the bailee so requests or if the bailee is prohibited by law from delivering the goods until the charges are paid.

(c) Unless a person claiming the goods is a person against which the document of title does not confer a right under section 7-503(a):

(1) the person claiming under a document shall surrender possession or control of any outstanding negotiable document covering the goods for cancellation or indication of partial deliveries; and

(2) the bailee shall cancel the document or conspicuously indicate in the document the partial delivery or the bailee is liable to any person to which the document is duly negotiated.

Source: Laws 2005, LB 570, § 84.

7-404 No liability for good faith delivery pursuant to document of title.

A bailee that in good faith has received goods and delivered or otherwise disposed of the goods according to the terms of a document of title or pursuant to this article is not liable for the goods even if:

(1) the person from which the bailee received the goods did not have authority to procure the document or to dispose of the goods; or

(2) the person to which the bailee delivered the goods did not have authority to receive the goods.

Source: Laws 2005, LB 570, § 85.

Part 5

WAREHOUSE RECEIPTS AND BILLS OF LADING: NEGOTIATION AND TRANSFER

7-501 Form of negotiation and requirements of due negotiation.

(a) The following rules apply to a negotiable tangible document of title:

(1) If the document's original terms run to the order of a named person, the document is negotiated by the named person's indorsement and delivery. After the named person's indorsement in blank or to bearer, any person may negotiate the document by delivery alone.

(2) If the document's original terms run to bearer, it is negotiated by delivery alone.

(3) If the document's original terms run to the order of a named person and it is delivered to the named person, the effect is the same as if the document had been negotiated.

(4) Negotiation of the document after it has been indorsed to a named person requires indorsement by the named person and delivery.

(5) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves receiving the document in settlement or payment of a monetary obligation.

(b) The following rules apply to a negotiable electronic document of title:

(1) If the document's original terms run to the order of a named person or to bearer, the document is negotiated by delivery of the document to another person. Indorsement by the named person is not required to negotiate the document.

(2) If the document's original terms run to the order of a named person and the named person has control of the document, the effect is the same as if the document had been negotiated.

(3) A document is duly negotiated if it is negotiated in the manner stated in this subsection to a holder that purchases it in good faith, without notice of any defense against or claim to it on the part of any person, and for value, unless it is established that the negotiation is not in the regular course of business or financing or involves taking delivery of the document in settlement or payment of a monetary obligation.

(c) Indorsement of a nonnegotiable document of title neither makes it negotiable nor adds to the transferee's rights.

(d) The naming in a negotiable bill of lading of a person to be notified of the arrival of the goods does not limit the negotiability of the bill or constitute notice to a purchaser of the bill of any interest of that person in the goods.

Source: Laws 2005, LB 570, § 86.

7-502 Rights acquired by due negotiation.

(a) Subject to sections 7-205 and 7-503, a holder to which a negotiable document of title has been duly negotiated acquires thereby:

(1) title to the document;

(2) title to the goods;

(3) all rights accruing under the law of agency or estoppel, including rights to goods delivered to the bailee after the document was issued; and

(4) the direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by the issuer except those arising under the terms of the document or under this article, but in the case of a delivery order, the bailee's obligation accrues only upon the bailee's acceptance of the delivery order and the obligation acquired by the holder is that the issuer and any indorser will procure the acceptance of the bailee.

(b) Subject to section 7-503, title and rights acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of the goods by the bailee and are not impaired even if:

(1) the due negotiation or any prior due negotiation constituted a breach of duty;

(2) any person has been deprived of possession of a negotiable tangible document or control of a negotiable electronic document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or conversion; or

(3) a previous sale or other transfer of the goods or document has been made to a third person.

Source: Laws 2005, LB 570, § 87.

7-503 Document of title to goods defeated in certain cases.

(a) A document of title confers no right in goods against a person that before issuance of the document had a legal interest or a perfected security interest in the goods and that did not:

(1) deliver or entrust the goods or any document of title covering the goods to the bailor or the bailor's nominee with:

(A) actual or apparent authority to ship, store, or sell;

(B) power to obtain delivery under section 7-403; or

(C) power of disposition under section 2-403, 2A-304(2), 2A-305(2), 9-320, or 9-321(c) or other statute or rule of law; or

(2) acquiesce in the procurement by the bailor or its nominee of any document.

(b) Title to goods based upon an unaccepted delivery order is subject to the rights of any person to which a negotiable warehouse receipt or bill of lading covering the goods has been duly negotiated. That title may be defeated under section 7-504 to the same extent as the rights of the issuer or a transferee from the issuer.

(c) Title to goods based upon a bill of lading issued to a freight forwarder is subject to the rights of any person to which a bill issued by the freight forwarder is duly negotiated. However, delivery by the carrier in accordance with part 4 pursuant to its own bill of lading discharges the carrier's obligation to deliver.

Source: Laws 2005, LB 570, § 88.

7-504 Rights acquired in absence of due negotiation; effect of diversion; stoppage of delivery.

(a) A transferee of a document of title, whether negotiable or nonnegotiable, to which the document has been delivered but not duly negotiated, acquires the title and rights that its transferor had or had actual authority to convey.

(b) In the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives notice of the transfer, the rights of the transferee may be defeated:

(1) by those creditors of the transferor which could treat the transfer as void under section 2-402 or 2A-308;

(2) by a buyer from the transferor in ordinary course of business if the bailee has delivered the goods to the buyer or received notification of the buyer's rights;

(3) by a lessee from the transferor in ordinary course of business if the bailee has delivered the goods to the lessee or received notification of the lessee's rights; or

(4) as against the bailee, by good faith dealings of the bailee with the transferor.

(c) A diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if the goods have been delivered to a buyer in ordinary course of business or a lessee in ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

(d) Delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller under section 2-705 or a lessor under section 2A-526, subject to the requirements of due notification in those sections. A bailee that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

Source: Laws 2005, LB 570, § 89.

7-505 Indorser not guarantor for other parties.

The indorsement of a tangible document of title issued by a bailee does not make the indorser liable for any default by the bailee or previous indorsers.

Source: Laws 2005, LB 570, § 90.

7-506 Delivery without indorsement: right to compel indorsement.

The transferee of a negotiable tangible document of title has a specifically enforceable right to have its transferor supply any necessary indorsement, but the transfer becomes a negotiation only as of the time the indorsement is supplied.

Source: Laws 2005, LB 570, § 91.

7-507 Warranties on negotiation or delivery of document of title.

If a person negotiates or delivers a document of title for value, otherwise than as a mere intermediary under section 7-508, unless otherwise agreed, the transferor, in addition to any warranty made in selling or leasing the goods, warrants to its immediate purchaser only that:

(1) the document is genuine;

(2) the transferor does not have knowledge of any fact that would impair the document's validity or worth; and

(3) the negotiation or delivery is rightful and fully effective with respect to the title to the document and the goods it represents.

Source: Laws 2005, LB 570, § 92.

7-508 Warranties of collecting bank as to documents of title.

A collecting bank or other intermediary known to be entrusted with documents of title on behalf of another or with collection of a draft or other claim against delivery of documents warrants by the delivery of the documents only

its own good faith and authority even if the collecting bank or other intermediary has purchased or made advances against the claim or draft to be collected.

Source: Laws 2005, LB 570, § 93.

7-509 Adequate compliance with commercial contract.

Whether a document of title is adequate to fulfill the obligations of a contract for sale, a contract for lease, or the conditions of a letter of credit is determined by article 2, 2A, or 5.

Source: Laws 2005, LB 570, § 94.

Part 6

WAREHOUSE RECEIPTS AND BILLS OF LADING:
MISCELLANEOUS PROVISIONS

7-601 Lost, stolen, or destroyed documents of title.

(a) If a document of title is lost, stolen, or destroyed, a court may order delivery of the goods or issuance of a substitute document and the bailee may without liability to any person comply with the order. If the document was negotiable, a court may not order delivery of the goods or issuance of a substitute document without the claimant's posting security unless it finds that any person that may suffer loss as a result of nonsurrender of possession or control of the document is adequately protected against the loss. If the document was nonnegotiable, the court may require security. The court may also order payment of the bailee's reasonable costs and attorney's fees in any action under this subsection.

(b) A bailee that, without a court order, delivers goods to a person claiming under a missing negotiable document of title is liable to any person injured thereby. If the delivery is not in good faith, the bailee is liable for conversion. Delivery in good faith is not conversion if the claimant posts security with the bailee in an amount at least double the value of the goods at the time of posting to indemnify any person injured by the delivery which files a notice of claim within one year after the delivery.

Source: Laws 2005, LB 570, § 95.

7-602 Judicial process against goods covered by negotiable document of title.

Unless a document of title was originally issued upon delivery of the goods by a person that did not have power to dispose of them, a lien does not attach by virtue of any judicial process to goods in the possession of a bailee for which a negotiable document of title is outstanding unless possession or control of the document is first surrendered to the bailee or the document's negotiation is enjoined. The bailee may not be compelled to deliver the goods pursuant to process until possession or control of the document is surrendered to the bailee or to the court. A purchaser of the document for value without notice of the process or injunction takes free of the lien imposed by judicial process.

Source: Laws 2005, LB 570, § 96.

7-603 Conflicting claims; interpleader.

If more than one person claims title to or possession of the goods, the bailee is excused from delivery until the bailee has a reasonable time to ascertain the

validity of the adverse claims or to commence an action for interpleader. The bailee may assert an interpleader either in defending an action for nondelivery of the goods or by original action.

Source: Laws 2005, LB 570, § 97.

Part 7

MISCELLANEOUS PROVISIONS

7-701 Omitted.

7-702 Omitted.

7-703 Applicability.

This article applies to a document of title that is issued or a bailment that arises on or after January 1, 2006. This article does not apply to a document of title that is issued or a bailment that arises before January 1, 2006, even if the document of title or bailment would be subject to this article if the document of title had been issued or bailment had arisen on or after January 1, 2006. This article does not apply to a right of action that has accrued before January 1, 2006.

Source: Laws 2005, LB 570, § 98.

7-704 Savings clause.

A document of title issued or a bailment that arises before January 1, 2006, and the rights, obligations, and interests flowing from that document or bailment are governed by any statute or other rule amended or repealed by Laws 2005, LB 570, as if amendment or repeal had not occurred and may be terminated, completed, consummated, or enforced under that statute or other rule.

Source: Laws 2005, LB 570, § 99.

ARTICLE 8

INVESTMENT SECURITIES

Part 1. SHORT TITLE AND GENERAL MATTERS

Section

8-103. Rules for determining whether certain obligations and interests are securities or financial assets.

Part 1

SHORT TITLE AND GENERAL MATTERS

8-103 Rules for determining whether certain obligations and interests are securities or financial assets.

(a) A share or similar equity interest issued by a corporation, business trust, joint stock company, or similar entity is a security.

(b) An “investment company security” is a security. “Investment company security” means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered, or a face-

amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.

(c) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this article, or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.

(d) A writing that is a security certificate is governed by this article and not by article 3, even though it also meets the requirements of that article. However, a negotiable instrument governed by article 3 is a financial asset if it is held in a securities account.

(e) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.

(f) A commodity contract, as defined in section 9-102(a)(15), is not a security or a financial asset.

(g) A document of title is not a financial asset unless section 8-102(a)(9)(iii) applies.

Source: Laws 1995, LB 97, § 7; Laws 1999, LB 550, § 66; Laws 2005, LB 570, § 100.

ARTICLE 9

SECURED TRANSACTIONS

Part 1. GENERAL PROVISIONS

Subpart 1. SHORT TITLE, DEFINITIONS, AND GENERAL CONCEPTS

Section

9-102. Definitions and index of definitions.

9-105. Control of electronic chattel paper.

Part 2. EFFECTIVENESS OF SECURITY AGREEMENT; ATTACHMENT OF SECURITY INTEREST; RIGHTS OF PARTIES TO SECURITY AGREEMENT

Subpart 1. EFFECTIVENESS AND ATTACHMENT

9-203. Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.

Subpart 2. RIGHTS AND DUTIES

9-207. Rights and duties of secured party having possession or control of collateral.

9-208. Additional duties of secured party having control of collateral.

Part 3. PERFECTION AND PRIORITY

Subpart 1. LAW GOVERNING PERFECTION AND PRIORITY

9-301. Law governing perfection and priority of security interests.

9-304. Law governing perfection and priority of security interests in deposit accounts.

9-307. Location of debtor.

Subpart 2. PERFECTION

9-309. Security interest perfected upon attachment.

9-310. When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.

9-311. Perfection of security interests in property subject to certain statutes, regulations, and treaties.

9-312. Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-

UNIFORM COMMERCIAL CODE

Section

credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.

- 9-313. When possession by or delivery to secured party perfects security interest without filing.
- 9-314. Perfection by control.
- 9-315. Secured party's rights on disposition of collateral and in proceeds.
- 9-316. Effect of change in governing law.

Subpart 3. PRIORITY

- 9-317. Interests that take priority over or take free of security interest or agricultural lien.
- 9-320. Buyer of goods.
- 9-324. Priority of purchase-money security interests.
- 9-326. Priority of security interests created by new debtor.
- 9-338. Priority of security interest or agricultural lien perfected by filed financing statement providing certain incorrect information.

Part 4. RIGHTS OF THIRD PARTIES

- 9-406. Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.
- 9-408. Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.

Part 5. FILING

Subpart 1. FILING OFFICE; CONTENTS AND EFFECTIVENESS OF FINANCING STATEMENT

- 9-502. Contents of financing statement; record of mortgage as financing statement; time of filing financing statement.
- 9-503. Name of debtor and secured party.
- 9-506. Effect of errors or omissions.
- 9-507. Effect of certain events on effectiveness of financing statement.
- 9-515. Duration and effectiveness of financing statement; effect of lapsed financing statement.
- 9-516. What constitutes filing; effectiveness of filing.
- 9-518. Claim concerning inaccurate or wrongfully filed record.

Subpart 2. DUTIES AND OPERATION OF FILING OFFICE

- 9-521. Uniform form of written financing statement and amendment.
- 9-522. Maintenance and destruction of records.
- 9-523. Information from filing office; sale or license of records.
- 9-525. Fees.
- 9-529. Secretary of State; implementation of centralized computer system.
- 9-530. Filing information; Secretary of State; duties.
- 9-531. Uniform Commercial Code Cash Fund; created; use; Secretary of State; duties; fees.

Part 6. DEFAULT

Subpart 1. DEFAULT AND ENFORCEMENT OF SECURITY INTEREST

- 9-601. Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.
- 9-607. Collection and enforcement by secured party.

Part 7. TRANSITION

- 9-705. Effectiveness of action taken before July 1, 2001.
- 9-707. Amendment of pre-operative-date financing statement.

Part 8. TRANSITION PROVISIONS FOR 2011 AMENDMENTS

- 9-801. Operative date.
- 9-802. Savings clause.
- 9-803. Security interest perfected before July 1, 2013.

Section

- 9-804. Security interest unperfected before July 1, 2013.
9-805. Effectiveness of action taken before July 1, 2013.
9-806. When initial financing statement suffices to continue effectiveness of financing statement.
9-807. Amendment of pre-operative-date financing statement.
9-808. Person entitled to file initial financing statement or continuation statement.
9-809. Priority.

Part 1

GENERAL PROVISIONS

Subpart 1

SHORT TITLE, DEFINITIONS, AND GENERAL CONCEPTS

9-102 Definitions and index of definitions.

(a) In this article:

(1) "Accession" means goods that are physically united with other goods in such a manner that the identity of the original goods is not lost.

(2) "Account", except as used in "account for", means a right to payment of a monetary obligation, whether or not earned by performance, (i) for property that has been or is to be sold, leased, licensed, assigned, or otherwise disposed of, (ii) for services rendered or to be rendered, (iii) for a policy of insurance issued or to be issued, (iv) for a secondary obligation incurred or to be incurred, (v) for energy provided or to be provided, (vi) for the use or hire of a vessel under a charter or other contract, (vii) arising out of the use of a credit or charge card or information contained on or for use with the card, or (viii) as winnings in a lottery or other game of chance operated or sponsored by a state, governmental unit of a state, or person licensed or authorized to operate the game by a state or governmental unit of a state. The term includes health-care-insurance receivables. The term does not include (i) rights to payment evidenced by chattel paper or an instrument, (ii) commercial tort claims, (iii) deposit accounts, (iv) investment property, (v) letter-of-credit rights or letters of credit, or (vi) rights to payment for money or funds advanced or sold, other than rights arising out of the use of a credit or charge card or information contained on or for use with the card.

(3) "Account debtor" means a person obligated on an account, chattel paper, or general intangible. The term does not include persons obligated to pay a negotiable instrument, even if the instrument constitutes part of chattel paper.

(4) "Accounting", except as used in "accounting for", means a record:

(A) authenticated by a secured party;

(B) indicating the aggregate unpaid secured obligations as of a date not more than thirty-five days earlier or thirty-five days later than the date of the record; and

(C) identifying the components of the obligations in reasonable detail.

(5) "Agricultural lien" means an interest in farm products:

(A) which secures payment or performance of an obligation for:

(i) goods or services furnished in connection with a debtor's farming operation; or

(ii) rent on real property leased by a debtor in connection with its farming operation;

(B) which is created by statute in favor of a person that:

(i) in the ordinary course of its business furnished goods or services to a debtor in connection with a debtor's farming operation; or

(ii) leased real property to a debtor in connection with the debtor's farming operation; and

(C) whose effectiveness does not depend on the person's possession of the personal property.

The term also includes every lien created under sections 52-202, 52-501, 52-701, 52-901, 52-1101, 52-1201, 54-201, and 54-208, Reissue Revised Statutes of Nebraska, and Chapter 52, article 14, Reissue Revised Statutes of Nebraska.

(6) "As-extracted collateral" means:

(A) oil, gas, or other minerals that are subject to a security interest that:

(i) is created by a debtor having an interest in the minerals before extraction; and

(ii) attaches to the minerals as extracted; or

(B) accounts arising out of the sale at the wellhead or minehead of oil, gas, or other minerals in which the debtor had an interest before extraction.

(7) "Authenticate" means:

(A) to sign; or

(B) with present intent to adopt or accept a record, to attach to or logically associate with the record an electronic sound, symbol, or process.

(8) "Bank" means an organization that is engaged in the business of banking. The term includes savings banks, savings and loan associations, credit unions, and trust companies.

(9) "Cash proceeds" means proceeds that are money, checks, deposit accounts, or the like.

(10) "Certificate of title" means a certificate of title with respect to which a statute provides for the security interest in question to be indicated on the certificate as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral. The term includes another record maintained as an alternative to a certificate of title by the governmental unit that issues certificates of title if a statute permits the security interest in question to be indicated on the record as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the collateral.

(11) "Chattel paper" means a record or records that evidence both a monetary obligation and a security interest in specific goods, a security interest in specific goods and software used in the goods, a security interest in specific goods and license of software used in the goods, a lease of specific goods, or a lease of specific goods and license of software used in the goods. In this subdivision, "monetary obligation" means a monetary obligation secured by the goods or owed under a lease of the goods and includes a monetary obligation with respect to software used in the goods. The term does not include (i) charters or other contracts involving the use or hire of a vessel or (ii) records that evidence a right to payment arising out of the use of a credit or charge

card or information contained on or for use with the card. If a transaction is evidenced by records that include an instrument or series of instruments, the group of records taken together constitutes chattel paper.

(12) “Collateral” means the property subject to a security interest or agricultural lien. The term includes:

(A) proceeds to which a security interest attaches;

(B) accounts, chattel paper, payment intangibles, and promissory notes that have been sold; and

(C) goods that are the subject of a consignment.

(13) “Commercial tort claim” means a claim arising in tort with respect to which:

(A) the claimant is an organization; or

(B) the claimant is an individual and the claim:

(i) arose in the course of the claimant’s business or profession; and

(ii) does not include damages arising out of personal injury to or the death of an individual.

(14) “Commodity account” means an account maintained by a commodity intermediary in which a commodity contract is carried for a commodity customer.

(15) “Commodity contract” means a commodity futures contract, an option on a commodity futures contract, a commodity option, or another contract if the contract or option is:

(A) traded on or subject to the rules of a board of trade that has been designated as a contract market for such a contract pursuant to federal commodities laws; or

(B) traded on a foreign commodity board of trade, exchange, or market, and is carried on the books of a commodity intermediary for a commodity customer.

(16) “Commodity customer” means a person for which a commodity intermediary carries a commodity contract on its books.

(17) “Commodity intermediary” means a person that:

(A) is registered as a futures commission merchant under federal commodities law; or

(B) in the ordinary course of its business provides clearance or settlement services for a board of trade that has been designated as a contract market pursuant to federal commodities law.

(18) “Communicate” means:

(A) to send a written or other tangible record;

(B) to transmit a record by any means agreed upon by the persons sending and receiving the record; or

(C) in the case of transmission of a record to or by a filing office, to transmit a record by any means prescribed by filing-office rule.

(19) “Consignee” means a merchant to which goods are delivered in a consignment.

(20) “Consignment” means a transaction, regardless of its form, in which a person delivers goods to a merchant for the purpose of sale and:

(A) the merchant:

(i) deals in goods of that kind under a name other than the name of the person making delivery;

(ii) is not an auctioneer; and

(iii) is not generally known by its creditors to be substantially engaged in selling the goods of others;

(B) with respect to each delivery, the aggregate value of the goods is one thousand dollars or more at the time of delivery;

(C) the goods are not consumer goods immediately before delivery; and

(D) the transaction does not create a security interest that secures an obligation.

(21) "Consignor" means a person that delivers goods to a consignee in a consignment.

(22) "Consumer debtor" means a debtor in a consumer transaction.

(23) "Consumer goods" means goods that are used or bought for use primarily for personal, family, or household purposes.

(24) "Consumer-goods transaction" means a consumer transaction in which:

(A) an individual incurs an obligation primarily for personal, family, or household purposes; and

(B) a security interest in consumer goods secures the obligation.

(25) "Consumer obligor" means an obligor who is an individual and who incurred the obligation as part of a transaction entered into primarily for personal, family, or household purposes.

(26) "Consumer transaction" means a transaction in which (i) an individual incurs an obligation primarily for personal, family, or household purposes, (ii) a security interest secures the obligation, and (iii) the collateral is held or acquired primarily for personal, family, or household purposes. The term includes consumer-goods transactions.

(27) "Continuation statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates that it is a continuation statement for, or that it is filed to continue the effectiveness of, the identified financing statement.

(28) "Debtor" means:

(A) a person having an interest, other than a security interest or other lien, in the collateral, whether or not the person is an obligor;

(B) a seller of accounts, chattel paper, payment intangibles, or promissory notes; or

(C) a consignee.

(29) "Deposit account" means a demand, time, savings, passbook, or similar account maintained with a bank. The term does not include investment property or accounts evidenced by an instrument.

(30) "Document" means a document of title or a receipt of the type described in section 7-201(b).

(31) "Electronic chattel paper" means chattel paper evidenced by a record or records consisting of information stored in an electronic medium.

(32) "Encumbrance" means a right, other than an ownership interest, in real property. The term includes mortgages and other liens on real property.

(33) "Equipment" means goods other than inventory, farm products, or consumer goods.

(34) "Farm products" means goods, other than standing timber, with respect to which the debtor is engaged in a farming operation and which are:

(A) crops grown, growing, or to be grown, including:

(i) crops produced on trees, vines, and bushes; and

(ii) aquatic goods produced in aquacultural operations;

(B) livestock, born or unborn, including aquatic goods produced in aquacultural operations;

(C) supplies used or produced in a farming operation; or

(D) products of crops or livestock in their unmanufactured states.

(35) "Farming operation" means raising, cultivating, propagating, fattening, grazing, or any other farming, livestock, or aquacultural operation.

(36) "File number" means the number assigned to an initial financing statement pursuant to section 9-519(a).

(37) "Filing office" means an office designated in section 9-501 as the place to file a financing statement.

(38) "Filing-office rule" means a rule adopted pursuant to section 9-526.

(39) "Financing statement" means a record or records composed of an initial financing statement and any filed record relating to the initial financing statement.

(40) "Fixture filing" means the filing of a financing statement covering goods that are or are to become fixtures and satisfying section 9-502(a) and (b). The term includes the filing of a financing statement covering goods of a transmitting utility which are or are to become fixtures.

(41) "Fixtures" means goods that have become so related to particular real property that an interest in them arises under real property law.

(42) "General intangible" means any personal property, including things in action, other than accounts, chattel paper, commercial tort claims, deposit accounts, documents, goods, instruments, investment property, letter-of-credit rights, letters of credit, money, and oil, gas, or other minerals before extraction. The term includes payment intangibles and software.

(43) "Good faith" means honesty in fact and the observance of reasonable commercial standards of fair dealing.

(44) "Goods" means all things that are movable when a security interest attaches. The term includes (i) fixtures, (ii) standing timber that is to be cut and removed under a conveyance or contract for sale, (iii) the unborn young of animals, (iv) crops grown, growing, or to be grown, even if the crops are produced on trees, vines, or bushes, and (v) manufactured homes. The term also includes a computer program embedded in goods and any supporting information provided in connection with a transaction relating to the program if (i) the program is associated with the goods in such a manner that it customarily is considered part of the goods, or (ii) by becoming the owner of

the goods, a person acquires a right to use the program in connection with the goods. The term does not include a computer program embedded in goods that consist solely of the medium in which the program is embedded. The term also does not include accounts, chattel paper, commercial tort claims, deposit accounts, documents, general intangibles, instruments, investment property, letter-of-credit rights, letters of credit, money, or oil, gas, or other minerals before extraction.

(45) "Governmental unit" means a subdivision, agency, department, county, parish, municipality, or other unit of the government of the United States, a state, or a foreign country. The term includes an organization having a separate corporate existence if the organization is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States.

(46) "Health-care-insurance receivable" means an interest in or claim under a policy of insurance which is a right to payment of a monetary obligation for health-care goods or services provided or to be provided.

(47) "Instrument" means a negotiable instrument or any other writing that evidences a right to the payment of a monetary obligation, is not itself a security agreement or lease, and is of a type that in ordinary course of business is transferred by delivery with any necessary indorsement or assignment including, but not limited to, a writing that would otherwise qualify as a certificate of deposit (defined in section 3-104(j)) but for the fact that the writing contains a limitation on transfer. The term does not include (i) investment property, (ii) letters of credit, or (iii) writings that evidence a right to payment arising out of the use of a credit or charge card or information contained on or for use with the card.

(48) "Inventory" means goods, other than farm products, which:

(A) are leased by a person as lessor;

(B) are held by a person for sale or lease or to be furnished under a contract of service;

(C) are furnished by a person under a contract of service; or

(D) consist of raw materials, work in process, or materials used or consumed in a business.

(49) "Investment property" means a security, whether certificated or uncertificated, security entitlement, securities account, commodity contract, or commodity account.

(50) "Jurisdiction of organization", with respect to a registered organization, means the jurisdiction under whose law the organization is formed or organized.

(51) "Letter-of-credit right" means a right to payment or performance under a letter of credit, whether or not the beneficiary has demanded or is at the time entitled to demand payment or performance. The term does not include the right of a beneficiary to demand payment or performance under a letter of credit.

(52) "Lien creditor" means:

(A) a creditor that has acquired a lien on the property involved by attachment, levy, or the like;

(B) an assignee for benefit of creditors from the time of assignment;

(C) a trustee in bankruptcy from the date of the filing of the petition; or

(D) a receiver in equity from the time of appointment.

(53) “Manufactured home” means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. The term includes any structure that meets all of the requirements of this subdivision except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the United States Secretary of Housing and Urban Development and complies with the standards established under Title 42 of the United States Code.

(54) “Manufactured-home transaction” means a secured transaction:

(A) that creates a purchase-money security interest in a manufactured home, other than a manufactured home held as inventory; or

(B) in which a manufactured home, other than a manufactured home held as inventory, is the primary collateral.

(55) “Mortgage” means a consensual interest in real property, including fixtures, which secures payment or performance of an obligation.

(56) “New debtor” means a person that becomes bound as debtor under section 9-203(d) by a security agreement previously entered into by another person.

(57) “New value” means (i) money, (ii) money’s worth in property, services, or new credit, or (iii) release by a transferee of an interest in property previously transferred to the transferee. The term does not include an obligation substituted for another obligation.

(58) “Noncash proceeds” means proceeds other than cash proceeds.

(59) “Obligor” means a person that, with respect to an obligation secured by a security interest in or an agricultural lien on the collateral, (i) owes payment or other performance of the obligation, (ii) has provided property other than the collateral to secure payment or other performance of the obligation, or (iii) is otherwise accountable in whole or in part for payment or other performance of the obligation. The term does not include issuers or nominated persons under a letter of credit.

(60) “Original debtor”, except as used in section 9-310(c), means a person that, as debtor, entered into a security agreement to which a new debtor has become bound under section 9-203(d).

(61) “Payment intangible” means a general intangible under which the account debtor’s principal obligation is a monetary obligation.

(62) “Person related to”, with respect to an individual, means:

(A) the spouse of the individual;

(B) a brother, brother-in-law, sister, or sister-in-law of the individual;

(C) an ancestor or lineal descendant of the individual or the individual’s spouse; or

(D) any other relative, by blood or marriage, of the individual or the individual’s spouse who shares the same home with the individual.

(63) "Person related to", with respect to an organization, means:

(A) a person directly or indirectly controlling, controlled by, or under common control with the organization;

(B) an officer or director of, or a person performing similar functions with respect to, the organization;

(C) an officer or director of, or a person performing similar functions with respect to, a person described in subdivision (A);

(D) the spouse of an individual described in subdivision (A), (B), or (C); or

(E) an individual who is related by blood or marriage to an individual described in subdivision (A), (B), (C), or (D) and shares the same home with the individual.

(64) "Proceeds", except as used in section 9-609(b), means the following property:

(A) whatever is acquired upon the sale, lease, license, exchange, or other disposition of collateral;

(B) whatever is collected on, or distributed on account of, collateral;

(C) rights arising out of collateral;

(D) to the extent of the value of collateral, claims arising out of the loss, nonconformity, or interference with the use of, defects or infringement of rights in, or damage to, the collateral; or

(E) to the extent of the value of collateral and to the extent payable to the debtor or the secured party, insurance payable by reason of the loss or nonconformity of, defects or infringement of rights in, or damage to, the collateral.

(65) "Promissory note" means an instrument that evidences a promise to pay a monetary obligation, does not evidence an order to pay, and does not contain an acknowledgment by a bank that the bank has received for deposit a sum of money or funds.

(66) "Proposal" means a record authenticated by a secured party which includes the terms on which the secured party is willing to accept collateral in full or partial satisfaction of the obligation it secures pursuant to sections 9-620, 9-621, and 9-622.

(67) "Public-finance transaction" means a secured transaction in connection with which:

(A) debt securities are issued;

(B) all or a portion of the securities issued have an initial stated maturity of at least twenty years; and

(C) the debtor, obligor, secured party, account debtor or other person obligated on collateral, assignor or assignee of a secured obligation, or assignor or assignee of a security interest is a state or a governmental unit of a state.

(68) "Public organic record" means a record that is available to the public for inspection and is:

(A) a record consisting of the record initially filed with or issued by a state or the United States to form or organize an organization and any record filed with or issued by the state or the United States which amends or restates the initial record;

(B) an organic record of a business trust consisting of the record initially filed with a state and any record filed with the state which amends or restates the initial record, if a statute of the state governing business trusts requires that the record be filed with the state; or

(C) a record consisting of legislation enacted by the legislature of a state or the Congress of the United States which forms or organizes an organization, any record amending the legislation, and any record filed with or issued by the state or United States which amends or restates the name of the organization.

(69) "Pursuant to commitment", with respect to an advance made or other value given by a secured party, means pursuant to the secured party's obligation, whether or not a subsequent event of default or other event not within the secured party's control has relieved or may relieve the secured party from its obligation.

(70) "Record", except as used in "for record", "of record", "record or legal title", and "record owner", means information that is inscribed on a tangible medium or which is stored in an electronic or other medium and is retrievable in perceivable form.

(71) "Registered organization" means an organization formed or organized solely under the law of a single state or the United States by the filing of a public organic record with, the issuance of a public organic record by, or the enactment of legislation by the state or the United States. The term includes a business trust that is formed or organized under the law of a single state if a statute of the state governing business trusts requires that the business trust's organic record be filed with the state.

(72) "Secondary obligor" means an obligor to the extent that:

(A) the obligor's obligation is secondary; or

(B) the obligor has a right of recourse with respect to an obligation secured by collateral against the debtor, another obligor, or property of either.

(73) "Secured party" means:

(A) a person in whose favor a security interest is created or provided for under a security agreement, whether or not any obligation to be secured is outstanding;

(B) a person that holds an agricultural lien;

(C) a consignor;

(D) a person to which accounts, chattel paper, payment intangibles, or promissory notes have been sold;

(E) a trustee, indenture trustee, agent, collateral agent, or other representative in whose favor a security interest or agricultural lien is created or provided for; or

(F) a person that holds a security interest arising under section 2-401, 2-505, 2-711(3), 2A-508(5), 4-210, or 5-118.

(74) "Security agreement" means an agreement that creates or provides for a security interest.

(75) "Send", in connection with a record or notification, means:

(A) to deposit in the mail, deliver for transmission, or transmit by any other usual means of communication, with postage or cost of transmission provided for, addressed to any address reasonable under the circumstances; or

(B) to cause the record or notification to be received within the time that it would have been received if properly sent under subdivision (A).

(76) "Software" means a computer program and any supporting information provided in connection with a transaction relating to the program. The term does not include a computer program that is included in the definition of goods.

(77) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

(78) "Supporting obligation" means a letter-of-credit right or secondary obligation that supports the payment or performance of an account, chattel paper, a document, a general intangible, an instrument, or investment property.

(79) "Tangible chattel paper" means chattel paper evidenced by a record or records consisting of information that is inscribed on a tangible medium.

(80) "Termination statement" means an amendment of a financing statement which:

(A) identifies, by its file number, the initial financing statement to which it relates; and

(B) indicates either that it is a termination statement or that the identified financing statement is no longer effective.

(81) "Transmitting utility" means a person primarily engaged in the business of:

(A) operating a railroad, subway, street railway, or trolley bus;

(B) transmitting communications electrically, electromagnetically, or by light;

(C) transmitting goods by pipeline or sewer; or

(D) transmitting or producing and transmitting electricity, steam, gas, or water.

(b) "Control" as provided in section 7-106 and the following definitions in other articles apply to this article:

"Applicant".	Section 5-102.
"Beneficiary".	Section 5-102.
"Broker".	Section 8-102.
"Certificated security".	Section 8-102.
"Check".	Section 3-104.
"Clearing corporation".	Section 8-102.
"Contract for sale".	Section 2-106.
"Customer".	Section 4-104.
"Entitlement holder".	Section 8-102.
"Financial asset".	Section 8-102.
"Holder in due course".	Section 3-302.
"Issuer" (with respect to a letter of credit or letter-of-credit right).	Section 5-102.
"Issuer" (with respect to a security).	Section 8-201.
"Issuer" (with respect to a document of title).	Section 7-102.
"Lease".	Section 2A-103.
"Lease agreement".	Section 2A-103.
"Lease contract".	Section 2A-103.
"Leasehold interest".	Section 2A-103.
"Lessee".	Section 2A-103.

“Lessee in ordinary course of business”.	Section 2A-103.
“Lessor”.	Section 2A-103.
“Lessor’s residual interest”.	Section 2A-103.
“Letter of credit”.	Section 5-102.
“Merchant”.	Section 2-104.
“Negotiable instrument”.	Section 3-104.
“Nominated person”.	Section 5-102.
“Note”.	Section 3-104.
“Proceeds of a letter of credit”.	Section 5-114.
“Prove”.	Section 3-103.
“Sale”.	Section 2-106.
“Securities account”.	Section 8-501.
“Securities intermediary”.	Section 8-102.
“Security”.	Section 8-102.
“Security certificate”.	Section 8-102.
“Security entitlement”.	Section 8-102.
“Uncertificated security”.	Section 8-102.

(c) Article 1 contains general definitions and principles of construction and interpretation applicable throughout this article.

Source: Laws 1999, LB 550, § 75; Laws 2000, LB 929, § 25; Laws 2001, LB 54, § 28; Laws 2005, LB 570, § 101; Laws 2011, LB90, § 2.
Operative date July 1, 2013.

9-105 Control of electronic chattel paper.

(a) A secured party has control of electronic chattel paper if a system employed for evidencing the transfer of interests in the chattel paper reliably establishes the secured party as the person to which the chattel paper was assigned.

(b) A system satisfies subsection (a) if the record or records comprising the chattel paper are created, stored, and assigned in such a manner that:

(1) a single authoritative copy of the record or records exists which is unique, identifiable, and, except as otherwise provided in subdivisions (4), (5), and (6), unalterable;

(2) the authoritative copy identifies the secured party as the assignee of the record or records;

(3) the authoritative copy is communicated to and maintained by the secured party or its designated custodian;

(4) copies or amendments that add or change an identified assignee of the authoritative copy can be made only with the consent of the secured party;

(5) each copy of the authoritative copy and any copy of a copy is readily identifiable as a copy that is not the authoritative copy; and

(6) any amendment of the authoritative copy is readily identifiable as authorized or unauthorized.

Source: Laws 1999, LB 550, § 78; Laws 2011, LB90, § 3.
Operative date July 1, 2013.

Part 2

EFFECTIVENESS OF SECURITY AGREEMENT; ATTACHMENT
OF SECURITY INTEREST; RIGHTS OF PARTIES TO
SECURITY AGREEMENT

Subpart 1

EFFECTIVENESS AND ATTACHMENT

9-203 Attachment and enforceability of security interest; proceeds; supporting obligations; formal requisites.

(a) A security interest attaches to collateral when it becomes enforceable against the debtor with respect to the collateral, unless an agreement expressly postpones the time of attachment.

(b) Except as otherwise provided in subsections (c) through (i), a security interest is enforceable against the debtor and third parties with respect to the collateral only if:

(1) value has been given;

(2) the debtor has rights in the collateral or the power to transfer rights in the collateral to a secured party; and

(3) one of the following conditions is met:

(A) the debtor has authenticated a security agreement that provides a description of the collateral and, if the security interest covers timber to be cut, a description of the land concerned;

(B) the collateral is not a certificated security and is in the possession of the secured party under section 9-313 pursuant to the debtor's security agreement;

(C) the collateral is a certificated security in registered form and the security certificate has been delivered to the secured party under section 8-301 pursuant to the debtor's security agreement; or

(D) the collateral is deposit accounts, electronic chattel paper, investment property, letter-of-credit rights, or electronic documents, and the secured party has control under section 7-106, 9-104, 9-105, 9-106, or 9-107 pursuant to the debtor's security agreement.

(c) Subsection (b) is subject to section 4-210 on the security interest of a collecting bank, section 5-118 on the security interest of a letter-of-credit issuer or nominated person, section 9-110 on a security interest arising under article 2 or 2A, and section 9-206 on security interests in investment property.

(d) A person becomes bound as debtor by a security agreement entered into by another person if, by operation of law other than this article or by contract:

(1) the security agreement becomes effective to create a security interest in the person's property; or

(2) the person becomes generally obligated for the obligations of the other person, including the obligation secured under the security agreement, and acquires or succeeds to all or substantially all of the assets of the other person.

(e) If a new debtor becomes bound as debtor by a security agreement entered into by another person:

(1) the agreement satisfies subdivision (b)(3) with respect to existing or after-acquired property of the new debtor to the extent the property is described in the agreement; and

(2) another agreement is not necessary to make a security interest in the property enforceable.

(f) The attachment of a security interest in collateral gives the secured party the rights to proceeds provided by section 9-315 and is also attachment of a security interest in a supporting obligation for the collateral.

(g) The attachment of a security interest in a right to payment or performance secured by a security interest or other lien on personal or real property is also attachment of a security interest in the security interest, mortgage, or other lien.

(h) The attachment of a security interest in a securities account is also attachment of a security interest in the security entitlements carried in the securities account.

(i) The attachment of a security interest in a commodity account is also attachment of a security interest in the commodity contracts carried in the commodity account.

Source: Laws 1999, LB 550, § 86; Laws 2005, LB 570, § 102.

Subpart 2

RIGHTS AND DUTIES

9-207 Rights and duties of secured party having possession or control of collateral.

(a) Except as otherwise provided in subsection (d), a secured party shall use reasonable care in the custody and preservation of collateral in the secured party's possession. In the case of chattel paper or an instrument, reasonable care includes taking necessary steps to preserve rights against prior parties unless otherwise agreed.

(b) Except as otherwise provided in subsection (d), if a secured party has possession of collateral:

(1) reasonable expenses, including the cost of insurance and payment of taxes or other charges, incurred in the custody, preservation, use, or operation of the collateral are chargeable to the debtor and are secured by the collateral;

(2) the risk of accidental loss or damage is on the debtor to the extent of a deficiency in any effective insurance coverage;

(3) the secured party shall keep the collateral identifiable, but fungible collateral may be commingled; and

(4) the secured party may use or operate the collateral:

(A) for the purpose of preserving the collateral or its value;

(B) as permitted by an order of a court having competent jurisdiction; or

(C) except in the case of consumer goods, in the manner and to the extent agreed by the debtor.

(c) Except as otherwise provided in subsection (d), a secured party having possession of collateral or control of collateral under section 7-106, 9-104, 9-105, 9-106, or 9-107:

(1) may hold as additional security any proceeds, except money or funds, received from the collateral;

(2) shall apply money or funds received from the collateral to reduce the secured obligation, unless remitted to the debtor; and

(3) may create a security interest in the collateral.

(d) If the secured party is a buyer of accounts, chattel paper, payment intangibles, or promissory notes or a consignee:

(1) subsection (a) does not apply unless the secured party is entitled under an agreement:

(A) to charge back uncollected collateral; or

(B) otherwise to full or limited recourse against the debtor or a secondary obligor based on the nonpayment or other default of an account debtor or other obligor on the collateral; and

(2) subsections (b) and (c) do not apply.

Source: Laws 1999, LB 550, § 90; Laws 2005, LB 570, § 103.

9-208 Additional duties of secured party having control of collateral.

(a) This section applies to cases in which there is no outstanding secured obligation and the secured party is not committed to make advances, incur obligations, or otherwise give value.

(b) Within ten days after receiving an authenticated demand by the debtor:

(1) a secured party having control of a deposit account under section 9-104(a)(2) shall send to the bank with which the deposit account is maintained an authenticated statement that releases the bank from any further obligation to comply with instructions originated by the secured party;

(2) a secured party having control of a deposit account under section 9-104(a)(3) shall:

(A) pay the debtor the balance on deposit in the deposit account; or

(B) transfer the balance on deposit into a deposit account in the debtor's name;

(3) a secured party, other than a buyer, having control of electronic chattel paper under section 9-105 shall:

(A) communicate the authoritative copy of the electronic chattel paper to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic chattel paper is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party;

(4) a secured party having control of investment property under section 8-106(d)(2) or 9-106(b) shall send to the securities intermediary or commodity intermediary with which the security entitlement or commodity contract is

maintained an authenticated record that releases the securities intermediary or commodity intermediary from any further obligation to comply with entitlement orders or directions originated by the secured party;

(5) a secured party having control of a letter-of-credit right under section 9-107 shall send to each person having an unfulfilled obligation to pay or deliver proceeds of the letter of credit to the secured party an authenticated release from any further obligation to pay or deliver proceeds of the letter of credit to the secured party; and

(6) a secured party having control of an electronic document shall:

(A) give control of the electronic document to the debtor or its designated custodian;

(B) if the debtor designates a custodian that is the designated custodian with which the authoritative copy of the electronic document is maintained for the secured party, communicate to the custodian an authenticated record releasing the designated custodian from any further obligation to comply with instructions originated by the secured party and instructing the custodian to comply with instructions originated by the debtor; and

(C) take appropriate action to enable the debtor or its designated custodian to make copies of or revisions to the authoritative copy which add or change an identified assignee of the authoritative copy without the consent of the secured party.

Source: Laws 1999, LB 550, § 91; Laws 2005, LB 570, § 104.

Part 3

PERFECTION AND PRIORITY

Subpart 1

LAW GOVERNING PERFECTION AND PRIORITY

9-301 Law governing perfection and priority of security interests.

Except as otherwise provided in sections 9-303 to 9-306, the following rules determine the law governing perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral:

(1) Except as otherwise provided in this section, while a debtor is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in collateral.

(2) While collateral is located in a jurisdiction, the local law of that jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a possessory security interest in that collateral.

(3) Except as otherwise provided in subdivision (4), while tangible negotiable documents, goods, instruments, money, or tangible chattel paper is located in a jurisdiction, the local law of that jurisdiction governs:

(A) perfection of a security interest in the goods by filing a fixture filing;

(B) perfection of a security interest in timber to be cut; and

(C) the effect of perfection or nonperfection and the priority of a nonpossessory security interest in the collateral.

(4) The local law of the jurisdiction in which the wellhead or minehead is located governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in as-extracted collateral.

Source: Laws 1999, LB 550, § 94; Laws 2005, LB 570, § 105.

9-304 Law governing perfection and priority of security interests in deposit accounts.

(a) The local law of a bank's jurisdiction governs perfection, the effect of perfection or nonperfection, and the priority of a security interest in a deposit account maintained with that bank.

(b) The following rules determine a bank's jurisdiction for purposes of this part:

(1) If an agreement between the bank and its customer governing the deposit account expressly provides that a particular jurisdiction is the bank's jurisdiction for purposes of this part, this article, or the Uniform Commercial Code, that jurisdiction is the bank's jurisdiction.

(2) If subdivision (1) does not apply and an agreement between the bank and its customer governing the deposit account expressly provides that the agreement is governed by the law of a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(3) If neither subdivision (1) nor subdivision (2) applies and an agreement between the bank and its customer governing the deposit account expressly provides that the deposit account is maintained at an office in a particular jurisdiction, that jurisdiction is the bank's jurisdiction.

(4) If none of the preceding subdivisions applies, the bank's jurisdiction is the jurisdiction in which the office identified in an account statement as the office serving the customer's account is located.

(5) If none of the preceding subdivisions applies, the bank's jurisdiction is the jurisdiction in which the chief executive office of the bank is located.

Source: Laws 1999, LB 550, § 97; Laws 2011, LB90, § 4.

Operative date July 1, 2013.

9-307 Location of debtor.

(a) In this section, "place of business" means a place where a debtor conducts its affairs.

(b) Except as otherwise provided in this section, the following rules determine a debtor's location:

(1) A debtor who is an individual is located at the individual's principal residence.

(2) A debtor that is an organization and has only one place of business is located at its place of business.

(3) A debtor that is an organization and has more than one place of business is located at its chief executive office.

(c) Subsection (b) applies only if a debtor's residence, place of business, or chief executive office, as applicable, is located in a jurisdiction whose law generally requires information concerning the existence of a nonpossessory security interest to be made generally available in a filing, recording, or registration system as a condition or result of the security interest's obtaining

priority over the rights of a lien creditor with respect to the collateral. If subsection (b) does not apply, the debtor is located in the District of Columbia.

(d) A person that ceases to exist, have a residence, or have a place of business continues to be located in the jurisdiction specified by subsections (b) and (c).

(e) A registered organization that is organized under the law of a state is located in that state.

(f) Except as otherwise provided in subsection (i), a registered organization that is organized under the law of the United States and a branch or agency of a bank that is not organized under the law of the United States or a state are located:

(1) in the state that the law of the United States designates, if the law designates a state of location;

(2) in the state that the registered organization, branch, or agency designates, if the law of the United States authorizes the registered organization, branch, or agency to designate its state of location, including by designating its main office, home office, or other comparable office; or

(3) in the District of Columbia, if neither subdivision (1) nor subdivision (2) applies.

(g) A registered organization continues to be located in the jurisdiction specified by subsection (e) or (f) notwithstanding:

(1) the suspension, revocation, forfeiture, or lapse of the registered organization's status as such in its jurisdiction of organization; or

(2) the dissolution, winding up, or cancellation of the existence of the registered organization.

(h) The United States is located in the District of Columbia.

(i) A branch or agency of a bank that is not organized under the law of the United States or a state is located in the state in which the branch or agency is licensed, if all branches and agencies of the bank are licensed in only one state.

(j) A foreign air carrier under the Federal Aviation Act of 1958, as amended, is located at the designated office of the agent upon which service of process may be made on behalf of the carrier.

(k) This section applies only for purposes of this part.

Source: Laws 1999, LB 550, § 100; Laws 2011, LB90, § 5.
Operative date July 1, 2013.

Subpart 2

PERFECTION

9-309 Security interest perfected upon attachment.

The following security interests are perfected when they attach:

(1) a purchase-money security interest in consumer goods, except as otherwise provided in section 9-311(b) with respect to consumer goods that are subject to a statute, regulation, or treaty described in section 9-311(a);

(2) an assignment of accounts or payment intangibles which does not by itself or in conjunction with other assignments to the same assignee transfer a significant part of the assignor's outstanding accounts or payment intangibles;

(3) a sale of a payment intangible;

- (4) a sale of a promissory note;
- (5) a security interest created by the assignment of a health-care-insurance receivable to the provider of the health-care goods or services;
- (6) a security interest arising under section 2-401, 2-505, 2-711(3), or 2A-508(5), until the debtor obtains possession of the collateral;
- (7) a security interest of a collecting bank arising under section 4-210;
- (8) a security interest of an issuer or nominated person arising under section 5-118;
- (9) a security interest arising in the delivery of a financial asset under section 9-206(c);
- (10) a security interest in investment property created by a broker or securities intermediary;
- (11) a security interest in a commodity contract or a commodity account created by a commodity intermediary;
- (12) an assignment for the benefit of all creditors of the transferor and subsequent transfers by the assignee thereunder;
- (13) a security interest created by an assignment of a beneficial interest in a decedent's estate; and
- (14) a sale by an individual of an account that is a right to payment of winnings in a lottery or other game of chance.

Source: Laws 1999, LB 550, § 102; Laws 2011, LB90, § 6.
Operative date July 1, 2013.

9-310 When filing required to perfect security interest or agricultural lien; security interests and agricultural liens to which filing provisions do not apply.

(a) Except as otherwise provided in subsection (b) and section 9-312(b), a financing statement must be filed to perfect all security interests and agricultural liens.

(b) The filing of a financing statement is not necessary to perfect a security interest:

- (1) that is perfected under section 9-308(d), (e), (f), or (g);
- (2) that is perfected under section 9-309 when it attaches;
- (3) in property subject to a statute, regulation, or treaty described in section 9-311(a);
- (4) in goods in possession of a bailee which is perfected under section 9-312(d)(1) or (2);
- (5) in certificated securities, documents, goods, or instruments which is perfected without filing, control, or possession under section 9-312(e), (f), or (g);
- (6) in collateral in the secured party's possession under section 9-313;
- (7) in a certificated security which is perfected by delivery of the security certificate to the secured party under section 9-313;
- (8) in deposit accounts, electronic chattel paper, electronic documents, investment property, or letter-of-credit rights which is perfected by control under section 9-314;
- (9) in proceeds which is perfected under section 9-315; or

(10) that is perfected under section 9-316.

(c) If a secured party assigns a perfected security interest or agricultural lien, a filing under this article is not required to continue the perfected status of the security interest against creditors of and transferees from the original debtor.

Source: Laws 1999, LB 550, § 103; Laws 2005, LB 570, § 106.

9-311 Perfection of security interests in property subject to certain statutes, regulations, and treaties.

(a) Except as otherwise provided in subsection (d), the filing of a financing statement is not necessary or effective to perfect a security interest in property subject to:

(1) a statute, regulation, or treaty of the United States whose requirements for a security interest's obtaining priority over the rights of a lien creditor with respect to the property preempt section 9-310(a);

(2) the following statutes of this state: (i) sections 60-164 and 60-165, Reissue Revised Statutes of Nebraska, but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of part 5 apply to a security interest in that collateral created by him or her as debtor; and (ii) section 37-1282, Reissue Revised Statutes of Nebraska, but during any period in which collateral is inventory held for sale by a person who is in the business of selling goods of that kind, the filing provisions of part 5 apply to a security interest in that collateral created by him or her as debtor; or

(3) a statute of another jurisdiction which provides for a security interest to be indicated on a certificate of title as a condition or result of the security interest's obtaining priority over the rights of a lien creditor with respect to the property.

(b) Compliance with the requirements of a statute, regulation, or treaty described in subsection (a) for obtaining priority over the rights of a lien creditor is equivalent to the filing of a financing statement under this article. Except as otherwise provided in subsection (d) and sections 9-313 and 9-316(d) and (e) for goods covered by a certificate of title, a security interest in property subject to a statute, regulation, or treaty described in subsection (a) may be perfected only by compliance with those requirements, and a security interest so perfected remains perfected notwithstanding a change in the use or transfer of possession of the collateral.

(c) Except as otherwise provided in subsection (d) and section 9-316(d) and (e), duration and renewal of perfection of a security interest perfected by compliance with the requirements prescribed by a statute, regulation, or treaty described in subsection (a) are governed by the statute, regulation, or treaty. In other respects, the security interest is subject to this article.

(d) During any period in which collateral subject to a statute specified in subdivision (a)(2) is inventory held for sale or lease by a person or leased by that person as lessor and that person is in the business of selling goods of that kind, this section does not apply to a security interest in that collateral created by that person.

Source: Laws 1999, LB 550, § 104; Laws 2000, LB 929, § 28; Laws 2005, LB 276, § 114; Laws 2011, LB90, § 7.
Operative date July 1, 2013.

9-312 Perfection of security interests in chattel paper, deposit accounts, documents, goods covered by documents, instruments, investment property, letter-of-credit rights, and money; perfection by permissive filing; temporary perfection without filing or transfer of possession.

(a) A security interest in chattel paper, negotiable documents, instruments, or investment property may be perfected by filing.

(b) Except as otherwise provided in section 9-315(c) and (d) for proceeds:

(1) a security interest in a deposit account may be perfected only by control under section 9-314;

(2) and except as otherwise provided in section 9-308(d), a security interest in a letter-of-credit right may be perfected only by control under section 9-314; and

(3) a security interest in money may be perfected only by the secured party's taking possession under section 9-313.

(c) While goods are in the possession of a bailee that has issued a negotiable document covering the goods:

(1) a security interest in the goods may be perfected by perfecting a security interest in the document; and

(2) a security interest perfected in the document has priority over any security interest that becomes perfected in the goods by another method during that time.

(d) While goods are in the possession of a bailee that has issued a nonnegotiable document covering the goods, a security interest in the goods may be perfected by:

(1) issuance of a document in the name of the secured party;

(2) the bailee's receipt of notification of the secured party's interest; or

(3) filing as to the goods.

(e) A security interest in certificated securities, negotiable documents, or instruments is perfected without filing or the taking of possession or control for a period of twenty days from the time it attaches to the extent that it arises for new value given under an authenticated security agreement.

(f) A perfected security interest in a negotiable document or goods in possession of a bailee, other than one that has issued a negotiable document for the goods, remains perfected for twenty days without filing if the secured party makes available to the debtor the goods or documents representing the goods for the purpose of:

(1) ultimate sale or exchange; or

(2) loading, unloading, storing, shipping, transshipping, manufacturing, processing, or otherwise dealing with them in a manner preliminary to their sale or exchange.

(g) A perfected security interest in a certificated security or instrument remains perfected for twenty days without filing if the secured party delivers the security certificate or instrument to the debtor for the purpose of:

(1) ultimate sale or exchange; or

(2) presentation, collection, enforcement, renewal, or registration of transfer.

(h) After the twenty-day period specified in subsection (e), (f), or (g) expires, perfection depends upon compliance with this article.

Source: Laws 1999, LB 550, § 105; Laws 2005, LB 570, § 107.

9-313 When possession by or delivery to secured party perfects security interest without filing.

(a) Except as otherwise provided in subsection (b), a secured party may perfect a security interest in tangible negotiable documents, goods, instruments, money, or tangible chattel paper by taking possession of the collateral. A secured party may perfect a security interest in certificated securities by taking delivery of the certificated securities under section 8-301.

(b) With respect to goods covered by a certificate of title issued by this state, a secured party may perfect a security interest in the goods by taking possession of the goods only in the circumstances described in section 9-316(d).

(c) With respect to collateral other than certificated securities and goods covered by a document, a secured party takes possession of collateral in the possession of a person other than the debtor, the secured party, or a lessee of the collateral from the debtor in the ordinary course of the debtor's business, when:

(1) the person in possession authenticates a record acknowledging that it holds possession of the collateral for the secured party's benefit; or

(2) the person takes possession of the collateral after having authenticated a record acknowledging that it will hold possession of collateral for the secured party's benefit.

(d) If perfection of a security interest depends upon possession of the collateral by a secured party, perfection occurs no earlier than the time the secured party takes possession and continues only while the secured party retains possession.

(e) A security interest in a certificated security in registered form is perfected by delivery when delivery of the certificated security occurs under section 8-301 and remains perfected by delivery until the debtor obtains possession of the security certificate.

(f) A person in possession of collateral is not required to acknowledge that it holds possession for a secured party's benefit.

(g) If a person acknowledges that it holds possession for the secured party's benefit:

(1) the acknowledgment is effective under subsection (c) or section 8-301(a), even if the acknowledgment violates the rights of a debtor; and

(2) unless the person otherwise agrees or law other than this article otherwise provides, the person does not owe any duty to the secured party and is not required to confirm the acknowledgment to another person.

(h) A secured party having possession of collateral does not relinquish possession by delivering the collateral to a person other than the debtor or a lessee of the collateral from the debtor in the ordinary course of the debtor's business if the person was instructed before the delivery or is instructed contemporaneously with the delivery:

(1) to hold possession of the collateral for the secured party's benefit; or

(2) to redeliver the collateral to the secured party.

(i) A secured party does not relinquish possession, even if a delivery under subsection (h) violates the rights of a debtor. A person to which collateral is delivered under subsection (h) does not owe any duty to the secured party and is not required to confirm the delivery to another person unless the person otherwise agrees or law other than this article otherwise provides.

Source: Laws 1999, LB 550, § 106; Laws 2005, LB 570, § 108.

9-314 Perfection by control.

(a) A security interest in investment property, deposit accounts, letter-of-credit rights, electronic chattel paper, or electronic documents may be perfected by control of the collateral under section 7-106, 9-104, 9-105, 9-106, or 9-107.

(b) A security interest in deposit accounts, electronic chattel paper, letter-of-credit rights, or electronic documents is perfected by control under section 7-106, 9-104, 9-105, or 9-107 when the secured party obtains control and remains perfected by control only while the secured party retains control.

(c) A security interest in investment property is perfected by control under section 9-106 from the time the secured party obtains control and remains perfected by control until:

(1) the secured party does not have control; and

(2) one of the following occurs:

(A) if the collateral is a certificated security, the debtor has or acquires possession of the security certificate;

(B) if the collateral is an uncertificated security, the issuer has registered or registers the debtor as the registered owner; or

(C) if the collateral is a security entitlement, the debtor is or becomes the entitlement holder.

Source: Laws 1999, LB 550, § 107; Laws 2005, LB 570, § 109.

9-315 Secured party's rights on disposition of collateral and in proceeds.

(a)(1) Except as otherwise provided in this article and in section 2-403(2):

(A) a security interest or agricultural lien continues in collateral notwithstanding sale, lease, license, exchange, or other disposition thereof unless the secured party authorized the disposition free of the security interest or agricultural lien; and

(B) a security interest attaches to any identifiable proceeds of collateral.

(2) Authorization to sell, lease, license, exchange, or otherwise dispose of farm products shall not be implied or otherwise result, nor shall a security interest in farm products be considered to be waived, modified, released, or terminated if such disposition is conditioned upon the secured party's receipt of proceeds or from any course of conduct, course of performance, or course of dealing between the parties or by any usage of trade in any case in which (A) the secured party has filed an effective financing statement in accordance with the provisions of sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska, or (B) the buyer of farm products has received notice from the secured party or the seller of farm products in accordance with the provisions of 7 U.S.C. 1631(e)(1)(A), unless the buyer has secured a waiver or release of

the security interest specified in such effective financing statement or notice from the secured party.

(b) Proceeds that are commingled with other property are identifiable proceeds:

(1) if the proceeds are goods, to the extent provided by section 9-336; and

(2) if the proceeds are not goods, to the extent that the secured party identifies the proceeds by a method of tracing, including application of equitable principles, that is permitted under law other than this article with respect to commingled property of the type involved.

(c) A security interest in proceeds is a perfected security interest if the security interest in the original collateral was perfected.

(d) A perfected security interest in proceeds becomes unperfected on the twenty-first day after the security interest attaches to the proceeds unless:

(1) the following conditions are satisfied:

(A) a filed financing statement covers the original collateral;

(B) the proceeds are collateral in which a security interest may be perfected by filing in the office in which the financing statement has been filed; and

(C) the proceeds are not acquired with cash proceeds;

(2) the proceeds are identifiable cash proceeds; or

(3) the security interest in the proceeds is perfected other than under subsection (c) when the security interest attaches to the proceeds or within twenty days thereafter.

(e) If a filed financing statement covers the original collateral, a security interest in proceeds which remains perfected under subdivision (d)(1) becomes unperfected at the later of:

(1) when the effectiveness of the filed financing statement lapses under section 9-515 or is terminated under section 9-513; or

(2) the twenty-first day after the security interest attaches to the proceeds.

Source: Laws 1999, LB 550, § 108; Laws 2003, LB 4, § 6; Laws 2007, LB124, § 70.

9-316 Effect of change in governing law.

(a) A security interest perfected pursuant to the law of the jurisdiction designated in section 9-301(1) or 9-305(c) remains perfected until the earliest of:

(1) the time perfection would have ceased under the law of that jurisdiction;

(2) the expiration of four months after a change of the debtor's location to another jurisdiction; or

(3) the expiration of one year after a transfer of collateral to a person that thereby becomes a debtor and is located in another jurisdiction.

(b) If a security interest described in subsection (a) becomes perfected under the law of the other jurisdiction before the earliest time or event described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earliest time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(c) A possessory security interest in collateral, other than goods covered by a certificate of title and as-extracted collateral consisting of goods, remains continuously perfected if:

- (1) the collateral is located in one jurisdiction and subject to a security interest perfected under the law of that jurisdiction;
- (2) thereafter the collateral is brought into another jurisdiction; and
- (3) upon entry into the other jurisdiction, the security interest is perfected under the law of the other jurisdiction.

(d) Except as otherwise provided in subsection (e), a security interest in goods covered by a certificate of title which is perfected by any method under the law of another jurisdiction when the goods become covered by a certificate of title from this state remains perfected until the security interest would have become unperfected under the law of the other jurisdiction had the goods not become so covered.

(e) A security interest described in subsection (d) becomes unperfected as against a purchaser of the goods for value and is deemed never to have been perfected as against a purchaser of the goods for value if the applicable requirements for perfection under section 9-311(b) or 9-313 are not satisfied before the earlier of:

- (1) the time the security interest would have become unperfected under the law of the other jurisdiction had the goods not become covered by a certificate of title from this state; or
- (2) the expiration of four months after the goods had become so covered.

(f) A security interest in deposit accounts, letter-of-credit rights, or investment property which is perfected under the law of the bank's jurisdiction, the issuer's jurisdiction, a nominated person's jurisdiction, the securities intermediary's jurisdiction, or the commodity intermediary's jurisdiction, as applicable, remains perfected until the earlier of:

- (1) the time the security interest would have become unperfected under the law of that jurisdiction; or
- (2) the expiration of four months after a change of the applicable jurisdiction to another jurisdiction.

(g) If a security interest described in subsection (f) becomes perfected under the law of the other jurisdiction before the earlier of the time or the end of the period described in that subsection, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier of that time or the end of that period, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(h) The following rules apply to collateral to which a security interest attaches within four months after the debtor changes its location to another jurisdiction:

- (1) A financing statement filed before the change pursuant to the law of the jurisdiction designated in section 9-301(1) or 9-305(c) is effective to perfect a security interest in the collateral if the financing statement would have been effective to perfect a security interest in the collateral had the debtor not changed its location.

(2) If a security interest perfected by a financing statement that is effective under subdivision (1) becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 9-301(1) or 9-305(c) or the expiration of the four-month period, it remains perfected thereafter. If the security interest does not become perfected under the law of the other jurisdiction before the earlier time or event, it becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

(i) If a financing statement naming an original debtor is filed pursuant to the law of the jurisdiction designated in section 9-301(1) or 9-305(c) and the new debtor is located in another jurisdiction, the following rules apply:

(1) The financing statement is effective to perfect a security interest in collateral acquired by the new debtor before, and within four months after, the new debtor becomes bound under section 9-203(d), if the financing statement would have been effective to perfect a security interest in the collateral had the collateral been acquired by the original debtor.

(2) A security interest perfected by the financing statement and which becomes perfected under the law of the other jurisdiction before the earlier of the time the financing statement would have become ineffective under the law of the jurisdiction designated in section 9-301(1) or 9-305(c) or the expiration of the four-month period remains perfected thereafter. A security interest that is perfected by the financing statement but which does not become perfected under the law of the other jurisdiction before the earlier time or event becomes unperfected and is deemed never to have been perfected as against a purchaser of the collateral for value.

Source: Laws 1999, LB 550, § 109; Laws 2011, LB90, § 8.
Operative date July 1, 2013.

Subpart 3

PRIORITY

9-317 Interests that take priority over or take free of security interest or agricultural lien.

(a) A security interest or agricultural lien is subordinate to the rights of:

(1) a person entitled to priority under section 9-322; and

(2) except as otherwise provided in subsection (e), a person that becomes a lien creditor before the earlier of the time:

(A) the security interest or agricultural lien is perfected; or

(B) one of the conditions specified in section 9-203(b)(3) is met and a financing statement covering the collateral is filed.

(b) Except as otherwise provided in subsection (e), a buyer, other than a secured party, of tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest or agricultural lien if the buyer gives value and receives delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(c) Except as otherwise provided in subsection (e), a lessee of goods takes free of a security interest or agricultural lien if the lessee gives value and receives

delivery of the collateral without knowledge of the security interest or agricultural lien and before it is perfected.

(d) A licensee of a general intangible or a buyer, other than a secured party, of collateral other than tangible chattel paper, tangible documents, goods, instruments, or a certificated security takes free of a security interest if the licensee or buyer gives value without knowledge of the security interest and before it is perfected.

(e) Except as otherwise provided in sections 9-320 and 9-321, if a person files a financing statement with respect to a purchase-money security interest before or within thirty days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee, or lien creditor which arise between the time the security interest attaches and the time of filing.

Source: Laws 1999, LB 550, § 110; Laws 2000, LB 929, § 29; Laws 2005, LB 82, § 8; Laws 2005, LB 570, § 110; Laws 2011, LB90, § 9. Operative date July 1, 2013.

9-320 Buyer of goods.

(a) Except as otherwise provided in subsection (e), a buyer in ordinary course of business, other than a person buying farm products from a person engaged in farming operations, takes free of a security interest created by the buyer's seller, even if the security interest is perfected and the buyer knows of its existence. A buyer of farm products may be subject to a security interest under sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska.

(b) Except as otherwise provided in subsection (e), a buyer of goods from a person who used or bought the goods for use primarily for personal, family, or household purposes takes free of a security interest, even if perfected, if the buyer buys:

- (1) without knowledge of the security interest;
- (2) for value;
- (3) primarily for the buyer's personal, family, or household purposes; and
- (4) before the filing of a financing statement covering the goods.

(c) To the extent that it affects the priority of a security interest over a buyer of goods under subsection (b), the period of effectiveness of a filing made in the jurisdiction in which the seller is located is governed by section 9-316(a) and (b).

(d) A buyer in ordinary course of business buying oil, gas, or other minerals at the wellhead or minehead or after extraction takes free of an interest arising out of an encumbrance.

(e) Subsections (a) and (b) do not affect a security interest in goods in the possession of the secured party under section 9-313.

(f) No buyer shall be allowed to take advantage of and apply the right of offset to defeat a priority established by any lien or security interest.

Source: Laws 1999, LB 550, § 113; Laws 2003, LB 4, § 7; Laws 2007, LB124, § 71.

9-324 Priority of purchase-money security interests.

(a) Except as otherwise provided in subsection (g), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in section 9-327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or within thirty days thereafter.

(b) Subject to subsection (c) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in inventory has priority over a conflicting security interest in the same inventory, has priority over a conflicting security interest in chattel paper or an instrument constituting proceeds of the inventory and in proceeds of the chattel paper, if so provided in section 9-330, and, except as otherwise provided in section 9-327, also has priority in identifiable cash proceeds of the inventory to the extent the identifiable cash proceeds are received on or before the delivery of the inventory to a buyer, if:

(1) the purchase-money security interest is perfected when the debtor receives possession of the inventory;

(2) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;

(3) the holder of the conflicting security interest receives the notification within five years before the debtor receives possession of the inventory; and

(4) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in inventory of the debtor and describes the inventory.

(c) Subdivisions (b)(2) through (4) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of inventory:

(1) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) if the purchase-money security interest is temporarily perfected without filing or possession under section 9-312(f), before the beginning of the twenty-day period thereunder.

(d)(1) Subject to subsection (e) and except as otherwise provided in subsection (g), a perfected purchase-money security interest in livestock that are farm products has priority over a conflicting security interest in the same livestock, and, except as otherwise provided in section 9-327, a perfected security interest in their identifiable proceeds and identifiable products in their unmanufactured states also has priority, if:

(A) the purchase-money security interest is perfected when the debtor receives possession of the livestock;

(B) the purchase-money secured party sends an authenticated notification to the holder of the conflicting security interest;

(C) the holder of the conflicting security interest receives the notification within six months before the debtor receives possession of the livestock; and

(D) the notification states that the person sending the notification has or expects to acquire a purchase-money security interest in livestock of the debtor and describes the livestock.

(2) For purposes of this subsection, possession means (A) possession by the debtor or (B) possession by a third party on behalf of or at the direction of the debtor, including, but not limited to, possession by a bailee or an agent of the debtor.

(e) Subdivisions (d)(1)(B) through (D) apply only if the holder of the conflicting security interest had filed a financing statement covering the same types of livestock:

(1) if the purchase-money security interest is perfected by filing, before the date of the filing; or

(2) if the purchase-money security interest is temporarily perfected without filing or possession under section 9-312(f), before the beginning of the twenty-day period thereunder.

(f) Except as otherwise provided in subsection (g), a perfected purchase-money security interest in software has priority over a conflicting security interest in the same collateral, and, except as otherwise provided in section 9-327, a perfected security interest in its identifiable proceeds also has priority, to the extent that the purchase-money security interest in the goods in which the software was acquired for use has priority in the goods and proceeds of the goods under this section.

(g) If more than one security interest qualifies for priority in the same collateral under subsection (a), (b), (d), or (f):

(1) a security interest securing an obligation incurred as all or part of the price of the collateral has priority over a security interest securing an obligation incurred for value given to enable the debtor to acquire rights in or the use of collateral; and

(2) in all other cases, section 9-322(a) applies to the qualifying security interests.

Source: Laws 1999, LB 550, § 117; Laws 2005, LB 82, § 9; Laws 2008, LB851, § 27.

Cross References

Administrative Procedure Act, see section 84-920.

9-326 Priority of security interests created by new debtor.

(a) Subject to subsection (b), a security interest that is created by a new debtor in collateral in which the new debtor has or acquires rights and is perfected solely by a filed financing statement that would be ineffective to perfect the security interest but for the application of section 9-316(i)(1) or 9-508 is subordinate to a security interest in the same collateral which is perfected other than by such a filed financing statement.

(b) The other provisions of this part determine the priority among conflicting security interests in the same collateral perfected by filed financing statements described in subsection (a). However, if the security agreements to which a new debtor became bound as debtor were not entered into by the same original debtor, the conflicting security interests rank according to priority in time of the new debtor's having become bound.

Source: Laws 1999, LB 550, § 119; Laws 2011, LB90, § 10.
Operative date July 1, 2013.

9-338 Priority of security interest or agricultural lien perfected by filed financing statement providing certain incorrect information.

If a security interest or agricultural lien is perfected by a filed financing statement providing information described in section 9-516(b)(5) which is incorrect at the time the financing statement is filed:

(1) the security interest or agricultural lien is subordinate to a conflicting perfected security interest in the collateral to the extent that the holder of the conflicting security interest gives value in reasonable reliance upon the incorrect information; and

(2) a purchaser, other than a secured party, of the collateral takes free of the security interest or agricultural lien to the extent that, in reasonable reliance upon the incorrect information, the purchaser gives value and, in the case of tangible chattel paper, tangible documents, goods, instruments, or a security certificate, receives delivery of the collateral.

Source: Laws 1999, LB 550, § 131; Laws 2005, LB 570, § 111.

Part 4

RIGHTS OF THIRD PARTIES

9-406 Discharge of account debtor; notification of assignment; identification and proof of assignment; restrictions on assignment of accounts, chattel paper, payment intangibles, and promissory notes ineffective.

(a) Subject to subsections (b) through (i), an account debtor on an account, chattel paper, or a payment intangible may discharge its obligation by paying the assignor until, but not after, the account debtor receives a notification, authenticated by the assignor or the assignee, that the amount due or to become due has been assigned and that payment is to be made to the assignee. After receipt of the notification, the account debtor may discharge its obligation by paying the assignee and may not discharge the obligation by paying the assignor.

(b) Subject to subsection (h), notification is ineffective under subsection (a):

(1) if it does not reasonably identify the rights assigned;

(2) to the extent that an agreement between an account debtor and a seller of a payment intangible limits the account debtor's duty to pay a person other than the seller and the limitation is effective under law other than this article; or

(3) at the option of an account debtor, if the notification notifies the account debtor to make less than the full amount of any installment or other periodic payment to the assignee, even if:

(A) only a portion of the account, chattel paper, or payment intangible has been assigned to that assignee;

(B) a portion has been assigned to another assignee; or

(C) the account debtor knows that the assignment to that assignee is limited.

(c) Subject to subsection (h), if requested by the account debtor, an assignee shall seasonably furnish reasonable proof that the assignment has been made. Unless the assignee complies, the account debtor may discharge its obligation by paying the assignor, even if the account debtor has received a notification under subsection (a).

(d) Except as otherwise provided in subsection (e) and sections 2A-303 and 9-407, and subject to subsection (h), a term in an agreement between an account debtor and an assignor or in a promissory note is ineffective to the extent that it:

(1) prohibits, restricts, or requires the consent of the account debtor or person obligated on the promissory note to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in, the account, chattel paper, payment intangible, or promissory note; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account, chattel paper, payment intangible, or promissory note.

(e) Subsection (d) does not apply to the sale of a payment intangible or promissory note, other than a sale pursuant to a disposition under section 9-610 or an acceptance of collateral under section 9-620.

(f) Except as otherwise provided in sections 2A-303 and 9-407, and subject to subsections (h) and (i), a rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, or account debtor to the assignment or transfer of, or creation of a security interest in, an account or chattel paper is ineffective to the extent that the rule of law, statute, or regulation:

(1) prohibits, restricts, or requires the consent of the government, governmental body or official, or account debtor to the assignment or transfer of, or the creation, attachment, perfection, or enforcement of a security interest in the account or chattel paper; or

(2) provides that the assignment or transfer or the creation, attachment, perfection, or enforcement of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the account or chattel paper.

(g) Subject to subsection (h), an account debtor may not waive or vary its option under subdivision (b)(3).

(h) This section is subject to law other than this article which establishes a different rule for an account debtor who is an individual and who incurred the obligation primarily for personal, family, or household purposes.

(i) This section does not apply to an assignment of a health-care-insurance receivable.

(j) This section prevails over any inconsistent provisions of the law of this state.

Source: Laws 1999, LB 550, § 141; Laws 2000, LB 929, § 34; Laws 2011, LB90, § 11.

Operative date July 1, 2013.

9-408 Restrictions on assignment of promissory notes, health-care-insurance receivables, and certain general intangibles ineffective.

(a) Except as otherwise provided in subsection (b), a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a

contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:

(1) would impair the creation, attachment, or perfection of a security interest;
or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(b) Subsection (a) applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under section 9-610 or an acceptance of collateral under section 9-620.

(c) A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:

(1) would impair the creation, attachment, or perfection of a security interest;
or

(2) provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.

(d) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (c) would be effective under law other than this article but is ineffective under subsection (a) or (c), the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:

(1) is not enforceable against the person obligated on the promissory note or the account debtor;

(2) does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;

(3) does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;

(4) does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

(5) does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and

(6) does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.

(e) This section prevails over any inconsistent provisions of the law of this state.

Source: Laws 1999, LB 550, § 143; Laws 2000, LB 929, § 36; Laws 2011, LB90, § 12.

Operative date July 1, 2013.

Part 5

FILING

Subpart 1

FILING OFFICE; CONTENTS AND EFFECTIVENESS
OF FINANCING STATEMENT

9-502 Contents of financing statement; record of mortgage as financing statement; time of filing financing statement.

(a) Subject to subsection (b), a financing statement is sufficient only if it:

(1) provides the name of the debtor;

(2) provides the name of the secured party or a representative of the secured party; and

(3) indicates the collateral covered by the financing statement.

(b) Except as otherwise provided in section 9-501(b), to be sufficient, a financing statement that covers as-extracted collateral or timber to be cut, or which is filed as a fixture filing and covers goods that are or are to become fixtures, must satisfy subsection (a) and also:

(1) indicate that it covers this type of collateral;

(2) indicate that it is to be filed for record in the real property records;

(3) provide a description of the real property to which the collateral is related sufficient to give constructive notice of a mortgage under the law of this state if the description were contained in a record of the mortgage of the real property; and

(4) if the debtor does not have an interest of record in the real property, provide the name of a record owner.

(c) A record of a mortgage is effective, from the date of recording, as a financing statement filed as a fixture filing or as a financing statement covering as-extracted collateral or timber to be cut only if:

(1) the record indicates the goods or accounts that it covers;

(2) the goods are or are to become fixtures related to the real property described in the record or the collateral is related to the real property described in the record and is as-extracted collateral or timber to be cut;

(3) the record satisfies the requirements for a financing statement in this section, but:

(A) the record need not indicate that it is to be filed in the real property records; and

(B) the record sufficiently provides the name of a debtor who is an individual if it provides the individual name of the debtor or the surname and first personal name of the debtor, even if the debtor is an individual to whom section 9-503(a)(4) applies; and

(4) the record is duly recorded.

(d) A financing statement may be filed before a security agreement is made or a security interest otherwise attaches.

Source: Laws 1999, LB 550, § 146; Laws 2011, LB90, § 13.
Operative date July 1, 2013.

9-503 Name of debtor and secured party.

(a) A financing statement sufficiently provides the name of the debtor:

(1) except as otherwise provided in subdivision (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend, or restate the registered organization's name;

(2) subject to subsection (f), if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that the collateral is being administered by a personal representative;

(3) if the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) provides, as the name of the debtor:

(i) if the organic record of the trust specifies a name for the trust, the name specified; or

(ii) if the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) in a separate part of the financing statement:

(i) if the name is provided in accordance with subdivision (A)(i), indicates that the collateral is held in a trust; or

(ii) if the name is provided in accordance with subdivision (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) subject to subsection (g), if the debtor is an individual to whom the Department of Motor Vehicles has issued a driver's license or state identification card that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license or state identification card;

(5) if the debtor is an individual to whom subdivision (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) in other cases:

(A) if the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

(B) if the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) a trade name or other name of the debtor; or

(2) unless required under subdivision (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one debtor and the name of more than one secured party.

(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) If the Department of Motor Vehicles has issued to an individual more than one driver's license or state identification card of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) In this section, the "name of the settlor or testator" means:

(1) if the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) in other cases, the name of the settlor or testator indicated in the trust's organic record.

Source: Laws 1999, LB 550, § 147; Laws 2011, LB90, § 14; Laws 2012, LB1031, § 1.

Operative date July 1, 2013.

9-506 Effect of errors or omissions.

(a) A financing statement substantially satisfying the requirements of this part is effective, even if it has minor errors or omissions, unless the errors or omissions make the financing statement seriously misleading.

(b) Except as otherwise provided in subsection (c), a financing statement that fails sufficiently to provide the name of the debtor in accordance with section 9-503(a) is seriously misleading.

(c) If a search of the records of the filing office under the debtor's correct name, using the filing office's standard search logic, if any, would disclose a financing statement that fails sufficiently to provide the name of the debtor in accordance with section 9-503(a), the name provided does not make the financing statement seriously misleading.

(d) For purposes of section 9-508(b), the "debtor's correct name" in subsection (c) means the correct name of the new debtor.

Source: Laws 1999, LB 550, § 150; Laws 2008, LB308A, § 1; Laws 2008, LB851, § 28; Laws 2009, LB87, § 1; Laws 2010, LB751, § 1; Laws 2011, LB90, § 15.

Operative date July 1, 2013.

9-507 Effect of certain events on effectiveness of financing statement.

(a) A filed financing statement remains effective with respect to collateral that is sold, exchanged, leased, licensed, or otherwise disposed of and in which a security interest or agricultural lien continues, even if the secured party knows of or consents to the disposition.

(b) Except as otherwise provided in subsection (c) and section 9-508, a financing statement is not rendered ineffective if, after the financing statement is filed, the information provided in the financing statement becomes seriously misleading under section 9-506.

(c) If the name that a filed financing statement provides for a debtor becomes insufficient as the name of the debtor under section 9-503(a) so that the financing statement becomes seriously misleading under section 9-506:

(1) the financing statement is effective to perfect a security interest in collateral acquired by the debtor before, or within four months after, the filed financing statement becomes seriously misleading; and

(2) the financing statement is not effective to perfect a security interest in collateral acquired by the debtor more than four months after the filed financing statement becomes seriously misleading, unless an amendment to the financing statement which renders the financing statement not seriously misleading is filed within four months after the financing statement became seriously misleading.

Source: Laws 1999, LB 550, § 151; Laws 2011, LB90, § 16.

Operative date July 1, 2013.

9-515 Duration and effectiveness of financing statement; effect of lapsed financing statement.

(a) Except as otherwise provided in subsections (b), (e), (f), and (g), a filed financing statement is effective for a period of five years after the date of filing.

(b) Except as otherwise provided in subsections (e), (f), and (g), an initial financing statement filed in connection with a public-finance transaction or manufactured-home transaction is effective for a period of thirty years after the date of filing if it indicates that it is filed in connection with a public-finance transaction or manufactured-home transaction.

(c) The effectiveness of a filed financing statement lapses on the expiration of the period of its effectiveness unless before the lapse a continuation statement is filed pursuant to subsection (d). Upon lapse, a financing statement ceases to be effective and any security interest or agricultural lien that was perfected by the

financing statement becomes unperfected, unless the security interest is perfected otherwise. If the security interest or agricultural lien becomes unperfected upon lapse, it is deemed never to have been perfected as against a purchaser of the collateral for value.

(d) A continuation statement may be filed only within six months before the expiration of the five-year period specified in subsection (a) or the thirty-year period specified in subsection (b), whichever is applicable.

(e) Except as otherwise provided in section 9-510, upon timely filing of a continuation statement, the effectiveness of the initial financing statement continues for a period of five years commencing on the day on which the financing statement would have become ineffective in the absence of the filing. Upon the expiration of the five-year period, the financing statement lapses in the same manner as provided in subsection (c), unless, before the lapse, another continuation statement is filed pursuant to subsection (d). Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial financing statement.

(f) If a debtor is a transmitting utility and a filed initial financing statement so indicates, the financing statement is effective until a termination statement is filed.

(g) A record of a mortgage that is effective as a financing statement filed as a fixture filing under section 9-502(c) remains effective as a financing statement filed as a fixture filing until the mortgage is released or satisfied of record or its effectiveness otherwise terminates as to the real property.

Source: Laws 1999, LB 550, § 159; Laws 2011, LB90, § 17.
Operative date July 1, 2013.

9-516 What constitutes filing; effectiveness of filing.

(a) Except as otherwise provided in subsection (b), communication of a record to a filing office and tender of the filing fee or acceptance of the record by the filing office constitutes filing.

(b) Filing does not occur with respect to a record that a filing office refuses to accept because:

(1) the record is not communicated by a method or medium of communication authorized by the filing office;

(2) an amount equal to or greater than the applicable filing fee is not tendered;

(3) the filing office is unable to index the record because:

(A) in the case of an initial financing statement, the record does not provide a name for the debtor;

(B) in the case of an amendment or information statement, the record:

(i) does not identify the initial financing statement as required by section 9-512 or 9-518, as applicable; or

(ii) identifies an initial financing statement whose effectiveness has lapsed under section 9-515;

(C) in the case of an initial financing statement that provides the name of a debtor identified as an individual or an amendment that provides a name of a debtor identified as an individual which was not previously provided in the

financing statement to which the record relates, the record does not identify the debtor's surname; or

(D) in the case of a record filed or recorded in the filing office described in section 9-501(a)(1), the record does not provide a sufficient description of the real property to which it relates;

(4) in the case of an initial financing statement or an amendment that adds a secured party of record, the record does not provide a name and mailing address for the secured party of record;

(5) in the case of an initial financing statement or an amendment that provides a name of a debtor which was not previously provided in the financing statement to which the amendment relates, the record does not:

(A) provide a mailing address for the debtor; or

(B) indicate whether the name provided as the name of the debtor is the name of an individual or an organization;

(6) in the case of an assignment reflected in an initial financing statement under section 9-514(a) or an amendment filed under section 9-514(b), the record does not provide a name and mailing address for the assignee;

(7) in the case of a continuation statement, the record is not filed within the six-month period prescribed by section 9-515(d); or

(8) in the case of a financing statement or an amendment to a financing statement, the same person or entity is listed as both debtor and secured party.

(c) For purposes of subsection (b):

(1) a record does not provide information if the filing office is unable to read or decipher the information; and

(2) a record that does not indicate that it is an amendment or identify an initial financing statement to which it relates, as required by section 9-512, 9-514, or 9-518, is an initial financing statement.

(d) A record that is communicated to the filing office with tender of the filing fee, but which the filing office refuses to accept for a reason other than one set forth in subsection (b), is effective as a filed record except as against a purchaser of the collateral which gives value in reasonable reliance upon the absence of the record from the files.

Source: Laws 1999, LB 550, § 160; Laws 2003, LB 494, § 1; Laws 2011, LB90, § 18.

Operative date July 1, 2013.

9-518 Claim concerning inaccurate or wrongfully filed record.

(a) A person may file in the filing office an information statement with respect to a record indexed there under the person's name if the person believes that the record is inaccurate or was wrongfully filed.

(b) An information statement under subsection (a) must:

(1) identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) indicate that it is an information statement; and

(3) provide the basis for the person's belief that the record is inaccurate and indicate the manner in which the person believes the record should be amend-

ed to cure any inaccuracy or provide the basis for the person’s belief that the record was wrongfully filed.

(c) A person may file in the filing office an information statement with respect to a record filed there if the person is a secured party of record with respect to the financing statement to which the record relates and believes that the person that filed the record was not entitled to do so under section 9-509(d).

(d) An information statement under subsection (c) must:

(1) identify the record to which it relates by the file number assigned to the initial financing statement to which the record relates;

(2) indicate that it is an information statement; and

(3) provide the basis for the person’s belief that the person that filed the record was not entitled to do so under section 9-509(d).

(e) The filing of an information statement does not affect the effectiveness of an initial financing statement or other filed record.

Source: Laws 1999, LB 550, § 162; Laws 2011, LB90, § 19.
Operative date July 1, 2013.

Subpart 2

DUTIES AND OPERATION OF FILING OFFICE

9-521 Uniform form of written financing statement and amendment.

(a) A filing office that accepts written records may not refuse to accept a written initial financing statement in the following form and format except for a reason set forth in section 9-516(b):

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR

FILING OFFICE USE ONLY

1. DEBTOR’S NAME - provide only one Debtor name (1a or 1b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor’s name)

1a. ORGANIZATION’S NAME

OR

1b. INDIVIDUAL’S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

SUFFIX

1c. MAILING ADDRESS

SECURED TRANSACTIONS

§ 9-521

CITY STATE POSTAL CODE COUNTRY

2. DEBTOR'S NAME - provide only one Debtor name (2a or 2b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

2c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

3. SECURED PARTY'S NAME (or NAME of ASSIGNEE of ASSIGNOR SECURED PARTY) - provide only one Secured Party name (3a or 3b)

3a. ORGANIZATION'S NAME

OR

3b. INDIVIDUAL'S SURNAME FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

3c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

4. COLLATERAL: This financing statement covers the following collateral:

5. Check only if applicable and check only one box:

Collateral is ___ held in a Trust (see Instructions) ___ being administered by a Decedent's Personal Representative.

6a. Check only if applicable and check only one box:

- ___ Public-Finance Transaction
- ___ Manufactured-Home Transaction
- ___ A Debtor is a Transmitting Utility

6b. Check only if applicable and check only one box:

- ___ Agricultural Lien ___ Non-UCC Filing

7. ALTERNATIVE DESIGNATION (if applicable): ___ Lessee/Lessor ___ Consignee/Consignor ___ Seller/Buyer ___ Bailee/Bailor ___ Licensee/Li-censor

8. OPTIONAL FILER REFERENCE DATA

[UCC FINANCING STATEMENT (Form UCC1)]
UCC FINANCING STATEMENT ADDENDUM
FOLLOW INSTRUCTIONS

9. NAME OF FIRST DEBTOR (same as item 1a or 1b on Financing Statement)

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

10. ADDITIONAL DEBTOR'S NAME - provide only one Debtor name (10a or 10b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

10a. ORGANIZATION'S NAME

OR

10b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR SUFFIX

10c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

11. ____ ADDITIONAL SECURED PARTY'S NAME or ____ ASSIGNOR SECURED PARTY'S NAME - provide only one name (11a or 11b)

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) SUFFIX

11c. MAILING ADDRESS

CITY STATE POSTAL CODE COUNTRY

12. ADDITIONAL SPACE FOR ITEM 4 (Collateral)

13. ____ This FINANCING STATEMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS (if applicable)

14. This FINANCING STATEMENT:

- _____ covers timber to be cut
- _____ covers as-extracted collateral
- _____ is filed as a fixture filing

15. Name and address of a RECORD OWNER of real estate described in item 16 (if Debtor does not have a record interest):

16. Description of real estate:

17. MISCELLANEOUS:

[UCC FINANCING STATEMENT ADDENDUM (Form UCC1Ad)]

(b) A filing office that accepts written records may not refuse to accept a written record in the following form and format except for a reason set forth in section 9-516(b):

UCC FINANCING STATEMENT AMENDMENT
FOLLOW INSTRUCTIONS

A. NAME & PHONE OF CONTACT AT FILER (optional)

B. E-MAIL CONTACT AT FILER (optional)

C. SEND ACKNOWLEDGMENT TO: (Name and Address)

THE ABOVE SPACE IS FOR
FILING OFFICE USE ONLY

1a. INITIAL FINANCING STATEMENT FILE NUMBER

1b. ____ This FINANCING STATEMENT AMENDMENT is to be filed [for record] (or recorded) in the REAL ESTATE RECORDS.

Filer: attach Amendment Addendum (Form UCC3Ad) and provide Debtor's name in item 13.

2. ____ TERMINATION: Effectiveness of the Financing Statement identified above is terminated with respect to the security interest(s) of Secured Party authorizing this Termination Statement

3. ____ ASSIGNMENT (full or partial): Provide name of Assignee in item 7a or 7b, and address of Assignee in item 7c and name of Assignor in item 9. For partial assignment, complete items 7 and 9 and also indicate affected collateral in item 8

4. ____ CONTINUATION: Effectiveness of the Financing Statement identified above with respect to the security interest(s) of Secured Party authorizing this Continuation Statement is continued for the additional period provided by applicable law

5. ____ PARTY INFORMATION CHANGE:

Check one of these two boxes:

This Change affects ____ Debtor or ____ Secured Party of record.
 AND

Check one of these three boxes to:

____ CHANGE name and/or address: Complete item 6a or 6b, and item 7a or 7b and item 7c.

____ ADD name: Complete item 7a or 7b, and item 7c.

____ DELETE name: Give record name to be deleted in item 6a or 6b.

6. CURRENT RECORD INFORMATION: Complete for Party Information Change - provide only one name (6a or 6b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

6a. ORGANIZATION'S NAME

OR

6b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

7. CHANGED OR ADDED INFORMATION: Complete for Assignment or Party Information Change - provide only one name (7a or 7b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

7a. ORGANIZATION'S NAME

OR

7b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S) THAT ARE PART OF THE NAME OF THIS DEBTOR

SUFFIX

7c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

8. ____ COLLATERAL CHANGE:

Also check one of these four boxes:

____ ADD collateral ____ DELETE collateral ____ RESTATE covered collateral

____ ASSIGN collateral

Indicate collateral:

9. NAME OF SECURED PARTY OF RECORD AUTHORIZING THIS AMENDMENT - provide only one name (9a or 9b) (name of Assignor, if this is an Assignment)

If this is an Amendment authorized by a DEBTOR, check here ____ and provide name of authorizing Debtor

9a. ORGANIZATION'S NAME

OR

9b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

10. OPTIONAL FILER REFERENCE DATA

 [UCC FINANCING STATEMENT AMENDMENT (Form UCC3)]
 UCC FINANCING STATEMENT AMENDMENT ADDENDUM
 FOLLOW INSTRUCTIONS

11. INITIAL FINANCING STATEMENT FILE NUMBER (same as item 1a on Amendment form)

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT (same as item 9 on Amendment form)

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

SUFFIX

THE ABOVE SPACE IS FOR
 FILING OFFICE USE ONLY

13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in some filing offices - see Instruction for item 13 - insert only one Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any word in the Debtor's name)

13a. ORGANIZATION'S NAME

OR

13b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

SUFFIX

14. ADDITIONAL SPACE FOR ITEM 8 (Collateral)

15. This FINANCING STATEMENT AMENDMENT: ____ covers timber to be cut

____ covers as-extracted collateral ____ is filed as a fixture filing

16. Name and address of a RECORD OWNER of real estate described in item 17 (if Debtor does not have a record interest):

17. Description of real estate

18. MISCELLANEOUS:

[UCC FINANCING STATEMENT AMENDMENT ADDENDUM (Form UCC3Ad)]

Source: Laws 2011, LB90, § 20.

Operative date July 1, 2013.

Note: This section was repealed by Laws 2011, LB90, section 33. Laws 2011, LB90, section 20, added a new section 9-521.

9-522 Maintenance and destruction of records.

(a) The filing office shall maintain a record of the information provided in a filed financing statement for at least one year after the effectiveness of the financing statement has lapsed under section 9-515 with respect to all secured parties of record. The record must be retrievable by using the name of the debtor and by using the file number assigned to the initial financing statement to which the record relates.

(b) Except to the extent that a statute governing disposition of public records provides otherwise, the filing office immediately may destroy any written record evidencing a financing statement. However, if the filing office destroys a written record, it shall maintain another record of the financing statement which complies with subsection (a).

(c) Notwithstanding the provisions of this section, a record of a financing statement or amendment statement for which the place of filing was changed by Laws 1998, LB 1321, and which financing statement or amendment statement could have been continued or was continued by filing a new continuation statement pursuant to Laws 1998, LB 1321, section 110, does not have to be retained by the original filing office and may be disposed of or destroyed.

Source: Laws 1999, LB 550, § 166; Laws 2005, LB 451, § 2.

9-523 Information from filing office; sale or license of records.

(a) If a person that files a written record requests an acknowledgment of the filing, the filing office shall send to the person an image of the record showing the number assigned to the record pursuant to section 9-519(a)(1) and the date and time of the filing of the record. However, if the person furnishes a copy of the record to the filing office, the filing office may instead:

(1) note upon the copy the number assigned to the record pursuant to section 9-519(a)(1) and the date and time of the filing of the record; and

(2) send the copy to the person.

(b) If a person files a record other than a written record, the filing office shall communicate to the person an acknowledgment that provides:

(1) the information in the record;

(2) the number assigned to the record pursuant to section 9-519(a)(1); and

(3) the date and time of the filing of the record.

(c) The filing office shall communicate or otherwise make available in a record the following information to any person that requests it:

(1) whether there is on file on a date and time specified by the filing office, but not a date earlier than three business days before the filing office receives the request, any financing statement that:

(A) designates a particular debtor;

(B) has not lapsed under section 9-515 with respect to all secured parties of record; and

(C) if the request so states, has lapsed under section 9-515 and a record of which is maintained by the filing office under section 9-522(a);

(2) the date and time of filing of each financing statement; and

(3) the information provided in each financing statement.

(d) In complying with its duty under subsection (c), the filing office may communicate information in any medium. However, if requested, the filing office shall communicate information by issuing its written certificate.

(e) The filing office shall perform the acts required by subsections (a) through (d) at the time and in the manner prescribed by filing-office rule, but not later than two business days after the filing office receives the request.

(f)(1) The Secretary of State shall offer to sell or license to the public on a nonexclusive basis, in bulk, copies of all records filed in the office of the Secretary of State under this part, in every medium from time to time available to the filing office.

(2) Records filed in the office of the Secretary of State under this part may be made available electronically through the portal established under section 84-1204, Reissue Revised Statutes of Nebraska. For batch requests, the fee is two dollars per record accessed through the portal, except that the fee for a batch request for one thousand or more records is two thousand dollars. All fees collected pursuant to this subdivision shall be deposited in the Records Management Cash Fund and shall be distributed as provided in any agreements between the State Records Board and the Secretary of State.

Source: Laws 1999, LB 550, § 167; Laws 2012, LB719, § 31.
Effective date July 19, 2012.

9-525 Fees.

(a) The fee for filing and indexing a record under this part is:

(1) Except as provided in subdivision (a)(4) of this section, ten dollars if the record is communicated in writing and consists of one page;

(2) Except as provided in subdivision (a)(4) of this section, ten dollars plus fifty cents per page for the second page and for each additional page if the record is communicated in writing and consists of more than one page;

(3) Except as provided in subdivision (a)(4) of this section, eight dollars if the record is communicated by another medium authorized by filing-office rule; and

(4) Seventy-five dollars, plus fifty cents per page for the second and each subsequent page of the filing, if the debtor is a transmitting utility and the filing so indicates.

(b) The number of names required to be indexed does not affect the amount of the fee in subsection (a).

(c) There is no fee for the filing of a termination statement.

(d)(1) The fee for responding to a request for information from the filing office, including for communicating whether there is on file any financing statement naming a particular debtor, is four dollars and fifty cents.

(2) Of the fees received pursuant to this subsection by the Secretary of State, one dollar of each fee shall be remitted to the State Treasurer for credit to the Records Management Cash Fund.

Source: Laws 1999, LB 550, § 169; Laws 2004, LB 1099, § 3.

9-529 Secretary of State; implementation of centralized computer system.

(a) The Secretary of State shall implement and maintain a centralized computer system for the accumulation and dissemination of information rela-

tive to financing statements for any type of collateral except collateral described in section 9-501(a)(1). Such a system shall include the entry of information into the computer system by the Secretary of State pursuant to section 9-530 and the dissemination of such information by a computer system or systems, telephone, mail, and such other means of communication as may be deemed appropriate. Such system shall be an interactive system.

(b) Computer access to information regarding obligations of debtors shall be made available twenty-four hours a day on every day of the year. The Secretary of State shall provide information from the system by telephone during normal business hours.

(c) The centralized computer system implemented and maintained pursuant to this section shall include information relative to effective financing statements as provided in sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska, and statutory liens as provided in sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska.

Source: Laws 1999, LB 550, § 173; Laws 2003, LB 4, § 8; Laws 2007, LB124, § 72.

9-530 Filing information; Secretary of State; duties.

(a) Upon receipt of a financing statement relating to any collateral except collateral described in section 9-501(a)(1), the Secretary of State shall on the day of receipt enter into the centralized computer system the following document information:

- (1) Identification of the document and the fact that the original document was filed with the Secretary of State;
- (2) Document number;
- (3) Name and address of the obligor or obligors;
- (4) Name and address of the secured party or secured parties;
- (5) Type or types of goods or property covered; and
- (6) Date and time of filing.

(b)(1) Upon receipt of a notice of lien upon real property or a certificate or a notice affecting the lien presented for filing pursuant to the Uniform Federal Lien Registration Act or a notice of lien upon real property, release, continuation, subordination, or termination presented for filing pursuant to the Uniform State Tax Lien Registration and Enforcement Act, the Secretary of State shall on the date of receipt enter into the centralized computer system the following document information:

- (i) Identification of the document and any county designated as a county in which the real property is situated;
- (ii) Document number;
- (iii) Type or types of property covered; and
- (iv) The information entered pursuant to section 52-1003 or 77-3903, Reissue Revised Statutes of Nebraska.

(2) Upon receipt of a notice of lien upon personal property or a certificate or a notice affecting the lien filed pursuant to the Uniform Federal Lien Registration Act or a notice of lien upon personal property, release, continuation, subordination, or termination filed pursuant to the Uniform State Tax Lien

Registration and Enforcement Act, the Secretary of State shall on the date of receipt enter into the centralized computer system the following document information:

- (i) Identification of the document;
- (ii) Document number;
- (iii) Type or types of property covered; and
- (iv) The information entered pursuant to section 52-1003 or 77-3903, Reissue Revised Statutes of Nebraska.

(c) The Secretary of State shall maintain the information received under subsections (a) and (b) of this section so that such information shall be available for the following types of inquiry: In person, written, and electronic media, including computers.

Source: Laws 1999, LB 550, § 174; Laws 2001, LB 54, § 30; Laws 2012, LB853, § 1.

Effective date July 19, 2012.

Cross References

Uniform Federal Lien Registration Act, see section 52-1007.

Uniform State Tax Lien Registration and Enforcement Act, see section 77-3901.

9-531 Uniform Commercial Code Cash Fund; created; use; Secretary of State; duties; fees.

(a) There is created the Uniform Commercial Code Cash Fund. Except as otherwise specifically provided, all funds received pursuant to this part and sections 52-1312, 52-1313, 52-1316, and 52-1602, Reissue Revised Statutes of Nebraska, shall be placed in the fund and used by the Secretary of State to carry out this part, sections 52-1301 to 52-1322, Reissue Revised Statutes of Nebraska, and sections 52-1601 to 52-1605, Reissue Revised Statutes of Nebraska, except that transfers from the Uniform Commercial Code Cash Fund to the General Fund, the Election Administration Fund, and the Records Management Cash Fund may be made at the direction of the Legislature.

(b)(1) The Secretary of State shall furnish each county clerk with computer terminal hardware, including a printer, compatible with the centralized computer system implemented and maintained pursuant to section 9-529, for inquiries and searches of information in such centralized computer system. The terminals shall be readily and reasonably available and accessible to members of the public for such inquiries and searches.

(2) The fees charged by county clerks for inquiries and other services regarding information in the centralized computer system shall be the same as set forth for filing offices in this part.

Source: Laws 1999, LB 550, § 175; Laws 2001, LB 541, § 10; Laws 2003, LB 4, § 9; Laws 2007, LB124, § 73; Laws 2011, LB378, § 35.

Part 6

DEFAULT

Subpart 1

DEFAULT AND ENFORCEMENT OF SECURITY INTEREST

9-601 Rights after default; judicial enforcement; consignor or buyer of accounts, chattel paper, payment intangibles, or promissory notes.

(a) After default, a secured party has the rights provided in this part and, except as otherwise provided in section 9-602, those provided by agreement of the parties. A secured party:

(1) may reduce a claim to judgment, foreclose, or otherwise enforce the claim, security interest, or agricultural lien by any available judicial procedure; and

(2) if the collateral is documents, may proceed either as to the documents or as to the goods they cover.

(b) A secured party in possession of collateral or control of collateral under section 7-106, 9-104, 9-105, 9-106, or 9-107 has the rights and duties provided in section 9-207.

(c) The rights under subsections (a) and (b) are cumulative and may be exercised simultaneously.

(d) Except as otherwise provided in subsection (g) and section 9-605, after default, a debtor and an obligor have the rights provided in this part and by agreement of the parties.

(e) If a secured party has reduced its claim to judgment, the lien of any levy that may be made upon the collateral by virtue of an execution based upon the judgment relates back to the earliest of:

(1) the date of perfection of the security interest or agricultural lien in the collateral;

(2) the date of filing a financing statement covering the collateral; or

(3) any date specified in a statute under which the agricultural lien was created.

(f) A sale pursuant to an execution is a foreclosure of the security interest or agricultural lien by judicial procedure within the meaning of this section. A secured party may purchase at the sale and thereafter hold the collateral free of any other requirements of this article.

(g) Except as otherwise provided in section 9-607(c), this part imposes no duties upon a secured party that is a consignor or is a buyer of accounts, chattel paper, payment intangibles, or promissory notes.

Source: Laws 1999, LB 550, § 176; Laws 2005, LB 570, § 112.

9-607 Collection and enforcement by secured party.

(a) If so agreed, and in any event after default, a secured party:

(1) may notify an account debtor or other person obligated on collateral to make payment or otherwise render performance to or for the benefit of the secured party;

(2) may take any proceeds to which the secured party is entitled under section 9-315;

(3) may enforce the obligations of an account debtor or other person obligated on collateral and exercise the rights of the debtor with respect to the obligation of the account debtor or other person obligated on collateral to make payment or otherwise render performance to the debtor, and with respect to any property that secures the obligations of the account debtor or other person obligated on the collateral;

(4) if it holds a security interest in a deposit account perfected by control under section 9-104(a)(1), may apply the balance of the deposit account to the obligation secured by the deposit account; and

(5) if it holds a security interest in a deposit account perfected by control under section 9-104(a)(2) or (3), may instruct the bank to pay the balance of the deposit account to or for the benefit of the secured party.

(b) If necessary to enable a secured party to exercise under subdivision (a)(3) the right of a debtor to enforce a mortgage nonjudicially, the secured party may record in the office in which a record of the mortgage is recorded:

(1) a copy of the security agreement that creates or provides for a security interest in the obligation secured by the mortgage; and

(2) the secured party's sworn affidavit in recordable form stating that:

(A) a default has occurred with respect to the obligation secured by the mortgage; and

(B) the secured party is entitled to enforce the mortgage nonjudicially.

(c) A secured party shall proceed in a commercially reasonable manner if the secured party:

(1) undertakes to collect from or enforce an obligation of an account debtor or other person obligated on collateral; and

(2) is entitled to charge back uncollected collateral or otherwise to full or limited recourse against the debtor or a secondary obligor.

(d) A secured party may deduct from the collections made pursuant to subsection (c) reasonable expenses of collection and enforcement, including reasonable attorney's fees and legal expenses incurred by the secured party.

(e) This section does not determine whether an account debtor, bank, or other person obligated on collateral owes a duty to a secured party.

Source: Laws 1999, LB 550, § 182; Laws 2011, LB90, § 21.

Operative date July 1, 2013.

Part 7

TRANSITION

9-705 Effectiveness of action taken before July 1, 2001.

(a) If action, other than the filing of a financing statement, is taken before July 1, 2001, and the action would have resulted in priority of a security interest over the rights of a person that becomes a lien creditor had the security interest become enforceable before July 1, 2001, the action is effective to perfect a security interest that attaches under this article within one year after July 1, 2001. An attached security interest becomes unperfected one year after July 1, 2001, unless the security interest becomes a perfected security interest under this article before the expiration of that period.

(b) The filing of a financing statement before July 1, 2001, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article.

(c) This article does not render ineffective an effective financing statement that, before July 1, 2001, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in section 9-103, as such section existed immediately before July 1, 2001. Howev-

er, except as otherwise provided in subsections (d), (e), and (f) and section 9-706, the financing statement ceases to be effective at the earlier of:

(1) the time the financing statement would have ceased to be effective under the law of the jurisdiction in which it is filed; or

(2) June 30, 2006.

(d) The filing of a continuation statement on or after July 1, 2001, does not continue the effectiveness of the financing statement filed before July 1, 2001. However, upon the timely filing of a continuation statement on or after July 1, 2001, and in accordance with the law of the jurisdiction governing perfection as provided in part 3, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2001, continues for the period provided by the law of that jurisdiction.

(e) Subdivision (c)(2) applies to a financing statement that, before July 1, 2001, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in section 9-103, as such section existed immediately before July 1, 2001, only to the extent that part 3 provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(f) Subdivision (c)(2) does not apply to a financing statement that was filed in the proper place in the state before July 1, 2001, pursuant to section 9-401, as such section existed immediately before July 1, 2001, and for which the proper place of filing in the state was not changed pursuant to section 9-501, as such section existed on July 1, 2001.

(g) A financing statement that includes a financing statement filed before July 1, 2001, and a continuation statement filed on or after July 1, 2001, is effective only to the extent that it satisfies the requirements of part 5 for an initial financing statement.

Source: Laws 1999, LB 550, § 208; Laws 2000, LB 929, § 46; Laws 2006, LB 876, § 56.

9-707 Amendment of pre-operative-date financing statement.

(a) In this section, “pre-operative-date financing statement” means a financing statement filed before July 1, 2001.

(b) On or after July 1, 2001, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information provided in, a pre-operative-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in part 3. However, the effectiveness of a pre-operative-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-operative-date financing statement may be amended on or after July 1, 2001, only if:

(1) the pre-operative-date financing statement and an amendment are filed in the office specified in section 9-501;

(2) an amendment is filed in the office specified in section 9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 9-706(c); or

(3) an initial financing statement that provides the information as amended and satisfies section 9-706(c) is filed in the office specified in section 9-501.

(d) If the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement may be continued only under section 9-705(d) and (g) or 9-706.

(e) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement filed in this state may be terminated on or after July 1, 2001, by filing a termination statement in the office in which the pre-operative-date financing statement is filed, unless an initial financing statement that satisfies section 9-706(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in part 3 as the office in which to file a financing statement.

Source: Laws 2000, LB 929, § 47; Laws 2006, LB 876, § 57.

Part 8

TRANSITION PROVISIONS FOR 2011 AMENDMENTS

9-801 Operative date.

This article as amended by Laws 2011, LB90, becomes operative on July 1, 2013.

Source: Laws 2011, LB90, § 22.
Operative date July 1, 2013.

9-802 Savings clause.

(a) Except as otherwise provided in this part, this article applies to a transaction or lien within its scope, even if the transaction or lien was entered into or created before July 1, 2013.

(b) This article as amended by Laws 2011, LB90, does not affect an action, case, or proceeding commenced before July 1, 2013.

Source: Laws 2011, LB90, § 23.
Operative date July 1, 2013.

9-803 Security interest perfected before July 1, 2013.

(a) A security interest that is a perfected security interest immediately before July 1, 2013, is a perfected security interest under this article as it existed on July 1, 2013, if, on July 1, 2013, the applicable requirements for attachment and perfection under this article as it existed on July 1, 2013, are satisfied without further action.

(b) Except as otherwise provided in section 9-805, if, immediately before July 1, 2013, a security interest is a perfected security interest, but the applicable requirements for perfection under this article as it existed on July 1, 2013, are not satisfied on July 1, 2013, the security interest remains perfected thereafter

only if the applicable requirements for perfection under this article as it existed on July 1, 2013, are satisfied within one year after July 1, 2013.

Source: Laws 2011, LB90, § 24.
Operative date July 1, 2013.

9-804 Security interest unperfected before July 1, 2013.

A security interest that is an unperfected security interest immediately before July 1, 2013, becomes a perfected security interest:

(1) without further action, on July 1, 2013, if the applicable requirements for perfection under this article as it existed on July 1, 2013, are satisfied before or at that time; or

(2) when the applicable requirements for perfection are satisfied if the requirements are satisfied after that time.

Source: Laws 2011, LB90, § 25.
Operative date July 1, 2013.

9-805 Effectiveness of action taken before July 1, 2013.

(a) The filing of a financing statement before July 1, 2013, is effective to perfect a security interest to the extent the filing would satisfy the applicable requirements for perfection under this article as it existed on July 1, 2013.

(b) This article does not render ineffective an effective financing statement that, before July 1, 2013, is filed and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article as it existed before July 1, 2013. However, except as otherwise provided in subsections (c) and (d) and section 9-806, the financing statement ceases to be effective:

(1) if the financing statement is filed in this state, at the time the financing statement would have ceased to be effective had Laws 2011, LB90, not become law; or

(2) if the financing statement is filed in another jurisdiction, at the earlier of:
(A) the time the financing statement would have ceased to be effective under the law of that jurisdiction; or

(B) June 30, 2018.

(c) The filing of a continuation statement on or after July 1, 2013, does not continue the effectiveness of the financing statement filed before July 1, 2013. However, upon the timely filing of a continuation statement on or after July 1, 2013, and in accordance with the law of the jurisdiction governing perfection as provided in this article as it existed on July 1, 2013, the effectiveness of a financing statement filed in the same office in that jurisdiction before July 1, 2013, continues for the period provided by the law of that jurisdiction.

(d) Subsection (b)(2)(B) applies to a financing statement that, before July 1, 2013, is filed against a transmitting utility and satisfies the applicable requirements for perfection under the law of the jurisdiction governing perfection as provided in this article as it existed before July 1, 2013, only to the extent that this article as it existed on July 1, 2013, provides that the law of a jurisdiction other than the jurisdiction in which the financing statement is filed governs perfection of a security interest in collateral covered by the financing statement.

(e) A financing statement that includes a financing statement filed before July 1, 2013, and a continuation statement filed on or after July 1, 2013, is effective only to the extent that it satisfies the requirements of part 5 as it existed on July 1, 2013, for an initial financing statement. A financing statement that indicates that the debtor is a decedent's estate indicates that the collateral is being administered by a personal representative within the meaning of section 9-503(a)(2) as it existed on July 1, 2013. A financing statement that indicates that the debtor is a trust or is a trustee acting with respect to property held in trust indicates that the collateral is held in a trust within the meaning of section 9-503(a)(3) as it existed on July 1, 2013.

Source: Laws 2011, LB90, § 26.

Operative date July 1, 2013.

9-806 When initial financing statement suffices to continue effectiveness of financing statement.

(a) The filing of an initial financing statement in the office specified in section 9-501 continues the effectiveness of a financing statement filed before July 1, 2013, if:

(1) the filing of an initial financing statement in that office would be effective to perfect a security interest under this article as it existed on July 1, 2013;

(2) the pre-operative-date financing statement was filed in an office in another state; and

(3) the initial financing statement satisfies subsection (c).

(b) The filing of an initial financing statement under subsection (a) continues the effectiveness of the pre-operative-date financing statement:

(1) if the initial financing statement is filed before July 1, 2013, for the period provided in section 9-515 as it existed before July 1, 2013, with respect to an initial financing statement; and

(2) if the initial financing statement is filed on or after July 1, 2013, for the period provided in section 9-515 as it existed on July 1, 2013, with respect to an initial financing statement.

(c) To be effective for purposes of subsection (a), an initial financing statement must:

(1) satisfy the requirements of part 5 as it existed on July 1, 2013, for an initial financing statement;

(2) identify the pre-operative-date financing statement by indicating the office in which the financing statement was filed and providing the dates of filing and file numbers, if any, of the financing statement and of the most recent continuation statement filed with respect to the financing statement; and

(3) indicate that the pre-operative-date financing statement remains effective.

Source: Laws 2011, LB90, § 27.

Operative date July 1, 2013.

9-807 Amendment of pre-operative-date financing statement.

(a) In this section, "pre-operative-date financing statement" means a financing statement filed before July 1, 2013.

(b) On or after July 1, 2013, a person may add or delete collateral covered by, continue or terminate the effectiveness of, or otherwise amend the information

provided in, a pre-operative-date financing statement only in accordance with the law of the jurisdiction governing perfection as provided in this article as it existed on July 1, 2013. However, the effectiveness of a pre-operative-date financing statement also may be terminated in accordance with the law of the jurisdiction in which the financing statement is filed.

(c) Except as otherwise provided in subsection (d), if the law of this state governs perfection of a security interest, the information in a pre-operative-date financing statement may be amended on or after July 1, 2013, only if:

(1) the pre-operative-date financing statement and an amendment are filed in the office specified in section 9-501;

(2) an amendment is filed in the office specified in section 9-501 concurrently with, or after the filing in that office of, an initial financing statement that satisfies section 9-806(c); or

(3) an initial financing statement that provides the information as amended and satisfies section 9-806(c) is filed in the office specified in section 9-501.

(d) If the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement may be continued only under section 9-805(c) and (e) or 9-806.

(e) Whether or not the law of this state governs perfection of a security interest, the effectiveness of a pre-operative-date financing statement filed in this state may be terminated on or after July 1, 2013, by filing a termination statement in the office in which the pre-operative-date financing statement is filed, unless an initial financing statement that satisfies section 9-806(c) has been filed in the office specified by the law of the jurisdiction governing perfection as provided in this article as it existed on July 1, 2013, as the office in which to file a financing statement.

Source: Laws 2011, LB90, § 28.
Operative date July 1, 2013.

9-808 Person entitled to file initial financing statement or continuation statement.

A person may file an initial financing statement or a continuation statement under this part if:

(1) the secured party of record authorizes the filing; and

(2) the filing is necessary under this part:

(A) to continue the effectiveness of a financing statement filed before July 1, 2013; or

(B) to perfect or continue the perfection of a security interest.

Source: Laws 2011, LB90, § 29.
Operative date July 1, 2013.

9-809 Priority.

This article determines the priority of conflicting claims to collateral. However, if the relative priorities of the claims were established before July 1, 2013, this article as it existed before July 1, 2013, determines priority.

Source: Laws 2011, LB90, § 30.
Operative date July 1, 2013.

ARTICLE 10
EFFECTIVE DATE AND REPEALER

Section

10-104. Repealed. Laws 2005, LB 570, § 116.

10-104 Repealed. Laws 2005, LB 570, § 116.



APPENDIX

APPENDIX

CLASSIFICATION OF PENALTIES

CLASS I FELONY

Death

28-303 Murder in the first degree

CLASS IA FELONY

Life imprisonment

28-202 Criminal conspiracy to commit a Class IA felony

28-303 Murder in the first degree

28-313 Kidnapping

28-391 Murder of an unborn child in the first degree

28-1223 Using explosives to damage or destroy property resulting in death

28-1224 Using explosives to kill or injure any person resulting in death

CLASS IB FELONY

Maximum–life imprisonment

Minimum–twenty years imprisonment

28-111 Sexual assault of a child in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person

28-111 Sexual assault of a child in the second or third degree, with prior sexual assault convictions, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person

28-115 Sexual assault of a child in the second or third degree with prior sexual assault conviction committed against a pregnant woman

28-115 Sexual assault of a child in the first degree committed against a pregnant woman

28-202 Criminal conspiracy to commit a Class IB felony

28-304 Murder in the second degree

*28-319.01 Sexual assault of a child in the first degree

*28-319.01 Sexual assault of a child in the first degree with prior sexual assault conviction

28-392 Murder of an unborn child in the second degree

*28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense amphetamine or methamphetamine in a quantity of 140 grams or more

*28-416 Offenses relating to amphetamine or methamphetamine in a quantity of at least 10 grams but less than 28 grams, second or subsequent offense involving minors or near youth facilities

*28-416 Offenses relating to amphetamine or methamphetamine in a quantity of 28 grams or more involving minors or near youth facilities

*28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of amphetamine or methamphetamine in a quantity of at least 28 grams

*28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver,

APPENDIX

- or dispense cocaine or any mixture containing cocaine, or base cocaine (crack) or any mixture containing base cocaine, in a quantity of 140 grams or more
- *28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense heroin or any mixture containing heroin in a quantity of 140 grams or more
- *28-416 Offenses relating to cocaine or base cocaine (crack) in a quantity of 28 grams or more involving minors or near youth facilities
- *28-416 Offenses relating to cocaine or base cocaine (crack) in a quantity of at least 10 grams but less than 28 grams, second or subsequent offense involving minors or near youth facilities
- *28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of cocaine or any mixture containing cocaine, or base cocaine (crack) or any mixture containing base cocaine, in a quantity of 28 grams or more
- *28-416 Offenses relating to heroin in a quantity of 28 grams or more involving minors or near youth facilities
- *28-416 Offenses relating to heroin in a quantity of at least 10 grams but less than 28 grams, second or subsequent offense involving minors or near youth facilities
- *28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of heroin or any mixture containing heroin in a quantity of at least 28 grams
- 28-457 Permitting a child or vulnerable adult to inhale, have contact with, or ingest methamphetamine resulting in death
- 28-707 Child abuse committed knowingly and intentionally and resulting in death
- 28-1206 Possession of a firearm by a prohibited person, second or subsequent offense
- *28-1356 Obtaining a real property interest or establishing or operating an enterprise by means of racketeering activity punishable as a Class I, IA, or IB felony

CLASS IC FELONY

Maximum—fifty years imprisonment

Mandatory minimum—five years imprisonment

- 28-202 Criminal conspiracy to commit a Class IC felony
- *28-320.01 Sexual assault of a child in the second degree with prior sexual assault conviction
- 28-320.01 Sexual assault of a child in the third degree with prior sexual assault conviction
- 28-320.02 Sexual assault of minor or person believed to be a minor lured by electronic communication device, second offense or with previous conviction of sexual assault
- *28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense cocaine or any mixture containing cocaine, or base cocaine (crack) or any mixture containing base cocaine, in a quantity of at least 28 grams but less than 140 grams
- *28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver,

APPENDIX

- or dispense heroin or any mixture containing heroin in a quantity of at least 28 grams but less than 140 grams
- *28-416 Offenses relating to cocaine or base cocaine (crack) in a quantity of at least 10 grams but less than 28 grams, first offense involving minors or near youth facilities
- *28-416 Offenses relating to heroin in a quantity of at least 10 grams but less than 28 grams, first offense involving minors or near youth facilities
- *28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of cocaine or any mixture containing cocaine, or base cocaine (crack) or any mixture containing base cocaine, in a quantity of at least 10 grams but less than 28 grams
- *28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of heroin or any mixture containing heroin in a quantity of at least 10 grams but less than 28 grams
- *28-416 Manufacture, distribute, deliver, dispense, or possess exceptionally hazardous drug in Schedule I, II, or III of section 28-405, second or subsequent offense involving minors or near youth facilities
- *28-416 Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense amphetamine or methamphetamine in a quantity of at least 28 grams but less than 140 grams
- *28-416 Offenses relating to amphetamine or methamphetamine in a quantity of at least 10 grams but less than 28 grams, first offense involving minors or near youth facilities
- *28-416 Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of amphetamine or methamphetamine in a quantity of at least 10 grams but less than 28 grams
- 28-813.01 Possession of visual depiction of sexually explicit conduct containing a child by a person with previous conviction
- 28-1205 Use of firearm to commit a felony
- 28-1212.04 Discharge of firearm within certain cities or counties from vehicle or proximity of vehicle at a person, structure, vehicle, or aircraft
- 28-1463.04 Child pornography by person with previous conviction
- 28-1463.05 Possession of child pornography with intent to distribute by person with previous conviction

CLASS ID FELONY

Maximum—fifty years imprisonment

Mandatory minimum—three years imprisonment

- 28-111 Kidnapping (certain situations) committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
- 28-111 Sexual assault in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
- 28-111 Arson in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual

APPENDIX

	orientation, age, or disability or because of his or her association with such a person
28-111	Sexual assault of a child in the second degree, first offense, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Sexual assault in the first degree committed against a pregnant woman
28-115	Sexual assault of a child in the second degree, first offense, committed against a pregnant woman
28-115	Domestic assault in the first degree, second or subsequent offense against same intimate partner, committed against a pregnant woman
28-115	Assault on an officer in the first degree committed against a pregnant woman
28-115	Certain acts of assault, terroristic threats, kidnapping, or false imprisonment committed by legally confined person against a pregnant woman
28-202	Criminal conspiracy to commit a Class ID felony
28-320.02	Sexual assault of minor or person believed to be a minor lured by electronic communication device, first offense
*28-416	Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense cocaine or any mixture containing cocaine, or base cocaine (crack) or any mixture containing base cocaine, in a quantity of at least 10 grams but less than 28 grams
*28-416	Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense heroin or any mixture containing heroin in a quantity of at least 10 grams but less than 28 grams
*28-416	Knowingly or intentionally manufacturing, distributing, delivering, dispensing, or possessing with intent to manufacture, distribute, deliver, or dispense amphetamine or methamphetamine in a quantity of at least 10 grams but less than 28 grams
*28-416	Manufacture, distribute, deliver, dispense, or possess exceptionally hazardous drug in Schedule I, II, or III of section 28-405, first offense involving minors or near youth facilities
*28-416	Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of an exceptionally hazardous drug in Schedule I, II, or III of section 28-405
*28-416	Manufacture, distribute, deliver, dispense, or possess certain controlled substances in Schedule I, II, or III of section 28-405, second or subsequent offense involving minors or near youth facilities
28-929	Assault on an officer or a health care professional in the first degree
28-1206	Possession of a firearm by a prohibited person, first offense
28-1212.02	Unlawful discharge of firearm at an occupied building, vehicle, or aircraft
28-1463.04	Child pornography by person 19 years of age or older

CLASS II FELONY

Maximum—fifty years imprisonment

Minimum—one year imprisonment

28-111	Manslaughter committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
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APPENDIX

28-111	Assault in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Sexual assault in the second degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Arson in the second degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Assault in the first degree committed against a pregnant woman
28-115	Sexual assault in the second degree committed against a pregnant woman
28-115	Sexual abuse of an inmate or parolee in the first degree committed against a pregnant woman
28-115	Sexual abuse of a protected individual, first degree, committed against a pregnant woman
28-115	Domestic assault in the first degree, first offense, committed against a pregnant woman
28-115	Domestic assault in the second degree, second or subsequent offense against same intimate partner, committed against a pregnant woman
28-115	Assault on an officer in the second degree committed against a pregnant woman
28-201	Criminal attempt to commit a Class I, IA, IB, IC, or ID felony
28-202	Criminal conspiracy to commit a Class I or II felony
*28-306	Motor vehicle homicide by person driving under the influence of alcohol or drugs with prior conviction of driving under the influence of alcohol or drugs
28-308	Assault in the first degree
28-313	Kidnapping (certain situations)
*28-319	Sexual assault in the first degree
28-320.01	Sexual assault of a child in the second degree, first offense
28-323	Domestic assault in the first degree, second or subsequent offense
28-324	Robbery
*28-416	Manufacture, distribute, deliver, dispense, or possess exceptionally hazardous drug in Schedule I, II, or III of section 28-405
*28-416	Manufacture, distribute, deliver, dispense, or possess certain controlled substances in Schedule I, II, or III of section 28-405, first offense involving minors or near youth facilities
*28-416	Manufacture, distribute, deliver, dispense, or possess controlled substances in Schedule IV or V of section 28-405, second or subsequent offense involving minors or near youth facilities
*28-416	Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of certain controlled substances in Schedule I, II, or III of section 28-405
28-502	Arson in the first degree
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was

APPENDIX

	attempted to be gained was \$1,500 or more, second or subsequent offense
28-638	Criminal impersonation by providing false identification information to court or law enforcement officer, third or subsequent offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$1,500 or more, second or subsequent offense
28-707	Child abuse committed knowingly and intentionally and resulting in serious bodily injury
28-831	Commercial sexual activity, sexually-explicit performance, or pornography involving a minor by use of force or threat of force or when minor is under 15 years of age
28-930	Assault on an officer or a health care professional in the second degree
28-932	Assault with a deadly or dangerous weapon by a legally confined person committed against a pregnant woman
28-933	Certain acts of assault, terroristic threats, kidnapping, or false imprisonment committed by legally confined person
28-1205	Possession of firearm during commission of a felony
28-1205	Use of deadly weapon other than a firearm to commit a felony
28-1222	Using explosives to commit a felony, second or subsequent offense
28-1223	Using explosives to damage or destroy property resulting in personal injury
28-1224	Using explosives to kill or injure any person resulting in personal injury
30-3432	Sign or alter without authority or alter, forge, conceal, or destroy a power of attorney for health care or conceal or destroy a revocation with the intent and effect of withholding or withdrawing life-sustaining procedures or nutrition or hydration
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, fifth or subsequent offense committed with .15 gram alcohol concentration
70-2105	Destroy, damage, or cause loss to nuclear electrical generating facility or steal or render nuclear fuel unusable or unsafe

CLASS III FELONY

**Maximum—twenty years imprisonment, or
twenty-five thousand dollars fine, or both
Minimum—one year imprisonment**

8-138	Officer, agent, or employee receiving deposits on behalf of insolvent bank
8-139	Acting or assisting another to act as active executive officer of a bank when not licensed
8-175	Banks, false entry or statements, offenses relating to records
8-224.01	Substitution or investment of estate or trust assets for or in securities of the trust company controlling the estate or trust; loans of trust company assets to trust company officials or employees
9-814	Altering lottery tickets to defraud under the State Lottery Act
24-216	Clerk of the Supreme Court intentionally making a false report under oath, perjury
25-2310	Fraudulently invoking privilege of proceeding in forma pauperis
28-107	Felony defined outside of criminal code

APPENDIX

28-111	Assault in the second degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	False imprisonment in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Sexual assault of a child in the third degree, first offense, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Assault in the second degree committed against a pregnant woman
28-115	Sexual assault of a child in the third degree, first offense, committed against a pregnant woman
28-115	Domestic assault in the second degree, first offense, committed against a pregnant woman
28-115	Assault on an officer in the third degree committed against a pregnant woman
28-115	Assault on an officer using a motor vehicle committed against a pregnant woman
*28-115	Causing serious bodily injury to pregnant woman while driving while intoxicated
28-201	Criminal attempt to commit a Class II felony
28-202	Criminal conspiracy to commit a Class III felony
28-204	Harboring, concealing, or aiding a felon who committed a Class I, IA, IB, IC, or ID felony
28-305	Manslaughter
*28-306	Motor vehicle homicide by person driving under the influence of alcohol or drugs with no prior conviction
28-309	Assault in the second degree
28-310.01	Strangulation using dangerous instrument, resulting in serious bodily injury, or after previous conviction for strangulation
28-311	Criminal child enticement with previous conviction of certain crimes
*28-311.08	Knowingly distributing or making public a recording of another person in a state of undress without his or her consent or knowledge in a place of solitude or seclusion
28-320	Sexual assault in the second degree
28-322.02	Sexual abuse of an inmate or parolee in the first degree
28-322.04	Sexual abuse of a protected individual in the first degree
28-323	Domestic assault in the first degree, first offense
28-323	Domestic assault in the second degree, second or subsequent offense
28-328	Performance of partial-birth abortion
28-342	Sale, transfer, distribution, or giving away of live or viable aborted child or consenting to, aiding, or abetting the same
28-393	Manslaughter of an unborn child
*28-394	Motor vehicle homicide of an unborn child by person driving under the influence of alcohol or drugs with prior conviction of driving under the influence of alcohol or drugs
28-397	Assault of an unborn child in the first degree
*28-416	Manufacture, distribute, deliver, dispense, or possess certain controlled substances in Schedule I, II, or III of section 28-405

APPENDIX

*28-416	Manufacture, distribute, deliver, dispense, or possess controlled substances in Schedule IV or V of section 28-405, first offense involving minors or near youth facilities
*28-416	Possessing a firearm while violating prohibition on the manufacture, distribution, delivery, dispensing, or possession of controlled substances in Schedule IV or V of section 28-405
28-503	Arson in the second degree
28-507	Burglary
28-518	Theft when value is over \$1,500
28-602	Forgery in the first degree
28-603	Forgery in the second degree when face value is \$1,000 or more
28-611	Issuing a bad check or other order in an amount of \$1,500 or more
28-611.01	Issuing a no-account check in an amount of \$1,500 or more, first offense
28-611.01	Issuing a no-account check in an amount of \$500 or more, second or subsequent offense
28-620	Unauthorized use of a financial transaction device when total value is \$1,500 or more within a six-month period
28-621	Criminal possession of four or more financial transaction devices
28-622	Unlawful circulation of a financial transaction device in the first degree
28-625	Criminal sale of two or more blank financial transaction devices
28-627	Unlawful manufacture of a financial transaction device
28-631	Committing a fraudulent insurance act when the amount involved is \$1,500 or more
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$1,500 or more, first offense
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$500 or more but less than \$1,500, second or subsequent offense
28-638	Criminal impersonation by providing false identification information to court or law enforcement officer, second offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$1,500 or more, first offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$500 or more but less than \$1,500, second or subsequent offense
28-703	Incest
28-707	Child abuse committed negligently resulting in death
28-802	Pandering involving victim at least 18 years old, first offense
28-802	Pandering involving victim of any age, second or subsequent offense
28-813.01	Possession by a person 19 years of age or older of visual depiction of sexually explicit conduct containing a child
28-831	Forced labor or services resulting from inflicting or threatening serious personal injury or restraining or threatening restraint of another
28-831	Commercial sexual activity, sexually explicit performance, or pornography involving a minor without use of force or threat of force when minor is 15 years of age or older

APPENDIX

28-912	Escape when detained or under arrest on a felony charge
28-912	Escape using force, threat, deadly weapon, or dangerous instrument
28-912	Escape, public servant concerned in detention permits another to escape
28-915	Perjury and subornation of perjury
28-932	Assault with a deadly or dangerous weapon by a legally confined person
28-932	Assault by legally confined person without a deadly weapon committed against a pregnant woman
28-1102	Promoting gambling in the first degree, third or subsequent offense
28-1105.01	Gambling debt collection
28-1204.01	Unlawful transfer of a firearm to a juvenile
28-1205	Possession of deadly weapon other than a firearm during commission of a felony
28-1206	Possession of deadly weapon other than a firearm by a prohibited person
28-1207	Possession of a defaced firearm
28-1208	Defacing a firearm
28-1212.03	Possession, receipt, retention, or disposal of a stolen firearm knowing or believing it to be stolen
28-1222	Using explosives to commit a felony, first offense
28-1223	Using explosives to damage or destroy property unless personal injury or death occurs
28-1224	Using explosives to kill or injure any person unless personal injury or death occurs
28-1344	Unauthorized access to a computer which deprives another of property or services or obtains property or services of another with value of \$1,000 or more
28-1345	Unauthorized access to a computer which causes damages of \$1,000 or more
*28-1356	Obtaining a real property interest or establishing or operating an enterprise by means of racketeering activity or unlawful debt collection
28-1423	Swearing falsely regarding sales of tobacco
28-1463.04	Child pornography by person under 19 years of age
28-1463.05	Possession of child pornography with intent to distribute by person 19 years of age or older
*29-4011	Failure by felony sex offender to register under the Sex Offender Registration Act, second or subsequent offense
30-2219	Falsifying representation under the Uniform Probate Code
30-24,125	False statement regarding personal property of decedent
30-24,129	False statement regarding real property of decedent
32-1514	Forging candidate filing form for election nomination
32-1516	Forging initials or signatures on official ballots or falsifying, destroying, or suppressing candidate filing forms
32-1517	Employer penalizing employee for serving as election official
32-1522	Unlawful distribution of ballots or other election supplies by election official, printer, or custodian of supplies
38-140	Violation of cease and desist order prohibiting the unauthorized practice of a credentialed profession or unauthorized operation of a credentialed business under the Uniform Credentialing Act
38-1,124	Violation of cease and desist order prohibiting the unauthorized practice of a credentialed profession or unauthorized operation of a credentialed business under the Uniform Credentialing Act

APPENDIX

44-10,108	Fraudulent statement in report or statement for benefits from a fraternal benefit society
54-1,123	Selling livestock without evidence of ownership
54-1,124	Branding another's livestock, defacing marks
54-1,125	Forging or altering livestock ownership document when value is \$1,000 or more
57-1211	Intentionally making false oath to uranium severance tax return or report
60-169	False statement on affidavit of affixture for mobile home or manufactured home
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
*60-698	Motor vehicle accident resulting in serious bodily injury or death, violation of duty to stop
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, fourth offense committed with .15 gram alcohol concentration
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, fifth or subsequent offense committed with less than .15 gram alcohol concentration
*60-6,197.06	Operating a motor vehicle when operator's license has been revoked for driving under the influence, second or subsequent offense
66-727	Violation of motor fuel tax laws when the amount involved is \$5,000 or more, provisions relating to evasion of tax, keeping books and records, making false statements
71-7462	Wholesale drug distribution in violation of the Wholesale Drug Distributor Licensing Act
71-8929	Veterinary drug distribution in violation of the Veterinary Drug Distribution Licensing Act
75-151	Violation by officer or agent of common carriers in consolidation or increase in stock, issuance of securities
77-5016.01	Falsifying a representation before the Tax Equalization and Review Commission
79-541	School district meeting or election, false oath
83-174.05	Failure to comply with community supervision, second or subsequent offense
83-184	Escape from custody (certain situations)

CLASS IIIA FELONY

Maximum—five years imprisonment, or ten thousand dollars fine, or both

Minimum—none

28-111	Terroristic threats committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Stalking, certain situations or subsequent conviction within 7 years, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Arson in the third degree, damages of \$100 or more, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person

APPENDIX

28-111	Criminal mischief, pecuniary loss in excess of \$300 or substantial disruption of public communication or utility, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Unauthorized application of graffiti, second or subsequent offense, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Sexual abuse of an inmate or parolee in the second degree committed against a pregnant woman
28-115	Sexual abuse of a protected individual, second degree, committed against a pregnant woman
28-115	Domestic assault in the third degree, second or subsequent offense against same intimate partner, committed against a pregnant woman
28-201	Criminal attempt to commit sexual assault in the second degree, possession or distribution of certain controlled substances, incest, or assault by a confined person with a deadly or dangerous weapon
28-202	Criminal conspiracy to commit a Class IIIA felony
28-204	Harboring, concealing, or aiding a felon who committed a Class II felony
28-306	Motor vehicle homicide by person driving in a reckless manner
28-311	Criminal child enticement
28-314	False imprisonment in the first degree
28-320.01	Sexual assault of a child in the third degree, first offense
28-322.05	Unlawful use of Internet by prohibited sex offender, second or subsequent conviction
28-323	Domestic assault in the second degree, first offense
28-386	Knowing and intentional abuse, neglect, or exploitation of a vulnerable adult
28-398	Assault of an unborn child in the second degree
*28-416	Manufacture, distribute, deliver, dispense, or possess controlled substances in Schedule IV or V of section 28-405
28-457	Permitting a child or vulnerable adult to ingest methamphetamine, second or subsequent offense
28-457	Permitting a child or vulnerable adult to inhale, have contact with, or ingest methamphetamine causing serious bodily injury
28-634	Unlawful use of an electronic payment card scanning device or reencoder, second or subsequent offense
28-707	Child abuse committed knowingly and intentionally and not resulting in serious bodily injury or death
28-707	Child abuse committed negligently, resulting in serious bodily injury but not death
28-904	Resisting arrest, second or subsequent offense
28-904	Resisting arrest using deadly or dangerous weapon
28-931	Assault on an officer or a health care professional in the third degree
28-931.01	Assault on an officer using a motor vehicle
28-932	Assault by legally confined person without a deadly weapon
28-934	Assault with a bodily fluid against a public safety officer with knowledge that bodily fluid was infected with HIV, Hep B, or Hep C
28-1463.05	Possession of child pornography with intent to distribute by person under 19 years of age

APPENDIX

*53-180.05	Knowingly and intentionally dispensing alcohol in any manner to minors or incompetents resulting in serious bodily injury or death caused by the minors' consumption or impaired condition
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
*60-698	Motor vehicle accident resulting in injury other than serious bodily injury, violation of duty to stop
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, third offense committed with .15 gram alcohol concentration
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, fourth offense committed with less than .15 gram alcohol concentration
*60-6,198	Causing serious bodily injury to person or unborn child while driving while intoxicated
71-4839	Knowingly purchase or sell a body part for transplantation, therapy, research, or education if removal is to occur after death
71-4840	Intentionally falsifying, forging, concealing, defacing, or obliterating a document related to anatomical gifts for financial gain

CLASS IV FELONY

**Maximum—five years imprisonment, or
ten thousand dollars fine, or both
Minimum—none**

2-1825	Forge, counterfeit, or use without authorization an inspection legend or certificate of Director of Agriculture on potatoes
8-103	Department of Banking and Finance personnel borrowing money from financial institutions
8-133	Inducing person to make or retain deposit in bank or accepting such inducement
8-142	Bank officer, employee, director, or agent violating loan limits resulting in insolvency of bank
8-143.01	Illegal bank loans to executive officers, directors, or shareholders
8-147	Banks, illegal transfer of assets, limitation on amounts of loans and investments
8-1,139	Financial institutions, misappropriation of funds or assets
8-225	Trust companies, false statement or book entry, destruction or secretion of records
8-333	Building and loan association, false statement or book entry
8-1117	Violation of Securities Act of Nebraska
*8-1729	Willful violation of Commodity Code or rule, regulation, or order under the code
*9-262	Second or subsequent violation of Nebraska Bingo Act when not otherwise specified
9-262	Specified violations of Nebraska Bingo Act
*9-352	Second or subsequent violation of Nebraska Pickle Card Lottery Act when not otherwise specified
9-352	Specified violations of Nebraska Pickle Card Lottery Act
*9-434	Second or subsequent violation of Nebraska Lottery and Raffle Act when not otherwise specified
9-434	Specified violations of Nebraska Lottery and Raffle Act
*9-652	Second or subsequent violation of Nebraska County and City Lottery Act when not otherwise specified
9-652	Specified violations of Nebraska County and City Lottery Act

APPENDIX

9-814	Providing false information pursuant to the State Lottery Act
10-509	Funding bonds of counties, fraudulent issue or use
11-101.02	False statement in oath of office
23-135.01	False claim against county when value is \$1,000 or more
23-3113	County purchasing agent or staff member violating County Purchasing Act
25-1630	Tampering with jury list
25-1635	Illegal disclosure of juror names
28-111	Assault in the third degree (certain situations) committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Stalking, first offense or certain situations, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	False imprisonment in the second degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Sexual assault in the third degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Arson in the third degree, damages less than \$100, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Criminal mischief, pecuniary loss of \$500 or more but less than \$1,500, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Criminal trespass in the first degree committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Assault in the third degree (certain situations) committed against a pregnant woman
28-115	Sexual assault in the third degree committed against a pregnant woman
28-115	Domestic assault in the third degree, first offense, committed against a pregnant woman
28-201	Criminal attempt to commit certain Class III felonies
28-202	Criminal conspiracy to commit a Class IV felony
28-204	Harboring, concealing, or aiding a felon who committed a Class III or IIIA felony
28-204	Obstructing the apprehension of a felon who committed a felony other than a Class IV felony
28-205	Aiding consummation of felony
28-307	Assisting suicide
28-310.01	Strangulation generally
28-311.01	Terroristic threats
28-311.04	Stalking (certain situations)

APPENDIX

*28-311.08	Knowingly recording, by video, photographic, digital, or other electronic means, another person in a state of undress without his or her consent or knowledge in a place of solitude or seclusion
28-316	Violation of custody with intent to deprive custodian of custody of child
28-322.03	Sexual abuse of an inmate or parolee in the second degree
28-322.04	Sexual abuse of a protected individual in the second degree
28-323	Domestic assault in the third degree by intentionally and knowingly causing bodily injury to his or her intimate partner or by threatening an intimate partner with imminent bodily injury, second or subsequent offense
28-332	Abortion violations
28-335	Abortion by other than licensed physician
28-335	Physician knowingly or recklessly performs, induces, or attempts to perform or induce abortion without being physically present
28-336	Abortion by other than accepted medical procedures
28-346	Use of premature infant aborted alive for experimentation
*28-394	Motor vehicle homicide of an unborn child by person driving under the influence of alcohol or drugs with no prior conviction
28-394	Motor vehicle homicide of an unborn child by person driving in a reckless manner
28-3,108	Intentional or reckless performance of or attempt to perform abortion in violation of the Pain-Capable Unborn Child Protection Act
28-412	Unlawful prescription of narcotic drugs for detoxification or maintenance treatment
*28-416	Knowingly or intentionally unlawfully possessing controlled substance other than marijuana or synthetically produced cannabinoids
*28-416	Knowingly or intentionally possessing more than one pound of marijuana
*28-416	Possession of money used or intended to be used to violate provisions relating to controlled substances
28-418	Knowing or intentional violation of Uniform Controlled Substances Act
28-451	Possession of anhydrous ammonia with intent to manufacture methamphetamine
28-452	Possession of ephedrine, pseudoephedrine, or phenylpropanolamine with intent to manufacture methamphetamine
28-457	Permitting a child or vulnerable adult to inhale or have contact with methamphetamine, second or subsequent offense
28-504	Arson in the third degree, damages of \$100 or more
28-505	Burning to defraud insurer
28-508	Possession of burglar's tools
28-514	Theft of lost, mislaid, or misdelivered property when value is over \$1,500
28-516	Unauthorized use of a propelled vehicle, third or subsequent offense
28-518	Theft when value is \$500 or more but not more than \$1,500
28-518	Theft when value is more than \$200 but less than \$500, second or subsequent offense
28-518	Theft when value is \$200 or less, third or subsequent offense
28-519	Criminal mischief, pecuniary loss of \$1,500 or more or substantial disruption of public communication or utility service
*28-524	Unauthorized application of graffiti, second or subsequent offense

APPENDIX

28-603	Forgery in the second degree when face value is over \$300 but less than \$1,000
28-604	Criminal possession of a forged instrument prohibited by section 28-602
28-604	Criminal possession of a forged instrument prohibited by section 28-603, amount or value is \$1,000 or more
28-605	Criminal possession of forgery devices
28-611	Issuing a bad check or other order in an amount of \$500 or more but less than \$1,500
28-611	Issuing a bad check or other order in an amount under \$500, second or subsequent offense
28-611.01	Issuing a no-account check in an amount of \$500 or more but less than \$1,500, first offense
28-611.01	Issuing a no-account check in an amount under \$500, second or subsequent offense
28-612	False statement or book entry in or destruction or secretion of records of financial institution or organization
28-619	Issuing two or more false financial statements to obtain two or more financial transaction devices
28-620	Unauthorized use of a financial transaction device when total value is \$500 or more but less than \$1,500 within a six-month period
28-621	Criminal possession of two or three financial transaction devices
28-623	Unlawful circulation of a financial transaction device in the second degree
28-624	Criminal possession of two or more blank financial transaction devices
28-625	Criminal sale of one blank financial transaction device
28-626	Criminal possession of a forgery device
28-628	Laundering of sales forms
28-629	Unlawful acquisition of sales form processing services
28-630	Unlawful factoring of a financial transaction device
28-631	Committing a fraudulent insurance act when the amount involved is \$500 or more but less than \$1,500
28-631	Committing a fraudulent insurance act when the amount involved is \$200 or more but less than \$500, second or subsequent offense
28-631	Committing a fraudulent insurance act with intent to defraud or deceive
28-634	Unlawful use of an electronic payment card scanning device or reencoder, first offense
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$500 or more but less than \$1,500, first offense
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$200 or more but less than \$500, second or subsequent offense
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of

APPENDIX

	value that was gained or was attempted to be gained was less than \$200, third or subsequent offense
28-638	Criminal impersonation by providing false identification information to court or law enforcement officer, first offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$500 or more but less than \$1,500, first offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$200 or more but less than \$500, second or subsequent offense
28-639	Identity theft if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than \$200, third or subsequent offense
28-640	Identity fraud, second or subsequent offense
28-706	Criminal nonsupport in violation of a court order
*28-801.01	Solicitation of prostitution, second or subsequent offense
28-802	Pandering involving victim at least 18 years old, first offense
28-813.01	Possession by a minor of visual depiction of sexually explicit conduct containing a child
28-831	Forced labor or services resulting from destroying or holding another's identification or immigration documents
28-831	Recruiting or transporting adults for forced labor or services
28-831	Benefiting from forced labor or services
28-833	Enticement by electronic communication device
*28-905	Operating a motor vehicle to avoid arrest which is a second or subsequent offense, results in death or injury, or involves willful reckless driving
*28-905	Operating a boat to avoid arrest for felony
28-912	Escape (certain situations excepted)
28-912	Knowingly causing or facilitating an escape
28-912.01	Accessory to escape of juvenile from custody of Office of Juvenile Services
28-917	Bribery
28-918	Bribery of a witness
28-918	Witness accepting bribe or benefit
28-919	Tampering with witness, informant, or juror
28-920	Bribery of a juror
28-920	Juror accepting bribe or benefit
28-922	Tampering with physical evidence
28-1005	Dogfighting, cockfighting, bearbaiting, etc., promoter, owner, employee, or spectator
28-1009	Abandonment or cruel neglect of animal resulting in serious injury, illness, or death
28-1009	Harassment of police animal resulting in death of animal
28-1009	Cruel mistreatment of animal involving torture or mutilation
28-1009	Cruel mistreatment of animal not involving torture or mutilation, second or subsequent offense
28-1102	Promoting gambling in the first degree, second offense
28-1202	Carrying a concealed weapon, second or subsequent offense
28-1203	Transporting or possessing a machine gun, short rifle, or short shotgun
*28-1204.04	Unlawful possession of a firearm at a school

APPENDIX

28-1215	Unlawful possession of explosive materials in the first degree
28-1217	Unlawful sale of explosives
28-1219	Explosives, obtaining a permit through false representations
28-1220	Possession of a destructive device
28-1221	Threatening the use of explosives or placing a false bomb
28-1301	Removing, abandoning, or concealing human skeletal remains or burial goods
28-1307	Sell or offer for sale diseased meat
28-1343.01	Unauthorized computer access creating grave risk of death
28-1344	Unauthorized access to a computer which deprives another of property or services or obtains property or services of another with value under \$1,000
28-1345	Unauthorized access to a computer causing damages under \$1,000
28-1351	Unlawful membership recruitment for an organization or association engaged in criminal acts
*28-1469	Operation of aircraft while under the influence of alcohol or drugs, third or subsequent offense
28-1482	Unlawful paramilitary activities
29-908	Failing to appear when on bail for felony offense
29-4011	Failure by felony sex offender to register under the Sex Offender Registration Act, first offense
29-4011	Failure by misdemeanor sex offender to register under the Sex Offender Registration Act, second or subsequent offense
32-312	Election falsification on voter registration
32-330	Election falsification for unlawful use of list of registered voters
32-915	Election falsification on provisional ballot
32-939	Election falsification on registering or voting outside the country
32-947	Election falsification on ballot to vote early
32-949	Election falsification on ballot to vote early
32-1502	Election falsification
32-1503	Elections, unlawful registration acts
32-1504	Elections, neglect of duty, corruption, or fraud by deputy registrar
32-1508	Election registration, perjury by voter
32-1526	Fraudulent voting by election official
32-1529	Resident of another state voting in this state
32-1530	Voting by ineligible person
32-1531	Voting outside county of residence
32-1532	Aiding unlawful voting
32-1533	Procuring another to vote in county other than that of residence
32-1534	Voting more than once in same election
32-1537	Employer coercing political action of employees
32-1538	Deceiving illiterate elector
32-1539	Violations relating to ballots for early voting
32-1540	Fraudulent voting
32-1541	Making fraudulent entry in list of voters book
32-1542	Unlawful possession of list of voters book, official summary, or election returns
32-1543	Obtaining or attempting to obtain or destroy ballot boxes or ballots by improper means
32-1544	Destruction or falsification of election materials
32-1545	Disclosing election returns before polls have closed or without authorization from election officials

APPENDIX

32-1546	Offering or receiving money for signing petitions or falsely swearing to circulator's affidavit on petition
32-1551	Special elections by mail, specified violations
32-1607	Filing a false campaign spending estimate by a candidate intending to exceed spending limitations
37-554	Prohibited use of explosives or poisons in waters of state
37-1288	Forgery of motorboat title or certificate or use of false name in bill of sale or sworn statement of ownership
37-1298	Knowingly transfer motorboat without salvage certificate of title
38-1,117	False or forged document or fraud in procuring license, certificate, or registration to practice a health profession, aiding or abetting person practicing without a credential, or impersonating a credentialed person
38-2052	Person purporting to be a physician's assistant when not licensed
38-3130	Psychologist filing false diploma, license of another, or forged affidavit of identification
42-924	Knowingly violating a protection order issued pursuant to domestic abuse or harassment case with a prior conviction for violating a protection order
44-165	Financial conglomerate or its directors, officers, employees, or agents violating supervision requirements
44-3,121	Borrowing or rental of securities of insurance company by member, director, or attorney
44-2146	Willful violation of Insurance Holding Company System Act
44-2147	Willful filing of false report under Insurance Holding Company System Act
45-191.03	Loan broker collecting advance fee in excess of \$300 and other violations of loan broker provisions
45-926	Operating delayed deposit services business without license
*46-155	Irrigation districts, officers interested in contracts, accepting bribes or gratuities
48-654.01	Engaging in business practices to avoid higher combined tax rates under the Employment Security Law
49-1476.01	Campaign contributions or expenditures by state lottery contractor
49-14,134	Filing false statement, report, or verification under Nebraska Political Accountability and Disclosure Act
49-14,135	Perjury before Nebraska Accountability and Disclosure Commission
53-122	Bribery involving signatures on petitions for elections regarding sale of liquor
54-1,125	Using false document of livestock ownership
54-1,125	Forging or altering livestock ownership document when value is over \$300 but less than \$1,000
54-622.01	Owner of dangerous dog which inflicts serious bodily injury, second or subsequent offense
54-753.05	Importation of livestock in violation of an embargo issued by State Veterinarian
*54-903	Intentionally, knowingly, or recklessly abandon or cruelly neglect livestock animal resulting in serious injury or illness or death of the livestock animal
*54-903	Cruelly mistreat a livestock animal, second or subsequent offense
54-1509	Importation of swine with hog cholera, interference with destruction
54-1521	Violation of laws pertaining to hog cholera control and eradication
54-1808	Violation of Nebraska Livestock Sellers Protective Act

APPENDIX

54-1913	Violation of Nebraska Meat and Poultry Inspection Law with intent to defraud or by distributing adulterated article
57-719	Preparation or presentation of false or fraudulent oil and gas severance tax document
59-801	Unlawful restraint of trade or commerce
59-802	Unlawful monopolizing of trade or commerce
59-805	Unlawful restraint of trade; underselling
59-815	Corporation or other association engaged in unlawful restraint of trade
59-825	Refusal to attend and testify in restraint of trade proceedings
59-1522	Unlawful sale and distribution of cigarettes
59-1757	Violations in sales or leases of seller-assisted marketing plans
60-176	Knowing transfer of wrecked, damaged, or destroyed motor vehicle, all-terrain vehicle, or minibike without appropriate certificate of title
60-179	Fraud or forgery in obtaining certificate of title to motor vehicle, all-terrain vehicle, or minibike
60-196	Violating laws relating to odometers
60-492	Impersonating an officer under Motor Vehicle Operator's License Act
60-4,111.01	Trade, sell, or share machine-readable information encoded on driver's license or state identification card
60-4,111.01	Compile, store, or preserve machine-readable information encoded on driver's license or state identification card without authorization
60-4,111.01	Intentional or grossly negligent programming by the programmer which allows for the storage of more than the age and identification number from machine-readable information encoded on driver's license or state identification card or wrongfully certifying the software
60-4,111.01	Retailer or seller knowingly storing more information than authorized from the machine-readable information encoded on driver's license or state identification card
60-4,111.01	Unauthorized trading, selling, sharing, use for marketing or sales, or reporting of scanned, compiled, stored, or preserved machine-readable information encoded on driver's license or state identification card
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
*60-6,197.06	Operating a motor vehicle when operator's license has been revoked for driving under the influence, first offense
60-6,211.11	Tampering with or circumventing an ignition interlock device installed under a court order or Department of Motor Vehicles order while the order is in effect or operating a motor vehicle which is not equipped with an ignition interlock device in violation of a court order or Department of Motor Vehicles order
60-1416	Acting as motor vehicle, motorcycle, or trailer dealer, salesperson, or manufacturer, etc., without license
60-2912	Misrepresenting identity or making false statement on application submitted under the Uniform Motor Vehicle Records Disclosure Act
66-727	Violations of motor fuel tax laws when the amount involved is less than \$5,000, provisions relating to evasion of tax, keeping books and records, making false statements
66-727	Violations of motor fuel tax laws, including making returns and reports, assignment of licenses and permits, payment of tax
66-1226	Selling automotive spark ignition engine fuels not within specifications, second or subsequent offense
66-1822	False or fraudulent entries in books of a jurisdictional utility

APPENDIX

68-1017	Obtaining through fraud assistance to aged, blind, or disabled persons, aid to dependent children, or supplemental nutrition assistance program benefits when value is \$500 or more
68-1017.01	Unlawful use, alteration, or transfer of supplemental nutrition assistance program benefits when value is \$500 or more
68-1017.01	Unlawful possession or redemption of supplemental nutrition assistance program benefits when value is \$500 or more
68-1017.01	Unlawful possession of blank supplemental nutrition assistance program authorizations
69-109	Sale or transfer of personal property with security interest without consent
69-2408	Providing false information on an application for a certificate to purchase a handgun
69-2420	Unlawful acts relating to purchase of a handgun
69-2421	Unlawful sale or delivery of a handgun
69-2422	Knowingly and intentionally obtaining a handgun for purposes of unlawful transfer of the handgun
69-2430	Falsified concealed handgun permit application
*69-2709	Knowingly submit false information regarding cigarette and tobacco sales
70-508	False statement on sale, lease, or transfer of public electric plant
70-511	Excessive promotion expenses on sale of public electric plant
70-514	Failure to file statement of expenditures related to transfer of electric plant facilities or filing false statement
70-2104	Damage, injure, destroy, or attempt to damage, injure, or destroy equipment or structures owned and used by public power suppliers to generate, transmit, or distribute electricity or otherwise interrupt the generation, transmission, or distribution of electricity by a public power supplier
71-649	Vital statistics, unlawful acts
71-2228	Illegal receipt of food supplement benefits when value is \$500 or more
71-2229	Unlawful use, alteration, or transfer of food instruments or food supplements when value is \$500 or more
71-2229	Unlawful possession or redemption of food supplement benefits when value is \$500 or more
71-2229	Unlawful possession of blank authorization to participate in the WIC program or CSF program
71-6312	Unlawfully engaging in an asbestos project without a valid license or using unlicensed employees subsequent to the levy of a civil penalty, second or subsequent offense
71-6329	Engaging in a lead abatement project or lead-based paint profession without a valid license or using unlicensed employees after assessment of a civil penalty, second or subsequent offense
71-6329	Conducting a lead abatement project or lead-based paint profession training program without departmental accreditation after assessment of a civil penalty, second or subsequent offense
71-6329	Issuing fraudulent licenses under the Residential Lead-Based Paint Professions Practice Act after assessment of a civil penalty, second or subsequent offense
75-909	Violation of Grain Dealer Act

APPENDIX

76-2325.01	Interference with utility poles and wires or transmission of light, heat, power, or telecommunications, loss of \$1,500 or more or substantial disruption of service
76-2728	Violation of Nebraska Foreclosure Protection Act
77-1726	Failure of a corporation, company, or officer or agent to pay taxes
77-2310	Unlawful removal of state funds or illegal profits by State Treasurer
77-2323	Violation of provisions on deposit of county funds
77-2325	Unlawful removal of county funds or illegal profits by county treasurers
77-2381	Violation of provisions on deposit of local hospital district funds
77-2383	Unlawful removal of funds or illegal profits by secretary-treasurer of local hospital district
77-2614	Altered, forged, or counterfeited stamp, license, permit, or cigarette tax meter impression for sale of cigarettes
77-2615	Violation of cigarette tax provisions when not otherwise specified
77-2615	Evasion of cigarette tax provisions, affixing unauthorized stamp, or sales or possession of cigarettes of manufacturer not in directory
77-2713	Failure to collect or false returns on sales and use tax
77-27,113	Evasion of income tax
77-27,114	Failure to collect or account for income taxes
77-27,116	False return on income tax
*77-27,119	Unauthorized disclosure of confidential tax information by Auditor of Public Accounts or Legislative Performance Audit Section
77-4024	Violation of Tobacco Products Tax Act or evasion of act
77-4309	Dealer distributing or possessing marijuana or a controlled substance without affixing the official stamp, label, or other indicium
77-5544	Unlawful disclosure of confidential information by qualified independent accounting firm under Invest Nebraska Act
*81-161.05	Materiel division personnel having financial or beneficial personal interest or receiving gifts or rebates
*81-1108.56	State building division personnel having financial or beneficial personal interest or receiving gifts or rebates
81-1508.01	Specific violations of Environmental Protection Act, Integrated Solid Waste Management Act, or Livestock Waste Management Act
81-15,111	Violation of Low-Level Radioactive Waste Disposal Act
81-3442	Violation of Engineers and Architects Regulation Act, second or subsequent offense
83-174.05	Failure to comply with community supervision, first offense
83-184	Escape from custody (certain situations)
83-198	Threatening or attempting to influence a member of the Board of Parole
83-1,127.02	Operation of vehicle with disabled, bypassed, or altered ignition interlock device or without an ignition interlock device or permit in violation of board order
83-1,133	Threatening or attempting to influence a member of the Board of Pardons
83-417	Allowing a committed offender to escape or be visited without approval
83-443	Financial interest in convict labor
*83-912	Director or employee of Department of Correctional Services receiving prohibited gift or gratuity
86-290	Intercepting or interfering with wire, electronic, or oral communication
86-295	Unlawful tampering with communications equipment or transmissions

APPENDIX

86-296	Shipping or manufacturing devices capable of intercepting certain communications
86-2,102	Interference with satellite transmissions or operation
86-2,104	Unauthorized access to electronic communication services
87-303.09	Violation of court order or written assurance of voluntary compliance under Uniform Deceptive Trade Practices Act
88-543	Issuing a receipt for grain not received, improperly recording grain as received or loaded, or creating a post-direct delivery storage position without proper documentation or grain in storage
88-545	Violation of Grain Warehouse Act when not otherwise specified

UNCLASSIFIED FELONIES, see section 28-107

69-110	Removal from county of personal property subject to a security interest with intent to deprive of security interest –fine of not more than one thousand dollars –imprisonment of not more than ten years
77-27,119	Unauthorized disclosure of confidential tax information by Tax Commissioner, officer, employee, or third-party auditor –fine of not less than one hundred dollars nor more than five hundred dollars –imprisonment of not more than five years –both
77-3210	Receipt of profit from rental, management, or disposition of Land Reutilization Authority lands –imprisonment of not less than two years nor more than five years
83-1,124	Parolee leaving state without permission –imprisonment of not more than five years

OTHER MANDATORY MINIMUMS:

29-2221	Habitual criminal
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**CLASS I MISDEMEANOR Maximum—not more than one year imprisonment, or one thousand dollars fine, or both
Minimum—none**

2-1215	Conducting horseracing or betting on horseraces without license or violating horseracing provisions
2-1218	Drugging horses or permitting drugged horses to run in a horserace
2-2647	Violation of Pesticide Act, second or subsequent offense
8-119	Officers of corporation filing false statement for banking purposes
8-142	Bank officer, employee, director, or agent violating loan limits by \$40,000 or more or resulting in monetary loss of over \$20,000 to bank
8-145	Improper solicitation or receipt of benefits, unlawful inducement for bank loan
8-189	Attempting to prevent Department of Banking and Finance from taking possession of insolvent or unlawfully operated bank
8-1,138	Violation of a final order issued by Director of Banking and Finance
8-224.01	Division of fees for legal services by a trust company attorney
9-230	Unlawfully conducting or awarding a prize at a bingo game, second or subsequent offense
9-262	Violation of Nebraska Bingo Act when not otherwise specified, first offense

APPENDIX

9-266	Disclosure by Tax Commissioner or employee of reports or records of a licensed distributor or manufacturer under Nebraska Bingo Act
9-351	Unlawfully possessing pickle cards or conducting a pickle card lottery
9-352	Violation of Nebraska Pickle Card Lottery Act when not otherwise specified, first offense
9-356	Disclosure by Tax Commissioner or employee of returns or reports of licensed distributor or manufacturer under Nebraska Pickle Card Lottery Act
9-434	Violation of Nebraska Lottery and Raffle Act when not otherwise specified, first offense
9-652	Violation of Nebraska County and City Lottery Act when not otherwise specified, first offense
9-653	Disclosure by Tax Commissioner or employee of reports or records of a licensed manufacturer-distributor under Nebraska County and City Lottery Act
9-814	Sale of lottery tickets under the State Lottery Act without authorization or at other than the established price
9-814	Release of information obtained from background investigation under the State Lottery Act
10-807	Misrepresentations for aid from county aid bonds
*18-2532	Initiative and referendum, making false affidavit or taking false oath
*18-2533	Initiative and referendum, destruction, falsification, or suppression of a petition
*18-2534	Initiative and referendum petition, signing by person not registered to vote or paying for or deceiving another to sign a petition
*18-2535	Initiative and referendum, failure by city clerk to comply or unreasonable delay in complying with statutes
20-334	Willful failure to obey a subpoena or order or intentionally mislead another in proceedings under the Nebraska Fair Housing Act
20-344	Coerce, intimidate, threaten, or interfere with the exercise or enjoyment of rights under the Nebraska Fair Housing Act
20-411	Physician or health care provider failing to transfer care of patient under declaration or living will
20-411	Physician failing to record a living will or a determination of a terminal condition or persistent vegetative state
20-411	Concealing, canceling, defacing, obliterating, falsifying, or forging a living will
20-411	Concealing, falsifying, or forging a revocation of a living will
20-411	Requiring or prohibiting a living will for health care services or insurance
20-411	Coercing or fraudulently inducing an individual to make a living will
21-1912	Signing a false document under the Nebraska Nonprofit Corporation Act with intent to file with the Secretary of State
21-2012	Signing a false document under the Business Corporation Act with intent to file with the Secretary of State
28-107	Misdemeanor defined outside of criminal code
28-111	Assault in the third degree (certain situations) committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Criminal mischief, pecuniary loss of \$200 or more but less than \$500, committed against a person because of his or her race, color, religion,

APPENDIX

	ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Criminal trespass in the second degree (certain situations) committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-115	Assault in the third degree (certain situations) committed against a pregnant woman
28-201	Criminal attempt to commit a Class IIIA or IV felony
28-204	Harboring, concealing, or aiding a felon who committed a Class IV felony
28-204	Obstructing the apprehension of a felon who committed a Class IV felony
28-301	Compounding a felony
28-306	Motor vehicle homicide by person not under the influence of alcohol or drugs or not driving in a reckless manner
28-310	Assault in the third degree (certain situations)
28-311.04	Stalking (certain situations)
*28-311.08	Knowingly viewing another person in a state of undress as it is occurring without his or her consent or knowledge in a place of solitude or seclusion
28-315	False imprisonment in the second degree
28-320	Sexual assault in the third degree
28-322.05	Unlawful use of Internet by prohibited sex offender, first offense
28-323	Domestic assault in the third degree by intentionally and knowingly causing bodily injury to his or her intimate partner or by threatening an intimate partner with imminent bodily injury, first offense
28-323	Domestic assault in the third degree by threatening an intimate partner in a menacing manner
28-394	Motor vehicle homicide of an unborn child by person not under the influence of alcohol or drugs or not driving in a reckless manner
28-399	Assault of an unborn child in the third degree
28-443	Delivering drug paraphernalia to a minor
28-457	Permitting a child or vulnerable adult to inhale, have contact with, or ingest methamphetamine, first offense
28-504	Arson in the third degree, damages less than \$100
28-514	Theft of lost, mislaid, or misdelivered property when value is \$500 or more but not more than \$1,500
28-514	Theft of lost, mislaid, or misdelivered property when value is more than \$200 but less than \$500, second or subsequent offense
28-514	Theft of lost, mislaid, or misdelivered property when value is \$200 or less, third or subsequent offense
28-516	Unauthorized use of a propelled vehicle, second offense
28-518	Theft when value is more than \$200 but less than \$500
28-518	Theft when value is \$200 or less, second offense
28-519	Criminal mischief, pecuniary loss of \$500 or more but less than \$1,500
28-520	Criminal trespass in the first degree
28-523	Littering, third or subsequent offense
28-603	Forgery in the second degree when face value is \$300 or less
28-604	Criminal possession of a forged instrument prohibited by section 28-603, value is more than \$300 but less than \$1,000
28-607	Making, using, or uttering of slugs of value of \$100 or more

APPENDIX

28-610	Impersonating a peace officer
28-611	Issuing a bad check or other order in an amount of \$200 or more but less than \$500, first offense
28-611.01	Issuing a no-account check in an amount of \$200 or more but less than \$500, first offense
28-613	Commercial bribery or breach of duty to act disinterestedly
28-616	Altering an identification number
28-617	Receiving an altered article
28-619	Issuing a false financial statement to obtain a financial transaction device
28-620	Unauthorized use of a financial transaction device when total value is \$200 or more but less than \$500 within a six-month period
28-624	Criminal possession of a blank financial transaction device
28-631	Possessing fake or counterfeit insurance policies, certificates, identification cards, or binders with intent to defraud or deceive
28-631	Committing a fraudulent insurance act when the amount involved is \$200 or more but less than \$500, first offense
28-633	Printing more than the last 5 digits of a payment card account number upon a receipt provided to payment card holder, second or subsequent offense
28-635	Install object or material not designed for motor vehicle air bag system
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$200 or more but less than \$500, first offense
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than \$200, second offense
28-638	Criminal impersonation by providing false identification information to employer to obtain employment, second or subsequent offense
28-639	Identity theft if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was \$200 or more but less than \$500, first offense
28-639	Identity theft if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than \$200, second offense
28-640	Identity fraud, first offense
28-701	Bigamy
28-705	Abandonment of spouse, child, or dependent stepchild
28-707	Child abuse committed negligently, not resulting in serious bodily injury or death
28-709	Contributing to the delinquency of a child
*28-801	Prostitution, third or subsequent offense
*28-801.01	Solicitation of prostitution, first offense
28-804	Keeping a place of prostitution
28-805	Debauching a minor

APPENDIX

28-808	Obscene literature and material, sell or possess with intent to sell to minor
28-809	Obscene motion picture, show, or presentation, admission of minor
28-813	Prepare, distribute, order, produce, exhibit, or promote obscene literature or material
28-831	Forced labor or services resulting from causing or threatening financial harm
28-901	Obstructing government operations
28-904	Resisting arrest, first offense
*28-905	Operating a motor vehicle to avoid arrest which is a first offense, does not result in death or injury, or does not involve willful reckless driving
*28-905	Operating a boat to avoid arrest for misdemeanor or ordinance violation
28-906	Obstructing a peace officer, judge, or police animal
28-907	False reporting (certain situations)
28-908	Interference with firefighter on official duty
28-909	Falsifying records of a public utility
28-913	Introducing escape implements
28-915.01	False statement under oath or affirmation in an official proceeding or to mislead a public servant
28-934	Assault with a bodily fluid against a public safety officer without knowledge regarding whether bodily fluid was infected with HIV, Hep B, or Hep C
*28-1005.01	Knowing or intentional ownership or possession of animal fighting paraphernalia for dogfighting, cockfighting, bearbaiting, or pitting an animal against another
28-1009	Abandonment or cruel neglect of animal not resulting in serious injury, illness, or death
28-1009	Cruel mistreatment of animal not involving torture or mutilation, first offense
28-1019	Violation of court order related to felony animal abuse conviction
28-1102	Promoting gambling in the first degree, first offense
28-1202	Carrying a concealed weapon, first offense
28-1204	Unlawful possession of a handgun
28-1216	Unlawful possession of explosive materials in the second degree
28-1218	Use of explosives without a permit if not eligible for a permit
28-1254	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug with person under 16 years old as passenger
28-1302	Concealment of death to prevent determination of cause or circumstances of death
28-1312	Interfering with the police radio system
28-1343.01	Unauthorized computer access creating risk to public health and safety
28-1346	Unauthorized access to or use of a computer to obtain confidential information, second or subsequent offense
29-1926	Improper release or use of a videotape of a child victim or child witness
30-3432	Altering, forging, concealing, or destroying a power of attorney for health care or a revocation of a power of attorney for health care
30-3432	Physician or health care provider willfully preventing transfer of care of principal under durable power of attorney for health care
*32-1518	Election officials, violation of duties imposed by election laws
32-1522	Unlawful printing, possession, or use of ballots
32-1546	Signing petition without being registered to vote
37-618	Possession of suspended or revoked permit to hunt, fish, or harvest fur

APPENDIX

37-809	Unlawful acts relating to endangered or threatened species of wildlife or wild plants
37-1254.10	Operating a motorboat or personal watercraft while during a period of court-ordered prohibition for operating under the influence of alcohol or drugs or for refusal to submit to a chemical test for operating a motorboat or personal watercraft while under the influence of alcohol or drugs, second or subsequent offense
*37-1254.12	Operating a motorboat or personal watercraft while under the influence of alcohol or drugs or refusing to submit to a chemical test for operating a motorboat or personal watercraft while under the influence of alcohol or drugs, second or subsequent offense
38-1,106	Disclosure of confidential complaints, investigational records, or reports regarding violation of Uniform Credentialing Act
39-310	Depositing materials on roads or ditches, third or subsequent offense
39-311	Placing burning materials or items likely to cause injury on highways, third or subsequent offense
42-113	Failing to file and record or filing false marriage certificate or illegally joining others in marriage
42-924	Knowingly violating a protection order issued pursuant to domestic abuse or harassment case, first offense
44-10,108	Making a fraudulent statement to a fraternal benefit society
44-2007	Violation of Unauthorized Insurers Act
44-4806	Failing to cooperate with, obstructing, interfering with, or violating any order issued by the Director of Insurance under the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act
45-191.03	Loan broker collecting advance fee of \$300 or less or failing to make required filings
45-747	Engaging in mortgage banking or mortgage loan originating if convicted of certain misdemeanors or a felony
45-1015	Acting without license under the Nebraska Installment Loan Act
46-1141	Unlawful tampering with or damaging chemigation equipment
48-125.01	Attempted avoidance of payment of workers' compensation benefits
48-145.01	Failure to comply with workers' compensation insurance required of employers
48-211	Failure or refusal to supply laborer's service letter
48-821	Interfere with or coerce others to strike or otherwise hinder governmental service
48-1908	Drug or alcohol tests, altering results
48-1909	Drug or alcohol tests, tampering with body fluids
48-2615	Athlete agent violating Nebraska Uniform Athlete Agents Act
48-2711	Violations relating to professional employer organizations
53-122	Violations involving signatures on petitions for elections regarding sale of liquor
53-180.05	Creation or alteration of identification for sale or delivery to a person under twenty-one years of age
53-180.05	Dispensing alcohol in any manner to minors or incompetents not resulting in serious bodily injury or death
54-1,125	Forging or altering livestock ownership document when value is \$300 or less
54-622.01	Owner of dangerous dog which inflicts serious bodily injury, first offense
54-634	Violation of Commercial Dog and Cat Operator Inspection Act

APPENDIX

54-750	Harboring or prohibited sale of diseased animals, second or subsequent offense
54-751	Violation of rules and regulations relating to diseased animals and disposal of carcasses, second or subsequent offense
54-752	Violation of laws relating to diseased animals and disposal of carcasses, second or subsequent offense
54-771	Failure by herd owner or custodian to develop or follow a herd plan relating to livestock anthrax
*54-778	Failure to comply with the Anthrax Control Act
54-781	Violation of the Anthrax Control Act when not otherwise specified
*54-903	Intentionally, knowingly, or recklessly abandon or cruelly neglect livestock animal not resulting in serious injury or illness or death of the livestock animal
*54-903	Cruelly mistreat a livestock animal, first offense
54-909	Violating court order not to own or possess a livestock animal for at least five years after the date of conviction for second or subsequent offense of cruel mistreatment of an animal or for intentionally, knowingly, or recklessly abandoning or cruelly neglecting livestock animal resulting in serious injury or illness or death of the livestock animal
54-911	Intentionally trip or cause to fall, or lasso or rope the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest
54-912	Intentionally trip, cause to fall, or drag any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest
59-505	Unlawful discrimination in sales or purchases of products, commodities, or property
60-484.02	Disclosure of digital image or signature by Department of Motor Vehicles or law enforcement
*60-4,108	Operating motor vehicle in violation of court order or while operator's license is revoked or impounded, fourth or subsequent offense
60-559	Forging or filing a forged document for proof of financial responsibility for a motor vehicle
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
60-696	Second or subsequent conviction in 12 years for failure of driver to stop and report a motor vehicle accident
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug or refusing chemical test, second offense committed with .15 gram alcohol concentration
*60-6,218	Reckless driving or willful reckless driving, third or subsequent offense
*60-2912	Disclosure of sensitive personal information by Department of Motor Vehicles
66-1226	Selling automotive spark ignition engine fuels not within specifications, first offense
*69-2408	Intentional violation of provisions on acquisition of handguns
69-2419	Unlawful request for criminal history record check or dissemination of such information
*69-2443	Refusal to allow peace officer or emergency services personnel to secure concealed handgun
*69-2443	Carrying concealed handgun at prohibited site or while under the influence, second or subsequent offense

APPENDIX

*69-2443	Failure to report discharge of concealed handgun, second or subsequent offense
*69-2443	Failure to carry or display concealed handgun permit, second or subsequent offense
*69-2443	Failure to inform peace officer of concealed handgun, second or subsequent offense
71-458	Violation of Health Care Facility Licensure Act
71-649	Vital statistics, unlawful acts
71-4608	Illegal manufacture or sale of manufactured homes or recreational vehicles
71-4608	Violation of manufactured home or recreational vehicle standards endangering the safety of a purchaser
71-6312	Unlawfully engaging in an asbestos project without a valid license or using unlicensed employees subsequent to the levy of a civil penalty, first offense
71-6329	Engaging in a lead abatement project or lead-based paint profession without a valid license or using unlicensed employees after assessment of a civil penalty, first offense
71-6329	Conducting a lead abatement project or lead-based paint profession training program without departmental accreditation after assessment of a civil penalty, first offense
71-6329	Issuing fraudulent licenses under the Residential Lead-Based Paint Professions Practice Act after assessment of a civil penalty, first offense
74-921	Operating a locomotive or acting as the conductor while intoxicated
75-127	Unjust discrimination or prohibited practice in rates by common carrier, shipper, or consignee
76-1315	Violation of laws on retirement communities and subdivisions
76-1722	Unlawful time-share interval disposition or violating time-share laws
76-2325.01	Interference with utility poles and wires or transmission of light, heat, power, or telecommunications, loss of \$500 or more but less than \$1,500 (certain situations)
77-1816	Fraudulent sales of real property for delinquent real estate taxes
77-2115	Disclosure of confidential information on estate or generation-skipping transfer tax records
77-2326	Failure to act regarding deposit of county funds by county treasurers
77-2384	Secretary-treasurer of local hospital district, failure to comply with provisions on deposit of public funds
77-2704.33	Failure of a contractor or taxpayer to pay certain sales taxes of \$300 or more
77-2711	Wrongful disclosure of records and reports relating to sales and use tax
77-2711	Disclosure of taxpayer information by employees of Legislative Performance Audit Section, Auditor of Public Accounts, or certain municipalities or former employees
77-3522	Oath or affirmation regarding false or fraudulent application for homestead exemption
77-5016	False statement to Tax Equalization and Review Commission
81-829.73	Fraudulently or willfully making a misstatement of fact in connection with an application for financial assistance under the Emergency Management Act
81-1508.01	Violations of solid waste and livestock waste laws and regulations
81-1717	Unlawful soliciting of professional services under Nebraska Consultants' Competitive Negotiation Act

APPENDIX

81-1718	Professional making unlawful solicitation under Nebraska Consultants' Competitive Negotiation Act
81-1719	Agency official making unlawful solicitation under Nebraska Consultants' Competitive Negotiation Act
81-1830	False claim under Nebraska Crime Victim's Reparations Act
81-2143	Violation of State Electrical Act
81-3442	Violation of Engineers and Architects Regulation Act, first offense
81-3535	Unauthorized practice of geology, second or subsequent offense
86-234	Violation of Telemarketing and Prize Promotions Act
86-290	Intercepting or interfering with certain wire, electronic, or oral communication
86-298	Unlawful use of pen register or trap-and-trace device
*86-2,104	Unlawful access to electronic communication service
88-548	Illegal use of grain probes
89-1,101	Violation of Weights and Measures Act or order of Department of Agriculture, second or subsequent offense

**CLASS II MISDEMEANOR Maximum—six months imprisonment, or
one thousand dollars fine, or both
Minimum—none**

1-166	Accountants, persons using titles, initials, trade names when not qualified or authorized to do so
2-10,115	Specified violations of Plant Protection and Plant Pest Act, second or subsequent offense
2-1221	Receipt or delivery of certain off-track wagers
2-1240	Improper placement or acceptance of wagers by telephone deposit center
2-1811	Violation of Nebraska Potato Development Act
3-152	Violation of State Aeronautics Department Act
*8-109	Bank examiner failing to report bank insolvency or unsafe condition
8-118	Promoting the organization of a corporation to conduct the business of banking or selling stock prior to issuance of charter
8-142	Bank officer, employee, director, or agent violating loan limits by \$20,000 or more but less than \$40,000 or resulting in monetary loss of \$10,000 or more but less than \$20,000
8-702	Banking institution failing to give notice if deposits are not insured
9-345.03	Unlawfully placing a pickle card dispensing device in operation
9-513	Violation of Nebraska Small Lottery and Raffle Act, second or subsequent offense
9-701	Violation of provisions relating to gift enterprises
9-814	Failure by lottery game retailer to maintain and make available records of separate accounts under State Lottery Act
9-814	Knowingly sell lottery tickets to person less than 19 years of age
12-1118	False or fraudulent reporting or any violation under Burial Pre-Need Sale Act
*22-303	Relocation of county seats, refusal by officers to move offices and records
23-135.01	False claim against county when value is more than \$100 but less than \$1,000
23-2325	False or fraudulent acts to defraud the Retirement System for Nebraska Counties

APPENDIX

23-2544	Violation of county personnel provisions for counties with population under 150,000
*23-3596	Board of trustees of hospital authority, pecuniary interest in contracts
24-711	False or fraudulent acts to defraud the Nebraska Judges Retirement System
28-111	Criminal mischief, pecuniary loss is less than \$200, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Criminal trespass in the second degree (certain situations) committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-111	Unauthorized application of graffiti, first offense, committed against a person because of his or her race, color, religion, ancestry, national origin, gender, sexual orientation, age, or disability or because of his or her association with such a person
28-201	Criminal attempt to commit a Class I misdemeanor
28-310	Assault in the third degree (certain situations)
28-311.06	Hazing
28-311.09	Violation of harassment protection order
28-316	Violation of custody without intent to deprive custodian of custody of child
28-339	Discrimination against person refusing to participate in an abortion
28-344	Violation of provisions relating to abortion reporting forms
28-442	Unlawful possession or manufacture of drug paraphernalia
28-445	Manufacture or delivery of an imitation controlled substance, second or subsequent offense
28-511.03	Possession in store of security device countermeasure
28-514	Theft of lost, mislaid, or misdelivered property when value is more than \$200 but less than \$500
28-514	Theft of lost, mislaid, or misdelivered property when value is \$200 or less, second offense
28-515.01	Fraudulently obtaining telecommunications service
28-518	Theft when value is \$200 or less
28-519	Criminal mischief, pecuniary loss of \$200 or more but less than \$500
28-521	Criminal trespass in the second degree (certain situations)
28-523	Littering, second offense
28-604	Criminal possession of a forged instrument prohibited by section 28-603, value is \$300 or less
28-607	Making, using, or uttering of slugs of value less than \$100
28-611	Issuing a bad check or other order in an amount of less than \$200, first offense
28-611	Issuing bad check or other order with insufficient funds
28-611.01	Issuing a no-account check in an amount of less than \$200, first offense
28-614	Tampering with a publicly exhibited contest
28-620	Unauthorized use of a financial transaction device when total value is less than \$200 within a six-month period
28-631	Committing a fraudulent insurance act when the amount involved is less than \$200
28-638	Criminal impersonation by falsely representing business or engaging in profession, business, or occupation without license if no credit, money,

APPENDIX

	goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than \$200, first offense
28-638	Criminal impersonation by providing false identification information to employer to obtain employment, first offense
28-639	Identity theft if no credit, money, goods, services, or other thing of value was gained or was attempted to be gained, or if the credit, money, goods, services, or other thing of value that was gained or was attempted to be gained was less than \$200, first offense
28-706	Criminal nonsupport not in violation of court order
*28-801	Prostitution, first or second offense
28-806	Public indecency
28-811	Obscene literature, material, etc., false representation of age by minor, parent, or guardian, unlawful employment of minor
28-903	Refusing to aid a peace officer
28-910	Filing false reports with regulatory bodies
28-911	Abuse of public records
28-915.01	False statement under oath or affirmation if statement is required by law to be sworn or affirmed
28-924	Official misconduct
28-926	Oppression under color of office
*28-927	Neglecting to serve warrant if offense for warrant is a felony
28-1103	Promoting gambling in the second degree
28-1105	Possession of gambling records in the first degree
28-1107	Possession of a gambling device
28-1218	Use of explosives without a permit if eligible for a permit
28-1233	Failure to notify fire protection district of use or storage of explosive material over one pound
28-1240	Unlawful transportation of anhydrous ammonia
28-1304.01	Unlawful use of liquified remains of dead animals
28-1311	Interference with public service companies
28-1326	Unlawful transfer of recorded sound
28-1326	Sell, distribute, circulate, offer for sale, or possess for sale recorded sounds without proper label
28-1343.01	Unauthorized computer access compromising security of data
28-1346	Unauthorized access to or use of a computer to obtain confidential information, first offense
28-1347	Unauthorized access to or use of a computer, second or subsequent offense
29-739	Extradition and detainer, unlawful delivery of accused persons
29-908	Failing to appear when on bail for misdemeanor or ordinance violation
30-2602.01	Violating an ex parte order regarding a ward's or protected person's safety, health, or financial welfare
32-1536	Bribery or threats used to procure vote of another
32-1604	Failure to file affidavit to report spending 40 percent or more of limitation on campaign expenditures
32-1607	Knowingly and willfully exceeding campaign spending limitations
*37-401	Violation of hunting, fishing, and fur-harvesting permits
*37-410	Obtaining or aiding another to obtain a permit to hunt, fish, or harvest fur unlawfully or by false pretenses or misuse of permit
*37-411	Hunting, fishing, or fur-harvesting without permit

APPENDIX

*37-447	Violation of rules and regulations under the Game Law regarding hunting, transportation, and possession of deer
*37-449	Violation of rules and regulations under the Game Law regarding hunting antelope
*37-479	Luring or enticing wildlife into a domesticated cervine animal facility
*37-4,108	Violating commercial put-and-take fishery licensure requirements
*37-504	Unlawfully hunt, trap, or possess mountain sheep
37-509	Violations relating to hunting or harassing birds, fish, or other animals from aircraft
37-524.01	Release, kill, wound, or attempt to kill or wound a pig for amusement or profit
37-554	Use of explosives in water to remove obstructions without permission
37-555	Polluting waters of state
37-556	Polluting waters of state with carcasses
*37-573	Hunt or enable another to hunt through the Internet or host hunting through the Internet
37-809	Violation of restrictions on endangered or threatened species
*37-1254.12	Operating a motorboat or personal watercraft while under the influence of alcohol or drugs or refusing to submit to a chemical test for operating a motorboat or personal watercraft while under the influence of alcohol or drugs, first offense
37-1272	Reckless or negligent operation of motorboat, water skis, surfboard, etc.
37-12,110	Violation of provisions relating to abandonment of motorboats
38-1,118	Violation of Uniform Credentialing Act when not otherwise specified, second or subsequent offense
38-1,133	Failure of insurer to report violations of Uniform Credentialing Act, second or subsequent offense
38-1424	Willful malpractice, solicitation of business, and other unprofessional conduct in the practice of funeral directing and embalming
38-28,103	Violations of Pharmacy Practice Act except as otherwise specifically provided
38-3130	Representing oneself as a psychologist or practicing psychology without a license
39-310	Depositing materials on roads or ditches, second offense
39-311	Placing burning materials or items likely to cause injury on highways, second offense
39-2612	Illegal location of junkyard
42-357	Knowingly violating a restraining order relating to dissolution of marriage
42-1204	False or incorrect information on application to restrict disclosure of applicant's address
43-2,107	Violation of restraining or other court order under Nebraska Juvenile Code
44-3,156	Violations of provisions permitting purchase of workers' compensation insurance by associations
44-1209	Reciprocal insurance, violations by attorney in fact
45-208	Violation of maximum rate of time-price differential, revolving charge agreements
45-343	Installment sales, failure to obtain license
45-343	Violation of Nebraska Installment Sales Act
45-747	Engaging in mortgage banking or mortgage loan originating without a license or registration

APPENDIX

45-814	Violation of Credit Services Organization Act
45-1037	Violations regarding installment loans
46-254	Interfering with closed waterworks, taking water without authority
46-263.01	Molesting or damaging water flow measuring devices
46-807	Unlawful diversion or drainage of natural lakes
46-1119	Violation of emergency permit provisions of Nebraska Chemigation Act
46-1139	Unlawfully engaging in chemigation without a chemigation permit
46-1140	Unlawfully engaging in chemigation with a suspended or revoked chemigation permit
46-1239	Violating the licensure requirements of the Water Well Standards and Contractors' Practice Act
48-144.04	Failing, neglecting, or refusing to file reports required by Nebraska Workers' Compensation Court
48-146.03	Unlawfully requiring employee to pay deductible amount under workers' compensation policy or requiring or attempting to require employee to give up right of selection of physician
48-147	Deducting from employee's pay for workers' compensation benefits
48-311	Violation of child labor laws
48-414	Using a machine or device or working at a location which Commissioner of Labor has labeled unsafe
48-424	Violations involving health and safety regulations
48-434	Violations of safety requirements in construction of buildings
48-645	Unlawful waiver of or deductions for unemployment compensation or discrimination in hire or tenure
48-910	Violation of laws relating to secondary boycotts
48-1714	Violation by farm labor contractor or applicant for farm labor contractor license
48-1714	Violations related to farm labor contractor licenses
48-1816	Violation of Nebraska Amusement Ride Act
48-2533	Install a conveyance in violation of the Conveyance Safety Act
50-1215	Obstruct, hinder, or mislead a legislative performance audit or preaudit inquiry
52-124	Failure to discharge construction liens, failure to apply payments for lawful claims
53-111	Nebraska Liquor Control Commission, gifts or gratuities forbidden
53-164.02	Evasion of liquor tax
53-186.01	Permitting consumption of liquor in unlicensed public places, second or subsequent offense
53-187	Nonbeverage liquor licensee giving or selling liquor fit for beverage purposes, second or subsequent offense
53-1,100	Violation of Nebraska Liquor Control Act, second or subsequent offense
54-1,125	Using false evidence of ownership of livestock
54-1,126	Violation of Livestock Brand Act when not otherwise specified
54-415	Estrays, illegal sale, disposition of proceeds
54-706.05	Interfere with or obstruct inspections or tests under the Bovine Tuberculosis Act
54-706.08	Prevent testing of or remove animal quarantined under the Bovine Tuberculosis Act
54-706.10	Interfere with or obstruct confining of affected herds or examinations or tests under the Bovine Tuberculosis Act

APPENDIX

54-706.17	Other violations of the Bovine Tuberculosis Act or rules and regulations
54-750	Harboring or prohibited sale of diseased animals, first offense
54-751	Violation of rules and regulations relating to diseased animals and disposal of carcasses, first offense
54-752	Violation of laws relating to diseased animals and disposal of carcasses, first offense
54-796	Violation of Animal Importation Act, second or subsequent offense
54-861	Violation of Commercial Feed Act, second or subsequent offense
54-1171	Violation of Livestock Auction Market Act
54-1181.01	Person engaging in livestock commerce violating veterinarian inspection provisions
54-1811	Illegal purchase of slaughter livestock
54-1913	Interference with inspection of meat and poultry, attempting to bribe inspector or employee of Department of Agriculture
54-1913	Violation of Nebraska Meat and Poultry Inspection Law when not otherwise specified unless intent was to defraud
54-2288	Violation of quarantine requirements under Pseudorabies Control and Eradication Act, second or subsequent offense
54-22,100	Violation of Pseudorabies Control and Eradication Act, second or subsequent offense
54-2323	Violation of Domesticated Cervine Animal Act, second or subsequent offense
54-2761	Violation of Scrapie Control and Eradication Act, second or subsequent offense
55-142	Trespassing on place of military duty, obstructing person in military duty, disrupting orderly discharge of military duty, disturbing or preventing passage of military troops
55-175	Refusal by restaurant, hotel, or public facility to serve person wearing prescribed National Guard uniform
55-428	Code of military justice, witness failure to appear
57-915	Violation of oil and gas conservation laws
*60-3,167	Operating or allowing the operation of motor vehicle or trailer without proof of financial responsibility
*60-4,108	Operating motor vehicle in violation of court order or while operator's license is revoked or impounded, first, second, or third offense
*60-4,109	Operating motor vehicle in violation of court order or while operator's license is revoked or impounded for violation of city or village ordinance
*60-4,141.01	Operating commercial motor vehicle while operator's license is suspended, revoked, or canceled or while subject to disqualification or an out-of-service order
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
60-696	Failure of driver to stop and report a motor vehicle accident, first offense in 12 years
*60-6,130	Unlawful removal or possession of sign or traffic control or surveillance device
*60-6,130	Willfully or maliciously injuring, defacing, altering, or knocking down any sign, traffic control device, or traffic surveillance device
60-6,195	Speed competition or drag racing on highways
*60-6,217	Reckless driving or willful reckless driving, second offense

APPENDIX

60-6,336	Snowmobile contest on highway without permission, second or subsequent offense within one year
60-6,343	Violation of provisions relating to snowmobiles, second or subsequent offense within one year
60-6,362	Violation of all-terrain vehicle requirements, second or subsequent offense within one year
60-1911	Violating laws relating to abandoned vehicles
69-408	Violation of secondary metals recycling requirements
69-1215	Willfully or knowingly engaging in business of debt management without license
69-1324	Willful failure to deliver abandoned property to the State Treasurer
69-2409.01	Intentionally causing the Nebraska State Patrol to request mental health history information without reasonable belief that the named individual has submitted a written application or completed a consent form for a handgun
*69-2709	Knowing or intentional cigarette sales report, tax, or stamp violations or sales of unstamped cigarettes or cigarettes from manufacturer not in directory, second or subsequent offense
*69-2709	Knowing or intentional cigarette sales or purchases from unlicensed stamping agent or without appropriate stamp or reporting requirements, second or subsequent offense
71-962	Filing petition with false allegations or depriving a subject of rights under Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act
71-962	Willful violation involving records under Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act
71-15,141	Approve, sign, or file a local housing agency annual report which is materially false or misleading
71-1805	Sale and distribution of pathogenic microorganisms
71-2416	Violation of Emergency Box Drug Act
71-2512	Violation of provisions on poisons and adulterated or misbranded drugs when not otherwise specified, second offense
71-3213	Violation of laws pertaining to private detectives
72-245	Waste, trespass, or destruction of trees on school lands
*72-313	Violation of mineral or water rights on state lands
72-802	Violation of plans, specifications, bids, or appropriations on public buildings
75-127	Unjust discrimination or prohibited practices in rates by officers, agents, or employees of a common carrier
75-428	Failure of railroad to provide transfer facilities at intersections upon order of the Public Service Commission
75-723	Violation of laws on transmission lines
76-1722	Acting as a sales agent for real property in a time-share interval arrangement without a license
76-2114	Acting as membership camping contract salesperson without registration
76-2325.01	Interference with utility poles and wires or transmission of light, heat, power, or telecommunications, loss of at least \$200 but less than \$500 (certain situations)
77-1232	Failure to list or filing false list of personal property for tax purposes for 1993 and thereafter

APPENDIX

77-2311	Failure or refusal to perform duties regarding deposit of state funds by State Treasurer
77-2790	Claiming excessive exemptions or overstating withholding to evade income taxes
77-27,115	Taxpayer, failure to pay, account, or keep records on income tax
77-3009	Violation of Mechanical Amusement Device Tax Act
77-3522	False or fraudulent claim for homestead exemption
79-949	False or fraudulent acts to defraud the school retirement system
79-9,107	Illegal interest in investment of school employees retirement system funds
80-405	Obtaining veterans relief by fraud
81-2,162.17	Violation of Nebraska Commercial Fertilizer and Soil Conditioner Act
81-885.45	Acting as real estate broker, salesperson, or subdivider without license or certificate or under suspended license or certificate
81-8,254	Obstruct, hinder, or mislead Public Counsel in inquiries
81-1023	Use of improperly marked or equipped state-owned vehicle
81-1117.03	Prohibited release of state computer file data
81-1933	Truth and deception examination, unlawful use by employer
81-1935	Violation of provisions on truth and deception examinations
81-2038	False or fraudulent acts to defraud the Nebraska State Patrol Retirement System
81-3535	Unauthorized practice of geology, first offense
84-1327	False or fraudulent acts to defraud the State Employees Retirement System
85-1650	Violating private postsecondary career school provisions
86-607	Discrimination in rates by telegraph companies
86-608	Failure by telegraph companies to provide newspapers equal facilities
87-303.08	Violation of Uniform Deceptive Trade Practices Act when not otherwise specified

**CLASS III MISDEMEANOR Maximum—three months imprisonment, or
five hundred dollars fine, or both
Minimum—none**

2-1825	Violation of Nebraska Potato Inspection Act
2-2319	Violation of Nebraska Wheat Resources Act
2-2647	Violation of Pesticide Act, first offense
2-3008	Violation of Nebraska Poultry Disease Control Act
2-3416	Violation of Nebraska Poultry and Egg Resources Act
2-3635	Violation of Nebraska Corn Resources Act
2-3765	Violation of Dry Bean Resources Act
2-3963	Violation of Dairy Industry Development Act
2-4020	Violation of Grain Sorghum Resources Act
2-5605	Violations relating to excise taxes on grapes
3-330	Violation of Airport Zoning Act
3-408	Violation of provisions regulating aircraft obstructions or structures
3-504	Violation of city airport authority regulations
3-613	Violation of county airport authority regulations
4-106	Alien elected to office in labor or educational organization
7-101	Unauthorized practice of law
8-127	Violation of inspection provisions for list of bank stockholders

APPENDIX

8-142	Bank officer, employee, director, or agent violating loan limits by \$10,000 or more but less than \$20,000 or resulting in monetary loss of less than \$10,000 to bank or no monetary loss
8-1,119	Violation of the Nebraska Banking Act when not otherwise specified
8-1014	Violation of Nebraska Sale of Checks and Funds Transmission Act, acting without license
9-230	Unlawfully conducting or awarding a prize at a bingo game, first offense
9-422	Unlawfully conducting a lottery or raffle
12-1205	Failing to report the presence and location of human skeletal remains or burial goods associated with an unmarked human burial
13-1617	Violation of confidentiality requirements of Political Subdivisions Self-Funding Benefits Act
14-224	City council, officers, and employees receiving or soliciting gifts
14-2149	Violations relating to gas and water utilities in cities of the metropolitan class
18-305	Telephone company providing special rates to city or village officer or such officer accepting special rates
18-306	Electric company providing special rates to city or village officer
18-307	City or village officer accepting electric service at special rates
18-308	Water company providing special rates to city or village officer or such officer accepting special rates
18-1741.05	Failure to appear or comply with handicapped parking citation
18-2715	Unauthorized disclosure of confidential business information under city ordinance pursuant to Local Option Municipal Economic Development Act
19-2906	Disclosures by accountant of results of examination of municipal accounts
20-129	Interfering with rights of blind, deaf, or physically disabled persons and with admittance to or enjoyment of public facilities
20-129	Interfering with rights of a service animal trainer and with admittance to or enjoyment of public facilities
21-622	Illegal use of society emblems
23-114.05	Violation of county zoning regulations
23-135.01	False claim against county when value is less than \$100
*23-350	Failing to file or filing false or incorrect inventory statement by county officers or members of county board
28-201	Criminal attempt to commit a Class II misdemeanor
28-384	Failure to make report under Adult Protective Services Act
28-385	Wrongful release of information gathered under Adult Protective Services Act
28-403	Administering secret medicine
*28-416	Knowingly or intentionally possessing more than 1 ounce but not more than 1 pound of marijuana
28-417	Unlawful acts relating to packaging, possessing, or using narcotic drugs and other controlled substances
28-424	Inhaling or drinking certain intoxicating compounds
28-424	Selling or offering for sale certain intoxicating compounds
28-424	Selling or offering for sale certain intoxicating compounds without maintaining register for one year
28-424	Inducing or enticing another to sell, inhale, or drink certain intoxicating compounds or to fail to maintain register for one year

APPENDIX

28-425	Use of arsenic or strychnine in embalming fluids, violations of labeling requirements
28-444	Drug paraphernalia advertisement prohibited
28-445	Manufacture or delivery of an imitation controlled substance, first offense
28-450	Unlawful sale, distribution, or transfer of ephedrine, pseudoephedrine, or phenylpropanolamine for use as a precursor to a controlled substance or with reckless disregard as to its use
28-456.01	Purchase, receive, or otherwise acquire pseudoephedrine base or phenylpropanolamine base over authorized limits, second or subsequent offense
28-514	Theft of lost, mislaid, or misdelivered property when value is \$200 or less, first offense
28-515.02	Theft of utility service and interference with utility meter
28-516	Unauthorized use of a propelled vehicle, first offense
28-519	Criminal mischief, pecuniary loss of less than \$200
28-521	Criminal trespass in the second degree (certain situations)
28-523	Littering, first offense
*28-524	Unauthorized application of graffiti, first offense
28-606	Criminal simulation of antiquity, rarity, source, or composition
28-609	Impersonating a public servant
28-621	Criminal possession of one financial transaction device
28-633	Printing more than the last 5 digits of a payment card account number upon a receipt provided to payment card holder, first offense
28-717	Willful failure to report abused or neglected children
28-730	Unlawful disclosures by a child abuse and neglect team member
28-902	Failure to report injury of violence
28-914	Loitering about a penal institution
28-923	Simulating legal process
28-925	Misuse of official information
*28-927	Neglecting to serve warrant if offense for warrant is a misdemeanor
28-928	Mutilation of a flag of the United States or the State of Nebraska
28-1009.01	Violence on or interference with a service animal
28-1010	Indecency with an animal
28-1209	Failure to register tranquilizer guns
28-1210	Failure to notify sheriff of sale of tranquilizer gun
28-1225	Storing explosives in violation of safety regulations
28-1226	Failure to report theft of explosives
28-1227	Violations of provisions relating to explosives
28-1240	Unlawful use of tank or container which contained anhydrous ammonia
28-1242	Unlawful throwing of fireworks
*28-1250	Violation of laws relating to fireworks
28-1251	Unlawful testing or inspection of fire alarms
*28-1303	Raising or producing stagnant water on river or stream
28-1309	Refusing to yield a telephone party line
28-1310	Intimidation by telephone call
28-1313	Unlawful use of a white cane or guide dog
28-1314	Failure to observe a blind person
28-1316	Unlawful use of locks and keys
28-1317	Unlawful picketing
28-1318	Mass picketing
28-1319	Interfering with picketing

APPENDIX

28-1320	Intimidation of pickets
28-1320.03	Unlawful picketing of a funeral
*28-1321	Maintenance of nuisances
28-1322	Disturbing the peace
28-1331	Unauthorized use of receptacles
28-1332	Unauthorized possession of a receptacle
*28-1335	Discharging firearm or weapon using compressed gas from public highway, road, or bridge
28-1419	Selling or furnishing tobacco to minors
28-1420	Sale or purchase for resale of tobacco without license
*28-1425	Licensee selling or furnishing tobacco to minors
*28-1429.02	Dispensing cigarettes or other tobacco products from vending machines or similar devices in certain locations
28-1438	Unlawful possession of legend drug substances
*28-1467	Operation of aircraft while under the influence of alcohol or drugs, first offense
*28-1468	Operation of aircraft while under the influence of alcohol or drugs, second offense
28-1478	Deceptive or misleading advertising
28-1479	Sale of certain beverage cans with removable tabs
*29-817	Disclosing of search warrant prior to its execution
29-835	Refusing to permit, interfering with, or preventing inspection pursuant to inspection warrant
29-4110	Unlawful possession of DNA samples or records
29-4111	Unlawful disclosure of DNA samples or records
32-1501	Interfering or refusing to comply with election requirements of Secretary of State
32-1505	Deputy registrar drinking liquor at or bringing liquor to place of voter registration
*32-1506	Theft, destruction, removal, or falsification of voter registration and election records
32-1510	Hindering voter registration
32-1511	Obstructing deputy registrars at voter registration
32-1513	Bribery involving candidate filing forms and nominating petitions
32-1515	Wrongfully or willfully suppressing election nomination papers
*32-1517	Service as election official, threat of discharge or coercion by employer
32-1519	Misconduct or neglect of duty by election official
32-1521	Printing or distribution of election ballots by other than election officials
32-1528	Voting outside of resident precinct, school district, or village
32-1549	Failing to appear or comply with citation issued under Election Act
35-520	False alarm or report of fire in rural fire protection district or area
35-801	Knowingly accepting, transferring, selling, or offering to sell or purchase firefighting clothing or equipment which does not meet standards
*37-248	Violation of Game Law when not otherwise specified
*37-314	Violation of rules and regulations under the Game Law regarding seasons and other restrictions on taking wildlife
37-336	Violation of provisions for state wildlife management areas
37-348	Violation of provisions for state park system
*37-406	Duplication of electronically issued license, permit, or stamp under the Game Law

APPENDIX

*37-410	Obtaining permit to hunt, fish, or harvest fur by false pretenses or misuse of permit
*37-410	Receipt of fur-harvesting permit by nonresident less than 16 years of age without written parental permission
*37-450	Violation of rules and regulations under the Game Law regarding hunting elk
*37-451	Violation of rules and regulations under the Game Law regarding hunting mountain sheep
*37-461	Violating permit to take or destroy muskrats or beavers or selling or using muskrats, beavers, or parts thereof without permit
37-462	Performing taxidermy services without permit and failure to keep complete records
*37-501	Taking or possessing a greater number of game than allowed under the Game Law
*37-504	Hunting, trapping, or possessing animals or birds out of season
*37-504	Unlawfully taking or possessing game
*37-505	Unlawful purchase, sale, or barter of animals, birds, or fish or parts thereof
37-507	Abandonment, waste, or failure to dispose of fish, birds, or animals
37-508	Storing game or fish in cold storage after prescribed storage season or without proper tags
37-510	Violating game shipment requirements
*37-511	Violating importation restrictions on game shipments
37-512	Violating regulations relating to the shipment of raw fur
*37-513	Shooting at wildlife from highway
*37-514	Hunting wildlife with artificial light
*37-515	Hunting, driving, or stirring up game birds or animals with aircraft or boat
37-521	Use of aircraft, vessel, vehicle, or other equipment to harass certain game animals
*37-522	Carrying loaded shotgun in or on vehicle on highway
*37-523	Unlawful hunting with a rifle within 200 yards of inhabited dwelling or livestock feedlot
*37-523	Unlawful hunting without a rifle or trapping within 100 yards of inhabited dwelling or livestock feedlot
*37-523	Unlawful trapping within 200 yards of livestock passage
*37-524.02	Refusal to permit inspection, decontamination, or treatment of conveyance for aquatic invasive species
*37-525	Taking game birds or game animals during closed season while training or running dogs
*37-525	Running dogs on private property without permission
*37-526	Unlawful use or possession of ferrets
37-531	Unlawful use of explosive traps or poison gas on wild animals
37-532	Setting an unmarked trap
*37-533	Violating restrictions on hunting fur-bearing animals and disturbing their nests, dens, and holes
*37-535	Hunting game from propelled boat or watercraft
*37-536	Hunting game birds with certain weapons
*37-537	Baiting game birds
*37-538	Hunting game birds from vehicle
*37-539	Taking or destroying nests or eggs of game birds
*37-543	Unlawful taking of fish

APPENDIX

*37-545	Unlawful removal of fish from privately owned pond and violations of commercial fishing permits
*37-546	Unlawful taking, use, or possession of baitfish
37-548	Release, importation, exportation, or commercial exploitation of wildlife or aquatic invasive species
37-552	Failure to maintain fish screens in good repair
37-557	Disturbing hatching boxes and nursery ponds
37-570	Knowing and intentional interference or attempt to interfere with hunting, trapping, fishing, or associated activity
37-605	Failure to appear on an alleged violation of the Game Law
*37-615	Taking wildlife or applying for permit with a suspended or revoked permit
37-703	Defacing a sign at a game reserve, bird refuge, or wild fowl sanctuary
37-705	Disturbing or otherwise violating provisions relating to reserves, sanctuaries, and closed waters
37-709	Hunting, carrying firearms, or operating a motorboat in state game refuges
*37-727	Violation of provisions for hunting, fishing, or trapping on privately owned land
37-1254.09	Refusing to submit to a preliminary breath test for operating a motorboat or personal watercraft while under the influence of alcohol or drugs
37-1289	Operation or sale of motorboat without certificate of title, failure to surrender certificate upon cancellation, deface a certificate of title
38-1,118	Violation of Uniform Credentialing Act when not otherwise specified, first offense
38-1,133	Failure of insurer to report violations of Uniform Credentialing Act, first offense
38-10,165	Performing body art on minor without written consent of parent or guardian and keeping record 5 years
38-2867	Unlicensed person practicing pharmacy
39-103	Operation of motor vehicle in violation of published rules and regulations of the Department of Roads
39-310	Depositing materials on roads or ditches, first offense
39-311	Placing burning materials or items likely to cause injury on highways, first offense
39-806	Destroying bridge or landmark
39-1335	Illegal use of adjoining property for access to state highway
39-1362	Digging up or crossing state highway
39-1412	Loads exceeding posted capacity on county bridges
39-1806	Refusal of access to lands for placement of snow fences, willful or malicious damage thereto
39-1810	Livestock lanes, driving livestock on adjacent highways
39-1815	Leaving gates open on road over private property
43-257	Detaining or placing a juvenile in violation of certain Nebraska Juvenile Code provisions
43-709	Illegal placement of children
43-1310	Unauthorized disclosure of confidential information regarding foster children and their parents or relatives
43-1414	Violation of genetic paternity testing provisions, second or subsequent offense

APPENDIX

43-3001	Public disclosure of confidential information received concerning a child who is or may be in state custody
43-3327	Unauthorized disclosure or release of confidential information regarding a child support order
43-3714	Violation of confidentiality provisions of Court Appointed Special Advocate Act
44-394	Violation of Chapter 44 when not otherwise specified
44-530	Violation of Standardized Health Claim Form Act
*44-1113	Violation of Viatical Settlements Act
44-3721	Violation of Motor Club Services Act
44-5508	Surplus lines licensee placing coverage with a nonadmitted insurer or placing nonadmitted insurance with or procuring nonadmitted insurance from a nonadmitted insurer
45-601	Operating a collection agency business without a license or violation of Collection Agency Act
45-740	Residential mortgage loan violations by licensee
45-1023	Making a false statement to secure a loan
46-263	Neglecting or preventing delivery of irrigation water
46-1142	Failure to provide notice of a chemigation accident
46-1240	Engaging in business or employing another without complying with standards under Water Well Standards and Contractors' Practice Act
48-213	Employment regulations, violation of lunch hour requirements
48-216	Discrimination in employment by manufacturer or distributor of military supplies
*48-511	Employment agencies splitting fees with employers
*48-513	Violation of private employment agency provisions when not otherwise specified
48-612	Commissioner of Labor employees violating provisions relating to administration of Employment Security Law
48-612.01	Unauthorized disclosure of information received for administration of Employment Security Law
48-614	Contumacy or disobedience to subpoenas in unemployment compensation proceedings
48-663	False statements or failure to disclose information by employees to obtain unemployment compensation benefits
48-664	False statements by employers to obtain unemployment compensation benefits
48-666	Violation of Employment Security Law when not otherwise specified
48-736	Violation of Boiler Inspection Act
*48-1005	Age discrimination in employment or interfering with enforcement of statutes relating to age discrimination in employment
48-1118	Unlawful disclosure of information under Nebraska Fair Employment Practice Act
48-1123	Interference with Equal Opportunity Commission in performance of duty under Nebraska Fair Employment Practice Act
48-1227	Discrimination on the basis of sex
49-231	Failure of state, county, or political subdivision officer to furnish information required by constitutional convention
49-1447	Campaign practices, violation by committee treasurer or candidate in statements or reports
49-1461.01	Ballot question committee violating surety bond requirements

APPENDIX

49-1469.08	Violation of campaign practices by businesses and organizations in contributions, expenditures, and volunteer services
49-1471	Campaign contribution or expenditure in excess of \$50 made in cash
49-1472	Campaign practices, acceptance of anonymous contribution
49-1473	Campaign practices, legal name of contributor required
49-1474	Campaign practices, political newsletter or mass mailing sent at public expense
49-1475	Campaign practices, failing to disclose name and address of contributor
49-1476.02	Accepting or receiving a campaign contribution from a state lottery contractor
49-1477	Campaign practices, required information on contributions from persons other than committees
49-1478	Campaign practices, violation of required reports on expenditures
49-1479	Campaign practices, unlawful contributions or expenditures made for transfer to candidate committee
49-1479.01	Violations related to earmarked campaign contributions
49-1490	Prohibited acts relating to gifts by principals or lobbyists
49-1492	Prohibited practices of a lobbyist
49-1492.01	Violation of gift reporting requirements by certain entities
49-14,101	Conflicts of interest, prohibited acts of public official, employee, candidate, and other individuals
49-14,101.01	Public official or employee using office, confidential information, personnel, property, or funds for financial gain or improperly using public communication system or public official or immediate family member accepting gift of travel or lodging if made for immediate family member to accompany the public official
49-14,103.04	Knowing violation of conflict of interest prohibitions
49-14,104	Official or full-time employee of executive branch representing a person or acting as an expert witness
49-14,115	Unlawful disclosure of confidential information by member or employee of Nebraska Accountability and Disclosure Commission
49-14,135	Violation of confidentiality of proceedings of Nebraska Accountability and Disclosure Commission
50-1213	Divulging confidential information or records relating to a legislative performance audit or preaudit inquiry
53-167.02	Violations relating to beer keg identification numbers
53-167.03	Tamper with, alter, or remove beer keg identification number or possess beer container with altered or removed keg identification number
53-180.05	Misrepresentation of age by minor to obtain or attempt to obtain alcoholic liquor
53-180.05	Minor over 18 years old and under 21 years old in possession of alcoholic liquor
53-180.05	Parent or guardian knowingly permitting minor to violate alcoholic liquor laws
*53-181	Minor 18 years old or younger in possession of alcoholic liquor
53-186.01	Consumption of liquor in unlicensed public places
54-796	Violation of Animal Importation Act, first offense
*54-904	Indecency with a livestock animal
54-1408	Violations when sheep are infected with scabies
54-1711	Livestock dealer violating provisions of Nebraska Livestock Dealer Licensing Act
*54-1913	Meat and poultry inspector, officer, or employee accepting bribes

APPENDIX

54-2288	Violation of quarantine requirements under Pseudorabies Control and Eradication Act, first offense
57-507	Unlawful use of liquefied petroleum gas cylinders
57-1106	Willfully and maliciously breaking, injuring, damaging, or interfering with oil or gas pipeline, plant, or equipment
60-142	Using a bill of sale for a parts vehicle to transfer ownership of any vehicle other than a parts vehicle
60-180	Prohibited acts relating to certificates of title for motor vehicles, all-terrain vehicles, or minibikes
60-3,113.07	Knowingly provide false information on an application for a handicapped or disabled parking permit
60-3,170	Violation of Motor Vehicle Registration Act when not otherwise specified
60-3,171	Fraud in registration of motor vehicle or trailer
60-3,176	Disclosure of information regarding undercover license plates to unauthorized individual
60-3,206	Violation of International Registration Plan Act
60-480.01	Disclosure of information regarding undercover drivers' licenses to unauthorized individual
*60-4,108	Operating motor vehicle while operator's license is suspended or after revocation or impoundment but before licensure
*60-4,109	Operating motor vehicle while operator's license is suspended or after revocation or impoundment but before licensure for violation of city or village ordinance
60-4,111	Violation of Motor Vehicle Operator's License Act when not otherwise specified
60-4,118	Failure to surrender operator's license or appear before examiner regarding determination of physical or mental competence
60-4,140	Commercial driver, multiple operators' licenses
60-4,141	Operation of commercial motor vehicle outside operator's license classification
*60-4,146.01	Violation of privileges conferred by commercial drivers' licenses
60-4,159	Commercial driver, failure to provide notifications relating to conviction or disqualification
60-4,161	Commercial driver, failure to provide information to prospective employer
60-4,162	Employer failing to require information or allowing commercial driver to violate highway-rail grade crossing or licensing provisions
60-4,170	Failure to surrender commercial driver's license
60-4,179	Violation of driver training instructor or school provisions
60-4,184	Failure to surrender operator's license for loss of license under point system
*60-4,186	Illegal operation of motor vehicle under period of license revocation for loss of license under point system
60-558	Failure to return motor vehicle license or registration to Department of Motor Vehicles for violation of financial responsibility provisions
60-560	Violation of Motor Vehicle Safety Responsibility Act when not otherwise specified
60-678	Operation of vehicles in certain public places where prohibited, where not permitted, without permission, or in a dangerous manner
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road

APPENDIX

60-6,110	Failing to obey lawful order of law enforcement officer given under Nebraska Rules of the Road to apprehend violator
60-6,130	Willful damage or destruction of road signs, monuments, traffic control or surveillance devices by shooting upon highway
60-6,211.11	Operating a motor vehicle with an ignition interlock device in violation of court order or Department of Motor Vehicles order
60-6,215	Reckless driving, first offense
*60-6,216	Willful reckless driving, first offense
*60-6,222	Violations in connection with headlights and taillights
60-6,228	Vehicle proceeding forward on highway with backup lights on
*60-6,234	Violations involving rotating or flashing lights on motor vehicles
*60-6,235	Violation of vehicle clearance light requirements
*60-6,245	Violation of motor vehicle brake requirements
60-6,259	Application of an illegal sunscreening or glazing material on a motor vehicle
60-6,263	Operating or owning vehicle in violation of safety glass requirements
60-6,291	Exceeding limitations on width, length, height, or weight of motor vehicles when not otherwise specified
60-6,299	Violation of or failure to obtain permit to move building or other object on highway
60-6,303	Refusal to weigh vehicle or lighten load
60-6,336	Snowmobile contest on highway without permission, first offense within one year
60-6,343	Violation of provisions relating to snowmobiles, first offense within one year
60-6,352	Illegal operation of minibikes on state highway
60-6,353	Operating a minibike in a place, at a time, or in a manner not permitted by regulatory authority
60-6,362	Violation of all-terrain vehicle requirements, first offense within one year
60-1307	Failing to appear at hearing for violations discovered at weigh stations
60-1308	Failure to comply with weigh station requirements
60-1309	Resisting arrest or disobeying order of carrier enforcement officer at weigh station
60-1418	Violating conditions of a motor vehicle sale
62-304	Limitation upon negotiation of tuition notes or contracts of business colleges
64-105.03	Unauthorized practice of law by notary public
66-107	Illegal use of containers for gasoline or kerosene
66-1345.03	Failure to administer and keep records of excise tax on corn and grain sorghum under Ethanol Development Act
68-314	Unlawful use and disclosure of books and records of Department of Health and Human Services
68-1017	Obtaining through fraud assistance to aged, blind, or disabled persons, aid to dependent children, or supplemental nutrition assistance program benefits when value is less than \$500
68-1017.01	Unlawful use, alteration, or transfer of supplemental nutrition assistance program benefits when value is less than \$500
68-1017.01	Unlawful possession or redemption of supplemental nutrition assistance program benefits when value is less than \$500
69-2012	Violation of Degradable Products Act

APPENDIX

*69-2443	Carrying concealed handgun at prohibited site or while under the influence, first offense
*69-2443	Failure to report discharge of concealed handgun, first offense
*69-2443	Failure to carry or display concealed handgun permit, first offense
*69-2443	Failure to inform peace officer of concealed handgun, first offense
69-2709	Selling, possessing, or distributing cigarettes in violation of stamping requirements
71-220	Violation of barbering provisions
71-506	Willful or malicious disclosure of confidential reports, notifications, and investigations relating to communicable diseases
71-542	Unauthorized disclosure of confidential immunization information
71-613	Violation of provisions on vital statistics
71-1371	Violation of the Cremation of Human Remains Act
71-1631.01	Violating regulation for protecting public health and preventing communicable diseases
71-1905	Violations regarding children in foster care
71-2228	Illegal receipt of food supplement benefits when value is less than \$500
71-2229	Using, altering, or transferring food instruments or food supplements when value is less than \$500
71-2229	Illegal possession or redemption of food supplement benefits when value is less than \$500
71-2512	Violation involving poisons and adulterated or misbranded drugs when not otherwise specified, first offense
71-4632	Mobile home parks established, conducted, operated, or maintained without license, nuisance
71-6741	Violation of the Medication Aide Act
71-6907	Performing an abortion in violation of parental consent provisions, knowingly and intentionally or with reckless disregard
71-6907	Unauthorized person providing consent for an abortion
71-6907	Coercing a pregnant woman to have an abortion
74-609.01	Hunting on railroad right-of-way without permission
74-1331	Failure to construct, maintain, and repair railroad bridges in compliance with law
75-114	Refusal to allow access to the Public Service Commission to records of a motor or common carrier
75-367	Violation of motor carrier safety regulations or hazardous materials regulations
76-505	Judges and other county officers engaging in business of abstracting
76-558	Unlawful practice in business of abstracting
76-2246	Unlawful practice as a real property appraiser
76-2325.01	Interference with utility poles and wires or transmission of light, heat, power, or telecommunications, loss of less than \$200 (certain situations)
77-1719.02	Violations by county board members regarding collection of personal taxes and false returns
77-2619	Fail, neglect, or refuse to report or make false statement regarding cigarette taxation
77-3407	Unlawful signature on budget limitation petition
79-210	Violation of compulsory school attendance provisions
79-603	School vehicles, violation of safety requirements and operating school vehicles which violate safety requirements when not otherwise specified
79-727	Violation of character education requirements

APPENDIX

79-897	Illegal inquiries concerning religious affiliation of teacher applicants
79-8,101	Illegal solicitation of business from classroom teachers
79-1607	Violation of laws on private, denominational, and parochial schools
81-2,157	Unlawful sale or marking of hybrid seed corn
81-2,179	Violation of Nebraska Apiary Act
81-513	Violation of order of State Fire Marshal directing the closing of a building pending repair
81-8,127	Unlawful practice of land surveying or use of title
81-8,142	Violation of provisions relating to the State Athletic Commissioner
81-8,205	Unlawful practice as a professional landscape architect
81-1508.01	Knowing and willful violation of Environmental Protection Act, Integrated Solid Waste Management Act, or Livestock Waste Management Act when not otherwise specified
81-2008	Failure to obey rules or orders of or resisting arrest by Nebraska State Patrol
82-111	Destroy, deface, remove, or injure monuments marking Oregon Trail
82-507	Knowingly and willfully appropriate, excavate, injure, or destroy any archaeological resource on public land without written permission from the State Archaeology Office
82-508	Enter or attempt to enter upon the lands of another without permission and intentionally appropriate, excavate, injure, or destroy any archaeological resource or any archaeological site
84-311	Disclosure of restricted information by the Auditor of Public Accounts or an employee of the auditor
84-712.09	Violation of provisions for access to public records
84-1213	Mutilation, transfer, removal, damage, or destruction of or refusal to return government records
84-1414	Unlawful action by members of public bodies in public meetings, second or subsequent offense
86-290	Intercepting or interfering with certain wire, electronic, or oral communication
86-606	Unlawful delay or disclosure of telegraph dispatches
89-1,101	Violation of Weights and Measures Act or order of Department of Agriculture, first offense
90-104	Use of state banner as advertisement or trademark

**CLASS IIIA MISDEMEANOR Maximum—seven days imprisonment,
five hundred dollars fine, or both
Minimum—none**

*28-416	Knowingly or intentionally possessing one ounce or less of marijuana or any substance containing a quantifiable amount of a material, compound, mixture, or preparation containing any quantity of synthetically produced cannabinoids, third or subsequent offense
*54-623	Owning a dangerous dog within 10 years after conviction of violating dangerous dog laws
*54-623	Dangerous dog attacking or biting a person when owner of dog has a prior conviction for violating dangerous dog laws
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
60-6,196.01	Driving under the influence with a prior felony DUI conviction
60-6,275	Operating or possessing radar transmission device while operating motor vehicle

APPENDIX

60-6,378	Failure to move over, proceed with due care and caution, or follow officer's directions when passing a stopped emergency or road assistance vehicle, second or subsequent offense
77-2704.33	Failure of a contractor or taxpayer to pay certain sales taxes of less than \$300
79-1602	Transmitting or providing for transmission of false school information when electing not to meet school accreditation or approval requirements
89-1,107	Use of a grain moisture measuring device which has not been tested
89-1,108	Violation of laws on grain moisture measuring devices

**CLASS IV MISDEMEANOR Maximum--no imprisonment,
five hundred dollars fine
Minimum--one hundred dollars fine**

2-220.03	Failure to file specified security or certificates by carnival companies, booking agencies, or shows for state and county fairs
2-957	Unlawful movement of article through which noxious weeds may be disseminated
2-963	Violation of provisions relating to weed control
2-10,115	Specified violations of Plant Protection and Plant Pest Act, first offense
2-1207	Knowingly aiding or abetting a minor to make a parimutuel wager
2-1806	Engaging in business as a potato shipper without a license
2-1807	Failure by potato shipper to file statement or pay tax
2-3109	Violation of Nebraska Soil and Plant Analysis Laboratory Act when not otherwise specified
2-3223.01	Failure to file audit of natural resources district
2-3524	Violation of Nebraska Graded Egg Act
2-4327	Violation of Agricultural Liming Materials Act, second or subsequent offense
9-513	Violation of Nebraska Small Lottery and Raffle Act, first offense
9-814	Purchase of state lottery ticket by person less than 19 years of age
12-512.07	Violations in administering perpetual care trust funds for cemeteries
12-617	Violation relating to perpetual care trust funds for public mausoleums and other burial structures
12-1115	Failure to surrender a license under the Burial Pre-Need Sale Act
19-1847	Violation of Civil Service Act
20-149	Failure of consumer reporting agency to provide reports to consumers
23-387	Violation of provisions relating to community antenna television service
*23-919	Violation of County Budget Act of 1937
23-1507	Failure of register of deeds to perform duties
23-1821	Failure to notify coroner of a death during apprehension or while in custody
25-1563	Attachment or garnishment procedure used to avoid exemption laws
25-1640	Penalizing employee due to jury service
28-410	Failure to comply with inventory requirements by manufacturer, distributor, or dispenser of controlled substances
*28-416	Knowingly or intentionally possessing one ounce or less of marijuana or any substance containing a quantifiable amount of a material, compound, mixture, or preparation containing any quantity of synthetically produced cannabinoids, second offense

APPENDIX

28-456.01	Purchase, receive, or otherwise acquire pseudoephedrine base or phenylpropanolamine base over authorized limits, first offense
28-462	Knowingly fail to submit methamphetamine precursor information to the National Precursor Log Exchange administered by the National Association of Drug Diversion Investigators or knowingly submit incorrect information to the exchange
28-1009	Harassment of police animal not resulting in death of animal
28-1019	Violation of court order related to misdemeanor animal abuse conviction
28-1104	Promoting gambling in the third degree
28-1253	Distribution, sale, or use of refrigerants containing liquefied petroleum gas
28-1304	Putting carcass or filthy substance in well or running water
28-1405	Failure to acquire locksmith registration certificate
29-3527	Unlawful access to or dissemination of criminal history record information
32-1507	Elections, false representation of political party affiliation
32-1517	Refusing to serve as election official
32-1520	Printing or distribution of illegal ballots
32-1547	Elections, filing for more than one elective office
36-213.01	Unlawful assignment or notice of assignment of wages of head of family
37-403	Violation of farm or ranch land hunting permit exemption
*37-463	Dealing in raw furs without fur buyer's permit, failure to keep complete records of furs bought or sold
37-471	Violation relating to aquatic organisms raised under an aquaculture permit
37-482	Keeping wild birds or animals in captivity without permit
*37-4,103	Unlawfully taking, maintaining, or selling raptors
37-524	Importation, possession, or release of certain wild or nonnative animals or aquatic invasive species
37-528	Administering a drug to wildlife
37-558	Placing harmful matter into waters stocked by Game and Parks Commission
37-1238.02	Failure of vessel to comply with order of officer to stop
37-1271	Violation of certain provisions of State Boat Act
39-302	Failure to properly equip certain sprinkler irrigation systems with endgun
43-1414	Violation of genetic paternity testing provisions, first offense
44-3,142	Unauthorized release of relevant insurance information relating to motor vehicle theft or insurance fraud
44-10,108	Soliciting membership for a fraternal benefit society not licensed in this state
44-2615	Acting as insurance consultant without license
45-101.07	Lender imposing certain conditions on mortgage loan escrow accounts
46-613.02	Violations of registration and spacing requirements for water wells; illegal transfer of ground water
46-687	Withdrawing or transferring ground water in violation of Industrial Ground Water Regulatory Act
46-1127	Placing chemical in irrigation distribution system without complying with law
46-1143	Violation of Nebraska Chemigation Act when not otherwise specified

APPENDIX

46-1666	Willfully obstruct, hinder, or prevent Department of Natural Resources from performing duties under Safety of Dams and Reservoirs Act
48-219	Contracting to deny employment due to relationship with labor organization
48-230	Violation of provisions allowing preference to veterans seeking employment
48-433	Failure of architect to comply with law in preparing building plans
48-1206	Minimum wage rate violations
48-1505	Violations relating to sheltered workshops
48-2211	Violating recruiting restrictions related to non-English-speaking persons
49-1445	Violation of requirement to form candidate committee upon raising, receiving, or expending more than five thousand dollars in a calendar year
49-1446	Violations relating to campaign committee funds
49-1467	Failure to report campaign expenditure in excess of \$250
49-1474.01	Violation of distribution requirements for political material
53-149	Providing false information regarding alcohol retailer's accounts with alcoholic liquor wholesale licensee in connection with sale of retailer's business
53-186.01	Permitting consumption of liquor in unlicensed public places, first offense
53-187	Nonbeverage liquor licensee giving or selling liquor fit for beverage purposes, first offense
53-194.03	Importation of alcohol for personal use in certain quantities
53-1,100	Violation of Nebraska Liquor Control Act, first offense
54-315	Leaving well or pitfall uncovered, failure to decommission inactive well
54-613	Allowing dogs to run at large, damage property, injure persons, or kill animals
54-622	Violation of restrictions on dangerous dogs
*54-726.04	Importing diseased swine without permit
54-753.04	Unlawful feeding of garbage to animals
54-861	Violation of Commercial Feed Act, first offense
54-861	Improper use of trade secrets in violation of Commercial Feed Act
54-909	Violating court order not to own or possess a livestock animal after the date of conviction for indecency with a livestock animal, first offense cruel mistreatment of an animal, or intentionally, knowingly, or recklessly abandoning or cruelly neglecting livestock animal not resulting in serious injury or illness or death of the livestock animal
54-1371	Failure by owner to carry out brucellosis testing responsibilities
54-1377	Diversion of livestock from particular destination without permission or removing or altering livestock identification for such purposes
54-1384	Violation of Nebraska Bovine Brucellosis Act when not otherwise specified
54-1411	Violation of provisions relating to animals with scabies when not otherwise specified
54-1605	Violation of accreditation provisions for specific pathogen-free swine
54-22,100	Violation of Pseudorabies Control and Eradication Act, first offense
54-2323	Violation of Domesticated Cervine Animal Act, first offense
*54-2612	Unlawful sale of swine by packer
54-2615	False reporting of swine by packer

APPENDIX

*54-2622	Unlawful sale of cattle by packer
54-2625	False reporting of cattle by packer
54-2761	Violation of Scrapie Control and Eradication Act, first offense
*55-165	Discriminating against an employee who is a member of the reserve military forces
*55-166	Discharging employee who is a member of the National Guard or armed forces of the United States for military service
57-516	Violation of provisions relating to sale of liquefied petroleum gas
57-719	Violating or aiding and abetting violations of oil and gas severance tax laws
57-1213	Failure or refusal to make uranium severance tax return or report
60-3,168	Failure to have and keep liability insurance or other proof of financial responsibility on motor vehicle
*60-3,169	Unauthorized use of vehicle registered as farm truck
60-3,172	Registration of motor vehicle or trailer in location other than that authorized by law
60-3,173	Improper increase of gross weight or failure to pay registration fee on commercial trucks and truck-tractors
*60-3,174	Improper use of a vehicle with a special equipment license plate
60-4,129	Violation involving use of an employment driving permit
60-4,130	Failure to surrender an employment driving permit
60-4,130.01	Violation involving use of a medical hardship driving permit
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
60-6,175	Improperly passing a school bus with warning signals flashing or stop signal arm extended
60-6,197.01	Failure to report unauthorized use of immobilized vehicle
60-6,292	Violation of requirements for extra-long vehicle combinations
60-6,302	Unlawful repositioning fifth-wheel connection device of truck-tractor and semitrailer combination
60-6,304	Operation of vehicle improperly constructed or loaded or with cargo or contents not properly secured
60-1407.02	Unauthorized use of sales tax permit relating to sale of vehicle or trailer
*63-103	Printing copies of a publication in excess of the authorized quantity
66-495.01	Unlawfully using or selling diesel fuel or refusing an inspection
66-6,115	Fueling a motor vehicle with untaxed compressed fuel
66-727	Failure to obtain license as required under motor fuel tax laws
66-727	Failure to produce motor fuel license or permit for inspection
66-1521	Sell, distribute, deliver, or use petroleum as a producer, refiner, importer, distributor, wholesaler, or supplier without a license
69-1808	Violation of American Indian Arts and Crafts Sales Act
*69-2709	Knowing or intentional cigarette sales report, tax, or stamp violations or sales of unstamped cigarettes or cigarettes from manufacturer not in directory, first offense
*69-2709	Knowing or intentional cigarette sales or purchases from unlicensed stamping agent or without appropriate stamp or reporting requirements, first offense
71-1563	Modular housing unit sold or leased without official seal
71-1613	Violation of provisions relating to district health boards
71-1914.03	Providing unlicensed child care when a license is required
71-2096	Interfere with enforcement of provisions relating to health care facility receivership proceedings
71-3517	Violation of Radiation Control Act

APPENDIX

71-4632	Mobile home parks established, conducted, operated, or maintained without license
71-5312	Violation of Nebraska Safe Drinking Water Act
71-5407	Violation of Nebraska Drug Product Selection Act or rules and regulations under the act
*71-5733	Smoking in place of employment or public place, second or subsequent offense
71-5733	Proprietor violating Nebraska Clean Indoor Air Act, second or subsequent offense
*71-5870	Engaging in activity prohibited by the Nebraska Health Care Certificate of Need Act
71-8711	Disclose actions, decisions, proceedings, discussions, or deliberations of patient safety organization meeting
73-105	Violation of laws on public lettings
*74-1323	Failure to comply with order by Public Service Commission to store or park railroad cars safe distance from crossing
75-117	Refusal to comply with an order of the Public Service Commission by a motor or common carrier
75-155	Knowing and willful violation of Chapter 75 or 86 when not otherwise specified
75-371	Operating motor vehicle in violation of insurance and bond requirements for motor carriers
75-398	Operation of vehicle in violation of provisions relating to the unified carrier registration plan and agreement
75-426	Failure to file report of railroad accident
77-1232	Failure to list or filing false list of personal property for tax purposes prior to 1993
77-1324	False statement of assessment of public improvements
77-2026	Receipt by inheritance tax appraiser of extra fee or reward
77-2350.02	Failure to perform duties relating to deposit of public funds by school district or township treasurer
77-2713	Violation of laws relating to sales and use taxes when not otherwise specified
77-3709	Violation of reporting and permit requirements for mobile homes
81-2,147.09	Violation of Nebraska Seed Law
81-2,154	Violation of state-certified seed laws
81-2,290	Violation of Nebraska Pure Food Act
81-520.02	Violation of open burning ban or range-management burning permit
81-5,131	Violation of provisions relating to arson information
81-674	Wrongful disclosure of confidential data from medical record and health information registries or deceitful use of such information
81-1525	Failure or refusal to remove accumulation of junk
81-1559	Failure of manufacturer or wholesaler to obtain litter fee license
81-1560.01	Failure of retailer to obtain litter fee license
81-1577	Failure to register hazardous substances storage tanks
81-1626	Lighting and thermal efficiency violations
84-1414	Unlawful action by members of public bodies in public meetings, first offense
86-162	Failure to provide telephone services

APPENDIX

**CLASS V MISDEMEANOR Maximum—no imprisonment,
one hundred dollars fine
Minimum—none**

2-219	Conducting indecent shows or exhibits or gambling at state, district, or county fairs
2-220	State, district, and county fairs, refusal or failure to remove illegal devices
2-3292	Conducting recreational activities outside of designated areas in a natural resources district recreation area
2-3293	Smoking and use of fire or fireworks in a natural resources district recreation area
2-3294	Pets or other animals in a natural resources district recreation area
2-3295	Hunting, fishing, trapping, or using weapons in a natural resources district recreation area
2-3296	Conducting prohibited water-related activities in a natural resources district recreation area
2-3297	Destruction or removal of property, constructing a structure, or trespassing in a natural resources district recreation area
2-3298	Abandoning vehicle in a natural resources district recreation area
2-3299	Unauthorized sale or trading of goods in a natural resources district recreation area
2-32,100	Violation of traffic rules in a natural resources district recreation area
2-3974	Violation of Nebraska Milk Act or impeding or attempting to impede enforcement of the act
2-4327	Violation of Agricultural Liming Materials Act, first offense
7-111	Practice of law by certain judges, clerks, sheriffs, or other officials
8-113	Unauthorized use of the word "bank"
8-114	Unauthorized conduct of banking business
8-226	Unauthorized use of the words "trust", "trust company", "trust association", or "trust fund"
8-305	Unauthorized use of "building and loan" or "savings and loan" or any combination of such words in corporate name
8-829	Collecting certain charges on personal loans by banks and trust companies
13-510	Illegal obligation of funds in county budget during emergency
16-230	Violation of ordinances regulating drainage, litter, and growth of grass, weeds, and worthless vegetation
17-563	Violation of ordinances regulating drainage, litter, and growth of grass, weeds, and worthless vegetation
18-312	Cities, villages, and their officers entering into compensation contracts contingent upon elections
21-1306	Unauthorized use of the word cooperative
21-1728	Unlawful use of the words "credit union" or representing oneself or conducting business as a credit union
23-808	Operating pool or billiard hall or bowling alley outside of municipality without a county license
23-813	Operating roadhouse, dance hall, carnival, show, amusement park, or other place of public amusement outside of municipality without a county license
23-817	Violation of law regulating places of amusement
23-1612	Audit of county offices, refusal to exhibit records
24-216	Clerk of Supreme Court, fees, neglect or fraud in report

APPENDIX

28-3,107	Intentional or reckless falsification of report required under the Pain-Capable Unborn Child Protection Act
28-725	Unauthorized release of child abuse or neglect information
28-1018	Selling puppy or kitten under 8 weeks old without its mother
28-1305	Putting carcass or putrid animal substance in a public place
28-1306	Railroads bringing unclean stock cars into state
28-1308	Watering livestock at private tank without permission
28-1347	Unauthorized access to or use of a computer, first offense
*28-1418	Smoking or other use of tobacco by minors
28-1427	Minor misrepresenting age to obtain tobacco
28-1472	Failure to submit to preliminary breath test for operation of aircraft while under influence of alcohol or drugs
28-1483	Sale of certain donated food
31-435	Neglect of duty by officers of drainage districts
32-228	Failure to serve as an election official in counties having an election commissioner
32-236	Failure to serve as an election official in counties that do not have an election commissioner
32-241	Taking personnel actions against employee serving as an election official
32-1523	Obstructing entrance to polling place
32-1524	Electioneering by election official
32-1524	Electioneering or soliciting at or near polling place
32-1525	Exit interviews with voters near polling place on election day
32-1527	Voter voting ballot, unlawful acts
32-1535	Unlawful removal of ballot from polling place
33-132	Failure or neglect to charge, keep current account of, report, or pay over fees by any officer
37-305	Violation of rules and regulations for camping areas
37-306	Violation of rules and regulations for fire safety
37-307	Violation of rules and regulations for animals on state property
37-308	Violation of rules and regulations for hunting, fishing, trapping, and use of weapons on state property
37-309	Violation of rules and regulations for water-related recreational activities on state property
37-310	Violation of rules and regulations for real and personal property on state property
37-311	Violation of rules and regulations for vendors on state property
37-313	Violation of rules and regulations for traffic on state property under Game and Parks Commission jurisdiction
37-321	Fishing violation in emergency created by drying up of waters
37-349	Use of state park name for commercial purposes
*37-428	Obtaining habitat stamps, aquatic habitat stamps, or migratory waterfowl stamps by false pretenses or misuse of stamps
*37-433	Violation of provisions on habitat stamps or aquatic habitat stamps
*37-443	Entry by a motor vehicle to a park permit area without a valid park permit
37-476	Violation of aquaculture provisions
37-504	Unlawfully taking, possessing, or destroying certain birds, eggs, or nests
37-527	Failure to display required amount of hunter orange material when hunting

APPENDIX

37-541	Kill, injure, or detain carrier pigeons or removing identification therefrom
37-553	Violation by owner of dam to maintain water flow for fish
37-609	Resisting officer or employee of the Game and Parks Commission
37-610	Falsely representing oneself as officer or employee of the Game and Parks Commission
37-728	False statements about fishing on privately owned land
37-1270	Violation of State Boat Act when not otherwise specified
37-12,107	Destroy, deface, or remove any part of unattended or abandoned motorboat
39-221	Illegal advertising outside right-of-way on state highways
*39-301	Injuring or obstructing public roads
*39-303	Injuring or obstructing sidewalks or bridges
39-304	Injuring roads, bridges, gates, milestones, or other fixtures
39-305	Plowing up public highway
39-306	Willful neglect of duty by road overseer or other such officer
39-307	Building barbed wire fence which obstructs highway without guards
39-308	Failure of property owner to remove plant which obstructs view of roadway within 10 days after notice
*39-312	Illegal camping on highways, roadside areas, or parks unless designated as campsites or violating camping regulations
39-313	Hunting on freeway or private land without permission
39-808	Unlawful signs or advertising on bridges or culverts
39-1012	Illegal location of rural mail boxes
39-1801	Removing or interfering with barricades on county and township roads
39-1816	Illegal parking of vehicles on county road right-of-way
42-918	Unlawful disclosure of confidential information under Protection from Domestic Abuse Act
44-361.02	Insurance agent obtaining license or renewal to circumvent rebates
46-266	Owner allowing irrigation ditches to overflow on roads
46-282	Wasting artesian water
46-1666	Violation of Safety of Dams and Reservoirs Act or any application approval, approval to operate, order, rule, regulation, or requirement of the department under the act
47-206	Neglect of duty by municipal jailer
48-222	Unlawful cost to applicant for medical examination as condition of employment
48-237	Prohibited uses of social security numbers by employers
48-442	Violation involving high voltage lines
48-1227	Discriminatory wage practices based on sex, failing to keep or falsifying records, interfering with enforcement
48-2533	Knowing violation of the Conveyance Safety Act
49-211	Failure of election officers to make returns on adoption of constitutional amendment
49-14,103.04	Negligent violation of conflict of interest prohibitions
51-109	Illegal removal of books from State Library
53-197	Neglect or refusal of sheriffs or police officers to make complaints against violators of liquor laws
54-302	Driving off livestock belonging to another
*54-306	Driving cattle, horses, or sheep across private lands causing injury
54-7,104	Failure to take care of livestock during transport

APPENDIX

54-1523	Misrepresentation of hogs as having had double inoculation against cholera
59-1503	Unlawful acts by retailers or wholesalers in sales of cigarettes
60-196	Failure to retain a true copy of an odometer statement for five years
60-3,135.01	Unlawful ownership or operation of a motor vehicle with special interest motor vehicle license plates
*60-3,166	Dealer, prospective buyer, or finance company operating motor vehicle or trailer without registration, transporter plate, or manufacturer plates and failing to keep records
60-3,175	Violation of registration and use provisions relating to historical vehicles
60-4,164	Refusal of commercial driver to submit to preliminary breath test for driving under the influence of alcohol
60-690	Aiding or abetting a violation of the Nebraska Rules of the Road
60-699	Failure to report vehicle accident or give correct information
60-6,197.04	Refusal to submit to preliminary breath test for driving under the influence of alcohol
60-6,211.05	Failure by ignition interlock service facility to notify probation office, court, or DMV of evidence of tampering with or circumvention of an ignition interlock device
60-6,224	Failure to dim motor vehicle headlights
60-6,239	Failure to equip or display motor vehicles required to have clearance lights, flares, reflectors, or red flags
60-6,240	Willful removal of red flags or flares before driver of vehicle is ready to proceed
60-6,247	Operation of buses or trucks without power brakes, auxiliary brakes, or standard booster brake equipment
60-6,248	Selling hydraulic brake fluid that does not meet requirements
60-6,258	Owning or operating a motor vehicle with illegal sunscreening or glazing material on windshield or windows
60-6,266	Sale of motor vehicle which does not comply with occupant protection system (seat belt) requirements
60-6,287	Operating a motor vehicle which is equipped to enable the driver to watch television while driving
60-6,319	Commercial dealer selling bicycle which fails to comply with requirements
60-6,373	Operation of diesel-powered motor vehicle in violation of controls on smoke emission and noise
60-1411.04	Unlawful advertising of motor vehicles
60-1808	Violation of laws relating to motor vehicle camper units
60-1908	Destroying, defacing, or removing parts of abandoned motor vehicles
61-211	Managers or operators of interstate ditches failing to install measuring devices and furnish daily gauge height reports
69-208	Violation of laws relating to pawnbrokers and dealers in secondhand goods
69-1005	Violation of requirements for sale at auction of commercial chicks and poultry
69-1007	Failure to keep records on sale of poultry
69-1008	False representation in sale of poultry
69-1102	Failing to comply with labeling requirements on binder twine
70-409	Violation of rate regulations by electric companies

APPENDIX

70-624	Failure of chief executive officer to publish salaries of public power district officers
71-503	Physician failing to report existence of contagious disease, illness, or poisoning
71-506	Violation of prevention and testing provisions for contagious and infectious diseases
71-1006	Violation of laws relating to disposal of dead bodies
71-1571	Installation of 4 or more showers or bathtubs without scald prevention device
71-2511	Violation of restrictions on sale of poisons
71-3107	Violation of laws relating to recreation camps
71-4410	Violation of rabies control provisions
*71-5733	Smoking in place of employment or public place, first offense
71-5733	Proprietor violating Nebraska Clean Indoor Air Act, first offense
74-593	Using track motor cars on rail lines without headlights or rear lights
74-605	Failure of railroad to report or care for injured animals
74-1308	Failure of Railroad Transportation Safety District treasurer to file report or neglect of duties or refusal by district officials to allow inspection of records
*74-1340	Failure, neglect, or refusal to comply with order of Department of Roads regarding railroad crossings
75-429	Failure of railroad to maintain or operate switch stand lights and signals
76-247	Register of deeds giving certified copy of power of attorney which has been revoked without stating fact of revocation in certificate
76-2,122	Acting as real estate closing agent without license or without complying with law
77-2105	Failure to furnish information or reports for estate or generation-skipping transfer taxes
77-5016.08	Prohibited acts relating to subpoenas, testimony, and depositions in Tax Equalization and Review Commission proceedings
79-223	Violation of student immunization requirements
79-253	Violation regarding physical examinations of students
79-571	Disorderly conduct at school district meetings
79-581	Failure by secretary of Class I, II, III, or VI school district to publish claims and summary of proceedings
*79-606	Failure to remove equipment from and repaint school transportation vehicles sold for other purposes
79-607	Violation of traffic regulations or failure to include obligation to comply with traffic regulation in school district employment contract
79-608	Violations by a school bus driver involving licensing or hours of service
*79-899	Failure of school board to suspend or dismiss teacher for wearing religious garb on duty
79-949	Failure or refusal to furnish information to retirement board for school employees retirement
79-1084	Secretary of Class III school board failing or neglecting to publish budget documents
79-1086	Secretary of Class V school board failing or neglecting to publish budget documents
81-520	Failure to comply with order of State Fire Marshal to remove or abate fire hazards
81-522	Failure of city or county authorities to investigate and report fires

APPENDIX

81-538	Violation of State Fire Marshal or fire abatement provisions when not otherwise specified
81-5,146	Violation of smoke detector provisions
81-5,163	Water-based fire protection system contractor failing to comply with requirements
81-649.02	Failure by hospital to make reports to cancer registry
81-6,120	Provision of transportation services by certain persons or failing to submit to background check prior to providing such services to vulnerable adults or minors on behalf of Department of Health and Human Services
81-1024	Personal use of state-owned motor vehicle
81-1551	Failure to place litter receptacles on premises in sufficient number
81-1552	Damaging or misusing litter receptacle
*82-124	Damage to property of Nebraska State Historical Society
82-126	Violating restrictions on visitation to state sites and monuments
83-356	Mistreatment of mentally ill persons
86-161	Failure of telecommunications company to file territorial maps
86-609	Unlawful telegraph dispatch activities
88-549	Failure of warehouse licensee to send written notice to person storing grain of amount, location, and fees

CLASS W MISDEMEANOR

First Conviction:	Maximum—sixty days imprisonment and five hundred dollars fine Mandatory minimum—seven days imprisonment and five hundred dollars fine
Second Conviction:	Maximum—six months imprisonment and five hundred dollars fine Mandatory minimum—thirty days imprisonment and five hundred dollars fine
Third Conviction:	Maximum—one year imprisonment and one thousand dollars fine Mandatory minimum—ninety days imprisonment and one thousand dollars fine

60-690	Aiding or abetting a violation of the Nebraska Rules of the Road which is a Class W misdemeanor
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug committed with less than .15 gram alcohol concentration
*60-6,197.03	Operation of a motor vehicle while under the influence of alcoholic liquor or of any drug committed with .15 alcohol concentration, first offense only
*60-6,197.03	Refusal to submit to chemical blood, breath, or urine test

UNCLASSIFIED MISDEMEANORS, see section 28-107

14-227	Failure to remit fines, penalties, and forfeitures to city treasurer –fine of not more than one thousand dollars –imprisonment of not more than six months
14-229	City officer or employee exerting influence regarding political views –fine of not more than one hundred dollars –imprisonment of not more than thirty days

APPENDIX

14-415	Violation of building regulations –fine of not less than ten dollars nor more than one hundred dollars
15-215	Using unsafe building for the assembly of more than 12 persons –fine of not more than two hundred dollars
16-233	Using unsafe building for the assembly of more than 12 persons –fine of not more than two hundred dollars
16-706	Unauthorized use of city funds by city council member or city officer –fine of twenty-five dollars plus costs of prosecution
18-1914	Violation of plumbing ordinances or plumbing license requirements –fine of not more than fifty dollars and not less than five dollars per violation
18-1918	Installing or repairing sanitary plumbing without permit –fine of not less than fifty dollars nor more than five hundred dollars
18-2205	Violation involving community antenna television service or franchise ordinance –fine of not more than five hundred dollars
18-2315	Violation involving heating, ventilating, and air conditioning services –fine of not more than five hundred dollars –imprisonment of not more than six months –both
19-905	Remove, alter, or destroy posted notice prior to building zone and regulation hearing
19-913	Violation of zoning laws and ordinances and building regulations –fine of not more than one hundred dollars –imprisonment of not more than thirty days
19-1104	Failure of city or village clerk or treasurer to publish council proceedings or fiscal statement –fine of not more than twenty-five dollars and removal from office
20-124	Interference with freedom of speech and access to public accommodation –fine of not more than one hundred dollars –imprisonment of not more than six months –both
20-140	Equal Opportunity Commission officer or employee revealing unlawful discrimination complaint or investigation –fine of not more than one hundred dollars –imprisonment of not more than thirty days
23-2533	Willful violation of County Civil Service Act –fine of not more than five hundred dollars –imprisonment of not more than six months –both
25-2231	Constable acting outside of jurisdiction –fine of not less than ten nor more than one hundred dollars –imprisonment of not more than ten days
29-426	Failure to appear or comply with citation for traffic or other offense –fine of not more than five hundred dollars –imprisonment of not more than three months –both
31-134	Obstructing drainage ditch –fine of not less than ten dollars nor more than fifty dollars
31-221	Injuring or obstructing watercourse, drain, or ditch

APPENDIX

	-fine of not less than twenty-five dollars nor more than one hundred dollars
	-imprisonment of not more than thirty days
31-226	Failure to clear watercourse, drain, or ditch after notice
	-fine of not more than ten dollars
31-366	Willfully obstruct, injure, or destroy ditch, drain, watercourse, or dike of drainage district
	-fine of not more than one hundred dollars
31-445	Obstruct ditch, drain, or watercourse or injure dike, levee, or other work of drainage district
	-fine of not more than one hundred dollars
	-imprisonment of not more than six months
31-507.01	Connection to sanitary sewer without permit
	-fine of not less than twenty-five dollars nor more than one hundred dollars
33-153	Failure to report and remit fees to county for taking acknowledgments, oaths, and affirmations
	-fine of not more than one hundred dollars
44-2504	Domestic insurer transacting unauthorized insurance business in reciprocal state
	-fine of not more than ten thousand dollars
54-1365	Violation of Nebraska Swine Brucellosis Act when not otherwise specified
	-fine not less than one hundred dollars nor more than five hundred dollars
	-imprisonment of not more than thirty days
	-both
55-112	Failure to return or illegal use of military property
	-fine of not more than fifty dollars
60-684	Refusal to sign traffic citation
	-fine of not more than five hundred dollars
	-imprisonment of not more than three months
	-both
69-111	Security interest in personal property, failure to account or produce for inspection
	-fine of not less than five dollars nor more than one hundred dollars
	-imprisonment of not more than thirty days
74-918	Failure by railroad to supply drinking water and toilet facilities
	-fine of not less than one hundred dollars nor more than five hundred dollars
75-130	Failure by witness to testify or comply with subpoena of Public Service Commission
	-fine of not more than five thousand dollars
76-215	Failure to furnish real estate transfer tax statement
	-fine of not less than ten dollars nor more than five hundred dollars
76-218	Violations involving acknowledging and recording instruments of conveyance
	-fine of not more than five hundred dollars
	-imprisonment of not more than one year
76-239.05	Failure to apply construction financing for labor and materials
	-fine of not less than one hundred dollars nor more than one thousand dollars

APPENDIX

	–imprisonment of not more than six months
	–both
76-2,108	Defrauding another by making a dual contract for purchase of real property or inducing the extension of credit
	–fine of not less than one hundred dollars nor more than five hundred dollars
	–imprisonment of not less than five days nor more than thirty days
	–both
77-1250.02	Owner, lessee, or manager of aircraft hangar or land upon which is parked or located any aircraft report aircraft to the county assessor
	–fine of not more than fifty dollars
77-1313	Failure of county officer to assist county assessor in assessment of property
	–fine of not less than fifty dollars nor more than five hundred dollars
77-1613.02	County assessor willfully reducing or increasing valuation of property without approval of county board of equalization
	–fine of not less than twenty dollars nor more than one hundred dollars
77-1918	County officers failing to perform duties related to foreclosure
	–removal from office
77-2703	Seller fails or refuses to furnish certified statement regarding motor vehicle or motorboat transaction
	–fine of not less than twenty-five dollars nor more than one hundred dollars
77-2706	Giving a resale certificate to avoid sales tax
79-2,103	Soliciting membership in fraternity, society, or other association on school grounds
	–fine of not less than two dollars nor more than ten dollars
79-898	Teacher wearing any dress or garb indicating religious affiliation
	–fine of not more than one hundred dollars
	–imprisonment of not more than thirty days
	–both
81-171	Using state mailing room or postage metering machine for private mail
	–fine of not less than twenty dollars nor more than one hundred dollars
*83-114	Officer or employee interfering in an official Department of Health and Human Services investigation
	–fine of not less than ten dollars nor more than one hundred dollars
84-732	Governor or Attorney General knowingly failing or refusing to implement laws
	–fine of one hundred dollars
	–impeachment

*Sections noted with an asterisk have additional specified penalty provisions.

APPENDIX

APPENDIX

ACTS, CODES, AND OTHER NAMED LAWS

NAME OF ACT	WHERE CITED
Abstracters Act	76-535
Access College Early Scholarship Program Act	85-2101
Address Confidentiality Act	42-1201
Administrative Procedure Act	84-920
Adult Protective Services Act	28-348
Advanced Practice Registered Nurse Practice Act	38-201
Age Discrimination in Employment Act	48-1001
Agricultural Liming Materials Act	2-4301
Agricultural Suppliers Lease Protection Act	2-5501
Air and Water Pollution Control Tax Refund Act	77-27,155
Airport Zoning Act	3-333
Alcohol and Drug Counseling Practice Act	38-301
Alzheimer's Special Care Disclosure Act	71-516.01
American Indian Arts and Crafts Sales Act	69-1801
Angel Investment Tax Credit Act	77-6301
Animal Importation Act	54-784.01
Anthrax Control Act	54-764
Arson Reporting Immunity Act	81-5,115
Asbestos Control Act	71-6317
Assault of an Unborn Child Act	28-395
Assisted-Living Facility Act	71-5901
Assistive Technology Regulation Act	69-2601
Assumption Reinsurance Act	44-6201
Athletic Training Practice Act	38-401
Audiology and Speech-Language Pathology Practice Act	38-501
Autism Treatment Program Act	68-962
Automated Medication Systems Act	71-2444
Automatic Dialing-Announcing Devices Act	86-236
Barber Act	71-224
Behavioral Health Workforce Act	71-828
Beginning Farmer Tax Credit Act	77-5201
Black-Tailed Prairie Dog Management Act	23-3801
Boiler Inspection Act	48-719
Bovine Tuberculosis Act	54-706.01
Brain Injury Registry Act	81-653
Buffer Strip Act	2-5101
Build Nebraska Act	39-2701
Building Construction Act	71-6401
Burial Pre-Need Sale Act	12-1101
Business Corporation Act	21-2001
Business Development Partnership Act	81-1272
Business Improvement District Act	19-4015
Business Innovation Act	81-12,152
Campaign Finance Limitation Act	32-1601
Cancer Drug Repository Program Act	71-2422

APPENDIX

Captive Insurers Act	44-8201
Center for Student Leadership and Extended Learning Act	79-772
Certified Industrial Hygienist Title Protection Act	71-8001
Certified Nurse Midwifery Practice Act	38-601
Certified Registered Nurse Anesthetist Practice Act	38-701
Charitable Gift Annuity Act	59-1801
Child Care Licensing Act	71-1908
Child Pornography Prevention Act	28-1463.01
Child Protection Act	28-710
Childhood Lead Poisoning Prevention Act	71-2513
Childhood Vaccine Act	71-526
Children and Family Behavioral Health Support Act	71-821
Children's Health and Treatment Act	68-2001
Chiropractic Practice Act	38-801
Cities Airport Authorities Act	3-514
Civic and Community Center Financing Act	13-2701
Civil Service Act	19-1825
Class V School Employees Retirement Act	79-978.01
Clinical Nurse Specialist Practice Act	38-901
Collection Agency Act	45-601
Combined Improvement Act	19-2415
Commercial Dog and Cat Operator Inspection Act	54-625
Commercial Feed Act	54-847
Commission for the Blind and Visually Impaired Act	71-8601
Commodity Code	8-1701
Community College Aid Act	85-2231
Community Corrections Act	47-619
Community Development Assistance Act	13-201
Community Development Law	18-2101
Competitive Livestock Markets Act	54-2601
Comprehensive Health Insurance Pool Act	44-4201
Compressed Fuel Tax Act	66-697
Computer Crimes Act	28-1341
Concealed Handgun Permit Act	69-2427
Conciliation Court Law	42-802
Concussion Awareness Act	71-9101
Condominium Property Act	76-801
Conservation and Preservation Easements Act	76-2,118
Conservation Corporation Act	2-4201
Consumer Protection Act	59-1623
Consumer Rental Purchase Agreement Act	69-2101
Contractor Registration Act	48-2101
Controlled Substances Animal Welfare Act	54-2501
Convention Center Facility Financing Assistance Act	13-2601
Conveyance Safety Act	48-2501
Convicted Sex Offender Act	29-2922
Coordinating Commission for Postsecondary Education Act	85-1401
Correctional System Overcrowding Emergency Act	83-960
Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act	38-1001
County Agricultural Society Act	2-250
County Budget Act of 1937	23-901
County Civil Service Act	23-2517

APPENDIX

County Drainage Act	31-933
County Employees Retirement Act	23-2331
County Highway and City Street Superintendents Act	39-2301
County Horseracing Facility Bond Act	23-392
County Industrial Sewer Construction Act	23-3601
County Purchasing Act	23-3101
County Revenue Assistance Act	29-3919
Court Appointed Special Advocate Act	43-3701
Credit Report Protection Act	8-2601
Credit Services Organization Act	45-801
Credit Union Act	21-1701
Cremation of Human Remains Act	71-1355
Critical Incident Stress Management Act	71-7101
Dairy Industry Development Act	2-3948
Deferred Building Renewal Act	81-190
Degradable Products Act	69-2001
Delayed Birth Registration Act	71-617.01
Delayed Deposit Services Licensing Act	45-901
Dentistry Practice Act	38-1101
Developmental Disabilities Court-Ordered Custody Act	71-1101
Developmental Disabilities Services Act	83-1201
Disabled Persons and Family Support Act	68-1501
Disclosure of Material Insurance Transactions Act	44-6301
Discount Medical Plan Organization Act	44-8301
Disposition of Personal Property Landlord and Tenant Act	69-2301
Dispute Resolution Act	25-2901
DNA Identification Information Act	29-4101
DNA Testing Act	29-4116
Dog and Cat Purchase Protection Act	54-644
Domesticated Cervine Animal Act	54-2302
Drinking Water State Revolving Fund Act	71-5314
Dry Bean Resources Act	2-3735
Early Intervention Act	43-2501
Educational Service Units Act	79-1201
Election Act	32-101
Electric Cooperative Corporation Act	70-701
Emergency Box Drug Act	71-2410
Emergency Management Act	81-829.36
Emergency Medical Services Practice Act	38-1201
Emergency Telephone Communications Systems Act	86-420
Employee Classification Act	48-2901
Employment and Investment Growth Act	77-4101
Employment Security Law	48-601
Engineers and Architects Regulation Act	81-3401
Enhanced Wireless 911 Services Act	86-442
Enterprise Zone Act	13-2101.01
Environmental Health Specialists Practice Act	38-1301
Environmental Protection Act	81-1532
Equipment Business Regulation Act	87-701
Erosion and Sediment Control Act	2-4601
Ethanol Development Act	66-1330
Excellence in Teaching Act	79-8,132
Exploited Children's Civil Remedy Act	25-21,290

APPENDIX

Extraterritorial Airports Act	3-244
False Medicaid Claims Act	68-934
Family Military Leave Act	55-501
Farm Homestead Protection Act	76-1901
Farm Labor Contractors Act	48-1701
Farm Mediation Act	2-4801
Financial Data Protection and Consumer Notification of Data Security Breach Act of 2006	87-801
Food Supply Animal Veterinary Incentive Program Act	54-501
Foster Care Review Act	43-1318
Franchise Practices Act	87-410
Free Flow of Information Act	20-147
Funeral Directing and Embalming Practice Act	38-1401
Game Law	37-201
Genetic Counseling Practice Act	38-3401
Genetically Handicapped Persons Act	68-1401
Geologists Regulation Act	81-3501
Grain Dealer Act	75-901
Grain Sorghum Resources Act	2-4001
Grain Warehouse Act	88-525
Guaranteed Asset Protection Waiver Act	45-1101
Health and Human Services, Office of Juvenile Services Act	43-401
Health and Human Services Act	81-3110
Health Care Facility Licensure Act	71-401
Health Care Facility-Provider Cooperation Act	71-7701
Health Care Professional Credentialing Verification Act	44-7001
Health Care Prompt Payment Act	44-8001
Health Care Purchasing Pool Act	44-6701
Health Care Quality Improvement Act	71-7904
Health Carrier Grievance Procedure Act	44-7301
Health Insurance Access Act	44-5301
Health Maintenance Organization Act	44-3292
Hearing Instrument Specialists Practice Act	38-1501
high-rise building fire code	81-541.01
Hog Cholera Control and Eradication Act	54-1513
Homeless Shelter Assistance Trust Fund Act	68-1601
Homicide of the Unborn Child Act	28-388
Hospital Authorities Act	23-3579
Hospital Sinking Fund Act	15-235.05
ICF/MR Reimbursement Protection Act	68-1801
Immunosuppressant Drug Repository Program Act	71-2436
In the Line of Duty Dependent Education Act	85-2301
Income Withholding for Child Support Act	43-1701
Industrial Ground Water Regulatory Act	46-690
Industrial Relations Act	48-801.01
Infant Hearing Act	71-4734
Information Technology Infrastructure Act	86-501
Insurance Company Plan of Exchange Act	44-248
Insurance Fraud Act	44-6601
Insurance Holding Company System Act	44-2120
Insurance Producers Licensing Act	44-4047
Insured Homeowners Protection Act	44-8601
Insurers and Health Organizations Risk-Based Capital Act	44-6001

APPENDIX

Insurers Demutualization Act	44-6101
Insurers Examination Act	44-5901
Insurers Investment Act	44-5101
Integrated Solid Waste Management Act	13-2001
Intergovernmental Data Services Program Act	86-550
Intergovernmental Risk Management Act	44-4301
Interlocal Cooperation Act	13-801
International Fuel Tax Agreement Act	66-1401
International Registration Plan Act	60-3,192
Interstate Branching and Merger Act	8-2101
Interstate Bridge Act of 1959, The	39-8,122
Interstate Trust Company Office Act	8-2301
Intrastate Pay-Per-Call Regulation Act	86-258
Invention Development Services Disclosure Act	87-601
Invest Nebraska Act	77-5501
Joint Airport Authorities Act	3-716
Joint Public Agency Act	13-2501
Joint Public Power Authority Act	70-1401
Judges Retirement Act	24-701.01
Juvenile Services Act	43-2401
Kelsey Smith Act	86-801
Land Reutilization Act	77-3213
Learning Community Reorganization Act	79-4,117
Legal Education for Public Service Loan Repayment Act	7-201
Legislative Performance Audit Act	50-1201
License Suspension Act	43-3301
Licensed Practical Nurse-Certified Practice Act	38-1601
Licensing of Truth and Deception Examiners Act	81-1901
Limited Liability Company Act	21-2601
Lindsay Ann Burke Act	79-2,138
Livestock Animal Welfare Act	54-901
Livestock Auction Market Act	54-1156
Livestock Brand Act	54-170
Livestock Waste Management Act	54-2416
Local Government Miscellaneous Expenditure Act	13-2201
Local Option Municipal Economic Development Act	18-2701
Local Option Revenue Act	77-27,148
Local Option Tax Control Act	77-3401
Long-Term Care Insurance Act	44-4501
Long-Term Care Ombudsman Act	81-2237
Long-Term Care Savings Plan Act	77-6101
Low-Income Home Energy Conservation Act	66-1012
Low-Level Radioactive Waste Disposal Act	81-1578
Mail Order Contact Lens Act	69-301
Mail Service Pharmacy Licensure Act	71-2406
Major Oil Pipeline Siting Act	57-1401
Managed Care Emergency Services Act	44-6825
Managed Care Plan Network Adequacy Act	44-7101
Managing General Agents Act	44-4901
Mandate Opt-Out and Insurance Coverage Clarification Act	44-8401
Massage Therapy Practice Act	38-1701
Master Teacher Program Act	79-8,124
Mechanical Amusement Device Tax Act	77-3011

APPENDIX

Medicaid Prescription Drug Act	68-950
Medical Assistance Act	68-901
Medical Home Pilot Program Act	68-957
Medical Nutrition Therapy Practice Act	38-1801
Medical Radiography Practice Act	38-1901
Medicare Supplement Insurance Minimum Standards Act	44-3601
Medication Aide Act	71-6718
Medicine and Surgery Practice Act	38-2001
Membership Campground Act	76-2101
Mental Health Practice Act	38-2101
Military Code	55-101
Minor Alcoholic Liquor Liability Act	53-401
Missing Children Identification Act	43-2001
Mobile Home Landlord and Tenant Act	76-1450
Model Act Regarding Use of Credit Information in Personal Insurance	44-7701
Model Uniform Choice of Forum Act	25-417
Motor Club Services Act	44-3701
Motor Vehicle Certificate of Title Act	60-101
Motor Vehicle Industry Regulation Act	60-1401
Motor Vehicle Operator's License Act	60-462
Motor Vehicle Registration Act	60-301
Motor Vehicle Safety Responsibility Act	60-569
Motor Vehicle Service Contract Reimbursement Insurance Act	44-3520
Motorcycle Safety Education Act	60-2120
Multiple Employer Welfare Arrangement Act	44-7601
Municipal and Rural Domestic Ground Water Transfers Permit Act	46-650
Municipal Cooperative Financing Act	18-2401
Municipal Infrastructure Redevelopment Fund Act	18-2601
Municipal Natural Gas System Condemnation Act	19-4624
Municipal Proprietary Function Act	18-2801
Museum Property Act	51-701
Mutual Finance Assistance Act	35-1201
Mutual Insurance Holding Company Act	44-6122
Name Protection Act	21-2501
Native American Public Health Act	71-7615
Nebraska Administrative Code	84-906.03
Nebraska Advantage Act	77-5701
Nebraska Advantage Microenterprise Tax Credit Act	77-5901
Nebraska Advantage Research and Development Act	77-5801
Nebraska Advantage Rural Development Act	77-27,187
Nebraska Advantage Transformational Tourism and Redevelopment Act	77-1001
Nebraska Affordable Housing Act	58-701
Nebraska Agricultural Products Marketing Act	2-3801
Nebraska Amusement Ride Act	48-1801
Nebraska Apiary Act	81-2,165.01
Nebraska Appraisal Management Company Registration Act	76-3201
Nebraska Archaeological Resources Preservation Act	82-501
Nebraska Art Collection Act	82-401
Nebraska Bank Holding Company Act of 1995	8-908

APPENDIX

Nebraska Banking Act	8-101.01
Nebraska Behavioral Health Services Act	71-801
Nebraska Bingo Act	9-201
Nebraska Bovine Brucellosis Act	54-1367
Nebraska Budget Act	13-501
Nebraska Business Development Corporation Act	21-2101
Nebraska Capital Expansion Act	72-1269
Nebraska Center for Nursing Act	71-1796
Nebraska Chemigation Act	46-1101
Nebraska Claims for Wrongful Conviction and Imprisonment Act	29-4601
Nebraska Clean Indoor Air Act	71-5716
Nebraska Code of Military Justice	55-401
Nebraska Collegiate Athletic Association Procedures Act	85-1201
Nebraska Commercial Fertilizer and Soil Conditioner Act	81-2,162.22
Nebraska Community Aging Services Act	81-2201
Nebraska Condominium Act	76-825
Nebraska Construction Lien Act	52-125
Nebraska Construction Prompt Pay Act	45-1201
Nebraska Consultants' Competitive Negotiation Act	81-1702
Nebraska Corn Resources Act	2-3601
Nebraska Correctional Health Care Services Act	83-4,153
Nebraska County and City Lottery Act	9-601
Nebraska County Juvenile Services Plan Act	43-3501
Nebraska Crime Victim's Reparations Act	81-1841
Nebraska Criminal Code	28-101
Nebraska Drug Product Selection Act	71-5401.01
Nebraska Educational Finance Authority Act	85-1701
Nebraska Educational Telecommunications Act	79-1312
Nebraska Elementary and Secondary School Finance Authority Act	79-1801
Nebraska Energy Code	81-1611
Nebraska Emergency Planning and Community Right to Know Act	81-15,191
Nebraska Emergency Seat of Local Government Act	13-701
Nebraska Emergency Seat of State Government Act	72-701.01
Nebraska Environmental Trust Act	81-15,167
Nebraska Equal Opportunity in Education Act	79-2,114
Nebraska Equal Opportunity in Postsecondary Education Act	85-9,166
Nebraska Evidence Rules	27-1103
Nebraska Fair Employment Practice Act	48-1125
Nebraska Fair Housing Act	20-301
Nebraska Foreclosure Protection Act	76-2701
Nebraska General Emergency Succession Act	84-1101
Nebraska Governmental Unit Credit Facility Act	10-1201
Nebraska Governmental Unit Security Interest Act	10-1101
Nebraska Graded Egg Act	2-3525
Nebraska Ground Water Management and Protection Act	46-701
Nebraska Health Care Certificate of Need Act	71-5801
Nebraska Health Care Funding Act	71-7605
Nebraska Highway Bond Act	39-2222
Nebraska Highway-Rail Grade Crossing Safety and Consolidation Act	74-1329
Nebraska Hospital and Physicians Mutual Insurance Association Act	44-2918

APPENDIX

Nebraska Hospital-Medical Liability Act	44-2855
Nebraska Housing Agency Act	71-1572
Nebraska Indian Child Welfare Act	43-1501
Nebraska Industrial Development Corporation Act	21-2318
Nebraska Innovation and High Wage Employment Act	48-2801
Nebraska Installment Loan Act	45-1001
Nebraska Installment Sales Act	45-334
Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act	44-4862
Nebraska Investment Finance Authority Act	58-201
Nebraska Juvenile Code	43-2,129
Nebraska Life and Health Insurance Guaranty Association Act	44-2720
Nebraska Life, Sickness and Accident Insurance Policy Readability Act	44-3401
Nebraska Limited Cooperative Association Act	21-2901
Nebraska Liquor Control Act	53-101
Nebraska Litter Reduction and Recycling Act	81-1534
Nebraska Livestock Dealer Licensing Act	54-1702
Nebraska Livestock Sellers Protective Act	54-1801
Nebraska Local Hospital District Act	23-3528
Nebraska Lottery and Raffle Act	9-401
Nebraska Meat and Poultry Inspection Law	54-1901
Nebraska Mental Health Commitment Act	71-901
Nebraska Milk Act	2-3965
Nebraska Municipal Auditing Law	19-2901
Nebraska Natural Gas Pipeline Safety Act of 1969	81-552
Nebraska Nonprofit Corporation Act	21-1901
Nebraska Nursing Home Act	71-6037
Nebraska Operational Assistance Act	81-12,129
Nebraska Opportunity Grant Act	85-1901
Nebraska Opportunity Zone Act	81-12,117
Nebraska Pickle Card Lottery Act	9-301
Nebraska Plane Coordinate System Act	76-2501
Nebraska Political Accountability and Disclosure Act	49-1401
Nebraska Potato Development Act	2-1801
Nebraska Potato Inspection Act	2-1813
Nebraska Poultry and Egg Resources Act	2-3401
Nebraska Poultry Disease Control Act	2-3001
Nebraska Probate Code	30-2201
Nebraska Probation Administration Act	29-2269
Nebraska Professional Association Mutual Insurance Company Act	44-3101
Nebraska Professional Corporation Act	21-2201
Nebraska Property and Liability Insurance Guaranty Association Act	44-2418
Nebraska Prostitution Intervention and Treatment Act	71-2301
Nebraska Protection in Annuity Transactions Act	44-8101
Nebraska Public Safety Communication System Act	86-401
Nebraska Public Transportation Act	13-1201
Nebraska Pure Food Act	81-2,239
Nebraska Rangeland Grasshopper Control Act	2-1071

APPENDIX

Nebraska Read, Educate, and Develop Youth Act	79-1901
Nebraska Real Estate License Act	81-885
Nebraska Redevelopment Act	58-501
Nebraska Regulation of Health Professions Act	71-6201
Nebraska Revenue Act of 1967	77-2701
Nebraska Right to Farm Act	2-4401
Nebraska Rules of the Road	60-601
Nebraska Safe Drinking Water Act	71-5313
Nebraska Safety Code for Building Construction	48-413
Nebraska Sale of Checks and Funds Transmission Act	8-1001.01
Nebraska Security Instrument Satisfaction Act	76-2801
Nebraska Seed Law	81-2,147
Nebraska Senior Companion Volunteer Program Act	81-2273
Nebraska Shooting Range Protection Act	37-1301
Nebraska Small Business Incubator Act	72-1701
Nebraska Small Lottery and Raffle Act	9-501
Nebraska Soil and Plant Analysis Laboratory Act	2-3101
Nebraska Soil and Water Conservation Act	2-1575
Nebraska State Airline Authority Act	3-801
Nebraska State Capitol Environs Act	90-301
Nebraska State Capitol Preservation and Restoration Act	72-2201
Nebraska State Funds Investment Act	72-1260
Nebraska State Patrol Retirement Act	81-2014.01
Nebraska Swine Brucellosis Act	54-1366
Nebraska Telecommunications Regulation Act	86-101
Nebraska Telecommunications Universal Service Fund Act	86-316
Nebraska Telehealth Act	71-8501
Nebraska Time-Share Act	76-1701
Nebraska Treatment and Corrections Act	83-1,135
Nebraska Trust Company Act	8-201.01
Nebraska Trust Deeds Act	76-1018
Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	30-3901
Nebraska Uniform Athlete Agents Act	48-2601
Nebraska Uniform Custodial Trust Act	30-3501
Nebraska Uniform Enforcement of Foreign Judgments Act	25-1587.01
Nebraska Uniform Limited Liability Company Act	21-101
Nebraska Uniform Limited Partnership Act	67-296
Nebraska Uniform Power of Attorney Act	30-4001
Nebraska Uniform Prudent Management of Institutional Funds Act	58-610
Nebraska Uniform Real Property Transfer on Death Act	76-3401
Nebraska Uniform Standards for Modular Housing Units Act	71-1555
Nebraska Uniform Transfers to Minors Act	43-2701
Nebraska Uniform Trust Code	30-3801
Nebraska Visitors Development Act	81-3701
Nebraska Wage Payment and Collection Act	48-1228
Nebraska Wheat Resources Act	2-2301
Nebraska Workers' Compensation Act	48-1,110
Nebraska Workforce Investment Act	48-1616
Negotiated Rulemaking Act	84-921
New Hire Reporting Act	48-2301
New Markets Job Growth Investment Act	77-1101

APPENDIX

Niobrara Scenic River Act	72-2004.01
Non-English-Speaking Workers Protection Act	48-2207
Nongame and Endangered Species Conservation Act	37-801
Nonprofit Hospital Sale Act	71-20,102
Nonrecourse Civil Litigation Act	25-3301
Nonstock Cooperative Marketing Act	21-1401
Noxious Weed Control Act	2-945.01
Nurse Practice Act	38-2201
Nurse Practitioner Practice Act	38-2301
Nursing Facility Quality Assurance Assessment Act	68-1901
Nursing Faculty Student Loan Act	71-17,108
Nursing Home Administrator Practice Act	38-2401
Nursing Student Loan Act	71-17,101
Occupational Therapy Practice Act	38-2501
Office of Inspector General of Nebraska Child Welfare Act	43-4301
Offstreet Parking District Act	19-3301
Oil and Gas Lien Act	57-820
Oil Pipeline Reclamation Act	76-3301
One-Call Notification System Act	76-2301
Open Meetings Act	84-1407
Optometry Practice Act	38-2601
Outpatient Surgical Procedures Data Act	81-6,111
Pain-Capable Unborn Child Protection Act	28-3,102
Parenting Act	43-2920
Parking Authority Law	14-1701
Parkinson's Disease Registry Act	81-697
Patient Safety Improvement Act	71-8701
Perfusion Practice Act	38-2701
Pesticide Act	2-2622
Petroleum Products and Hazardous Substances Storage and Handling Act	81-15,117
Petroleum Release Remedial Action Act	66-1501
Pharmacy Practice Act	38-2801
Physical Therapy Practice Act	38-2901
Plant Protection and Plant Pest Act	2-1072
Plastic Container Coding Act	69-2501
Podiatry Practice Act	38-3001
Police Officers Retirement Act	16-1001
Political Subdivisions Construction Alternatives Act	13-2901
Political Subdivisions Self-Funding Benefits Act	13-1601
Political Subdivisions Tort Claims Act	13-901
Portable Electronics Insurance Act	44-8501
Postsecondary Institution Act	85-2401
Prepaid Limited Health Service Organization Act	44-4701
Prepaid Wireless Surcharge Act	86-901
Primary Care Provider Act	71-5210
Privacy of Insurance Consumer Information Act	44-901
Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act	81-15,236
Private Postsecondary Career School Act	85-1601
Private Prison Contracting Act	47-801
Private Transfer Fee Obligation Act	76-3101
Producer-Controlled Property and Casualty Insurer Act	44-5701

APPENDIX

Professional Employer Organization Registration Act	48-2701
Professional Landscape Architects Act	81-8,183.01
Prompt Payment Act	81-2401
Propane Education and Research Act	66-1601
Property and Casualty Actuarial Opinion Act	44-7901
Property and Casualty Insurance Rate and Form Act	44-7501
Property Tax Credit Act	77-4209
Protection from Domestic Abuse Act	42-901
Pseudorabies Control and Eradication Act	54-2235
Psychology Practice Act	38-3101
Public Accountancy Act	1-105
Public Elementary and Secondary Student Fee Authorization Act	79-2,125
Public Entities Mandated Project Charges Act	70-1801
Public Facilities Construction and Finance Act	72-2301
Public Funds Deposit Security Act	77-2386
Public Power Infrastructure Protection Act	70-2101
Public Protection Act	28-1352
Quality Assessment and Improvement Act	44-7201
Quality Child Care Act	43-2601
Quality Education Accountability Act	79-757
Quality Jobs Act	77-4901
Radiation Control Act	71-3519
Real Property Appraiser Act	76-2201
Reclamation Act	46-503
Records Management Act	84-1220
Reduced Cigarette Ignition Propensity Act	69-501
Reinsurance Intermediary Act	44-5601
Relocation Assistance Act	76-1214
Remedial Action Plan Monitoring Act	81-15,181
Reorganization of School Districts Act	79-432
Residential Lead-Based Paint Professions Practice Act	71-6318
Residential Mortgage Licensing Act	45-701
Respiratory Care Practice Act	38-3201
Revised Airports Act	3-238
Revised Uniform Anatomical Gift Act	71-4824
Rights of the Terminally Ill Act	20-401
Risk Retention Act	44-4401
Rural Behavioral Health Training and Placement Program Act	71-5680
Rural Community-Based Energy Development Act	70-1901
Rural Economic Opportunities Act	77-5401
Rural Health Systems and Professional Incentive Act	71-5650
Rural Road Improvement District Act	39-1655
Safety of Dams and Reservoirs Act	46-1601
School Employees Retirement Act	79-901
Scrapie Control and Eradication Act	54-2701
Securities Act of Nebraska	8-1123
Security, Privacy, and Dissemination of Criminal History Information Act	29-3501
Seller-Assisted Marketing Plan Act	59-1701.01
Sex Offender Commitment Act	71-1201
Sex Offender Registration Act	29-4001

APPENDIX

Sexual Predator Residency Restriction Act	29-4015
Shareholders Protection Act	21-2431
Site and Building Development Act	81-12,144
Small Business Innovation Act	81-12,136
Small Employer Health Insurance Availability Act	44-5223
Special Education Act	79-1110
Sports Arena Facility Financing Assistance Act	13-3101
Spousal Pension Rights Act	42-1101
Standard Nonforfeiture Law for Individual Deferred Annuities	44-407.10
Standard Nonforfeiture Law for Life Insurance	44-407
Standardized Health Claim Form Act	44-524
State Aeronautics Department Act	3-154
State Boat Act	37-1201
state building code	71-6403
State Contract Claims Act	81-8,302
State Electrical Act	81-2101
State Employees Collective Bargaining Act	81-1369
State Employees Retirement Act	84-1331
State Government Effectiveness Act	81-2701
State Government Recycling Management Act	81-1183
State Guard Act	55-219
State Hospital Survey and Construction Act	71-2001
State Lottery Act	9-801
State Miscellaneous Claims Act	81-8,294
State Natural Gas Regulation Act	66-1801
State Tort Claims Act	81-8,235
State-Tribal Cooperative Agreements Act	13-1501
Statewide Trauma System Act	71-8201
Stem Cell Research Act	71-8801
Structured Settlements Transfers Protection Act	25-3101
Student Discipline Act	79-254
Student Diversity Scholarship Program Act	85-9,177
Successor Asbestos-Related Liability Act	25-21,283
Surplus Lines Insurance Act	44-5501
Tax Equalization and Review Commission Act	77-5001
Tax Equity and Educational Opportunities Support Act	79-1001
Tax Expenditure Reporting Act	77-379
Tax Refund Setoff Act	77-27,174
Taxpayer Transparency Act	84-602.01
Telecommunications Relay System Act	86-301
Telemarketing and Prize Promotions Act	86-212
Telephone Consumer Slamming Prevention Act	86-201
Teleworker Job Creation Act	48-3001
Third-Party Administrator Act	44-5801
Title Insurance Agent Act	44-19,106
Title Insurers Act	44-1978
Tobacco Products Tax Act	77-4001
Trade Secrets Act	87-501
Trademark Registration Act	87-126
Trail Development Assistance Act	37-1001
Transit Authority Law	14-1826
Tuberculosis Detection and Prevention Act	71-3601.01

APPENDIX

Unauthorized Insurers Act	44-2008
Unauthorized Insurers False Advertising Process Act	44-1806
Unauthorized Insurers Process Act	44-2009
Unfair Cigarette Sales Act	59-1501
Unfair Discrimination Against Subjects of Abuse in Insurance Act	44-7401
Unfair Insurance Claims Settlement Practices Act	44-1536
Unfair Insurance Trade Practices Act	44-1521
Uniform Act on Fresh Pursuit	29-421
Uniform Act on Interstate Arbitration and Compromise of Death Taxes	77-3315
Uniform Act to Secure the Attendance of Witnesses from Without a State in Criminal Proceedings	29-1911
Uniform Arbitration Act	25-2601
Uniform Child Abduction Prevention Act	43-3901
Uniform Child Custody Jurisdiction and Enforcement Act	43-1226
Uniform Commercial Code	1-101 UCC
Uniform Composite Reports as Evidence Act	25-12,119
Uniform Conflict of Laws Limitations Act	25-3201
Uniform Controlled Substances Act	28-401.01
Uniform Credentialing Act	38-101
Uniform Criminal Extradition Act	29-758
Uniform Deceptive Trade Practices Act	87-306
Uniform Declaratory Judgments Act	25-21,164
Uniform Determination of Death Act	71-7201
Uniform Disposition of Unclaimed Property Act	69-1329
Uniform Divorce Recognition Act	42-344
Uniform Electronic Transactions Act	86-612
Uniform Environmental Covenants Act	76-2601
Uniform Federal Lien Registration Act	52-1007
Uniform Fraudulent Transfer Act	36-701
Uniform Interstate Enforcement of Domestic Violence Protection Orders Act	42-932
Uniform Interstate Family Support Act	42-701
Uniform Judicial Notice of Foreign Law Act	25-12,107
Uniform Mediation Act	25-2930
Uniform Motor Vehicle Records Disclosure Act	60-2901
Uniform Partnership Act of 1998	67-401
Uniform Photographic Copies of Business and Public Records as Evidence Act	25-12,114
Uniform Premarital Agreement Act	42-1001
Uniform Principal and Income Act	30-3116
Uniform Property Act	76-123
Uniform Reciprocal Transfer Tax Act	77-2007.02
Uniform Recognition of Acknowledgments Act	64-209
Uniform Rendition of Accused Persons Act	29-3106
Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act	29-3210
Uniform Residential Landlord and Tenant Act	76-1401
Uniform Simultaneous Death Act	30-128
Uniform Standard Code for Manufactured Homes and Recreational Vehicles	71-4601

APPENDIX

Uniform Standard Code for Mobile Home Parks	71-4634
Uniform State Tax Lien Registration and Enforcement Act	77-3901
Uniform Statutory Rule Against Perpetuities Act	76-2001
Uniform Testamentary Additions to Trusts Act (1991)	30-3601
Uninsured and Underinsured Motorist Insurance Coverage Act	44-6401
Unmarked Human Burial Sites and Skeletal Remains Protection Act	12-1201
Utilization Review Act	44-5416
Veterinary Drug Distribution Licensing Act	71-8901
Veterinary Medicine and Surgery Practice Act	38-3301
Viatical Settlements Act	44-1101
Vital Statistics Act	71-601
Volunteer Emergency Responders Job Protection Act	35-1401
Volunteer Emergency Responders Recruitment and Retention Act	35-1301
Wage and Hour Act	48-1209
Waste Reduction and Recycling Incentive Act	81-15,158.01
Wastewater Treatment Facilities Construction Assistance Act	81-15,147
Wastewater Treatment Operator Certification Act	81-15,128
Water Service Regulation Act	75-1001
Water Well Standards and Contractors' Practice Act	46-1201
Weights and Measures Act	89-182.01
Welfare Reform Act	68-1708
Wellhead Protection Area Act	46-1501
Wholesale Drug Distributor Licensing Act	71-7427

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2001 Session Laws of Nebraska, First Session

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
LB 1	§ 1 71-7501		4 Omitted	35	60-4,130.03
	2 Omitted	LB 25A	Omitted	36	60-4,141.01
	3 Omitted	LB 31	§ 1 18-1739	37	60-4,169
LB 2	Omitted		2 18-1740	38	60-4,171
LB 3	§ 1 81-8,239.01		3 18-1741	39	60-4,185
	2 81-8,239.02		4 Omitted	40	60-505.02
	3 Omitted		5 Omitted	41	60-557
	4 Omitted	LB 34	§ 1 60-484	42	60-601
LB 4	§ 1 44-7504		2 60-493	43	60-605
	2 Omitted		3 60-494	44	60-625.01
LB 5	Omitted		4 60-4,117	45	60-654.01
LB 6	Omitted		5 60-4,144	46	60-694.01
LB 7	§ 1 76-1402		6 60-4,151	47	60-6,196
	2 76-1403		7 60-4,181	48	60-6,197
	3 76-1404		8 Omitted	49	60-6,197.01
	4 76-1405		9 Omitted	50	60-6,198
	5 76-1406	LB 36	§ 1 79-602	51	60-6,205
	6 76-1407		2 Omitted	52	60-6,206
	7 76-1408		3 Omitted	53	60-6,207
	8 76-1409	LB 38	§ 1 28-306	54	60-6,209
	9 76-1411		2 28-905	55	60-6,211.05
	10 76-1414		3 43-3321	56	60-6,211.07
	11 76-1415		4 60-301	57	60-6,216
	12 76-1416		5 60-462	58	60-6,217
	13 76-1417		6 60-463	59	60-6,218
	14 76-1419		7 60-470.01	60	83-1,127.02
	15 76-1420		8 60-476.01	61	Omitted
	16 76-1425		9 60-476.02	62	Omitted
	17 76-1428		10 60-479	LB 46	§ 1 25-2922
	18 76-1431		11 60-499.01		2 25-2923
	19 76-1436		12 60-4,100.01		3 25-2924
	20 76-1448		13 60-486		4 25-2925
	21 Omitted		14 60-487		5 25-2926
LB 8	§ 1 23-350		15 60-491		6 25-2927
	2 Omitted		16 60-496		7 25-2928
LB 9	§ 1 25-2802		17 60-497	LB 48	§ 1 25-201
	2 Omitted		18 60-497.01		2 Omitted
LB 10	§ 1 80-325		19 60-497.03		3 Omitted
	2 80-409		20 60-499	LB 49	§ 1 9-342 UCC
	3 Omitted		21 60-4,100		2 9-519 UCC
LB 15	§ 1 83-178		22 60-4,102		3 9-611 UCC
	2 Omitted		23 60-4,103		4 9-706 UCC
LB 23	§ 1 43-247		24 60-4,106		5 Omitted
	2 43-284		25 60-4,108		6 Omitted
	3 43-2,119		26 60-4,109		7 Omitted
	4 43-2,125		27 60-4,112	LB 51	§ 1 44-4047
	5 Omitted		28 60-4,114		2 44-4048
	6 Omitted		29 60-4,117		3 44-4049
LB 23A	Omitted		30 60-4,118		4 44-4050
LB 24A	Omitted		31 60-4,118.05		5 44-4051
LB 25	§ 1 71-101		32 60-4,118.06		6 44-4052
	2 71-173		33 60-4,120.02		7 44-4053
	3 71-174.02		34 60-4,125		8 44-4054

APPENDIX

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	9 44-4055		30 44-1104	30	45-1002
	10 44-4056		31 44-1105	31	45-1003
	11 44-4057		32 44-1106	32	45-1004
	12 44-4058		33 44-1107	33	45-1005
	13 44-4059		34 44-1108	34	45-1006
	14 44-4060		35 44-1109	35	45-1007
	15 44-4061		36 44-1110	36	45-1008
	16 44-4062		37 44-1111	37	45-1009
	17 44-4063		38 44-1112	38	45-1010
	18 44-4064		39 44-1113	39	45-1011
	19 44-4065		40 44-1114	40	45-1012
	20 44-4066		41 44-1115	41	45-1013
	21 44-4067		42 44-1116	42	45-1014
	22 44-103		43 8-1101	43	45-1015
	23 44-150		44 8-1111	44	45-1016
	24 44-3,151		45 44-425	45	45-1017
	25 44-317		46 44-1525	46	45-1018
	26 44-318		47 44-2138	47	45-1019
	27 44-319		48 44-4405	48	45-1020
	28 44-1525		49 44-4811	49	45-1021
	29 44-3909		50 44-5805	50	45-1022
	30 44-3910		51 44-5906	51	45-1023
	31 44-3911		52 44-6021	52	45-1024
	32 44-3912		53 44-6119.01	53	45-1025
	33 44-3913		54 44-6140	54	45-1026
	34 44-3903		55 44-6303	55	45-1027
	35 44-4421		56 44-6606	56	45-1028
	36 44-5228		57 59-1803	57	45-1029
	37 44-5232		58 Omitted	58	45-1030
	38 44-5503		59 Omitted	59	45-1031
	39 44-5802		60 Omitted	60	45-1032
	40 Omitted		61 Omitted	61	45-1033
	41 Omitted		62 Omitted	62	45-1034
	42 Omitted		63 Omitted	63	45-1035
LB 52	§ 1 44-901	LB 53	§ 1 8-143.01	64	45-1036
	2 44-902		2 8-1,140	65	45-1037
	3 44-903		3 8-208	66	45-1038
	4 44-904		4 8-319	67	45-1039
	5 44-905		5 8-330	68	45-1040
	6 44-906		6 8-355	69	45-1041
	7 44-907		7 8-820.01	70	45-1042
	8 44-908		8 8-1001	71	45-1043
	9 44-909		9 8-1002	72	45-1044
	10 44-910		10 8-1003	73	45-1045
	11 44-911		11 8-1004	74	45-1046
	12 44-912		12 8-1006	75	45-1047
	13 44-913		13 8-1007	76	45-1048
	14 44-914		14 8-1008	77	45-1049
	15 44-915		15 8-1010	78	45-1050
	16 44-916		16 8-1012	79	45-1051
	17 44-917		17 8-1014	80	45-1052
	18 44-918		18 8-1015	81	45-1053
	19 44-919		19 8-1101	82	45-1054
	20 44-920		20 8-1103	83	45-1055
	21 44-921		21 8-1108.01	84	45-1056
	22 44-922		22 8-1109.02	85	45-1057
	23 44-923		23 8-1110	86	45-1058
	24 44-924		24 8-1735	87	45-190
	25 44-925		25 21-17,103	88	45-191.02
	26 44-154		26 21-17,115	89	45-191.04
	27 44-1101		27 44-1703	90	45-191.09
	28 44-1102		28 45-101.04	91	45-1059
	29 44-1103		29 45-1001	92	45-1060

CROSS REFERENCE TABLE

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	93 45-1061		6 25-3106	18	76-1738
	94 45-1062		7 25-3107	19	76-1737.01
	95 45-1063		8 9-109 UCC	20	Omitted
	96 45-1064		9 Omitted	LB 71	§ 1 14-201.03
	97 45-1065		10 Omitted		2 32-538
	98 45-1066		11 Omitted		3 32-553
	99 45-1067	LB 56	§ 1 30-3116		4 32-555
	100 45-1,110		2 30-3117		5 Omitted
	101 45-1068		3 30-3118		6 Omitted
	102 45-717		4 30-3119		7 Omitted
	103 45-902		5 30-3120		8 Omitted
	104 45-906		6 30-3121	LB 75	§ 1 50-401.01
	105 45-910		7 30-3122		2 84-1504
	106 45-922		8 30-3123		3 Omitted
	107 45-923		9 30-3124		4 Omitted
	108 59-1722		10 30-3125	LB 83	§ 1 29-2704
	109 59-1725.01		11 30-3126		2 29-2709
	110 59-1733		12 30-3127		3 Omitted
	111 69-2117		13 30-3128	LB 83A	Omitted
	112 Omitted		14 30-3129	LB 84	§ 1 76-2,125
	113 Omitted		15 30-3130	LB 85	§ 1 47-801
	114 Omitted		16 30-3131		2 47-802
	115 Omitted		17 30-3132		3 47-803
	116 Omitted		18 30-3133		4 47-804
LB 54	§ 1 52-202		19 30-3134		5 47-805
	2 52-203		20 30-3135		6 47-806
	3 52-204		21 30-3136		7 47-807
	4 52-501		22 30-3137		8 Omitted
	5 52-502		23 30-3138	LB 92	§ 1 24-301.02
	6 52-504		24 30-3139		2 Omitted
	7 52-701		25 30-3140		3 Omitted
	8 52-702		26 30-3141		4 Omitted
	9 52-901		27 30-3142	LB 92A	Omitted
	10 52-902		28 30-3143	LB 96	§ 1 81-153
	11 52-903		29 30-3144		2 81-1107.05
	12 52-904		30 30-3145		3 81-1317
	13 52-905		31 30-3146		4 81-1317.01
	14 52-1101		32 30-3147		5 Omitted
	15 52-1102		33 30-3148		6 Omitted
	16 52-1103		34 30-3149		7 Omitted
	17 52-1104		35 12-1107		8 Omitted
	18 52-1201		36 Omitted		9 Omitted
	19 52-1202		37 Omitted	LB 97	§ 1 12-1208
	20 52-1203		38 Omitted		2 Omitted
	21 52-1204	LB 67	§ 1 32-121	LB 97A	Omitted
	22 52-1205		2 Omitted	LB 101	§ 1 14-2104
	23 52-1407	LB 68	§ 1 76-1701		2 Omitted
	24 52-1409		2 76-1702	LB 104	§ 1 19-4901
	25 54-201		3 76-1703	LB 105	§ 1 30-24,105
	26 54-208		4 76-1708		2 Omitted
	27 54-209		5 76-1711		3 Omitted
	28 9-102 UCC		6 76-1713	LB 106	§ 1 60-483
	29 9-519 UCC		7 76-1715		2 Omitted
	30 9-530 UCC		8 76-1716		3 Omitted
	31 Omitted		9 76-1718	LB 108	§ 1 60-4,137
	32 Omitted		10 76-1719		2 60-4,139
	33 Omitted		11 76-1722		3 60-4,142
	34 Omitted		12 76-1725		4 Omitted
LB 55	§ 1 25-3101		13 76-1726	LB 111	§ 1 37-407
	2 25-3102		14 76-1727		2 37-409
	3 25-3103		15 76-1732		3 37-413
	4 25-3104		16 76-1734		4 37-414
	5 25-3105		17 76-1736		5 37-415

APPENDIX

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	6 37-426		8 Omitted	29	13-2504
	7 37-427	LB 133	§ 1 46-1201	30	14-2116
	8 37-431		2 46-1202	31	23-1118
	9 37-455		3 46-1203	32	23-2301
	10 Omitted		4 46-1205.01	33	23-2306
	11 Omitted		5 46-1208.02	34	23-2306.03
LB 113	§ 1 28-448		6 46-1214.01	35	23-2323.03
	2 28-449		7 46-1223.01	36	23-2330.04
	3 28-450		8 46-1223	37	23-2331
	4 28-451		9 46-1231	38	32-567
	5 28-452		10 46-1233.01	39	39-2501
	6 28-453		11 Omitted	40	39-2503
	7 28-454	LB 134	§ 1 2-3218	41	39-2504
	8 28-455		2 Omitted	42	39-2507
	9 28-456	LB 135	§ 1 46-656.07	43	39-2508
	10 28-405		2 46-656.25	44	39-2509
	11 28-417		3 46-656.26	45	39-2511
	12 28-418		4 46-656.27	46	39-2512
	13 28-427		5 Omitted	47	39-2513
	14 28-432	LB 136	§ 1 2-3252	48	39-2514
	15 28-433		2 2-3253	49	39-2517
	16 28-437		3 2-3254	50	39-2518
	17 28-438		4 2-3254.04	51	39-2519
	18 Omitted		5 Omitted	52	57-1302
LB 113A	Omitted	LB 137	§ 1 57-501	53	66-4,148
LB 114	§ 1 53-101		2 57-502	54	74-1305
	2 53-103		3 57-503	55	77-2704.31
	3 53-168.06		4 57-504	56	77-2711
	4 53-180.02		5 57-505	57	77-3442
	5 53-180.04		6 57-506	58	77-3443
	6 53-180.05		7 Omitted	59	77-4105
	7 53-1,122	LB 138	§ 1 21-20,135.01	60	77-4106
	8 Omitted		2 21-2001	61	Omitted
LB 118	§ 1 77-1837		3 Omitted	LB 146	§ 1 45-338
	2 Omitted		4 Omitted	2	Omitted
	3 Omitted	LB 142	§ 1 13-2801	LB 151	§ 1 79-11,146
LB 122	§ 1 49-801.01		2 13-2802	2	79-11,149
	2 Omitted		3 13-2803	3	Omitted
	3 Omitted		4 13-2804	LB 152	§ 1 81-657
LB 126	§ 1 81-1505		5 13-2805	2	81-658
	2 Omitted		6 13-2806	3	81-664
LB 128	§ 1 13-2042		7 13-2807	4	81-672
	2 Omitted		8 13-2808	5	81-697
LB 128A	Omitted		9 13-2809	6	81-698
LB 129	§ 1 2-1588		10 13-2810	7	81-699
	2 2-1594		11 13-2811	8	81-6,100
	3 46-233		12 13-2812	9	81-6,101
	4 46-685		13 13-2813	10	81-6,102
	5 Omitted		14 13-2814	11	81-6,103
LB 130	§ 1 37-316		15 13-2815	12	81-6,104
	2 37-418		16 13-2816	13	81-6,105
	3 37-543		17 13-2817	14	81-6,106
	4 37-560		18 13-2818	15	81-6,107
	5 37-613		19 13-2819	16	81-6,108
	6 37-624		20 9-625	17	81-6,109
	7 Omitted		21 10-127	18	81-6,110
LB 131	§ 1 37-1212		22 10-131	19	Omitted
	2 37-1218		23 10-133	20	Omitted
	3 37-1227		24 10-142	21	Omitted
	4 37-1228		25 13-503	LB 152A	Omitted
	5 37-1241.03		26 13-804	LB 154	§ 1 83-4,153
	6 37-1256		27 13-2202	2	83-4,154
	7 Omitted		28 13-2401	3	83-4,155

CROSS REFERENCE TABLE

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	4 83-4,156		4 Omitted	29	Omitted
	5 83-4,157	LB 163A	Omitted	30	Omitted
	6 83-4,158	LB 165	§ 1 86-2001	31	Omitted
	7 83-4,159		2 86-2008	LB 170A	Omitted
	8 83-4,160		3 86-2014	LB 172	§ 1 77-2712
	9 83-4,161		4 Omitted		2 77-2712.01
	10 83-4,162	LB 166	§ 1 37-1254.01		3 77-2712.02
	11 83-4,163		2 37-1254.02		4 77-2712.03
	12 83-4,164		3 60-4,182		5 77-2712.04
	13 83-4,165		4 60-6,196		6 77-2712.05
LB 154A	Omitted		5 Omitted		7 77-2712.06
LB 155	§ 1 28-322	LB 166A	Omitted		8 77-2712.07
	2 28-322.01	LB 168	§ 1 66-486		9 77-2712.08
	3 Omitted		2 66-487		10 77-2701
LB 156	§ 1 77-1315		3 66-488		11 66-741
	2 Omitted		4 66-4,124		12 Omitted
LB 162	§ 1 76-2201		5 66-4,125	LB 173	§ 1 2-4243
	2 76-2203		6 66-4,128		2 3-147
	3 76-2204		7 66-4,129		3 3-206
	4 76-2205.01		8 66-675		4 3-227
	5 76-2207		9 66-676		5 3-504
	6 76-2211.02		10 66-678		6 3-511
	7 76-2215		11 66-6,110		7 3-613
	8 76-2216		12 Omitted		8 3-621
	9 76-2217.01		13 Omitted		9 3-707
	10 76-2218		14 Omitted		10 3-714
	11 76-2218.01		15 Omitted		11 13-824
	12 76-2220		16 Omitted		12 13-2546
	13 76-2221	LB 168A	Omitted		13 14-1721
	14 76-2222	LB 169	§ 1 77-2705.05		14 15-844
	15 76-2223		2 77-27,188		15 18-2480
	16 76-2225		3 77-27,188.02		16 51-218
	17 76-2226		4 77-27,192		17 51-809
	18 76-2227		5 77-27,196.01		18 58-268
	19 76-2228		6 Omitted		19 58-324
	20 76-2229	LB 170	§ 1 49-1201		20 58-430
	21 76-2229.01		2 77-101		21 Omitted
	22 76-2230		3 77-103.01		22 Omitted
	23 76-2231.01		4 77-709	LB 177	§ 1 14-542
	24 76-2232		5 77-1311		2 14-2109
	25 76-2233		6 77-1315		3 14-2114
	26 76-2233.01		7 77-1327		4 18-410
	27 76-2233.02		8 77-1342		5 77-2342
	28 76-2236		9 77-1343		6 77-2343
	29 76-2237		10 77-1344		7 77-2344
	30 76-2238		11 77-1347		8 77-2346
	31 76-2239		12 77-1355		9 77-2349
	32 76-2240		13 77-1361		10 Omitted
	33 76-2241		14 77-1362		11 Omitted
	34 76-2242		15 77-1363	LB 179	§ 1 14-408
	35 76-2243		16 77-1371		2 Omitted
	36 76-2244		17 77-1377	LB 180	§ 1 48-302.03
	37 76-2245		18 77-1510		2 48-302.04
	38 76-2246		19 77-5004		3 48-301
	39 76-2247.01		20 77-5007		4 48-303
	40 76-2248		21 77-5013		5 48-311
	41 76-2249		22 77-5016		6 48-446
	42 76-2250		23 77-5023		7 48-2111
	43 Omitted		24 77-5024		8 48-2114
	44 Omitted		25 77-5026		9 Omitted
LB 163	§ 1 47-119		26 77-5027		10 Omitted
	2 47-119.01		27 77-5028		11 Omitted
	3 47-121		28 79-1016	LB 182	§ 1 72-2007

APPENDIX

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	2 Omitted		15 54-1172		36 Omitted
LB 186	§ 1 23-2307		16 54-1173		37 Omitted
	2 23-2331		17 54-1174	LB 209A	Omitted
	3 23-2332.01		18 54-1175	LB 210	§ 1 19-916
	4 Omitted		19 54-1176		2 Omitted
	5 Omitted		20 54-1180	LB 213	§ 1 71-1914
LB 186A	Omitted		21 54-1181		2 71-1915
LB 191	§ 1 60-302		22 54-1182		3 71-1916
	2 71-51,103		23 Omitted		4 Omitted
	3 Omitted		24 Omitted	LB 214	§ 1 28-377
LB 191A	Omitted		25 Omitted		2 28-726
LB 192	§ 1 48-601		26 Omitted		3 71-5661
	2 48-603.01	LB 198	§ 1 2-3901		4 71-5666
	3 48-602		2 2-3902		5 71-5668
	4 48-608		3 2-3906		6 Omitted
	5 48-612		4 2-3907	LB 222	§ 1 16-902
	6 48-613		5 2-3908		2 17-1002
	7 48-614		6 2-3910		3 19-2402
	8 48-628		7 2-3914		4 Omitted
	9 48-633		8 2-3915		5 Omitted
	10 48-634		9 2-3917	LB 225	§ 1 81-12,106
	11 48-650		10 2-3917.01		2 81-12,107
	12 48-656		11 2-3924		3 81-12,108
	13 48-657		12 2-3928		4 81-12,109
	14 48-663		13 2-3929		5 81-12,110
	15 Omitted		14 2-3930		6 81-12,111
	16 Omitted		15 2-3938		7 81-12,112
LB 193	§ 1 48-1616		16 Omitted		8 81-12,113
	2 48-1617	LB 209	§ 1 71-101		9 81-12,114
	3 48-1618		2 71-133		10 81-12,115
	4 48-1619		3 71-161.10		11 81-12,116
	5 48-1620		4 71-183.02		12 Omitted
	6 48-1621		5 71-193.04	LB 225A	Omitted
	7 48-1622		6 71-193.16	LB 226	§ 1 32-208
	8 48-1623		7 71-193.05		2 32-209
	9 48-1624		8 71-1,107.16		3 32-211
	10 48-1625		9 71-1,107.26		4 Omitted
	11 48-1626		10 71-1,136.01		5 Omitted
	12 48-1627		11 71-1,187	LB 238	§ 1 71-5178
	13 81-401		12 71-1,194		2 Omitted
	14 Omitted		13 71-340	LB 240	§ 1 79-10,110
	15 Omitted		14 71-360.01		2 Omitted
	16 Omitted		15 71-3,119.01		3 Omitted
LB 194	§ 1 2-3948		16 71-3,106	LB 242	§ 1 49-1401
	2 2-3952		17 71-3,224		2 49-1446.06
	3 2-3952.01		18 71-634		3 49-1449
	4 2-3953		19 71-1901		4 49-1463.01
	5 2-3954		20 71-1902		5 49-1464
	6 Omitted		21 71-1903		6 49-1467
LB 197	§ 1 2-3002		22 71-1904		7 49-1480
	2 2-3003		23 71-1905		8 49-1483
	3 2-3004		24 71-1906.03		9 49-1493
	4 2-3005		25 71-2801		10 49-1494
	5 54-1156		26 71-2802		11 49-1495
	6 54-1157		27 71-2803.01		12 49-1499
	7 54-1158		28 71-2804		13 49-1499.02
	8 54-1159		29 71-2807		14 49-1499.03
	9 54-1160		30 71-2823		15 49-1499.01
	10 54-1162		31 71-2815		16 49-1499.04
	11 54-1165		32 71-2819		17 49-1499.05
	12 54-1168		33 71-7614		18 49-14,101
	13 54-1169		34 81-664		19 49-14,101.01
	14 54-1171		35 Omitted		20 49-14,101.02

CROSS REFERENCE TABLE

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	21 49-14,103.01	LB 275	§ 1 77-1613.01		3 2-2627
	22 49-14,103.02		2 Omitted		4 2-2634
	23 49-14,103.07	LB 278	§ 1 53-103		5 2-2635
	24 79-544		2 53-122		6 2-2638
	25 79-818		3 53-123.04		7 2-2641
	26 Omitted		4 53-124		8 3-128
	27 Omitted		5 53-124.12		9 13-519
LB 243	§ 1 70-655		6 53-124.14		10 15-202
	2 Omitted		7 53-131		11 46-1304
	3 Omitted		8 53-134		12 46-1305
LB 244	§ 1 74-1601		9 Omitted		13 66-1345
LB 244A	Omitted	LB 278A	Omitted		14 81-2,162.27
LB 245	§ 1 74-1512	LB 280	§ 1 12-805		15 Omitted
	2 74-1514		2 Omitted		16 Omitted
	3 74-1602	LB 286	§ 1 85-505.01		17 Omitted
	4 74-1603		2 Omitted	LB 329A	Omitted
	5 Omitted	LB 295	§ 1 2-1247	LB 334	§ 1 71-4728.04
	6 Omitted		2 2-1203		2 71-4732.01
LB 247	§ 1 71-1559		3 Omitted		3 71-4720.01
	2 Omitted	LB 299	§ 1 29-417.01		4 71-4727
	3 Omitted		2 29-419		5 71-4732
LB 250	§ 1 18-2438		3 29-420		6 Omitted
	2 84-1412		4 29-421	LB 334A	Omitted
	3 Omitted		5 Omitted	LB 335	§ 1 13-518
LB 252	§ 1 32-813	LB 300	§ 1 58-443		2 29-3919
	2 32-816		2 13-203		3 29-3922
	3 32-1007		3 13-206		4 29-3927
	4 Omitted		4 13-207		5 29-3932
LB 253	§ 1 32-1122		5 21-2102		6 29-3933
	2 Omitted		6 21-2104		7 Omitted
LB 254	§ 1 60-696		7 21-2109	LB 335A	Omitted
	2 Omitted		8 58-239	LB 337	§ 1 81-1566
LB 257	§ 1 68-1036.02		9 Omitted		2 Omitted
	2 81-1121		10 Omitted	LB 346	§ 1 71-6103
	3 Omitted	LB 302	§ 1 79-413		2 71-6113
	4 Omitted		2 Omitted		3 71-6115
LB 257A	Omitted		3 Omitted		4 Omitted
LB 268	§ 1 9-230.01	LB 303	§ 1 85-9,183	LB 346A	Omitted
	2 9-241.03		2 85-9,184	LB 357	§ 1 24-201.01
	3 Omitted		3 85-9,185		2 Omitted
	4 Omitted		4 85-9,186		3 Omitted
	5 Omitted		5 85-9,187	LB 357A	Omitted
LB 269	§ 1 24-517		6 85-9,188	LB 358	§ 1 59-1519
	2 25-2706		7 85-9,189		2 59-1520
	3 30-2488		8 Omitted		3 59-1521
	4 Omitted	LB 303A	Omitted		4 59-1522
LB 270	§ 1 71-101	LB 308	§ 1 81-1117.05		5 59-1523
	2 71-102	LB 313	§ 1 79-1003		6 59-1524
	3 71-110		2 79-1010		7 59-1525
	4 71-111		3 79-1072.02		8 Omitted
	5 71-112		4 Omitted		9 Omitted
	6 71-112.01		5 Omitted	LB 360	§ 1 44-417
	7 71-162		6 Omitted		2 44-516
	8 71-1,344	LB 313A	Omitted		3 44-517
	9 71-1,345	LB 314	§ 1 79-808		4 44-520
	10 71-1,346		2 79-809		5 44-522
	11 71-1,347		3 79-812		6 44-523
	12 71-1,348		4 Omitted		7 44-10,100
	13 71-1,349		5 Omitted		8 44-10,106
	14 71-1,350	LB 317	§ 1 14-510		9 44-1981
	15 71-182		2 Omitted		10 44-1992
	16 Omitted	LB 329	§ 1 2-15,122		11 44-19,108
LB 270A	Omitted		2 2-15,123		12 44-19,115

APPENDIX

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	
	13	44-2121	53	77-2342	4	60-6,290
	14	44-2702	54	77-2343	5	60-6,298
	15	44-2703	55	77-2344	6	71-4603
	16	44-2707	56	77-2345	7	Omitted
	17	44-2708	57	77-2346	LB 387	§ 1 48-604
	18	44-2709	58	77-2350	2	60-305.09
	19	44-2713	59	77-2350.01	3	60-480
	20	44-4201	60	77-2351	4	60-484
	21	44-4203	61	77-2352	5	60-4,118
	22	44-4215.01	62	77-2353	6	60-4,120.01
	23	Omitted	63	77-2353.01	7	60-4,122
LB 362	§ 1	77-2365.01	64	77-2354	8	60-4,124
	2	2-3227	65	77-2355	9	60-4,149.01
	3	2-4214	66	77-2357	10	66-1406
	4	3-506	67	77-2358	11	75-352
	5	3-616	68	77-2361	12	Omitted
	6	3-709	69	77-2362	LB 389	§ 1 86-804
	7	13-817	70	77-2363	2	86-808
	8	13-1305	71	77-2369	3	86-1403
	9	13-2538	72	77-2370	4	86-1405
	10	14-556	73	77-2371	5	86-1905
	11	14-563	74	77-2374	6	86-1907
	12	14-1237	75	77-2375	7	86-1908
	13	14-1719	76	77-2376	8	86-1909
	14	15-845	77	77-2377	9	Omitted
	15	15-846	78	77-2378	LB 398	§ 1 28-401
	16	15-847	79	77-2381	2	28-401.01
	17	15-848	80	77-2383	3	28-401.02
	18	15-849	81	77-2385	4	28-406
	19	16-712	82	77-2387	5	28-407
	20	16-713	83	77-2388	6	28-408
	21	16-714	84	77-2389	7	28-409
	22	16-715	85	77-2390	8	28-410
	23	16-716	86	77-2391	9	28-411
	24	17-607	87	77-2392	10	28-412
	25	17-720	88	77-2393	11	28-413
	26	18-2102.01	89	77-2394	12	28-414
	27	18-2473	90	77-2395	13	28-415
	28	18-2732	91	77-2396	14	28-416
	29	30-3209	92	77-2398	15	28-417
	30	46-146	93	77-2399	16	28-418
	31	46-1,139	94	77-23,100	17	28-429
	32	46-1,140	95	77-23,101	18	28-442
	33	46-1,141	96	77-23,102	19	71-101
	34	77-2312	97	77-23,103	20	71-147
	35	77-2313	98	77-23,104	21	71-155.01
	36	77-2314	99	77-23,105	22	71-161.12
	37	77-2317	100	77-23,106	23	71-161.13
	38	77-2318	101	Omitted	24	71-161.16
	39	77-2318.01	LB 365	§ 1 77-3446	25	71-172.01
	40	77-2319		2 Omitted	26	71-1,142
	41	77-2320	LB 366	§ 1 23-114.03	27	71-1,148
	42	77-2323		2 Omitted	28	71-1,150
	43	77-2325	LB 368	§ 1 48-225	29	71-1,143
	44	77-2326.02		2 80-401.01	30	71-1,143.01
	45	77-2326.03		3 80-411	31	71-1,143.02
	46	77-2326.04		4 Omitted	32	71-1,144.05
	47	77-2326.06	LB 375	§ 1 75-363	33	71-1,143.03
	48	77-2326.07		2 75-364	34	71-1,147
	49	77-2326.08		3 Omitted	35	71-1,146.01
	50	77-2326.09	LB 376	§ 1 60-301	36	71-1,146.02
	51	77-2329		2 60-614	37	71-1,149
	52	77-2340		3 60-6,288	38	71-1,147.13

CROSS REFERENCE TABLE

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	
	39	71-1,147.15	3	23-2310.04	22	23-3563
	40	71-1,147.27	4	23-2310.05	23	23-35,116
	41	71-1,147.31	5	23-2315.01	24	31-342
	42	71-1,147.32	6	24-701	25	31-531
	43	71-1,147.33	7	24-701.01	26	31-759
	44	71-1,147.34	8	24-702	27	39-841
	45	71-1,147.35	9	24-703	28	39-1632
	46	71-1,147.36	10	24-706	29	39-2207
	47	71-1,147.62	11	24-706.01	30	46-1,106
	48	71-1,147.63	12	30-3209	31	46-270
	49	71-1,147.64	13	79-902	32	52-118
	50	71-1,147.42	14	79-921	33	52-118.01
	51	71-1,147.43	15	79-933.05	34	73-106
	52	71-1,147.44	16	79-933.06	35	77-2387
	53	71-1,147.45	17	79-958	36	85-1522
	54	71-1,147.46	18	79-974	37	Omitted
	55	71-1,147.47	19	81-2014	38	Omitted
	56	71-1,147.48	20	81-2014.01	39	Omitted
	57	71-1,147.50	21	81-2017	LB 432	§ 1 71-1,104.01
	58	71-1,147.52	22	81-2018		2 44-7,100
	59	71-1,147.53	23	81-2031		3 48-236
	60	71-1,147.55	24	81-2031.06		4 71-6832
	61	71-1,147.56	25	84-1308		5 71-6833
	62	71-1,147.57	26	84-1310.01		6 13-607
	63	71-1,147.59	27	84-1311.03		7 29-4105
	64	71-1,151	28	84-1314		8 29-4115
	65	71-401	29	84-1323.01		9 43-1414
	66	71-425	30	84-1503.03		10 71-519
	67	71-463	31	84-1514		11 71-2620
	68	71-15,139	32	Omitted		12 81-2010
	69	71-2407	33	Omitted		13 81-2010.03
	70	71-2411	34	Omitted		14 Omitted
	71	71-2413	LB 409	§ 1 46-538	LB 432A	Omitted
	72	71-2417		2 Omitted	LB 433	§ 1 77-908
	73	71-2419	LB 411	§ 1 71-5654		2 77-2701
	74	71-2421		2 Omitted		3 77-27,222
	75	71-2501	LB 418	§ 1 48-652		4 77-2715.07
	76	71-5402		2 Omitted		5 77-2717
	77	71-5405	LB 419	§ 1 77-5016		6 77-2734.03
	78	71-5406		2 77-5017		7 77-3806
	79	71-5407		3 Omitted		8 Omitted
	80	71-6045		4 Omitted		9 Omitted
	81	71-6721	LB 420	§ 1 10-144	LB 433A	Omitted
	82	71-7409		2 2-117	LB 438	§ 1 54-701
	83	71-7416		3 10-106		2 54-701.02
	84	71-7417		4 10-107		3 54-701.03
	85	71-7420		5 10-110		4 54-703
	86	69-301		6 10-117		5 54-704
	87	69-302		7 10-119		6 54-705
	88	69-303		8 10-126		7 54-742
	89	69-304		9 10-128		8 54-744
	90	69-305		10 10-132		9 54-746
	91	69-306		11 10-140		10 54-797
	92	69-307		12 10-410		11 54-798
	93	Omitted		13 10-707		12 54-799
	94	Omitted		14 10-716.01		13 54-7,100
	95	Omitted		15 13-1103		14 54-7,101
	96	Omitted		16 14-1717		15 54-7,102
	97	Omitted		17 14-1806		16 54-7,103
	98	Omitted		18 17-968		17 54-751
LB 398A		Omitted		19 18-1805		18 54-752
LB 408	§ 1	23-2307		20 23-389		19 54-753
	2	23-2309.01		21 23-3561		20 54-744.01

APPENDIX

2001 First Session		2001 Supplement		2001 First Session		2001 Supplement		2001 First Session		2001 Supplement	
	21	Omitted			5	16-611		LB 543		Omitted	
LB 444	§ 1	44-7501			6	17-558		LB 574	§ 1	60-462	
	2	44-7516.01			7	39-1725			2	60-479	
	3	Omitted			8	39-1726			3	60-484.01	
LB 451	§ 1	29-2246			9	Omitted			4	60-484.02	
	2	29-2252.01	LB 484	§ 1	17-541				5	60-484	
	3	29-2257		2	17-614				6	60-489	
	4	29-2258		3	19-615				7	60-490	
	5	43-250		4	19-617				8	60-494	
	6	43-253		5	Omitted				9	60-4,113	
	7	43-260	LB 489	§ 1	25-224				10	60-4,114	
	8	29-2260.01		2	25-1273				11	60-4,115	
	9	Omitted		3	25-1332				12	60-4,117	
LB 451A		Omitted		4	25-1558				13	60-4,119	
LB 461	§ 1	66-1516		5	25-1701				14	60-4,120	
	2	66-1518		6	25-1702				15	60-4,120.01	
	3	66-1519		7	25-1709				16	60-4,122	
	4	66-1523		8	25-1705				17	60-4,123	
	5	66-1525		9	29-2248				18	60-4,124	
	6	66-1529.02		10	30-2402				19	60-4,126	
	7	81-1505.04		11	39-1345.01				20	60-4,127	
	8	81-1532		12	Omitted				21	60-4,130	
	9	81-1504.03		13	Omitted				22	60-4,130.02	
	10	81-15,117		14	Omitted				23	60-4,142	
	11	81-15,119		15	Omitted				24	60-4,148	
	12	81-15,120		16	Omitted				25	60-4,150	
	13	81-15,124.05	LB 505		Omitted				26	60-4,151	
	14	81-15,124.06	LB 516	§ 1	68-1603				27	60-4,171	
	15	81-15,124.07		2	68-1604				28	60-4,180	
	16	81-15,160		3	68-1605				29	60-4,181	
	17	Omitted		4	68-1607				30	60-4,111.01	
	18	Omitted		5	76-902				31	60-1515	
LB 461A		Omitted		6	76-903				32	60-2904	
LB 465	§ 1	77-702		7	Omitted				33	60-2912	
	2	77-1510		8	Omitted				34	Omitted	
	3	77-5003		9	Omitted			LB 574A		Omitted	
	4	77-5004	LB 516A		Omitted			LB 585	§ 1	86-2201	
	5	77-5005	LB 536	§ 1	66-1330				2	86-2202	
	6	77-5009		2	66-1344				3	86-2203	
	7	77-5016		3	66-1345				4	86-2204	
	8	77-5018		4	66-1345.01				5	86-2205	
	9	77-5019		5	66-1345.02				6	86-2206	
	10	Omitted		6	66-1345.04				7	86-2207	
	11	Omitted		7	66-1344.01				8	86-2208	
	12	Omitted		8	Omitted				9	86-2209	
	13	Omitted	LB 536A		Omitted				10	86-2210	
LB 465A		Omitted	LB 538		Omitted				11	86-2211	
LB 468	§ 1	71-17,101	LB 539		Omitted				12	86-2212	
	2	71-17,102	LB 540		Omitted				13	86-2213	
	3	71-17,103	LB 541	§ 1	2-958				14	86-2214	
	4	71-17,104		2	9-1,101				15	86-804	
	5	71-17,105		3	45-621				16	Omitted	
	6	71-17,106		4	71-7607				17	Omitted	
	7	71-17,107		5	83-162.04			LB 585A		Omitted	
LB 468A		Omitted		6	84-612			LB 593	§ 1	20-501	
LB 472	§ 1	46-691.01		7	84-1613				2	20-502	
	2	46-691.02		8	89-187				3	20-503	
LB 477	§ 1	60-315		9	89-1,100				4	20-504	
	2	Omitted		10	9-531 UCC				5	20-505	
LB 483	§ 1	14-375		11	Omitted			LB 593A		Omitted	
	2	14-3,107		12	Omitted			LB 598	§ 1	43-408	
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CROSS REFERENCE TABLE

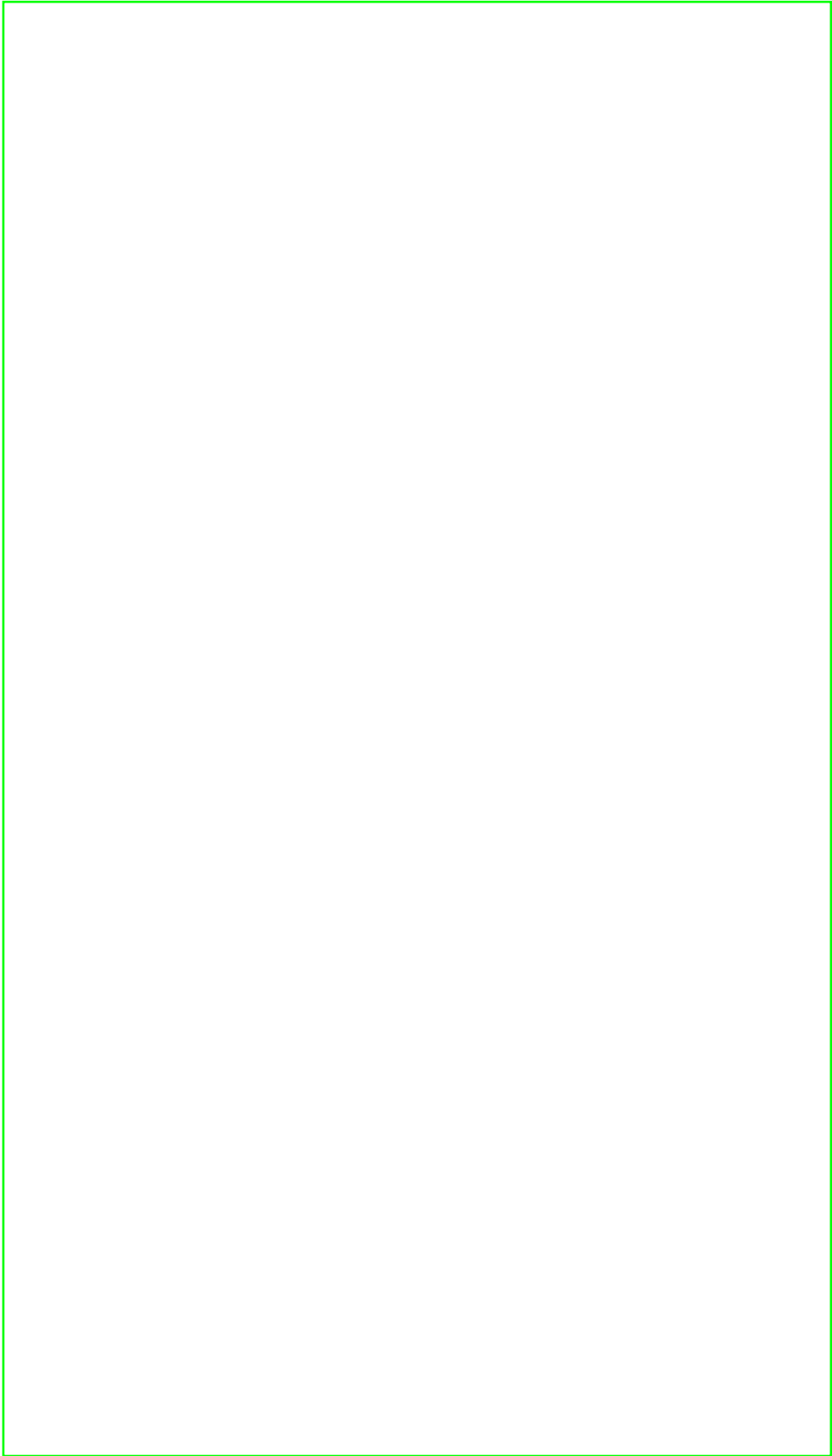
2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement		
LB 620	§ 1	77-5501	14	Omitted	4	46-602.01	
	2	77-5502	15	Omitted	5	46-604	
	3	77-5503	16	Omitted	6	46-606	
	4	77-5504	17	Omitted	7	46-636	
	5	77-5505	18	Omitted	8	46-637	
	6	77-5506	19	Omitted	9	46-656.25	
	7	77-5507	LB 640A	Omitted	10	46-1011	
	8	77-5508	LB 641	§ 1	69-2103	11	46-1202
	9	77-5509		2	69-2104	12	46-1204.01
	10	77-5510		3	69-2105	13	46-1209
	11	77-5511		4	69-2108	14	46-1210
	12	77-5512		5	69-2109	15	46-1213
	13	77-5513		6	69-2110	16	46-1214
	14	77-5514		7	69-2112	17	46-1214.01
	15	77-5515		8	69-2113	18	46-1224
	16	77-5516		9	69-2115	19	46-1229
	17	77-5517		10	Omitted	20	46-1233
	18	77-5518	LB 657	§ 1	19-101	21	46-1235
	19	77-5519		2	19-102	22	46-1238
	20	77-5520		3	19-103	23	46-1239
	21	77-5521		4	19-104	24	46-1240
	22	77-5522		5	77-2602	25	46-1241
	23	77-5523		6	Omitted	26	61-210
	24	77-5524		7	Omitted	27	76-2,124
	25	77-5525		8	Omitted	28	71-5301
	26	77-5526	LB 657A	Omitted	29	71-5301.01	
	27	77-5527	LB 659	§ 1	29-4116	30	71-5302
	28	77-5528		2	29-4117	31	71-5303
	29	77-5529		3	29-4118	32	71-5304
	30	77-5530		4	29-4119	33	71-5304.01
	31	77-5531		5	29-4120	34	71-5304.02
	32	77-5532		6	29-4121	35	71-5305
	33	77-5533		7	29-4122	36	71-5305.02
	34	77-5534		8	29-4123	37	71-5306
	35	77-5535		9	29-4124	38	71-5307
	36	77-5536		10	29-4125	39	71-5308
	37	77-5537		11	29-2101	40	71-5309
	38	77-5538		12	29-2102	41	71-5310
	39	77-5539		13	29-2103	42	71-5311
	40	77-5540		14	29-3921	43	71-5311.01
	41	77-5541		15	29-3922	44	71-5315
	42	77-5542		16	29-3929	45	71-5316
	43	77-5543		17	29-3930	46	71-5318
	44	77-5544		18	29-3931	47	71-5322
	45	49-801.01		19	Omitted	48	71-5324
	46	58-529	LB 659A	Omitted	49	81-1505	
	47	77-4932	LB 664	§ 1	44-4302	50	Omitted
	48	Omitted		2	44-4303	51	Omitted
	49	Omitted		3	44-4304	52	Omitted
	50	Omitted		4	44-4313	53	Omitted
LB 640	§ 1	43-413		5	44-4315	LB 667A	Omitted
	2	43-2401		6	44-4317	LB 668	§ 1
	3	43-2402		7	44-4320		71-3502.01
	4	43-2403		8	Omitted		2
	5	43-2404	LB 666	§ 1	81-188.02		71-6321
	6	43-2404.01		2	81-1108.15		4
	7	43-2404.02		3	Omitted		Omitted
	8	43-2405		4	Omitted	LB 668A	Omitted
	9	43-2406		5	Omitted	LB 671	§ 1
	10	43-2408	LB 666A	Omitted			53-123.15
	11	43-2409	LB 667	§ 1	2-3254		2
	12	43-2412		2	46-230		53-162
	13	43-3503		3	46-602	LB 671A	4
							Omitted
						LB 677	§ 1
							68-1020

APPENDIX

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement
	2 Omitted		5 Omitted		9 79-442
LB 677A	Omitted	LB 750	§ 1 85-1802		10 79-458
LB 678	§ 1 71-2802		2 85-1804		11 79-4,101
	2 Omitted		3 85-1806		12 79-4,108
	3 Omitted		4 85-1808		13 79-528
LB 692	§ 1 68-1526		5 85-1809		14 79-563
	2 71-1626		6 Omitted		15 79-573
	3 71-1627		7 Omitted		16 79-583
	4 71-1626.01	LB 759	§ 1 79-1101		17 79-817
	5 71-1628.02		2 79-1103		18 79-1003
	6 71-1628.03		3 79-1104		19 79-1007.01
	7 71-1628.04		4 Omitted		20 79-1008.01
	8 71-1628.05	LB 768	§ 1 32-101		21 79-1008.02
	9 71-1628.06		2 32-619.01		22 79-1009
	10 71-1628.07		3 32-619		23 79-1010
	11 71-1628.08		4 32-627		24 79-1015.01
	12 71-6050		5 32-813		25 79-1018.01
	13 71-7605		6 32-1122		26 79-1024
	14 71-7606		7 32-1603		27 79-1026
	15 71-7607		8 32-1604		28 79-1027
	16 71-7608		9 32-1608		29 79-1028
	17 71-7609		10 32-1611		30 79-1032
	18 71-7611		11 49-1410		31 79-1035
	19 71-7614		12 Omitted		32 79-1036
	20 71-7611.01	LB 772	§ 1 50-301		33 79-1044
	21 71-7611.02		2 50-302		34 79-1047
	22 71-7611.03		3 50-303		35 79-1051
	23 71-7611.04		4 50-304		36 79-1072.01
	24 71-7611.05		5 50-305		37 79-1072.02
	25 71-7611.06		6 50-306		38 79-1072.03
	26 71-7611.07		7 50-307		39 79-1083.03
	27 Omitted		8 50-308		40 79-1089
	28 Omitted		9 50-309		41 79-1092
	29 Omitted		10 Omitted		42 79-10,110
	30 Omitted	LB 772A	Omitted		43 79-1125
LB 692A	Omitted	LB 773	§ 1 28-1465		44 79-1132
LB 706	§ 1 90-120		2 28-1466		45 79-1142
LB 711	§ 1 24-710.07		3 28-1470		46 79-1155
	2 79-934		4 28-1471		47 79-1162
	3 79-947.01		5 28-1473		48 79-1202
	4 79-956		6 28-1474		49 79-1217
	5 79-980		7 37-1254.01		50 79-1241.02
	6 79-981		8 37-1254.02		51 85-1641
	7 79-982		9 37-1254.03		52 85-1642
	8 79-984		10 37-1254.05		53 85-1657
	9 79-987		11 37-1254.08		54 Omitted
	10 79-990		12 60-4,163		55 Omitted
	11 79-992		13 60-4,168		56 Omitted
	12 79-998		14 60-4,182	LB 808	§ 1 13-303
	13 79-9,101		15 60-6,196		2 23-3547
	14 79-9,103		16 60-6,197		3 23-3594
	15 79-9,105		17 60-6,201		4 35-514.02
	16 79-9,106		18 81-1822		5 35-1301
	17 79-1075		19 Omitted		6 35-1303
	18 79-1082	LB 781	§ 1 25-21,274		7 35-1309
	19 81-2027.03	LB 797	§ 1 9-812		8 35-1309.01
	20 Omitted		2 13-511		9 35-1310
	21 Omitted		3 77-1601.02		10 35-1311.01
	22 Omitted		4 79-214		11 35-1312
LB 730	§ 1 16-302.01		5 79-215		12 35-1313
	2 32-534		6 79-237		13 35-1316
	3 32-538		7 79-238		14 35-1318
	4 32-554		8 79-313		15 35-1320

CROSS REFERENCE TABLE

2001 First Session	2001 Supplement	2001 First Session	2001 Supplement	2001 First Session	2001 Supplement		
	16	35-1321		2	79-1328	32	50-1132
	17	35-1324		3	79-1001	33	50-1133
	18	35-1326		4	79-1003	34	50-1134
	19	35-1327		5	79-1009	35	50-1135
	20	35-1330		6	79-1018.01	36	50-1136
	21	84-1503		7	79-1009.01	37	50-1137
	22	Omitted		8	79-1310	38	50-1138
	23	Omitted		9	Omitted	39	50-1139
	24	Omitted		10	Omitted	40	50-1140
LB 809	§ 1	18-1736	LB 849		Omitted	41	50-1141.01
	2	18-1737	LB 851	§ 1	32-504	42	50-1142
	3	18-1738		2	32-505	43	50-1143
	4	18-1738.01		3	Omitted	44	50-1144
	5	18-1738.02	LB 852	§ 1	50-1101	45	50-1145
	6	18-1739		2	50-1102	46	50-1146
	7	18-1740		3	50-1103	47	50-1147
	8	18-1741		4	50-1104	48	50-1148
	9	18-1741.01		5	50-1105	49	50-1149
	10	81-1108.15		6	50-1106	50	50-1150
	11	Omitted		7	50-1107	51	50-1152
	12	Omitted		8	50-1108	52	Omitted
LB 827	§ 1	86-2301		9	50-1109	53	Omitted
	2	86-2302		10	50-1110	LB 853	§ 1 24-201.02
	3	86-2303		11	50-1111	2	24-201.04
	4	86-2304		12	50-1112	3	Omitted
	5	86-2305		13	50-1113	4	Omitted
	6	86-2306		14	50-1114	LB 854	§ 1 32-510
	7	86-2307		15	50-1115	2	85-103.01
	8	18-419		16	50-1116	3	85-103.02
	9	18-2701		17	50-1117	4	Omitted
	10	18-2702		18	50-1118	5	Omitted
	11	18-2703		19	50-1119.01	LB 855	§ 1 32-509
	12	18-2703.01		20	50-1120	2	75-101.01
	13	18-2705		21	50-1121	3	75-101.02
	14	18-2709		22	50-1122	4	Omitted
	15	70-625		23	50-1123	5	Omitted
	16	70-704		24	50-1124	6	Omitted
	17	70-1409		25	50-1125	LB 856	§ 1 32-511
	18	75-132.01		26	50-1126	2	79-311
	19	75-604		27	50-1127	3	79-312
	20	Omitted		28	50-1128	4	Omitted
	21	Omitted		29	50-1129	5	Omitted
LB 827A		Omitted		30	50-1130		
LB 833	§ 1	9-812		31	50-1131		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 97th Legislature
First Session, 2001

Showing the date each act went into effect.
The Ninety-seventh Session of the Legislature adjourned May 31, 2001.

LB No.	Effective Date	LB No.	Effective Date
1	September 1, 2001	56	September 1, 2001
2	September 1, 2001	67	February 14, 2001
3	September 1, 2001	68	September 1, 2001
4	September 1, 2001	71	Sections 2 and 6 of this act become operative on September 1, 2001. The other sections of this act become operative on May 16, 2001.
5	September 1, 2001		
6	September 1, 2001	75	September 1, 2001
7	September 1, 2001	83	September 1, 2001
8	September 1, 2001	83A	September 1, 2001
9	September 1, 2001	84	September 1, 2001
10	September 1, 2001	85	September 1, 2001
15	September 1, 2001	92	July 1, 2001 (operative date)
23	May 26, 2001	92A	May 26, 2001
23A	May 26, 2001	96	Sections 2 to 4, 6, and 8 of this act become operative on July 1, 2001. The other sections of this act become operative on March 29, 2001.
24A	May 26, 2001		
25	September 1, 2001	97	September 1, 2001
25A	September 1, 2001	97A	September 1, 2001
31	March 29, 2001	101	September 1, 2001
34	January 1, 2002 (operative date)	104	September 1, 2001
36	February 7, 2001	105	September 1, 2001
38	January 1, 2002 (operative date)	106	March 15, 2001
46	September 1, 2001	108	September 1, 2001
48	March 2, 2001	111	January 1, 2002 (operative date)
49	July 1, 2001 (operative date)	113	September 1, 2001
51	September 1, 2001	113A	September 1, 2001
52	Sections 26 to 42, 45, 47 to 57, and 61 of this act become operative on September 1, 2001. Sections 16 to 20 of this act become operative on January 1, 2003. The other sections of this act become operative on April 5, 2001.	114	September 1, 2001
53	Sections 4, 5, 7, 19 to 24, 27 to 86, 89 to 102, 108 to 111, 113, and 115 of this act become operative on September 1, 2001. The other sections of this act become operative on March 2, 2001.	118	February 14, 2001
54	July 1, 2001 (operative date)	122	February 7, 2001
55	July 1, 2001 (operative date)	126	September 1, 2001
		128	September 1, 2001
		128A	September 1, 2001
		129	September 1, 2001
		130	September 1, 2001
		131	September 1, 2001
		133	September 1, 2001
		134	September 1, 2001
		135	September 1, 2001
		136	September 1, 2001
		137	September 1, 2001

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
138	February 14, 2001	250	September 1, 2001
142	September 1, 2001	252	September 1, 2001
146	September 1, 2001	253	September 1, 2001
151	September 1, 2001	254	September 1, 2001
152	May 26, 2001	257	March 2, 2001
152A	September 1, 2001	257A	March 2, 2001
154	September 1, 2001	268	July 1, 2001
154A	September 1, 2001		(operative date)
155	September 1, 2001	269	September 1, 2001
156	September 1, 2001	270	September 1, 2001
162	September 1, 2001	270A	September 1, 2001
163	September 1, 2001	275	September 1, 2001
163A	September 1, 2001	278	September 1, 2001
165	September 1, 2001	278A	September 1, 2001
166	September 1, 2001	280	September 1, 2001
166A	September 1, 2001	286	September 1, 2001
168	Sections 4 to 7, 14, and 15 of this act become operative on January 1, 2002. The other sections of this act become operative on February 14, 2001.	295	September 1, 2001
168A	February 14, 2001	299	September 1, 2001
169	September 1, 2001	300	September 1, 2001
170	April 5, 2001	302	February 14, 2001
170A	April 5, 2001	303	May 26, 2001
172	September 1, 2001	303A	May 26, 2001
173	September 1, 2001	308	September 1, 2001
177	September 1, 2001	313	May 26, 2001
179	September 1, 2001	313A	May 26, 2001
180	June 1, 2001	314	March 15, 2001
182	September 1, 2001	317	September 1, 2001
186	January 1, 2003 (operative date)	329	May 31, 2001
186A	September 1, 2001	329A	May 31, 2001
191	September 1, 2001	334	September 1, 2001
191A	September 1, 2001	334A	September 1, 2001
192	March 2, 2001	335	September 1, 2001
193	March 2, 2001	335A	September 1, 2001
194	September 1, 2001	337	September 1, 2001
197	Sections 1 to 4 and 24 of this act become operative on January 1, 2002. The other sections of this act become operative on September 1, 2001.	346	September 1, 2001
198	September 1, 2001	346A	September 1, 2001
209	February 14, 2001	357	June 1, 2001
209A	September 1, 2001	357A	June 1, 2001
210	September 1, 2001	358	May 1, 2001
213	September 1, 2001	360	September 1, 2001
214	September 1, 2001	362	September 1, 2001
222	February 7, 2001	365	September 1, 2001
225	January 1, 2002 (operative date)	366	September 1, 2001
225A	May 26, 2001	368	September 1, 2001
226	March 2, 2001	375	September 1, 2001
238	September 1, 2001	376	September 1, 2001
240	April 6, 2001	387	September 1, 2001
242	September 1, 2001	389	September 1, 2001
243	May 26, 2001	398	Sections 21, 27, 28, 30 to 32, 39 to 42, 44, 65, 67, 69, 70, 77 to 79, 82, 83, 85, 94, and 96 of this act become operative on January 1, 2002. The other sections of this act become operative on May 1, 2001.
244	September 1, 2001	398A	May 1, 2001
244A	September 1, 2001	408	July 1, 2001 (operative date)
245	September 1, 2001	409	September 1, 2001
247	September 1, 2001	411	September 1, 2001
		418	September 1, 2001
		419	March 15, 2001
		420	May 8, 2001

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
432	September 1, 2001	664	September 1, 2001
432A	September 1, 2001	666	July 1, 2001 (operative date)
433	January 1, 2001 (operative date)	666A	May 15, 2001
433A	September 1, 2001	667	Sections 1, 7 to 10, 28 to 50, 52, and 53 of this act become operative on May 22, 2001. The other sections of this act become operative on July 1, 2001.
438	September 1, 2001	667A	September 1, 2001
444	September 1, 2001	668	May 1, 2001
451	September 1, 2001	668A	May 1, 2001
451A	September 1, 2001	671	September 1, 2001
461	May 31, 2001	671A	September 1, 2001
461A	September 1, 2001	677	September 1, 2001
465	June 1, 2001	677A	September 1, 2001
465A	June 1, 2001	678	May 1, 2001
468	September 1, 2001	692	May 17, 2001
468A	September 1, 2001	692A	May 17, 2001
472	September 1, 2001	706	September 1, 2001
477	September 1, 2001	711	May 2, 2001
483	September 1, 2001	730	September 1, 2001
484	September 1, 2001	750	April 18, 2001
489	Sections 4, 12, 13, and 16 of this act become operative on May 8, 2001. The other sections of this act become operative on September 1, 2001.	759	September 1, 2001
505	March 29, 2001	768	September 1, 2001
516	Sections 5 and 8 of this act become operative on October 1, 2001. The other sections of this act become operative on September 1, 2001.	772	January 1, 2002 (operative date)
516A	September 1, 2001	772A	September 1, 2001
536	September 1, 2001	773	September 1, 2001
536A	September 1, 2001	781	September 1, 2001
538	May 15, 2001	797	May 8, 2001
539	July 1, 2001 (operative date)	808	April 18, 2001
540	July 1, 2001 (operative date)	809	May 31, 2001
541	May 15, 2001	827	September 1, 2001
542	July 1, 2001 (operative date)	827A	September 1, 2001
543	July 1, 2001 (operative date)	833	May 22, 2001
574	September 1, 2001	849	May 15, 2001
574A	September 1, 2001	851	September 1, 2001
585	April 18, 2001	852	September 1, 2001
585A	April 18, 2001	853	June 1, 2001
593	September 1, 2001	854	June 1, 2001
593A	September 1, 2001	855	June 1, 2001
598	September 1, 2001	856	June 1, 2001
620	May 26, 2001		
640	Sections 1, 16, 17, and 19 of this act become operative on June 1, 2001. The other sections of this act become operative on July 1, 2001.		
640A	June 1, 2001		
641	September 1, 2001		
657	July 1, 2001 (operative date)		
657A	June 1, 2001		
659	September 1, 2001		
659A	September 1, 2001		



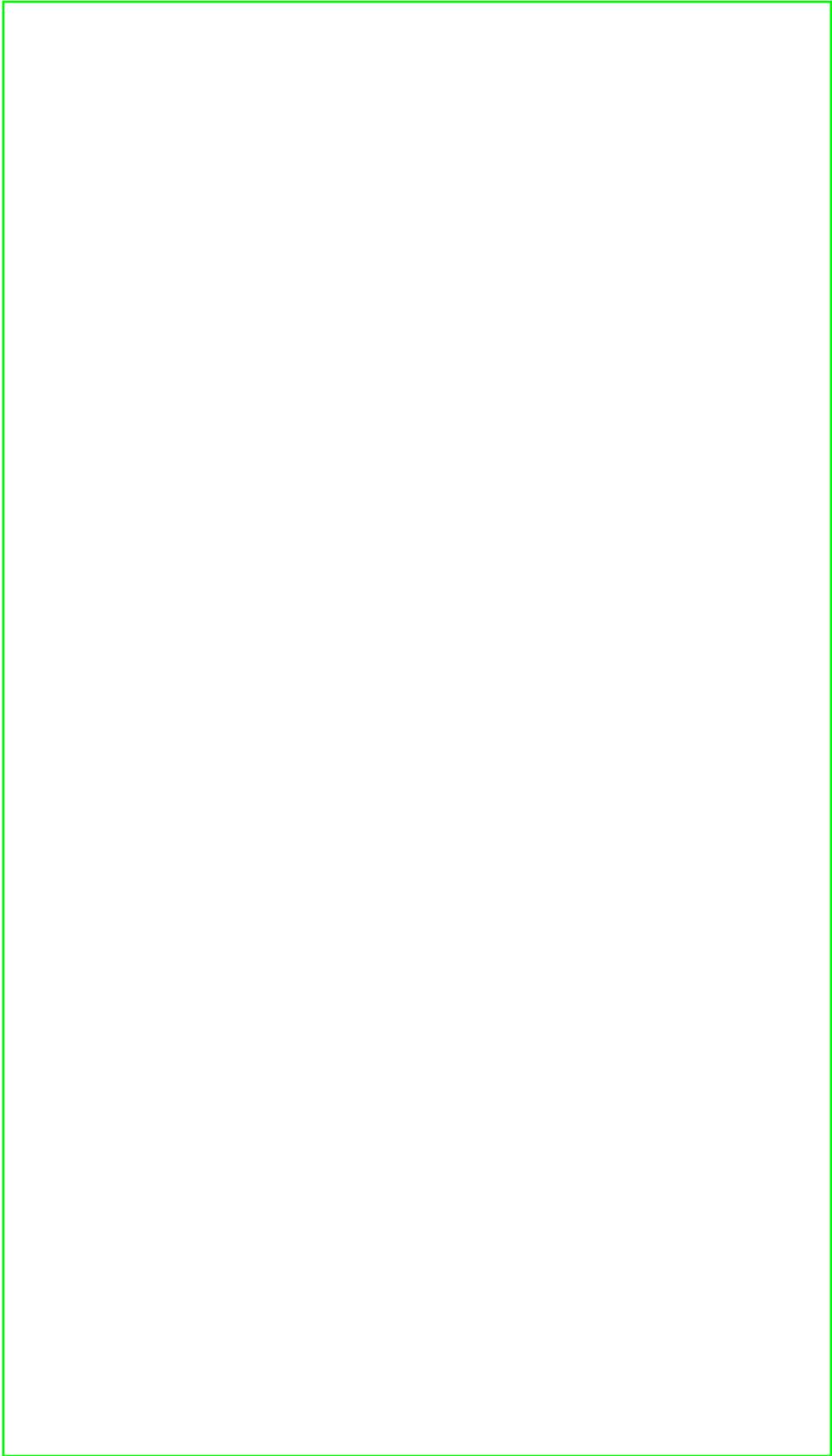
APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2001 Session Laws of Nebraska, First Special Session

2001 First Special Session	2002 Cumulative Supplement	2001 First Special Session	2002 Cumulative Supplement	2001 First Special Session	2002 Cumulative Supplement
LB 1	Omitted	7	79-1010	LB 4	§ 1 77-27,222
LB 2	Omitted	8	79-1328		2 Omitted
LB 3	§ 1 9-812	9	Omitted		3 Omitted
	2 29-2259.01	10	Omitted		4 Omitted
	3 71-7607	11	Omitted		5 Omitted
	4 71-7609	12	Omitted		6 Omitted
	5 76-903	13	Omitted		
	6 79-8,136	14	Omitted		



APPENDIX

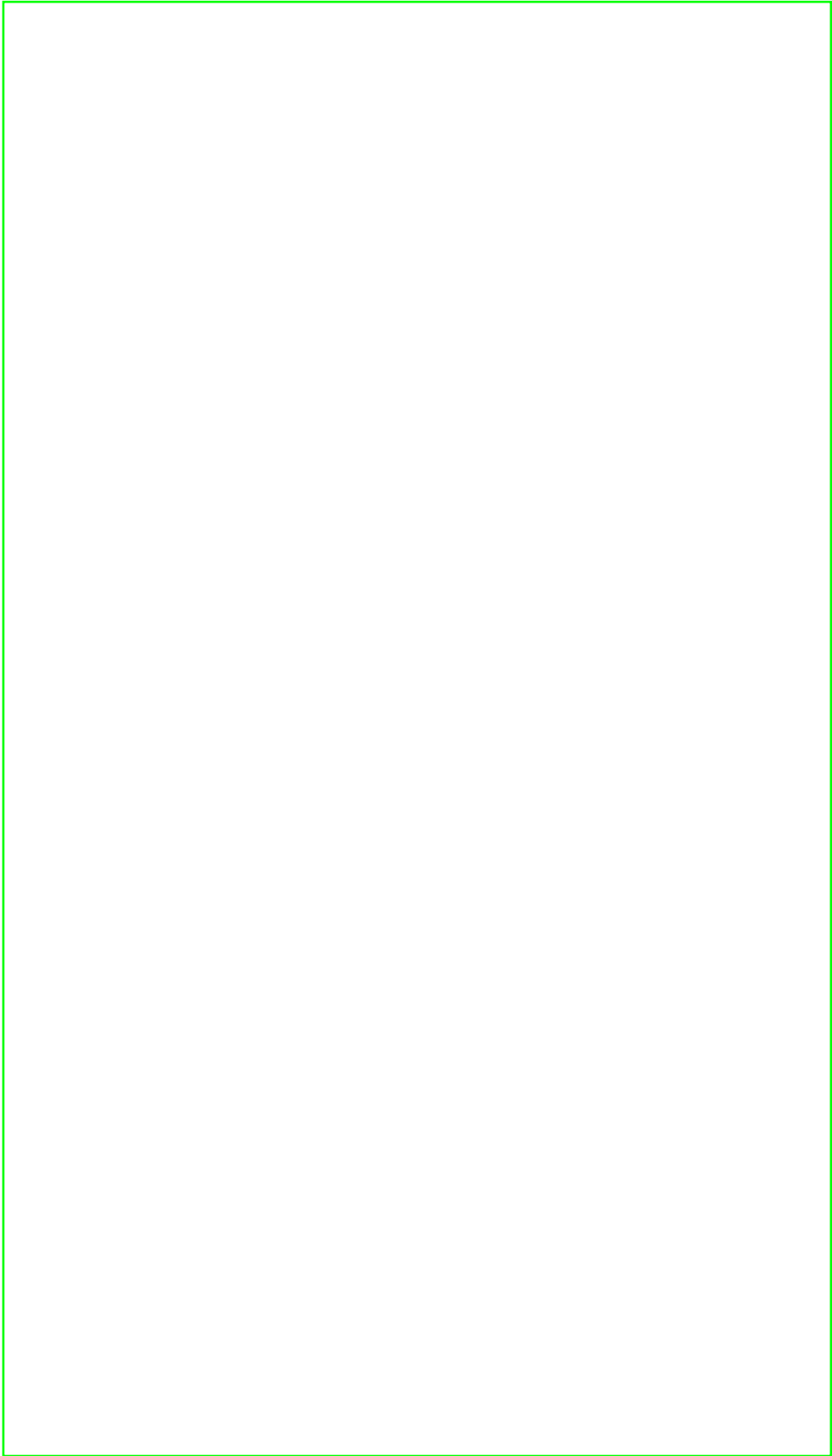
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 97th Legislature
First Special Session, 2001

Showing the date each act went into effect.
Convened October 25, 2001, and adjourned November 8, 2001.

LB No.	Effective Date	LB No.	Effective Date
1	November 9, 2001	4	Sections 1 and 4 of this act become operative for taxable years beginning or deemed to begin on or after January 1, 2003, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative on November 9, 2001.
2	November 9, 2001		
3	Sections 5 and 11 of this act become operative on January 1, 2002. The other sections of this act become operative on November 9, 2001.		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2002 Session Laws of Nebraska, Second Session

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
LB 21	§ 1 68-1021.01		4 50-1302	4	71-343
	2 Omitted		5 60-2121	5	71-348
LB 22	§ 1 20-150		6 71-1405	6	71-351
	2 20-151		7 71-1901	7	71-352
	3 20-152		8 71-1902	8	71-357
	4 20-153		9 71-1903	9	71-357.01
	5 20-154		10 71-1904	10	71-357.02
	6 20-156		11 71-1905	11	71-357.03
	7 20-159		12 71-3503	12	71-362
	8 25-2401		13 71-3504	13	71-364
	9 25-2402		14 71-3505	14	71-365.02
	10 25-2404		15 71-3508.01	15	71-368
	11 25-2405		16 71-4609	16	71-369
	12 25-2407		17 71-4903	17	71-371
	13 55-424		18 75-366	18	71-374
	14 71-4720.01		19 77-27,187	19	71-377
	15 71-4727		20 79-1312	20	71-381
	16 71-4728		21 81-177	21	71-382
	17 71-4728.05		22 81-5,147	22	71-386
	18 71-4732		23 81-8,307	23	71-387
	19 Omitted		24 81-1417	24	71-394
LB 29	§ 1 48-838		25 83-4,124	25	71-397
	2 Omitted		26 Omitted	26	71-3,102
LB 57	§ 1 33-126.05		27 Omitted	27	71-3,103
	2 77-2701	LB 112	§ 1 83-183	28	71-3,105
	3 77-2704.42		2 Omitted	29	71-3,107
	4 Omitted	LB 123	§ 1 77-2704.15	30	71-3,109
	5 Omitted		2 Omitted	31	71-3,117
LB 58	§ 1 44-1540		3 Omitted	32	71-3,120
	2 Omitted	LB 176	§ 1 25-2501	33	71-3,136
LB 82	§ 1 29-430		2 31-740	34	71-3,138.02
	2 18-1741.03		3 31-741	35	71-3,137
	3 28-106		4 31-786	36	71-3,138
	4 28-519		5 31-787	37	71-3,139
	5 28-1006		6 31-788	38	71-3,140
	6 28-1009		7 31-789	39	71-3,141
	7 28-1012		8 31-791	40	71-3,145
	8 28-1204.04		9 Omitted	41	71-3,147
	9 28-1213	LB 188	§ 1 83-1025	42	71-3,150
	10 28-1221		2 Omitted	43	71-3,151
	11 29-423	LB 235	§ 1 71-519	44	71-3,154
	12 29-820		2 71-520	45	71-3,155
	13 29-1819.02		3 71-521	46	71-3,159
	14 29-1819.03		4 71-522	47	71-3,169
	15 29-3504		5 71-523	48	71-3,174
	16 32-1549		6 71-524	49	71-3,177
	17 42-924		7 Omitted	50	71-3,179
	18 Omitted	LB 235A	Omitted	51	Omitted
LB 93	§ 1 2-2626	LB 241	§ 1 71-340	LB 241A	Omitted
	2 20-139		2 71-341	LB 251	§ 1 32-560
	3 44-788		3 71-342		2 32-572

APPENDIX

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
	3 32-605	LB 385	§ 1 76-2005	43	79-971
	4 32-615		2 Omitted	44	79-973
	5 32-616	LB 391	§ 1 79-2001	45	79-976
	6 32-625		2 79-2002	46	79-977
	7 85-1514		3 79-2003	47	79-998
	8 Omitted		4 79-2004	48	81-2014.01
	9 Omitted		5 79-2005	49	81-2016
LB 259	§ 1 77-27,223		6 79-2006	50	81-2017
	2 77-27,224		7 79-2007	51	81-2031.03
	3 77-27,225		8 79-2008	52	81-2031.04
	4 77-27,226		9 79-2009	53	81-2031.07
	5 77-27,227		10 79-2010	54	84-1301
	6 13-518		11 79-2011	55	84-1307
	7 13-519		12 79-2012	56	84-1310.01
	8 Omitted		13 79-2013	57	84-1311.03
LB 276	§ 1 28-101		14 79-2014	58	84-1312
	2 28-608		15 79-2015	59	84-1313
	3 28-620	LB 406	§ 1 81-1108	60	84-1322
	4 28-632		2 Omitted	61	84-1313.01
	5 28-633		3 Omitted	62	84-1331
	6 28-634	LB 407	§ 1 23-2301	63	84-1503
	7 84-712.05		2 23-2306	64	Omitted
	8 Omitted		3 23-2308	65	Omitted
LB 326	§ 1 79-1901		4 23-2309.01	66	Omitted
	2 79-1902		5 23-2310.05	67	Omitted
	3 79-1903		6 23-2320	68	Omitted
	4 79-1904		7 23-2323.02	LB 417	§ 1 48-106
	5 79-1905		8 23-2323.03		2 48-115
LB 326A	Omitted		9 23-2323.04		3 48-139
LB 384	§ 1 19-4624		10 23-2331		4 Omitted
	2 19-4625		11 24-701.01		5 Omitted
	3 19-4626		12 24-702		6 Omitted
	4 19-4627		13 24-703	LB 435	§ 1 2-5501
	5 19-4628		14 24-710.05		2 2-5502
	6 19-4629		15 24-710.06		3 2-5503
	7 19-4630		16 24-710.12		4 2-5504
	8 19-4631		17 72-1237		5 2-5505
	9 19-4632		18 72-1239.01		6 2-5506
	10 19-4633		19 72-1246		7 2-5507
	11 19-4634		20 72-1249.02		8 2-5508
	12 19-4635		21 79-901		9 75-109
	13 19-4636		22 79-902		10 Omitted
	14 19-4637		23 79-910	LB 435A	Omitted
	15 19-4638		24 79-916	LB 436	§ 1 2-2622
	16 19-4639		25 79-917		2 2-2623
	17 19-4640		26 79-910.01		3 2-2624
	18 19-4641		27 79-927		4 2-2625
	19 19-4642		28 79-933.01		5 2-2626
	20 19-4643		29 79-933.02		6 2-2629
	21 19-4644		30 79-933.06		7 2-2632
	22 19-4645		31 79-933.09		8 2-2635
	23 16-645		32 79-934		9 2-2636
	24 16-674		33 79-947		10 2-2637
	25 17-559		34 79-948		11 2-2638
	26 18-2520		35 79-958		12 2-2646.01
	27 18-2523		36 79-960		13 2-2639
	28 18-2528		37 79-963		14 2-2640
	29 19-701		38 79-966.01		15 2-2641
	30 19-709		39 79-966		16 2-2642
	31 76-703		40 79-967		17 2-2643
	32 Omitted		41 79-968		18 2-2643.01
	33 Omitted		42 79-972.01		19 2-2643.02

CROSS REFERENCE TABLE

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement			
	20	2-2643.03	5	60-302.08	43	9-425		
	21	2-2649.01	6	60-1515	44	9-601		
	22	2-2649.02	7	44-1545	45	9-603		
	23	2-2645	8	Omitted	46	9-603.02		
	24	2-2646	9	Omitted	47	9-605.01		
	25	2-2649		Omitted	48	9-606.02		
	26	81-2,173	LB 488A		49	9-615.01		
	27	81-2,177.01	LB 491	§ 1	39-1349	49	9-615.01	
	28	Omitted		2	60-680	50	9-606.01	
	29	Omitted	LB 499	§ 1	60-4,132	51	9-620	
LB 436A		Omitted		2	60-4,162	52	9-622	
LB 446	§ 1	3-129		3	60-4,168	53	9-625	
	2	3-133		4	60-1306	54	9-631	
	3	3-157		5	75-363	55	9-631.01	
	4	3-239		6	75-364	56	9-642.01	
	5	3-501		7	75-369.03	57	9-653	
	6	3-508		8	Omitted	58	Omitted	
	7	3-513		9	Omitted	59	Omitted	
	8	3-514	LB 500	§ 1	28-405	60	Omitted	
	9	Omitted		2	Omitted	LB 547	§ 1	28-631
LB 458	§ 1	46-230	LB 545	§ 1	9-1,104	2	44-6603	
	2	46-602		2	9-201	3	44-6604	
	3	46-606		3	9-204.03	4	44-6606	
	4	46-656.28		4	9-211	5	Omitted	
	5	46-677		5	9-213	LB 547A		Omitted
	6	46-1225		6	9-214.01	LB 564	§ 1	29-2261
	7	46-1237.03		7	9-225.02	2	29-4002	
	8	61-210		8	9-226	3	29-4003	
	9	76-2,124		9	9-226.01	4	29-4004	
	10	Omitted		10	9-230.01	5	29-4005	
LB 460	§ 1	79-4,110		11	9-231	6	29-4006	
	2	79-1027		12	9-232.01	7	29-4007	
	3	Omitted		13	9-232.02	8	29-4009	
	4	Omitted		14	9-233	9	29-4010	
	5	Omitted		15	9-241.05	10	29-4013	
	6	Omitted		16	9-255.02	11	Omitted	
LB 470	§ 1	60-1301		17	9-255.04	LB 568	§ 1	13-504
	2	60-1303		18	9-255.05	2	13-505	
	3	81-2002.01		19	9-255.06	3	13-506	
	4	60-1304		20	9-255.08	4	13-508	
	5	81-2003		21	9-301	5	13-511	
	6	81-2005		22	9-304	6	19-2903	
	7	81-2014		23	9-306.01	7	19-2905	
	8	81-2016		24	9-309	8	23-250	
	9	81-2033		25	9-311	9	77-3442	
	10	84-1301		26	9-321.03	10	79-10,110	
	11	Omitted		27	9-322	11	84-304	
LB 470A		Omitted		28	9-322.02	12	Omitted	
LB 474	§ 1	2-2304		29	9-326	13	Omitted	
	2	2-2305		30	9-328	14	Omitted	
	3	Omitted		31	9-329	15	Omitted	
	4	Omitted		32	9-331	16	Omitted	
LB 482	§ 1	81-8,130		33	9-340.02	LB 589	§ 1	54-193
	2	81-8,130.01		34	9-347	2	54-198	
	3	81-8,133		35	9-347.01	3	54-199	
	4	81-8,133.01		36	9-349	4	54-1,100	
	5	81-8,139		37	9-401	5	54-1,102	
	6	Omitted		38	9-410	6	54-1,105	
LB 488	§ 1	60-302		39	9-417.02	7	54-1,108	
	2	60-302.05		40	9-418	8	54-1,110	
	3	60-302.06		41	9-418.01	9	Omitted	
	4	60-302.07		42	9-423	LB 604	§ 1	83-915
						2	83-915.01	

APPENDIX

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
LB 616	3 Omitted § 1 39-1803 2 39-2519 3 Omitted 4 Omitted 5 Omitted 6 Omitted	LB 722	§ 1 48-230 2 48-231 3 55-160 4 55-161 5 55-164 6 55-165 7 79-990 8 Omitted 9 Omitted	LB 830A LB 848	Omitted § 1 7-102 2 Omitted 3 Omitted Omitted § 1 8-1109.01 2 8-1401 3 8-1508 4 8-1511 5 76-882 6 87-301 7 Omitted § 1 54-724.01 2 54-724.02 3 Omitted 4 Omitted 5 Omitted
LB 642	§ 1 28-734 2 28-735 3 28-736 4 28-737 5 28-738 6 28-739 7 28-725 8 28-726 9 Omitted	LB 729	§ 1 13-327 2 13-328 3 16-901 4 16-902 5 17-301 6 17-302 7 17-303 8 17-305 9 17-305.01 10 17-1001 11 17-1002 12 23-114 13 90-303 14 Omitted	LB 858 LB 859 LB 860	§ 1 8-1109.01 2 8-1401 3 8-1508 4 8-1511 5 76-882 6 87-301 7 Omitted § 1 54-724.01 2 54-724.02 3 Omitted 4 Omitted 5 Omitted Omitted § 1 16-716 2 Omitted
LB 647	§ 1 79-734.01 2 79-1217 3 Omitted		10 17-1001 11 17-1002 12 23-114 13 90-303 14 Omitted	LB 863	§ 1 76-2,120 2 76-2403 3 76-2407 4 76-2417 5 76-2418 6 76-2419 7 76-2421 8 76-2422 9 76-2426 10 81-885.01 11 81-885.03 12 81-885.11 13 81-885.12 14 81-885.13 15 81-885.17 16 81-885.18 17 81-885.19 18 81-885.21 19 81-885.24 20 81-885.29 21 81-885.33 22 81-885.34 23 81-885.40 24 81-885.45 25 81-885.51 26 81-885.52 27 81-885.53 28 81-885.55 29 Omitted
LB 649	§ 1 19-2402 2 19-2403 3 Omitted		14 Omitted		§ 1 76-2,120 2 76-2403 3 76-2407 4 76-2417 5 76-2418 6 76-2419 7 76-2421 8 76-2422 9 76-2426 10 81-885.01 11 81-885.03 12 81-885.11 13 81-885.12 14 81-885.13 15 81-885.17 16 81-885.18 17 81-885.19 18 81-885.21 19 81-885.24 20 81-885.29 21 81-885.33 22 81-885.34 23 81-885.40 24 81-885.45 25 81-885.51 26 81-885.52 27 81-885.53 28 81-885.55 29 Omitted
LB 684	§ 1 25-21,253 2 Omitted	LB 752	§ 1 29-1928 2 29-1929		§ 1 76-2,120 2 76-2403 3 76-2407 4 76-2417 5 76-2418 6 76-2419 7 76-2421 8 76-2422 9 76-2426 10 81-885.01 11 81-885.03 12 81-885.11 13 81-885.12 14 81-885.13 15 81-885.17 16 81-885.18 17 81-885.19 18 81-885.21 19 81-885.24 20 81-885.29 21 81-885.33 22 81-885.34 23 81-885.40 24 81-885.45 25 81-885.51 26 81-885.52 27 81-885.53 28 81-885.55 29 Omitted
LB 687	§ 1 50-417.01 2 2-1608 3 23-2301 4 23-2305.01 5 23-2306 6 23-2308.01 7 23-2309 8 23-2309.01 9 23-2310 10 23-2310.05 11 23-2316 12 23-2317 13 23-2319 14 23-2319.01 15 23-2320 16 23-2321 17 23-2331 18 84-1301 19 84-1305.02 20 84-1307 21 84-1309.02 22 84-1310 23 84-1310.01 24 84-1311 25 84-1311.03 26 84-1318 27 84-1319 28 84-1321 29 84-1321.01 30 84-1322 31 84-1323 32 84-1331 33 Omitted 34 Omitted 35 Omitted	LB 824	§ 1 28-101 2 28-388 3 28-389 4 28-390 5 28-391 6 28-392 7 28-393 8 28-394 9 Omitted 10 Omitted 11 Omitted	LB 873	§ 1 81-2104 2 Omitted 3 Omitted
LB 687A	Omitted	LB 830	§ 1 60-106 2 60-107 3 60-108 4 60-110 5 60-112 6 60-117 7 60-129 8 60-129.01 9 60-129.02 10 60-129.03 11 60-129.04 12 60-129.05 13 60-130 14 60-131 15 60-302 16 60-310 17 60-311.11 18 60-311.12 19 60-311.23 20 60-315 21 60-315.01 22 60-319 23 60-328 24 60-2603 25 Omitted 26 Omitted	LB 876	§ 1 25-801.01 2 25-201.02 3 13-518 4 24-209 5 25-217 6 25-318 7 25-321 8 25-323 9 25-328 10 25-330
LB 719	§ 1 44-5256 2 Omitted		24 60-2603 25 Omitted 26 Omitted		9 25-328 10 25-330

CROSS REFERENCE TABLE

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
11	25-331		73 42-351		3 48-1706
12	25-501		74 44-2833		4 48-1710
13	25-503.01		75 44-2840		5 48-1711
14	25-504.01		76 44-2841		6 Omitted
15	25-516.01		77 44-2842		7 Omitted
16	25-519		78 45-103	LB 932	§ 1 15-401
17	25-525		79 60-4,105		2 Omitted
18	25-531		80 76-1002	LB 935	§ 1 10-703.01
19	25-1002		81 76-1441		2 29-1401
20	25-1063		82 76-1442		3 29-1401.02
21	25-1064.01		83 77-1904		4 32-303
22	25-1075		84 77-1906		5 32-552
23	25-1085		85 77-1917		6 32-802
24	25-1102		86 81-1316		7 32-819
25	25-1321		87 Omitted		8 32-933
26	25-1506		88 Omitted		9 32-941
27	25-1715		89 Omitted		10 32-942
28	25-2002		90 Omitted		11 32-943
29	25-2005		91 Omitted		12 32-946
30	25-2124		92 Omitted		13 32-950
31	25-2125	LB 876A	Omitted		14 32-954
32	25-2137	LB 898	§ 1 77-3442		15 32-956
33	25-2138		2 79-1001		16 32-1027
34	25-2139		3 79-1003		17 79-552
35	25-2140		4 79-1005.01		18 Omitted
36	25-2142		5 79-1005.02		19 Omitted
37	25-2143		6 79-1007.01	LB 947	§ 1 77-2706.02
38	25-2148		7 79-1007.02		2 13-326
39	25-2151		8 79-1008.01		3 77-2701
40	25-2162		9 79-1008.02		4 77-2702.07
41	25-2170		10 79-1009		5 77-27,147
42	25-2171		11 79-1017.01		6 Omitted
43	25-2178		12 79-1022	LB 951	§ 1 83-145.01
44	25-21,108		13 79-1022.02		2 Omitted
45	25-21,113		14 79-1031.01	LB 952	§ 1 43-146.17
46	25-21,115		15 Omitted		2 43-104
47	25-21,124		16 Omitted		3 43-143
48	25-21,134	LB 898A	§ 1 90-529		4 43-146.01
49	25-21,156		2 Omitted		5 Omitted
50	25-21,202		3 Omitted	LB 952A	Omitted
51	25-21,206	LB 905	§ 1 77-2101	LB 957	§ 1 8-115.01
52	25-21,223		2 77-2101.01		2 8-120
53	25-2210		3 77-2101.02		3 8-122
54	25-2211		4 77-2101.03		4 8-157
55	25-2221		5 77-2102		5 8-178
56	25-2226		6 77-2103		6 8-183.03
57	25-2704		7 77-2104		7 8-1,140
58	25-2805		8 77-2105		8 8-355
59	25-2924		9 77-2108		9 8-1111
60	25-2925		10 77-2113		10 8-1103.01
61	25-2928		11 77-2116		11 8-1123
62	25-2929		12 Omitted		12 8-1401
63	29-2709		13 Omitted		13 8-1402
64	29-3920	LB 912	§ 1 2-4816		14 10-126
65	29-3921		2 Omitted		15 21-1701
66	29-3927	LB 921	§ 1 48-602		16 21-1732
67	29-3931		2 48-628		17 21-1725.01
68	29-3932		3 48-648		18 21-1736
69	29-3933		4 Omitted		19 21-17,109
70	29-4121		5 Omitted		20 21-17,115
71	29-4122	LB 931	§ 1 48-1702		21 45-337
72	33-107.01		2 48-1703		22 45-703

APPENDIX

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	
	23	45-1026	16	77-1343	43	72-2006
	24	52-1601	17	77-1345	44	72-2008
	25	72-1262	18	77-1347	45	72-2010
	26	72-1263	19	77-1348	46	72-2011
	27	72-1264	20	77-1380	47	72-2004.01
	28	72-1266	21	77-1702	48	81-15,167
	29	72-1268.03	22	77-1710	49	81-15,170
	30	76-252	23	77-1734	50	81-15,170.01
	31	76-1002	24	77-1822	51	81-15,175
	32	76-1014.01	25	77-1836	52	81-15,176
	33	Omitted	26	77-3443	53	Omitted
	34	Omitted	27	77-3618	LB 1003A	Omitted
	35	Omitted	28	77-5004	LB 1018	§ 1
	36	Omitted	29	77-5016		2
LB 970	§ 1	16-104	30	79-1016		3
	2	32-534	31	81-118.01	LB 1021	§ 1
	3	Omitted	32	Omitted		2
LB 977	§ 1	80-401.03	33	Omitted		3
	2	Omitted	34	Omitted		4
LB 989	§ 1	21-301		Omitted		5
	2	21-304	LB 994A			6
	3	21-306	LB 1003	§ 1		7
	4	21-313		2		8
	5	21-323		3		9
	6	21-325		4		10
	7	39-2215		5		11
	8	49-801.01		6		12
	9	77-2601		7		13
	10	77-2602.03		8		14
	11	77-2603		9		15
	12	77-2604		10		16
	13	77-2609		11		17
	14	77-2612		12		18
	15	77-2615.01		13		19
	16	77-2617		14		20
	17	77-2620		15		21
	18	77-2704.12		16		22
	19	77-27,119		17		23
	20	77-27,150		18		24
	21	77-27,151		19		25
	22	77-27,152		20		26
	23	77-27,153		21		27
	24	77-27,154		22		28
	25	Omitted		23		29
	26	Omitted		24		30
	27	Omitted		25		31
LB 989A		Omitted		26		32
LB 994	§ 1	13-609		27		33
	2	18-2147		28		34
	3	19-3315		29		35
	4	37-335		30		36
	5	49-1202		31		37
	6	49-1203		32		38
	7	60-106		33		39
	8	60-302		34		40
	9	60-6,322		35		41
	10	77-202		36		42
	11	77-415		37		43
	12	77-1315		38		44
	13	77-1318.01		39		45
	14	77-1327		40		46
	15	77-1340		41		47
				42		
				43		
				44		
				45		
				46		
				47		

CROSS REFERENCE TABLE

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	
48	71-3,196		110	Omitted	27	71-1,132.24
49	71-3,197		111	Omitted	28	71-1,132.25
50	71-3,198	LB 1033	§ 1	71-5178	29	71-1,132.35
51	71-3,202		2	71-5184	30	71-1,134
52	71-3,205		3	Omitted	31	71-1,135.07
53	71-3,206	LB 1033A		Omitted	32	71-1,136.03
54	71-1326	LB 1040		Omitted	33	71-1,139.01
55	71-1354	LB 1054	§ 1	19-3101	34	71-1,147.53
56	71-1718.02		2	19-616	35	71-1,158
57	71-1722		3	29-112	36	71-1,160
58	71-1724		4	29-112.01	37	71-1,161
59	71-1724.01		5	29-113	38	71-1,231
60	71-1724.02		6	29-2264	39	71-404
61	71-1730		7	32-101	40	71-428
62	71-1735		8	32-223	41	71-432
63	71-1755		9	32-227	42	71-434
64	71-1757		10	32-228	43	71-436
65	71-1779		11	32-230	44	71-438
66	71-1782		12	32-231	45	71-456
67	71-1788		13	32-233	46	71-1723.02
68	71-2802		14	32-235	47	71-1729
69	71-2815		15	32-236	48	71-1757
70	71-2823		16	32-241	49	71-1761
71	71-3503		17	32-624	50	71-1787
72	71-3507		18	32-628	51	71-20,120
73	71-3508.03		19	32-914	52	71-2412
74	71-3514.01		20	32-914.03	53	71-2421
75	71-3515.01		21	32-916	54	71-5310
76	71-3515.02		22	32-947	55	71-6053
77	71-3517		23	32-1002	56	71-6054
78	71-3519		24	32-1119	57	71-6056
79	71-3709		25	32-1303	58	71-6057
80	71-3710		26	32-1304	59	71-6060
81	71-4301		27	83-187	60	71-6061
82	71-4302		28	83-1,118	61	71-6065
83	71-4305		29	Omitted	62	71-6066
84	71-4702.01	LB 1062	§ 1	23-3502	63	71-6603
85	71-4711		2	42-358	64	71-7611.04
86	71-4716		3	43-3342.01	65	81-1316
87	71-5178		4	43-3342.03	66	83-126
88	71-5179		5	43-3342.05	67	Omitted
89	71-5206.01		6	44-3,144	68	Omitted
90	71-5308		7	44-3,145	69	Omitted
91	71-6053		8	44-3,146	70	Omitted
92	71-6054		9	44-3,149	71	Omitted
93	71-6060		10	44-2901	72	Omitted
94	71-6067		11	71-101	73	Omitted
95	71-6103		12	71-131	LB 1062A	Omitted
96	71-6113		13	71-139.01	LB 1071	§ 1
97	71-6115		14	71-183.02		2
98	71-6302		15	71-193.16		3
99	71-6303		16	71-185.03		4
100	71-6310.02		17	71-1,103		5
101	71-6321		18	71-1,104		6
102	71-6327		19	71-1,132.04		7
103	71-6725		20	71-1,132.06		8
104	71-6734		21	71-1,132.07	LB 1073	§ 1
105	81-649		22	71-1,132.11		2
106	81-666		23	71-1,132.13		3
107	81-673		24	71-1,132.16		4
108	81-6,105		25	71-1,132.18	LB 1085	§ 1
109	Omitted		26	71-1,132.20		2

APPENDIX

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
	3 77-2702.07	LB 1101	§ 1 81-15,177	59	86-160
	4 77-2702.09		2 Omitted	60	86-161
	5 77-2702.11		3 Omitted	61	86-162
	6 77-2702.13		4 Omitted	62	86-163
	7 77-2702.14	LB 1105	§ 1 Omitted	63	86-201
	8 77-2702.15		2 86-101	64	86-202
	9 77-2702.16		3 86-102	65	86-203
	10 77-2702.17		4 86-103	66	86-204
	11 77-2703		5 86-104	67	86-205
	12 77-2704.11		6 86-105	68	86-206
	13 77-2704.26		7 86-106	69	86-207
	14 77-2704.27		8 86-107	70	86-208
	15 77-2704.30		9 86-108	71	86-209
	16 77-2704.31		10 86-109	72	86-210
	17 77-2715.02		11 86-110	73	86-211
	18 77-2716		12 86-111	74	86-212
	19 77-3442		13 86-112	75	86-213
	20 77-4008		14 86-113	76	86-214
	21 77-4025		15 86-114	77	86-215
	22 Omitted		16 86-115	78	86-216
	23 Omitted		17 86-116	79	86-217
	24 Omitted		18 86-117	80	86-218
	25 Omitted		19 86-118	81	86-219
LB 1085A	Omitted		20 86-119	82	86-220
LB 1086	§ 1 84-733		21 86-120	83	86-221
	2 32-1603		22 86-121	84	86-222
	3 49-1446.01		23 86-122	85	86-223
	4 49-14,101.01		24 86-123	86	86-224
	5 Omitted		25 86-124	87	86-225
LB 1089	§ 1 8-101		26 86-126	88	86-226
	2 8-157		27 86-128	89	86-227
	3 8-157.01		28 86-129	90	86-228
	4 8-183.05		29 86-130	91	86-229
	5 8-234		30 86-131	92	86-230
	6 8-345.02		31 86-132	93	86-231
	7 8-602		32 86-133	94	86-232
	8 8-910		33 86-134	95	86-233
	9 8-1507		34 86-135	96	86-234
	10 8-1516		35 86-136	97	86-235
	11 8-2104		36 86-137	98	86-236
	12 81-1298		37 86-138	99	86-237
	13 Omitted		38 86-139	100	86-238
	14 Omitted		39 86-140	101	86-239
LB 1094	§ 1 8-102		40 86-141	102	86-240
	2 8-103		41 86-142	103	86-241
	3 8-116		42 86-143	104	86-242
	4 8-122		43 86-144	105	86-243
	5 8-157		44 86-145	106	86-244
	6 8-601		45 86-146	107	86-245
	7 8-602		46 86-147	108	86-246
	8 8-815		47 86-148	109	86-247
	9 8-1511		48 86-149	110	86-248
	10 21-1335		49 86-150	111	86-249
	11 21-1755		50 86-151	112	86-250
	12 21-17,131		51 86-152	113	86-251
	13 28-612		52 86-153	114	86-252
	14 62-301		53 86-154	115	86-253
	15 64-212		54 86-155	116	86-254
	16 64-213		55 86-156	117	86-255
	17 77-3801		56 86-157	118	86-256
	18 Omitted		57 86-158	119	86-257
	19 Omitted		58 86-159	120	86-258

CROSS REFERENCE TABLE

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
121	86-259	183	86-305	245	86-444
122	86-260	184	86-306	246	86-445
123	86-261	185	86-307	247	86-446
124	86-262	186	86-308	248	86-447
125	86-263	187	86-309	249	86-448
126	86-264	188	86-310	250	86-449
127	86-265	189	86-311	251	86-450
128	86-266	190	86-312	252	86-451
129	86-267	191	86-313	253	86-452
130	86-268	192	86-314	254	86-453
131	86-269	193	86-315	255	86-454
132	86-270	194	86-316	256	86-455
133	86-271	195	86-317	257	86-456
134	86-272	196	86-318	258	86-457
135	86-273	197	86-319	259	86-458
136	86-274	198	86-320	260	86-459
137	86-275	199	86-321	261	86-460
138	86-276	200	86-322	262	86-461
139	86-277	201	86-323	263	86-462
140	86-278	202	86-324	264	86-463
141	86-279	203	86-325	265	86-464
142	86-280	204	86-326	266	86-465
143	86-281	205	86-327	267	86-466
144	86-282	206	86-328	268	86-467
145	86-283	207	86-329	269	86-468
146	86-284	208	86-401	270	86-469
147	86-285	209	86-402	271	86-501
148	86-286	210	86-403	272	86-502
149	86-287	211	86-406	273	86-503
150	86-288	212	86-407	274	86-504
151	86-289	213	86-408	275	86-505
152	86-290	214	86-409	276	86-506
153	86-291	215	86-414	277	86-507
154	86-292	216	86-1807	278	86-508
155	86-293	217	86-417	279	86-509
156	86-294	218	86-418	280	86-510
157	86-295	219	86-1810	281	86-511
158	86-296	220	86-419	282	86-512
159	86-297	221	86-420	283	86-513
160	86-298	222	86-421	284	86-514
161	86-299	223	86-422	285	86-515
162	86-2,100	224	86-423	286	86-516
163	86-2,101	225	86-424	287	86-517
164	86-2,102	226	86-425	288	86-518
165	86-2,103	227	86-426	289	86-519
166	86-2,104	228	86-427	290	86-520
167	86-2,105	229	86-428	291	86-521
168	86-2,106	230	86-429	292	86-522
169	86-2,107	231	86-430	293	86-523
170	86-2,108	232	86-431	294	86-524
171	86-2,109	233	86-432	295	86-525
172	86-2,110	234	86-433	296	86-526
173	86-2,111	235	86-434	297	86-527
174	86-2,112	236	86-435	298	86-528
175	86-2,113	237	86-436	299	86-529
176	86-2,114	238	86-437	300	86-530
177	86-2,115	239	86-438	301	86-531
178	86-2,116	240	86-439	302	86-532
179	86-301	241	86-440	303	86-533
180	86-302	242	86-441	304	86-534
181	86-303	243	86-442	305	86-535
182	86-304	244	86-443	306	86-536

APPENDIX

2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
307	86-537	369	86-607	431	28-515.02
308	86-538	370	86-608	432	28-711
309	86-539	371	86-609	433	28-1310
310	86-540	372	86-610	434	30-3219
311	86-541	373	86-611	435	30-3220
312	86-542	374	86-612	436	39-101
313	86-543	375	86-613	437	43-158
314	86-544	376	86-614	438	49-14,141
315	86-545	377	86-615	439	52-1307
316	86-546	378	86-616	440	52-1314
317	86-547	379	86-617	441	54-7,104
318	86-548	380	86-618	442	60-102
319	86-549	381	86-619	443	60-301
320	86-550	382	86-620	444	60-311.14
321	86-551	383	86-621	445	60-471
322	86-552	384	86-622	446	60-4,182
323	86-553	385	86-623	447	60-501
324	86-554	386	86-624	448	60-601
325	86-555	387	86-625	449	60-618.02
326	86-556	388	86-626	450	60-636
327	86-557	389	86-627	451	60-638
328	86-558	390	86-628	452	60-639
329	86-559	391	86-629	453	60-640
330	86-560	392	86-630	454	60-678
331	86-561	393	86-631	455	60-680
332	86-562	394	86-632	456	60-6,142
333	86-563	395	86-633	457	60-6,144
334	86-564	396	86-634	458	60-6,226
335	86-565	397	86-635	459	60-6,375
336	86-566	398	86-636	460	60-6,376
337	86-567	399	86-637	461	60-6,377
338	86-568	400	86-638	462	60-6,241
339	86-569	401	86-639	463	60-6,304
340	86-570	402	86-640	464	60-6,349
341	86-571	403	86-641	465	60-6,351
342	86-572	404	86-642	466	60-1417.01
343	86-573	405	86-643	467	70-301
344	86-574	406	86-701	468	70-305
345	86-575	407	86-702	469	70-306
346	86-576	408	86-703	470	70-307
347	86-577	409	86-704	471	70-308
348	86-578	410	86-705	472	70-309
349	86-579	411	86-706	473	70-310
350	86-580	412	86-707	474	70-311
351	86-581	413	86-708	475	70-312
352	86-582	414	86-709	476	70-313
353	86-583	415	86-710	477	70-625
354	86-584	416	2-1570	478	70-704
355	86-585	417	2-3917.02	479	70-1409
356	86-586	418	9-812	480	71-1,142
357	86-587	419	18-419	481	75-101
358	86-588	420	25-840.02	482	75-109.01
359	86-589	421	25-21,275	483	75-109
360	86-590	422	25-21,276	484	75-117
361	86-591	423	25-21,277	485	75-122.01
362	86-592	424	25-21,278	486	75-126
363	86-601	425	25-2503	487	75-128
364	86-602	426	25-2602.01	488	75-132.01
365	86-603	427	28-109	489	75-133
366	86-604	428	28-401	490	75-134
367	86-605	429	28-515	491	75-137
368	86-606	430	28-515.01	492	75-155

CROSS REFERENCE TABLE

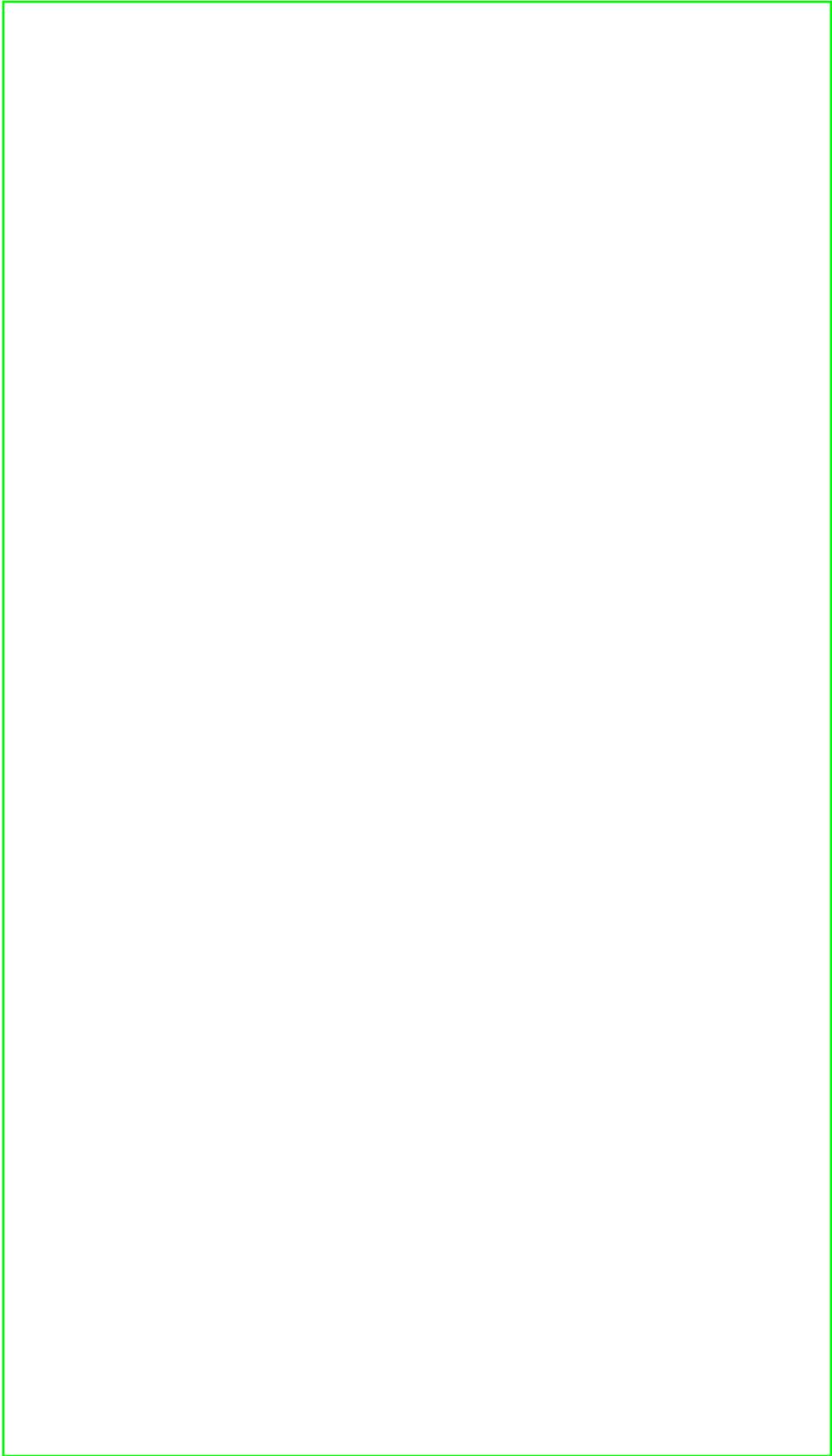
2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement			
	493	75-156	30	44-5225	12	86-804		
	494	76-2301	31	44-5227.01	13	86-1405		
	495	76-2325.01	32	44-5242.03	14	86-1803		
	496	76-2321	33	44-5260	15	86-1804		
	497	76-2501	34	44-5260.01	16	86-1805		
	498	76-2502	35	44-5261	16	86-404		
	499	76-2503	36	44-5503	16	86-405		
	500	76-2504	37	44-5504	17	86-410		
	501	76-2505	38	44-5601	18	86-411		
	502	76-2506	39	44-5603	19	86-412		
	503	79-215	40	44-5603.01	20	86-413		
	504	79-1241.02	41	44-5603.02	21	86-1806		
	505	79-1328	42	44-5814	22	86-415		
	506	81-1117	43	44-5815	23	86-416		
	507	81-1120.17	44	44-6901	24	86-1808		
	508	81-1120.19	45	44-6909.01	25	86-1811		
	509	81-1576	46	44-6916	26	86-2306		
	510	81-1849	47	44-6917.01	27	Omitted		
	511	Omitted	48	44-6918	28	Omitted		
	512	Omitted	49	44-7505	29	Omitted		
	513	Omitted	50	44-7509	30	Omitted		
	514	Omitted	51	44-7510	31	Omitted		
	515	Omitted	52	44-7511	32	Omitted		
LB 1110	§ 1	35-1303	53	44-7513	LB 1236	§ 1	2-101.01	
	2	35-1309	54	44-7515		2	2-101	
	3	Omitted	55	Omitted		3	2-103	
	4	Omitted	56	Omitted		4	2-104	
LB 1126	§ 1	9-226	57	Omitted		5	2-105	
	2	9-322	LB 1148	§ 1	71-7611.08	6	2-106	
	3	9-418		2	71-7605	7	2-219	
	4	9-620		3	Omitted	8	2-220	
	5	53-167.03		4	Omitted	9	2-220.01	
	6	Omitted	LB 1168	§ 1	74-922	10	2-220.02	
LB 1139	§ 1	44-7601		2	74-923	11	2-220.04	
	2	44-7602		3	74-924	12	2-1204	
	3	44-7603		4	74-925	13	2-1208.01	
	4	44-7604		5	Omitted	14	51-601	
	5	44-7605	LB 1172	§ 1	79-2,125	15	51-603	
	6	44-7606		2	79-2,126	16	51-604	
	7	44-7607		3	79-2,127	17	53-124.14	
	8	44-7608		4	79-2,128	18	77-2704.16	
	9	44-7609		5	79-2,129	19	81-1108.30	
	10	44-7610		6	79-2,130	20	83-136	
	11	44-7611		7	79-2,131	21	Omitted	
	12	44-7612		8	79-2,132	22	Omitted	
	13	44-7613		9	79-2,133	23	Omitted	
	14	44-7614		10	79-2,134	LB 1278	§ 1	59-806
	15	44-7615		11	79-2,135		2	59-808
	16	44-7616		12	79-715		3	59-809
	17	44-7617		13	Omitted		4	59-810
	18	44-787		14	Omitted		5	59-812
	19	44-1527	LB 1211	§ 1	13-808		6	59-815
	20	44-1984		2	13-2530		7	59-816
	21	44-19,116		3	58-201		8	59-819
	22	44-2127		4	58-202		9	59-820
	23	44-2845		5	58-203		10	59-821
	24	44-32,161		6	58-219		11	59-821.01
	25	44-4834		7	58-239.03		12	59-822
	26	44-4842		8	86-125		13	59-823
	27	44-4859		9	75-134		14	59-824
	28	44-5120		10	75-156		15	59-826
	29	44-5223		11	86-127		16	59-827

APPENDIX

	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement	2002 Second Session	2002 Cumulative Supplement
		17 59-828		30 Omitted		92 Omitted
		18 59-829		31 Omitted		93 Omitted
		19 59-830		32 Omitted		94 Omitted
		20 59-831		33 Omitted		95 Omitted
		21 59-1606		34 Omitted		96 Omitted
		22 59-1607		35 Omitted		97 Omitted
		23 59-1608		36 Omitted		98 Omitted
		24 59-1608.01		37 Omitted		99 Omitted
		25 59-1608.02		38 Omitted		100 Omitted
		26 59-1609		39 Omitted		101 Omitted
		27 59-1609.01		40 Omitted		102 Omitted
		28 59-1610		41 Omitted		103 Omitted
		29 59-1611		42 Omitted		104 Omitted
		30 59-1614		43 Omitted		105 Omitted
		31 59-1615		44 Omitted		106 Omitted
		32 59-1616		45 Omitted		107 Omitted
		33 59-1623		46 Omitted		108 Omitted
		34 59-1803		47 Omitted		109 Omitted
		35 68-1035		48 Omitted		110 Omitted
		36 Omitted		49 Omitted		111 Omitted
LB 1303	§ 1	29-3601		50 Omitted		112 Omitted
	2	29-3602		51 Omitted		113 Omitted
	3	29-3603		52 90-529		114 Omitted
	4	29-3604		53 Omitted		115 Omitted
	5	29-3605		54 Omitted		116 Omitted
	6	29-3606		55 Omitted		117 Omitted
	7	29-3607		56 Omitted		118 Omitted
	8	29-3608		57 Omitted		119 Omitted
	9	29-3609		58 Omitted		120 Omitted
	10	60-601		59 Omitted		121 Omitted
	11	60-6,287.01		60 Omitted		122 Omitted
	12	Omitted		61 Omitted		123 Omitted
	13	Omitted		62 Omitted		124 Omitted
LB 1309	§ 1	Omitted		63 Omitted		125 Omitted
	2	Omitted		64 Omitted		126 Omitted
	3	Omitted		65 Omitted		127 Omitted
	4	Omitted		66 Omitted		128 Omitted
	5	Omitted		67 Omitted		129 Omitted
	6	Omitted		68 Omitted		130 Omitted
	7	Omitted		69 Omitted		131 Omitted
	8	Omitted		70 Omitted		132 Omitted
	9	Omitted		71 Omitted		133 Omitted
	10	Omitted		72 Omitted		134 Omitted
	11	Omitted		73 Omitted		135 Omitted
	12	Omitted		74 Omitted		136 Omitted
	13	Omitted		75 Omitted		137 Omitted
	14	Omitted		76 Omitted		138 Omitted
	15	Omitted		77 Omitted		139 Omitted
	16	Omitted		78 Omitted		140 Omitted
	17	Omitted		79 Omitted		141 Omitted
	18	Omitted		80 Omitted		142 Omitted
	19	Omitted		81 Omitted		143 Omitted
	20	Omitted		82 Omitted		144 Omitted
	21	Omitted		83 Omitted		145 Omitted
	22	Omitted		84 Omitted		146 Omitted
	23	Omitted		85 Omitted		147 Omitted
	24	Omitted		86 Omitted		148 Omitted
	25	Omitted		87 Omitted		149 Omitted
	26	Omitted		88 Omitted		150 Omitted
	27	Omitted		89 Omitted		151 Omitted
	28	Omitted		90 Omitted		152 Omitted
	29	Omitted		91 Omitted		153 Omitted

CROSS REFERENCE TABLE

2002 Second Session	2002 Cumulative Supplement
	154 Omitted
	155 Omitted
	156 Omitted
	157 Omitted
	158 Omitted
	159 Omitted
	160 Omitted
	161 Omitted
	162 Omitted
	163 Omitted
	164 Omitted
	165 Omitted
	166 Omitted
	167 Omitted
	168 Omitted
	169 Omitted
	170 Omitted
	171 Omitted
	172 Omitted
	173 Omitted
	174 Omitted
	175 Omitted
	176 Omitted
	177 Omitted
LB 1310	§ 1 Omitted
	2 9-1,101
	3 9-812
	4 43-1906
	5 48-1,116
	6 60-1409
	7 66-1519
	8 71-5714
	9 77-1342
	10 77-4025
	11 81-179
	12 81-184
	13 81-188.01
	14 81-188.02
	15 81-188.03
	16 81-188.04
	17 81-188.05
	18 81-188.06
	19 81-1188
	20 84-612
	21 Omitted
	22 Omitted



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 97th Legislature
Second Session, 2002

Showing the date each act went into effect.

The Ninety-seventh Session of the Legislature adjourned April 19, 2002.

LB No.	Effective Date	LB No.	Effective Date
21	March 19, 2002	458	July 20, 2002
22	July 20, 2002	460	Sections 1, 3, 5, and 6 of this act become operative on April 18, 2002. The other sections of this act become operative on July 20, 2002.
29	July 20, 2002	470	July 20, 2002
57	October 1, 2002 (operative date)	470A	July 20, 2002
58	July 20, 2002	474	February 28, 2002
82	July 20, 2002	482	July 20, 2002
93	July 20, 2002	488	July 20, 2002
112	July 20, 2002	488A	July 20, 2002
123	October 1, 2002 (operative date)	491	July 20, 2002
176	July 20, 2002	499	July 20, 2002
188	July 20, 2002	500	July 20, 2002
235	July 20, 2002	545	Sections 14 and 60 of this act become operative on October 1, 2002. The other sections of this act become operative on July 20, 2002.
235A	July 20, 2002	547	July 20, 2002
241	July 20, 2002	547A	July 20, 2002
241A	July 20, 2002	564	July 20, 2002
251	July 20, 2002	568	Sections 1 to 4, 6 to 8, and 13 of this act become operative on July 1, 2002. The other sections of this act become operative on February 28, 2002.
259	July 20, 2002	589	July 20, 2002
276	July 20, 2002	604	July 20, 2002
326	July 20, 2002	616	Sections 1 and 4 of this act become operative on July 20, 2002. The other sections of this act become operative on March 19, 2002.
326A	July 20, 2002	642	July 20, 2002
384	Sections 18 to 22 of this act become operative on July 1, 2003. The other sections of this act become operative on July 20, 2002.	647	July 20, 2002
385	July 20, 2002	649	July 20, 2002
391	July 20, 2002	684	July 20, 2002
406	July 20, 2002	687	April 18, 2002
407	Sections 1 to 3, 12, 13, 19, 22 to 27, 30, 32 to 46, 49, 50, 54, 55, 60, 63, 66, and 67 of this act become operative on July 1, 2002. The other sections of this act become operative on April 18, 2002.	687A	April 18, 2002
417	Sections 2 and 5 of this act become operative on January 1, 2003. The other sections of this act become operative on July 20, 2002.	719	July 20, 2002
435	July 20, 2002	722	July 20, 2002
435A	July 20, 2002	729	July 20, 2002
436	July 20, 2002	752	July 20, 2002
436A	July 20, 2002	824	February 28, 2002
446	July 20, 2002	830	January 1, 2003

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	(operative date)	1085	Sections 2, 17 to 19, 22, 23, and 26 of this act become operative on July 20, 2002. The other sections of this act become operative on October 1, 2002.
830A	July 20, 2002	1085A	April 12, 2002
848	March 19, 2002	1086	July 20, 2002
848A	March 19, 2002	1089	July 20, 2002
857	July 20, 2002	1094	July 20, 2002
858	February 15, 2002	1101	February 23, 2002
859	July 20, 2002	1105	Sections 2 to 426, 428 to 435, 437 to 441, 467 to 510, 513, and 515 of this act become operative on January 1, 2003. The other sections of this act become operative on July 20, 2002.
860	July 20, 2002	1110	April 18, 2002
863	July 20, 2002	1126	July 20, 2002
873	April 18, 2002	1139	Sections 20 and 56 of this act become operative on January 1, 2003. The other sections of this act become operative on July 20, 2002.
876	Sections 1, 4, 55, 59 to 63, 72, 73, 78, 80, and 89 of this act become operative on July 20, 2002. Sections 3, 64 to 71, 86 to 88, 91, and 93 of this act become operative on April 19, 2002. The other sections of this act become operative on January 1, 2003.	1148	April 18, 2002
876A	July 20, 2002	1168	April 18, 2002
898	April 12, 2002	1172	July 20, 2002
898A	April 11, 2002	1211	Sections 8 to 10, 13, and 29 of this act become operative on September 1, 2002. The other sections of this act become operative on April 20, 2002.
905	January 1, 2003	1236	January 1, 2003
	(operative date)		(operative date)
912	July 20, 2002	1278	July 20, 2002
921	April 20, 2002	1303	January 1, 2003
931	April 20, 2002		(operative date)
932	July 20, 2002	1309	Provisions line-item vetoed by the Governor and overridden by the Legislature became effective on April 12, 2002. All other provisions became effective on April 9, 2002.
935	July 20, 2002	1310	April 9, 2002
947	July 20, 2002		
951	July 20, 2002		
952	July 20, 2002		
952A	July 20, 2002		
957	Sections 1 to 6, 9 to 11, 14 to 19, 21 to 23, 30 to 32, and 34 of this act become operative on July 20, 2002. The other sections of this act become operative on April 20, 2002.		
970	July 20, 2002		
977	July 20, 2002		
989	April 20, 2002		
989A	July 20, 2002		
994	April 20, 2002		
994A	April 20, 2002		
1003	July 20, 2002		
1003A	July 20, 2002		
1018	July 20, 2002		
1021	January 1, 2003		
	(operative date)		
1033	July 20, 2002		
1033A	July 20, 2002		
1040	April 16, 2002		
1054	July 20, 2002		
1062	Sections 1, 3, 4, 10, 12, 13, 18 to 66, and 70 of this act become operative on July 20, 2002. Sections 6 to 9 and 71 of this act become operative on July 1, 2002. The other sections of this act become operative on April 20, 2002.		
1062A	July 20, 2002		
1071	July 20, 2002		
1073	July 20, 2002		

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2002 Session Laws of Nebraska, Second Special Session

	2002 Second Special Session	2002 Cumulative Supplement	2002 Second Special Session	2002 Cumulative Supplement	2002 Second Special Session	2002 Cumulative Supplement
LB 1	§ 1	9-812	38	Omitted	91	Omitted
	2	39-2215	39	Omitted	92	Omitted
	3	66-1345.04	40	Omitted	93	Omitted
	4	72-816	41	Omitted	94	Omitted
	5	79-810	42	Omitted	95	Omitted
	6	81-188.01	43	Omitted	96	Omitted
	7	81-15,160	44	Omitted	97	Omitted
	8	81-15,174	45	Omitted	98	Omitted
	9	81-2004.02	46	Omitted	99	Omitted
	10	86-527	47	Omitted	100	Omitted
	11	61-217	48	Omitted	101	Omitted
	12	Omitted	49	Omitted	102	Omitted
	13	Omitted	50	Omitted	103	Omitted
	14	Omitted	51	Omitted	104	Omitted
	15	Omitted	52	Omitted	105	Omitted
	LB 2	16	Omitted	53	Omitted	106
§ 1		Omitted	54	Omitted	107	Omitted
2		Omitted	55	Omitted	108	Omitted
3		Omitted	56	Omitted	109	Omitted
4		Omitted	57	Omitted	110	Omitted
5		Omitted	58	Omitted	111	Omitted
6		Omitted	59	Omitted	112	Omitted
7		Omitted	60	Omitted	113	Omitted
8		Omitted	61	Omitted	114	Omitted
9		Omitted	62	Omitted	115	Omitted
10		Omitted	63	Omitted	116	Omitted
11		Omitted	64	Omitted	117	Omitted
12		Omitted	65	Omitted	118	Omitted
13		Omitted	66	Omitted	119	Omitted
14		Omitted	67	Omitted	120	Omitted
15		Omitted	68	Omitted	121	Omitted
16		Omitted	69	Omitted	122	Omitted
17		Omitted	70	Omitted	123	Omitted
18		Omitted	71	Omitted	124	Omitted
19		Omitted	72	Omitted	125	Omitted
20		Omitted	73	Omitted	126	Omitted
21		Omitted	74	Omitted	127	Omitted
22	Omitted	75	Omitted	128	Omitted	
23	Omitted	76	Omitted	129	Omitted	
24	Omitted	77	Omitted	130	Omitted	
25	Omitted	78	Omitted	131	Omitted	
26	Omitted	79	Omitted	132	Omitted	
27	Omitted	80	Omitted	133	Omitted	
28	Omitted	81	Omitted	134	Omitted	
29	Omitted	82	Omitted	135	Omitted	
30	Omitted	83	Omitted	136	Omitted	
31	Omitted	84	Omitted	137	Omitted	
32	Omitted	85	Omitted	138	Omitted	
33	Omitted	86	Omitted	139	Omitted	
34	Omitted	87	Omitted	140	Omitted	
35	Omitted	88	Omitted	141	90-529	
36	Omitted	89	Omitted	142	Omitted	
37	Omitted	90	Omitted	143	Omitted	

APPENDIX

2002 Second Special Session	2002 Cumulative Supplement	2002 Second Special Session	2002 Cumulative Supplement
LB 3	Omitted	LB 46	§ 1 77-2608
LB 4	§ 1 79-1022		2 Omitted
	2 Omitted		3 Omitted
	3 Omitted	LB 48	§ 1 33-106.03
LB 5	§ 1 79-1244		2 43-1906
	2 79-1201		3 71-612
	3 79-1241		4 71-617.15
	4 Omitted		5 71-627
LB 6	§ 1 79-1310		6 71-628
	2 81-1634		7 Omitted
	3 Omitted		8 Omitted
	4 Omitted	LB 49	§ 1 71-4728.04
LB 8	§ 1 68-1019		2 Omitted
	2 68-1020		3 Omitted
	3 68-1713		
	4 Omitted		
	5 Omitted		
LB 9	§ 1 44-32,180		
	2 44-4726		
	3 77-908		
	4 77-912		
	5 Omitted		
	6 Omitted		
LB 11	§ 1 47-119.01		
	2 47-121.01		
	3 Omitted		
	4 Omitted		
LB 12	§ 1 2-15,106		
	2 81-132		
	3 81-1113		
	4 81-2227		
	5 85-1416		
	6 Omitted		
	7 Omitted		
LB 13	§ 1 24-227.01		
	2 33-107.03		
	3 29-2709		
	4 Omitted		
	5 Omitted		
	6 Omitted		
LB 18	§ 1 60-311.01		
	2 Omitted		
	3 Omitted		
LB 22	§ 1 43-118.01		
	2 Omitted		
LB 25	§ 1 71-3204		
	2 71-3205		
	3 71-3209		
	4 Omitted		
	5 Omitted		
	6 Omitted		
LB 32	§ 1 77-2703		
	2 77-2705		
	3 77-2708		
	4 77-4014		
	5 Omitted		
	6 Omitted		
	7 Omitted		
LB 37	§ 1 86-324		
	2 Omitted		
	3 Omitted		
LB 41	Omitted		

APPENDIX

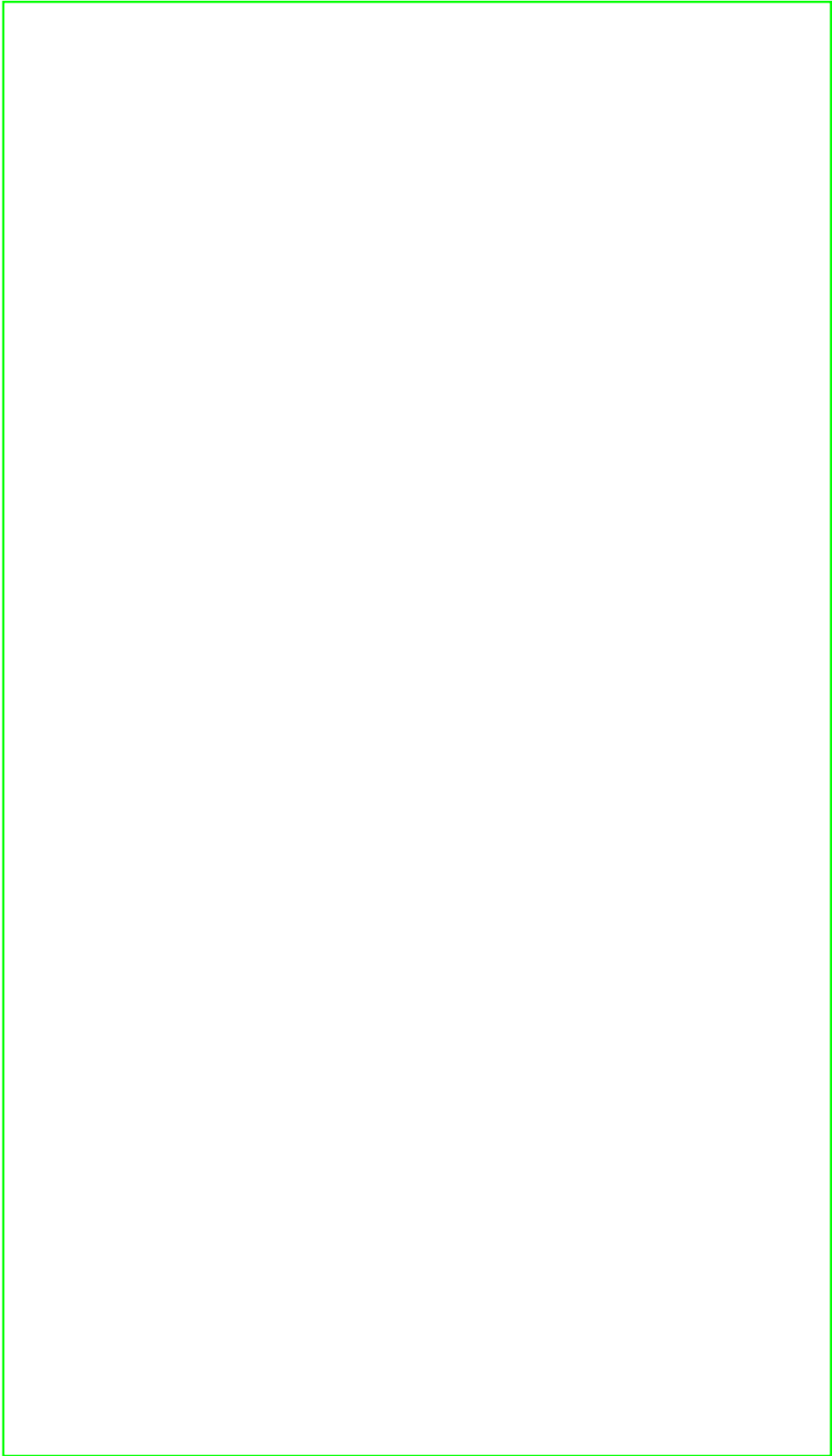
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 97th Legislature
Second Special Session, 2002

Showing the date each act went into effect.
Convened July 30, 2002, and adjourned August 15, 2002.

LB No.	Effective Date	LB No.	Effective Date
1	August 16, 2002	18	August 16, 2002
2	August 16, 2002	22	November 16, 2002
3	August 16, 2002	25	October 1, 2002
4	August 16, 2002		(operative date)
5	November 16, 2002	32	October 1, 2002
6	August 16, 2002		(operative date)
8	August 16, 2002	37	August 16, 2002
9	August 16, 2002	41	August 16, 2002
11	August 16, 2002	46	August 16, 2002
12	August 16, 2002	48	November 16, 2002
13	September 1, 2002 (operative date)	49	August 16, 2002



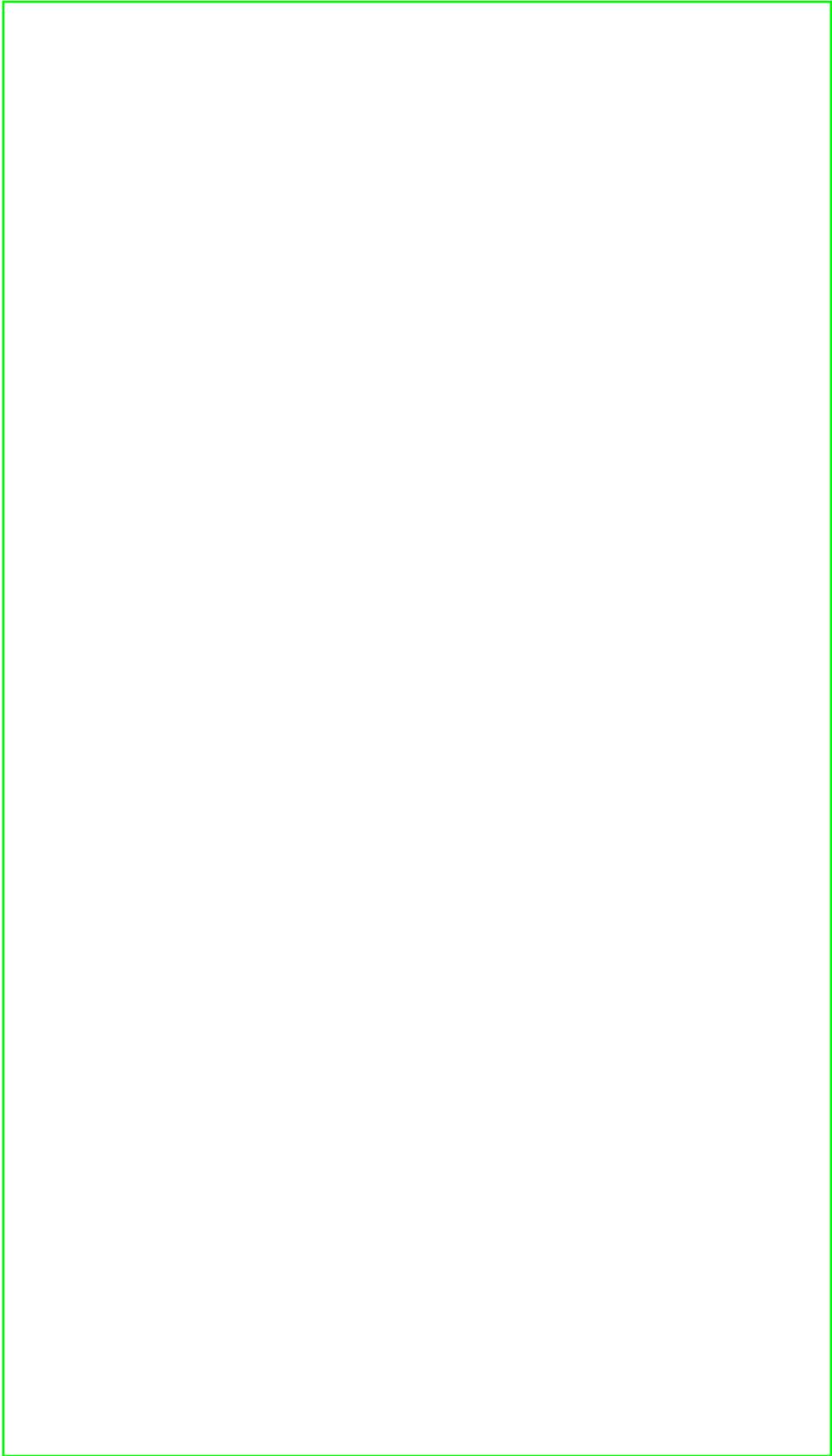
APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2002 Session Laws of Nebraska, Third Special Session

2002 Third Special Session	2003 Supplement	2002 Third Special Session	2003 Supplement	2002 Third Special Session	2003 Supplement
LB 1	§ 1 28-105		8 29-2204		15 29-2523
	2 28-105.01		9 29-2261		16 29-2524
	3 28-303		10 29-2519		17 83-1,105.01
	4 29-1602		11 29-2520		18 Omitted
	5 29-1603		12 29-2521		19 Omitted
	6 29-2004		13 29-2521.05		20 Omitted
	7 29-2027		14 29-2522	LB 3	Omitted



APPENDIX

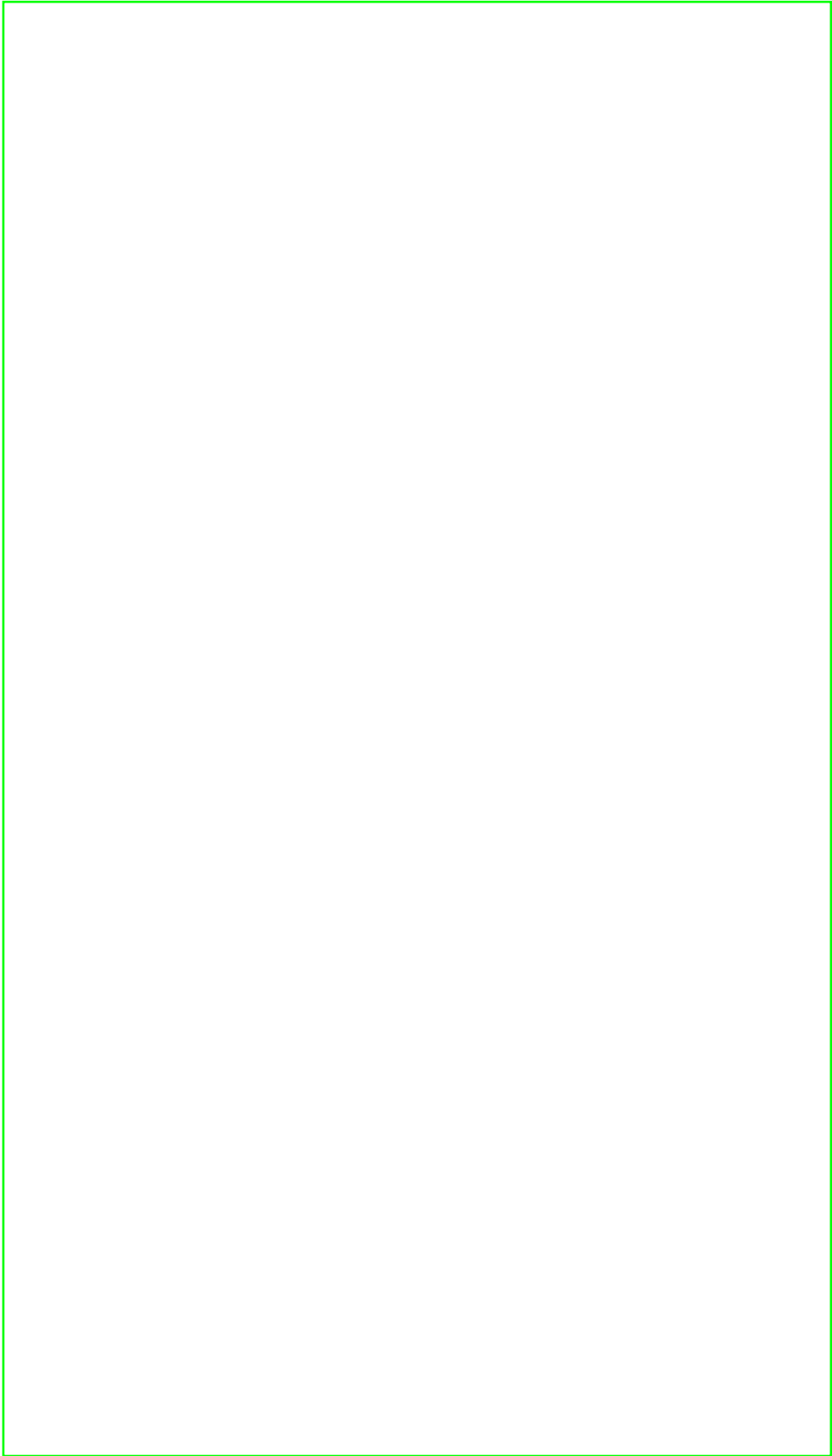
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 97th Legislature
Third Special Session, 2002

Showing the date each act went into effect.
Convened November 7, 2002, and adjourned November 22, 2002.

LB No.	Effective Date
1	November 23, 2002
3	November 23, 2002



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2003 Session Laws of Nebraska, First Session

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
LB 1	Omitted		4 Omitted		4 23-3109
LB 2	§ 1 86-101	LB 15	§ 1 32-811		5 Omitted
	2 Omitted		2 Omitted	LB 43	§ 1 43-260.02
LB 3	§ 1 9-203	LB 17	§ 1 28-101		2 43-260.03
	2 9-303		2 28-322.04		3 43-260.04
	3 9-403		3 28-1349		4 43-260.05
	4 9-603		4 28-1350		5 43-260.06
	5 9-603.03		5 28-1018		6 43-260.07
	6 Omitted		6 28-635		7 23-1201
LB 4	§ 1 52-1302		7 28-603		8 28-101
	2 52-1307		8 28-604		9 28-457
	3 52-1313		9 29-215		10 29-2258
	4 52-1318		10 29-2315		11 29-3601
	5 52-1602		11 29-2315.01		12 43-250
	6 9-315 UCC		12 29-2316		13 43-274
	7 9-320 UCC		13 29-2317		14 43-276
	8 9-529 UCC		14 29-2319		15 43-290
	9 9-531 UCC		15 29-2320		16 43-2,129
	10 Omitted		16 29-2321		17 Omitted
LB 5	§ 1 3-201		17 29-3524	LB 45	§ 1 71-5709
	2 3-501		18 47-401		2 71-5713
	3 3-508		19 Omitted		3 Omitted
	4 3-513	LB 19	§ 1 25-304	LB 46	§ 1 28-416
	5 Omitted		2 25-1210		2 29-2639
LB 6	§ 1 44-4206.02		3 25-1601		3 29-2640
	2 44-5237.01		4 25-1625		4 29-2250
	3 44-5242		5 25-1628		5 29-2252
	4 44-6904		6 Omitted		6 29-2254
	5 44-6908		7 Omitted		7 29-2259.01
	6 Omitted	LB 30	§ 1 46-656.10		8 29-2261
LB 7	§ 1 85-121		2 Omitted		9 29-2262
	2 85-121.03		3 Omitted		10 29-2263
	3 85-943	LB 30A	Omitted		11 29-2266
	4 85-966.01	LB 31	§ 1 46-606		12 29-2262.06
	5 85-1412		2 46-1233.01		13 29-2262.07
	6 85-1413		3 71-5301		14 29-2269
	7 85-1414		4 71-5303		15 29-2709
	8 Omitted		5 71-5304		16 81-1423
	9 Omitted		6 71-5309		17 81-1425
LB 8	§ 1 77-913		7 Omitted		18 83-187.01
	2 81-1113		8 Omitted		19 83-1,102
	3 Omitted	LB 31A	Omitted		20 83-1,107
	4 Omitted	LB 34	§ 1 46-656.29		21 83-1,107.01
LB 9	§ 1 13-519		2 Omitted		22 83-1,107.02
	2 Omitted	LB 35	§ 1 46-656.30		23 83-1,110
LB 10	Omitted		2 Omitted		24 83-1,111
LB 11	Omitted	LB 40	§ 1 23-1723.01		25 83-1,118
LB 12	Omitted		2 Omitted		26 83-1,123
LB 14	§ 1 32-204	LB 41	§ 1 23-3104		27 83-1,125
	2 32-320		2 23-3107		28 83-1,135
	3 Omitted		3 23-3108		29 83-4,146

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement		
	30	83-933		9	Omitted	2	85-106.06
	31	47-619		10	Omitted	3	85-108
	32	47-620	LB 60	§ 1	81-885.13	4	85-112
	33	47-621		2	81-885.17	5	85-118
	34	47-622		3	Omitted	6	85-131
	35	47-623	LB 61	§ 1	76-1301	7	85-132
	36	47-624		2	76-1302	8	85-194
	37	47-625		3	76-1304	9	85-1,119
	38	47-626		4	76-1305	10	Omitted
	39	47-627		5	76-1306	11	Omitted
	40	47-628		6	76-1307	LB 69	§ 1 55-181
	41	47-629		7	76-1308	2	55-101
	42	47-630		8	76-1309	3	Omitted
	43	47-631		9	76-1310	LB 69A	Omitted
	44	47-632		10	76-1313	LB 70	§ 1 52-1603
	45	47-633		11	76-1314	2	Omitted
	46	83-960		12	76-1315	3	Omitted
	47	83-961		13	Omitted	LB 71	§ 1 45-338
	48	83-962	LB 65	§ 1	70-1001.01	2	Omitted
	49	83-963		2	70-1014	LB 72	§ 1 77-2701
	50	83-1,135.02		3	70-1014.01	2	77-27,119.05
	51	Omitted		4	Omitted	3	77-27,119.06
	52	Omitted	LB 66	§ 1	79-1310	4	77-27,119.04
	53	Omitted		2	Omitted	5	2-107
	54	Omitted		3	Omitted	6	Omitted
	55	Omitted	LB 66A		Omitted	LB 72A	Omitted
	56	Omitted	LB 67	§ 1	10-704	LB 73	§ 1 81-6,111
	57	Omitted		2	79-101	2	81-6,112
LB 46A		Omitted		3	79-2,135	3	81-6,113
LB 48	§ 1	81-3602		4	79-4,102	4	81-6,114
	2	81-3606		5	79-527	5	81-6,115
	3	81-3601 to		6	79-528	6	81-6,116
		81-3609,		7	79-554	7	81-6,117
		revived		8	79-565	8	81-6,118
	4	Omitted		9	79-598	9	81-6,119
	5	Omitted		10	79-602	10	44-7,101
LB 52	§ 1	16-6,109		11	79-1007.02	11	44-1525
	2	19-2408		12	79-1022	12	Omitted
	3	19-2409		13	79-1023	LB 73A	Omitted
	4	19-2410		14	79-1024	LB 76	§ 1 17-966
	5	19-2411		15	79-1026	2	Omitted
	6	19-2414		16	79-1027	LB 83	§ 1 80-407
	7	19-2415		17	79-1027.01	2	Omitted
	8	Omitted		18	79-1028	3	Omitted
LB 53	§ 1	79-1241		19	79-1029	LB 84	§ 1 23-1201.01
	2	Omitted		20	79-1070	2	32-604
LB 54	§ 1	71-1904		21	79-1083.02	3	Omitted
	2	Omitted		22	79-1083.03	4	Omitted
	3	Omitted		23	79-10,110	LB 85	§ 1 8-105
LB 54A		Omitted		24	79-1135	2	44-119
LB 55	§ 1	71-507		25	79-1155	3	81-1316
	2	71-510		26	79-1156	4	81-1373
	3	71-511		27	79-1167	5	Omitted
	4	Omitted		28	79-1303	6	Omitted
LB 56	§ 1	71-2601		29	79-1305	LB 85A	Omitted
	2	71-2602		30	79-1306	LB 90	§ 1 22-112
	3	71-2603		31	79-1307	2	22-119
	4	71-2606		32	79-1324	3	22-171
	5	71-2607		33	Omitted	4	Omitted
	6	71-2610		34	Omitted	5	Omitted
	7	71-2610.01		35	Omitted	LB 92	Omitted
	8	71-2611	LB 68	§ 1	85-105	LB 93	§ 1 46-656.07

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
	2 Omitted	LB 95A	Omitted	4	30-3804
LB 94	§ 1 81-15,236	LB 97	§ 1 14-3,107	5	30-3805
	2 81-15,237		2 14-3,127	6	30-3806
	3 81-15,238		3 Omitted	7	30-3807
	4 81-15,239	LB 101	§ 1 39-1108	8	30-3808
	5 81-15,240		2 Omitted	9	30-3809
	6 81-15,241	LB 102	§ 1 60-106	10	30-3810
	7 81-15,242		2 Omitted	11	30-3811
	8 81-15,243	LB 102A	Omitted	12	30-3812
	9 81-15,244	LB 103	§ 1 60-6,294.01	13	30-3813
	10 81-15,245		2 Omitted	14	30-3814
	11 81-15,246	LB 106	§ 1 85-9,181	15	30-3815
	12 81-15,247		2 Omitted	16	30-3816
	13 81-15,248	LB 107	§ 1 85-1730	17	30-3817
	14 81-15,249		2 85-1738	18	30-3818
	15 81-15,250		3 Omitted	19	30-3819
	16 81-15,251		4 Omitted	20	30-3820
	17 81-15,252	LB 111	§ 1 28-813.01	21	30-3821
	18 81-15,253		2 Omitted	22	30-3822
	19 81-3453		3 Omitted	23	30-3823
	20 Omitted	LB 112	§ 1 81-1120.19	24	30-3824
LB 94A	Omitted		2 Omitted	25	30-3825
LB 95	§ 1 71-1355		3 Omitted	26	30-3826
	2 71-1356	LB 114	§ 1 50-114.03	27	30-3827
	3 71-1357		2 Omitted	28	30-3828
	4 71-1358	LB 118	§ 1 87-302	29	30-3829
	5 71-1359		2 Omitted	30	30-3830
	6 71-1360	LB 119	§ 1 71-1,104.01	31	30-3831
	7 71-1361		2 71-519	32	30-3832
	8 71-1362		3 Omitted	33	30-3833
	9 71-1363	LB 122	§ 1 37-438	34	30-3834
	10 71-1364		2 Omitted	35	30-3835
	11 71-1365	LB 126	§ 1 81-2101	36	30-3836
	12 71-1366		2 81-2102	37	30-3837
	13 71-1367		3 81-2103	38	30-3838
	14 71-1368		4 81-2104	39	30-3839
	15 71-1369		5 81-2106	40	30-3840
	16 71-1370		6 81-2107	41	30-3841
	17 71-1371		7 81-2108	42	30-3842
	18 71-1372		8 81-2113	43	30-3843
	19 71-1373		9 81-2114	44	30-3844
	20 71-1374		10 81-2117.02	45	30-3845
	21 71-1375		11 81-2118	46	30-3846
	22 71-1376		12 81-2119	47	30-3847
	23 71-1377		13 81-2135	48	30-3848
	24 71-1378		14 81-2141	49	30-3849
	25 71-1379		15 Omitted	50	30-3850
	26 71-1380		16 Omitted	51	30-3851
	27 71-1381		17 Omitted	52	30-3852
	28 71-1382	LB 127	§ 1 21-2602	53	30-3853
	29 71-1383		2 Omitted	54	30-3854
	30 71-1384	LB 128	§ 1 3-103 UCC	55	30-3855
	31 71-1385		2 3-104 UCC	56	30-3856
	32 28-1301		3 3-309 UCC	57	30-3857
	33 71-605		4 3-416 UCC	58	30-3858
	34 71-606		5 3-417 UCC	59	30-3859
	35 71-1301		6 4-207 UCC	60	30-3860
	36 71-1339		7 4-208 UCC	61	30-3861
	37 71-1340		8 Omitted	62	30-3862
	38 71-20,121	LB 130	§ 1 30-3801	63	30-3863
	39 Omitted		2 30-3802	64	30-3864
	40 Omitted		3 30-3803	65	30-3865

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
66	30-3866	128	30-2464		2 Omitted
67	30-3867	129	30-24,111	LB 143	§ 1 13-2001
68	30-3868	130	30-2628		2 13-2003
69	30-3869	131	30-2637		3 13-2013.01
70	30-3870	132	30-2646		4 13-2013.02
71	30-3871	133	30-3119		5 13-2033
72	30-3872	134	30-3201		6 13-2039
73	30-3873	135	30-3205		7 13-2040
74	30-3874	136	30-3508		8 13-2042
75	30-3875	137	49-1544		9 81-1504.01
76	30-3876	138	76-2004		10 81-15,159.02
77	30-3877	139	76-2006		11 81-15,160
78	30-3878	140	Omitted		12 81-15,161
79	30-3879	141	Omitted		13 81-15,162
80	30-3880	142	Omitted		14 Omitted
81	30-3881	143	Omitted		15 Omitted
82	30-3882	LB 131	§ 1 8-101	LB 143A	Omitted
83	30-3883		2 8-102	LB 146	§ 1 44-2825
84	30-3884		3 8-103		2 44-2827
85	30-3885		4 8-157.01		3 44-2829
86	30-3886		5 8-1,139		4 44-2831
87	30-3887		6 8-345.01		5 44-2840
88	30-3888		7 8-601		6 44-2842
89	30-3889		8 8-602		7 25-21,188.02
90	30-3890		9 8-1110		8 Omitted
91	30-3891		10 8-1401	LB 148	§ 1 43-1226
92	30-3892		11 8-1501		2 43-1227
93	30-3893		12 8-1502		3 43-1228
94	30-3894		13 8-1504		4 43-1229
95	30-3895		14 8-1505		5 43-1230
96	30-3896		15 8-1506.01		6 43-1231
97	30-3897		16 8-1516		7 43-1232
98	30-3898		17 8-1901		8 43-1233
99	30-3899		18 9-1,104		9 43-1234
100	30-38,100		19 12-1102		10 43-1235
101	30-38,101		20 12-1107		11 43-1236
102	30-38,102		21 18-2707		12 43-1237
103	30-38,103		22 21-20,138		13 43-1238
104	30-38,104		23 21-20,162		14 43-1239
105	30-38,105		24 28-612		15 43-1240
106	30-38,106		25 45-101.04		16 43-1241
107	30-38,107		26 45-190		17 43-1242
108	30-38,108		27 45-1,112		18 43-1243
109	30-38,109		28 45-345		19 43-1244
110	30-38,110		29 45-702		20 43-1245
111	8-201		30 45-1002		21 43-1246
112	12-1107		31 45-1003		22 43-1247
113	21-20,168		32 62-301		23 43-1248
114	24-517		33 64-215		24 43-1249
115	25-1901		34 69-1301		25 43-1250
116	25-2705		35 76-2221		26 43-1251
117	25-2708		36 77-2366		27 43-1252
118	25-2728		37 77-2387		28 43-1253
119	30-1601		38 77-3801		29 43-1254
120	30-2202		39 Omitted		30 43-1255
121	30-2208		40 Omitted		31 43-1256
122	30-2210	LB 137	§ 1 60-6,297		32 43-1257
123	30-2211		2 Omitted		33 43-1258
124	30-2212		3 Omitted		34 43-1259
125	30-2214	LB 138	§ 1 71-4802		35 43-1260
126	30-2222		2 Omitted		36 43-1261
127	30-2352	LB 142	§ 1 13-2033		37 43-1262

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
38	43-1263	100	43-104	38	54-2738
39	43-1264	101	Omitted	39	54-2739
40	43-1265	102	Omitted	40	54-2740
41	43-1266	103	Omitted	41	54-2741
42	42-351	104	Omitted	42	54-2742
43	42-701	105	Omitted	43	54-2743
44	42-702	LB 149	§ 1 72-1244	44	54-2744
45	42-704		2 72-1248	45	54-2745
46	42-705		3 72-1252	46	54-2746
47	42-706		4 72-1254	47	54-2747
48	42-709		5 72-1258	48	54-2748
49	42-710		6 83-133	49	54-2749
50	42-711		7 Omitted	50	54-2750
51	42-712		8 Omitted	51	54-2751
52	42-713	LB 150	§ 1 71-15,141	52	54-2752
53	42-713.01		2 Omitted	53	54-2753
54	42-713.02	LB 156	§ 1 8-1401	54	54-2754
55	42-714		2 8-1402	55	54-2755
56	42-716		3 8-1403	56	54-2756
57	42-717		4 Omitted	57	54-2757
58	42-718	LB 157	§ 1 2-2624	58	54-2758
59	42-719		2 2-2646	59	54-2759
60	42-720		3 2-4324	60	54-2760
61	42-721		4 81-2,162.27	61	54-2761
62	42-723		5 Omitted	62	54-2238
63	42-724	LB 158	§ 1 54-2701	63	54-2244
64	42-725		2 54-2702	64	54-2254
65	42-726		3 54-2703	65	54-2277
66	42-727		4 54-2704	66	54-2280
67	42-729		5 54-2705	67	54-2287
68	42-730		6 54-2706	68	54-2289
69	42-732		7 54-2707	69	54-2290
70	42-733		8 54-2708	70	54-2296
71	42-734		9 54-2709	71	54-2299
72	42-734.01		10 54-2710	72	Omitted
73	42-734.02		11 54-2711	73	Omitted
74	42-734.05		12 54-2712	74	Omitted
75	42-735		13 54-2713	75	Omitted
76	42-737		14 54-2714	LB 160	§ 1 54-785
77	42-738		15 54-2715		2 54-786
78	42-739		16 54-2716		3 54-787
79	42-740		17 54-2717		4 54-788
80	42-742		18 54-2718		5 54-790
81	42-745		19 54-2719		6 54-791
82	42-746		20 54-2720		7 54-796
83	42-747		21 54-2721		8 54-1182
84	42-747.01		22 54-2722		9 54-1403
85	42-747.03		23 54-2723		10 54-1509
86	42-748		24 54-2724		11 54-1517
87	42-749		25 54-2725		12 54-1902
88	42-750		26 54-2726		13 54-1906
89	42-751		27 54-2727		14 54-1914
90	42-932		28 54-2728		15 Omitted
91	42-933		29 54-2729	LB 161	§ 1 89-183
92	42-934		30 54-2730		2 89-185
93	42-935		31 54-2731		3 89-186
94	42-936		32 54-2732		4 89-187
95	42-937		33 54-2733		5 89-187.02
96	42-938		34 54-2734		6 89-188
97	42-939		35 54-2735		7 89-1,100
98	42-940		36 54-2736		8 Omitted
99	42-931		37 54-2737		9 Omitted

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
LB 164	§ 1 81-15,149		2 Omitted	4	60-498.01
	2 81-15,153	LB 187	§ 1 14-115	5	60-498.02
	3 Omitted		2 14-116	6	60-498.03
LB 164A	Omitted		3 15-901	7	60-498.04
LB 165	§ 1 71-3523		4 16-902	8	60-4,110
	2 71-3524		5 17-1002	9	60-4,118.06
	3 71-3525		6 18-2432	10	60-4,129
	4 71-3526		7 39-1311	11	60-6,196
	5 71-3527		8 39-1311.01	12	60-6,197
	6 71-3528		9 39-1311.02	13	60-6,209
	7 18-2410		10 39-1311.03	14	60-6,211.04
	8 18-2427		11 39-1311.04	15	60-6,211.05
	9 18-2430		12 70-604.06	16	60-1513
	10 18-2433		13 70-1016	17	83-1,129
	11 18-2446		14 75-116	18	84-205
	12 70-627.02		15 75-117	19	84-221
	13 Omitted		16 75-121	20	84-913.03
	14 Omitted		17 75-128	21	Omitted
	15 Omitted		18 75-132.01	22	Omitted
LB 165A	Omitted		19 75-134	23	Omitted
LB 167	§ 1 35-108		20 75-134.01	24	Omitted
	2 Omitted		21 75-136	LB 209A	Omitted
	3 Omitted		22 75-156	LB 210	§ 1 48-106
LB 168	§ 1 77-2701		23 75-305	2	48-125.01
	2 77-2704.43		24 75-903	3	Omitted
	3 Omitted		25 75-1008	LB 213	§ 1 71-1773
	4 Omitted		26 86-123	2	71-1774
	5 Omitted		27 86-158	3	71-1775
LB 175	§ 1 17-607		28 86-313	4	71-1776
	2 72-1261		29 86-442	5	71-1779
	3 72-1262		30 86-470	6	71-1780
	4 72-1263		31 86-457	7	Omitted
	5 72-1264		32 86-578	LB 214	§ 1 1-114
	6 72-1265		33 88-529	2	1-118
	7 72-1266		34 Omitted	3	1-119
	8 72-1268		35 Omitted	4	1-120
	9 72-1268.01		36 Omitted	5	1-124
	10 72-1268.02		37 Omitted	6	1-135
	11 72-1268.03	LB 191	§ 1 77-1601	7	1-136
	12 72-1268.04		2 Omitted	8	Omitted
	13 77-2365.01	LB 192	§ 1 77-3510	9	Omitted
	14 77-2387		2 77-3512	LB 216	§ 1 44-113
	15 77-2389		3 Omitted	2	44-114
	16 10-145	LB 194	§ 1 48-1623	3	44-322
	17 Omitted		2 Omitted	4	44-407.14
LB 181	§ 1 32-101	LB 195	§ 1 48-606	5	44-501
	2 32-573		2 Omitted	6	44-924
	3 32-571	LB 197	§ 1 48-621	7	44-1103
	4 32-572		2 Omitted	8	44-1106
	5 32-618		3 Omitted	9	44-1994
	6 85-103	LB 199	§ 1 48-603.01	10	44-19,116
	7 Omitted		2 48-604	11	44-2707
LB 182	§ 1 60-1407		3 Omitted	12	44-5101
	2 60-1422	LB 200	§ 1 28-401	13	44-5110
	3 Omitted		2 Omitted	14	44-5120.01
LB 185	§ 1 60-507	LB 205	§ 1 53-123.02	15	44-5120
	2 60-513		2 53-123.03	16	44-5138
	3 60-695		3 53-1,104	17	44-5814
	4 60-699		4 Omitted	18	44-7501
	5 Omitted	LB 209	§ 1 60-462	19	44-7508.01
	6 Omitted		2 60-479	20	44-7507
LB 186	§ 1 39-2603		3 60-498	21	44-7508.02

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement		
	22	44-7513	8	45-711	5	60-6,162	
	23	44-7515	9	45-714	6	60-6,226	
	24	Omitted	10	45-715	7	60-6,263	
	25	Omitted	11	45-716	8	60-3001	
LB 217	§ 1	8-101	12	45-717.01	9	Omitted	
	2	8-115.01	13	45-1007	LB 241	§ 1	71-1559
	3	8-116.01	14	45-1024		2	71-4604.01
	4	8-132	15	45-1025		3	Omitted
	5	8-133	16	45-1033	LB 242	§ 1	11-201
	6	8-148	17	45-1066		2	28-406
	7	8-157	18	76-252		3	28-410
	8	8-1,118	19	76-1014.01		4	33-151
	9	8-1,140	20	Omitted		5	46-602
	10	8-234	LB 219	§ 1	2-3745	6	46-606
	11	8-355		2	2-3748	7	46-1222
	12	8-373		3	Omitted	8	46-1224
	13	8-378		4	Omitted	9	46-1229
	14	8-602	LB 222	§ 1	23-1721	10	46-1231
	15	8-701		2	23-1723	11	46-1236
	16	8-815		3	23-1723.01	12	69-305
	17	8-916		4	23-1725	13	71-101
	18	8-1001		5	23-1726	14	71-110
	19	8-1001.01		6	23-1727	15	71-110.01
	20	8-1003		7	23-1729	16	71-121.01
	21	8-1012.01		8	23-1730	17	71-122
	22	8-1013		9	23-1731	18	71-131
	23	8-1103		10	23-1732	19	71-145
	24	8-1120		11	23-1734	20	71-149
	25	8-1503		12	23-1736	21	71-157
	26	8-1507		13	Omitted	22	71-158
	27	8-1510		14	Omitted	23	71-162
	28	8-1603	LB 228	§ 1	42-1201	24	71-162.01
	29	8-1731		2	42-1202	25	71-162.02
	30	21-1725.01		3	42-1203	26	71-162.03
	31	21-17,102		4	42-1204	27	71-162.04
	32	21-17,115		5	42-1205	28	71-162.05
	33	45-191.02		6	42-1206	29	71-164.01
	34	45-335		7	42-1207	30	71-163
	35	45-343		8	42-1208	31	71-172.01
	36	45-345		9	42-1209	32	71-172.02
	37	45-902		10	42-1210	33	71-175
	38	45-1002		11	32-331	34	71-185
	39	45-1003		12	60-484	35	71-185.02
	40	45-1018		13	60-4,144	36	71-185.03
	41	59-1701.01		14	60-4,181	37	71-193.18
	42	59-1703		15	84-907.03	38	71-193.31
	43	59-1749		16	Omitted	39	71-1,104
	44	59-1722.01	LB 228A		Omitted	40	71-1,107.10
	45	59-1758.01	LB 233	§ 1	54-626	41	71-1,107.13
	46	76-2,123		2	54-627	42	71-1,107.14
	47	Omitted		3	Omitted	43	71-1,107.26
	48	Omitted		4	Omitted	44	71-1,132.13
	49	Omitted	LB 233A		Omitted	45	71-1,132.20
	50	Omitted	LB 234	§ 1	81-3109	46	71-1,132.21
	51	Omitted		2	Omitted	47	71-1,132.37
LB 218	§ 1	45-702	LB 234A		Omitted	48	71-1,132.48
	2	45-704	LB 235	§ 1	14-548	49	71-1,132.53
	3	45-705		2	Omitted	50	71-1,135.02
	4	45-706	LB 238	§ 1	60-105	51	71-1,143.01
	5	45-707		2	60-106	52	71-1,147.30
	6	45-709		3	60-311.16	53	71-1,147.42
	7	45-710		4	60-320	54	71-1,147.64

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
55	71-1,158	117	71-3703	4	79-2,127
56	71-1,161	118	71-3704	5	79-2,127.01
57	71-1,165	119	71-3705	6	79-2,128
58	71-1,166	120	71-3708	7	79-2,131
59	71-1,194	121	71-3710	8	79-2,132
60	71-1,195.01	122	71-3712	9	79-2,133
61	71-1,227	123	71-4305	10	79-2,134
62	71-1,228	124	71-4706	11	Omitted
63	71-1,232	125	71-4708	12	Omitted
64	71-1,235	126	71-4711	13	Omitted
65	71-1,238	127	71-4714.01	LB 250 § 1	2-3512
66	71-1,239.01	128	71-5172	2	2-3520
67	71-1,240	129	71-5181.01	3	81-2,239
68	71-1,242	130	71-5306	4	81-2,244.01
69	71-1,278	131	71-5308	5	81-2,245.01
70	71-1,281.01	132	71-6053	6	81-2,257
71	71-1,291	133	71-6054	7	81-2,263
72	71-1,294	134	71-6055	8	81-2,270
73	71-1,314.01	135	71-6060	9	81-2,272.10
74	71-1,319.01	136	71-6061	10	81-2,272.15
75	71-1,320	137	71-6063	11	81-2,272.19
76	71-1,322	138	71-6101	12	81-2,272.20
77	71-1,327	139	71-6106	13	81-2,272.21
78	71-1,329	140	71-6107	14	81-2,272.23
79	71-1,331	141	71-6110	15	81-2,272.24
80	71-1,344	142	71-6113	16	81-2,272.25
81	71-1,345	143	71-6114	17	81-2,272.27
82	71-388	144	71-6303	18	81-2,272.28
83	71-394.01	145	71-6321	19	81-2,272.31
84	71-397	146	71-6328.01	20	81-2,272.29
85	71-3,115	147	71-6734	21	81-2,272.30
86	71-3,125	148	71-7417	22	81-2,272.32
87	71-3,132	149	71-7418	23	81-2,272.33
88	71-3,147	150	71-7420	24	81-2,272.34
89	71-3,155	151	71-7421	25	81-2,272.35
90	71-3,173	152	Omitted	26	81-2,272.36
91	71-3,184	153	Omitted	27	81-2,272.37
92	71-3,196	154	Omitted	28	Omitted
93	71-3,205	LB 243 § 1	2-1203	29	Omitted
94	71-3,214	2	Omitted	30	Omitted
95	71-3,221	LB 245 § 1	28-405	LB 255 § 1	25-2930
96	71-3,228	2	29-4125	2	25-2931
97	71-1304	3	43-1723	3	25-2932
98	71-1327	4	43-3313	4	25-2933
99	71-1327.01	5	43-3329	5	25-2934
100	71-1331	6	46-602	6	25-2935
101	71-1722	7	46-1204.01	7	25-2936
102	71-1723	8	46-1235	8	25-2937
103	71-1724	9	54-311	9	25-2938
104	71-1725.01	10	54-315	10	25-2939
105	71-1730	11	71-155.01	11	25-2940
106	71-1735	12	71-176.01	12	25-2941
107	71-1755	13	71-1,143.01	13	25-2942
108	71-1757	14	71-1,166	14	Omitted
109	71-1777	15	71-1,233	LB 257 § 1	84-1204
110	71-1778	16	81-1316	2	84-1227
111	71-1787	17	Omitted	3	Omitted
112	71-2803.01	18	Omitted	LB 258 § 1	1-135
113	71-2819	19	Omitted	2	Omitted
114	71-3508.03	LB 249 § 1	79-235	LB 259 § 1	74-1336
115	71-3515.02	2	79-2,125	2	74-1415.04
116	71-3702	3	79-2,126	3	74-1415.05

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
	4 Omitted	37	77-2701.33	LB 291	§ 1 77-103.01
LB 267	§ 1 53-131.01	38	77-2701.34		2 77-1504.01
	2 71-3205	39	77-2701.35		3 77-1510
	3 Omitted	40	77-2701.36		4 77-5001
LB 273	§ 1 28-1017	41	77-2701.37		5 77-5003
	2 28-101	42	77-2701.38		6 77-5005
	3 28-1005	43	77-2701.39		7 77-5011
	4 28-1008	44	77-2701.40		8 77-5015
	5 28-1009	45	77-2701.41		9 77-5016
	6 28-1013	46	77-2701.42		10 77-5021
	7 28-1014	47	77-2701.43		11 77-5024.01
	8 28-1015	48	77-2703		12 77-5022
	9 28-1016	49	77-2703.01		13 77-5023
	10 Omitted	50	77-2703.02		14 Omitted
LB 274	§ 1 54-625	51	77-2703.03	LB 292	§ 1 18-1743
	2 54-626	52	77-2703.04		2 60-3006
	3 54-627	53	77-2704.09		3 77-101
	4 54-637	54	77-2704.10		4 77-112
	5 54-638	55	77-2704.13		5 77-115
	6 54-639	56	77-2704.14		6 77-126
	7 54-640	57	77-2704.24		7 77-129
	8 54-641	58	77-2704.26		8 77-131
	9 Omitted	59	77-2704.44		9 77-202.02
LB 281	§ 1 49-801.01	60	77-2704.45		10 77-202.11
	2 Omitted	61	77-2704.46		11 77-1311
	3 Omitted	62	77-2704.47		12 77-1502
LB 282	§ 1 9-306.01	63	77-2704.48		13 77-1706
	2 13-319	64	77-2704.49		14 77-1707
	3 13-324	65	77-2704.50		15 77-5004
	4 13-326	66	77-2704.51		16 79-1082
	5 77-3,117	67	77-2704.52		17 81-1174
	6 77-2701	68	77-2704.53		18 Omitted
	7 77-2701.03	69	77-2704.54		19 Omitted
	8 77-2701.04	70	77-2705		20 Omitted
	9 77-2701.05	71	77-2708		21 Omitted
	10 77-2701.06	72	77-2708.01	LB 294	§ 1 30-809
	11 77-2701.07	73	77-2711		2 Omitted
	12 77-2701.08	74	77-2712.02	LB 295	§ 1 77-112
	13 77-2701.09	75	77-2712.03		2 77-1361
	14 77-2701.10	76	77-2712.04		3 77-1371
	15 77-2701.11	77	77-2712.05		4 Omitted
	16 77-2701.12	78	77-2713	LB 305	§ 1 37-201
	17 77-2701.13	79	77-27,119.03		2 37-324
	18 77-2701.14	80	77-27,142		3 37-326
	19 77-2701.15	81	77-27,143		4 37-404
	20 77-2701.16	82	77-27,147		5 37-405
	21 77-2701.17	83	77-27,223		6 37-406
	22 77-2701.18	84	Omitted		7 37-410
	23 77-2701.19	85	Omitted		8 37-411
	24 77-2701.20	86	Omitted		9 37-413
	25 77-2701.21	87	Omitted		10 37-414
	26 77-2701.22	LB 283	§ 1 53-160		11 37-426
	27 77-2701.23		2 77-2101.03		12 37-427
	28 77-2701.24		3 77-27,222		13 37-428
	29 77-2701.25		4 Omitted		14 37-449
	30 77-2701.26		5 Omitted		15 37-453
	31 77-2701.27		6 Omitted		16 37-455
	32 77-2701.28		7 Omitted		17 37-495
	33 77-2701.29	LB 285	§ 1 77-2704.55		18 37-496
	34 77-2701.30		2 Omitted		19 37-524.01
	35 77-2701.31		3 Omitted		20 37-1214
	36 77-2701.32	LB 285A	Omitted		

APPENDIX

	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
		21 37-1241.04		8 60-146		16 32-901
		22 37-1241.06		9 60-147		17 32-902
		23 37-1241.07		10 60-148		18 32-903
		24 37-1253		11 60-149		19 32-906
		25 37-1256		12 60-150		20 32-909
		26 37-1273		13 60-151		21 32-913
		27 Omitted		14 60-152		22 32-914
		28 Omitted		15 60-153		23 32-914.02
		29 Omitted		16 60-154		24 32-915
		30 Omitted		17 60-155		25 32-915.01
		31 Omitted		18 60-156		26 32-916
LB 306	§ 1	37-407		19 60-157		27 32-918
	2	37-415		20 60-158		28 32-921
	3	37-426		21 60-159		29 32-929
	4	37-447		22 60-160		30 32-1002
	5	37-449		23 60-161		31 32-1005
	6	37-450		24 60-162		32 32-1006
	7	37-457		25 60-163		33 32-1007
	8	37-458		26 60-164		34 32-1012
	9	37-462		27 60-165		35 32-1019
	10	37-463		28 60-166		36 32-1026
	11	37-465		29 60-167		37 32-1041
	12	37-483		30 60-168		38 32-1042
	13	37-484		31 60-169		39 32-1043
	14	37-497		32 23-186		40 32-1044
	15	37-4,104		33 60-6,355		41 32-1045
	16	37-4,105		34 Omitted		42 32-1202
	17	37-4,106		35 Omitted		43 32-1307
	18	37-4,108	LB 333A	Omitted		44 32-1701
	19	37-562	LB 349	§ 1 49-1449		45 Omitted
	20	37-1212		2 49-1495		46 Omitted
	21	37-1214		3 Omitted	LB 359	§ 1 32-101
	22	37-1217	LB 354	§ 1 84-617		2 32-312
	23	Omitted		2 Omitted		3 32-319
	24	Omitted	LB 357	§ 1 32-221		4 32-914
LB 307	§ 1	81-1347		2 32-223		5 32-915.02
	2	81-1347.01		3 32-230		6 32-916
	3	81-1354		4 32-231		7 32-947
	4	Omitted		5 32-301		8 Omitted
LB 319	§ 1	77-1832		6 32-308	LB 365	§ 1 16-404
	2	77-1833		7 32-312		2 17-614
	3	77-1834		8 32-329		3 Omitted
	4	Omitted		9 84-510	LB 367	§ 1 9-812
	5	Omitted		10 67-293		2 66-1519
LB 320	§ 1	24-703		11 Omitted		3 Omitted
	2	24-708		12 Omitted		4 Omitted
	3	24-721	LB 357A	Omitted	LB 371	§ 1 60-1438
	4	Omitted	LB 358	§ 1 32-101		2 Omitted
	5	Omitted		2 32-103	LB 381	§ 1 13-324
LB 331	§ 1	23-135		3 32-110.01		2 13-2814
	2	Omitted		4 32-119.01		3 77-2703
	3	Omitted		5 32-202		4 77-27,143
LB 332	§ 1	48-115		6 32-216		5 Omitted
	2	Omitted		7 32-223		6 Omitted
	3	Omitted		8 32-230	LB 381A	Omitted
LB 333	§ 1	60-139		9 32-320	LB 385	§ 1 13-2705
	2	60-140		10 32-803		2 13-2706
	3	60-141		11 32-809		3 13-2707
	4	60-142		12 32-810		4 13-2708
	5	60-143		13 32-813		5 Omitted
	6	60-144		14 32-816	LB 394	§ 1 79-102
	7	60-145		15 32-817		2 79-403

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement			
	3	79-411		8	71-7611	8	32-631	
	4	79-419		9	71-7614	9	32-1301	
	5	79-479		10	Omitted	10	32-1303	
	6	79-528		11	Omitted	11	32-1304	
	7	79-611		12	Omitted	12	32-1404	
	8	79-1036		13	Omitted	13	32-1546	
	9	Omitted	LB 414	§ 1	43-536	14	Omitted	
	10	Omitted		2	Omitted	LB 451	§ 1	2-1608
	11	Omitted		3	Omitted	2	23-2301	
LB 402		Omitted		4	Omitted	3	23-2302	
LB 403	§ 1	90-267	LB 415	§ 1	71-434	4	23-2308.01	
	2	90-268		2	Omitted	5	23-2310.04	
	3	90-269		3	Omitted	6	23-2315	
	4	90-270		4	Omitted	7	23-2316	
	5	81-829.33	LB 418	§ 1	48-2207	8	23-2317	
	6	72-815		2	48-2208	9	23-2319	
	7	72-816		3	48-2209	10	23-2319.01	
	8	81-829.42		4	48-2210	11	23-2320	
	9	81-829.58		5	48-2211	12	23-2321	
	10	81-829.59		6	48-2212	13	23-2334	
	11	81-829.72		7	48-2213	14	24-701	
	12	Omitted		8	48-2214	15	24-707	
	13	Omitted		9	48-1702	16	24-708	
LB 403A		Omitted		10	Omitted	17	42-1111	
LB 404		Omitted	LB 424	§ 1	84-618	18	79-902	
LB 405		Omitted		2	69-1307.05	19	79-932	
LB 406		Omitted		3	69-1310	20	79-956	
LB 407		Omitted		4	69-1317	21	81-2014	
LB 408	§ 1	39-1390		5	69-1329	22	81-2025	
	2	60-1303		6	81-1120	23	84-1301	
	3	77-912		7	Omitted	24	84-1302	
	4	81-523		8	Omitted	25	84-1309.02	
	5	81-1561		9	Omitted	26	84-1314	
	6	81-15,174	LB 429	§ 1	9-201	27	84-1317	
	7	86-527		2	9-203	28	84-1318	
	8	86-579		3	9-204	29	84-1319	
	9	Omitted		4	9-204.01	30	84-1320	
	10	Omitted		5	9-204.04	31	84-1321	
LB 410	§ 1	81-179		6	9-241.10	32	84-1321.01	
	2	81-180		7	Omitted	33	84-1322	
	3	81-184		8	Omitted	34	84-1323	
	4	81-188.01	LB 430	§ 1	84-502	35	84-1503	
	5	81-188.02		2	Omitted	36	Omitted	
	6	81-188.03	LB 440	§ 1	18-2603	37	Omitted	
	7	81-188.04		2	77-2602	LB 461	§ 1	23-222
	8	81-188.05		3	77-27,137.01	2	32-530	
	9	81-188.06		4	Omitted	3	32-618	
	10	81-1114		5	Omitted	4	Omitted	
	11	Omitted		6	Omitted	LB 464	§ 1	21-1931
	12	Omitted	LB 443	§ 1	77-414	2	21-1933	
	13	Omitted		2	77-415	3	21-19,151	
LB 411	§ 1	68-1019.02		3	77-417	4	21-2028	
	2	68-1020		4	77-420	5	21-2030	
	3	Omitted		5	77-422	6	21-20,173	
	4	Omitted		6	Omitted	7	67-234	
LB 412	§ 1	71-1628.07	LB 444	§ 1	18-2515	8	67-283	
	2	71-1628.08		2	31-787	9	67-455	
	3	71-5714		3	31-788	10	70-706	
	4	71-7606		4	32-554	11	Omitted	
	5	71-7607		5	32-628	LB 467	§ 1	71-3406
	6	71-7608		6	32-629	2	71-8250	
	7	71-7609		7	32-630	3	81-3001	

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement			
	4	81-3001.01	5	39-2305	3	77-3446		
	5	81-3004	6	39-2306	4	79-1008.01		
	6	81-3006	7	39-2307	5	79-1022		
	7	81-3008	8	39-2308	6	79-1022.02		
	8	81-3009	9	39-2308.01	7	79-1025		
	9	81-3101	10	39-2308.02	8	79-1026		
	10	81-3102	11	39-2308.03	9	79-1083.03		
	11	81-3106	12	39-2309	10	79-10,110		
	12	81-3107	13	39-2310	11	85-1536.01		
	13	81-3201	14	39-2311	12	Omitted		
	14	81-3202	15	39-2502	13	Omitted		
	15	81-3206	16	39-2503	14	Omitted		
	16	81-3207	17	39-2504	LB 548	§ 1 32-241		
	17	81-3301	18	39-2512		2 Omitted		
	18	81-3302	19	39-2513	LB 561	§ 1 60-364		
	19	81-3306	20	39-2514		2 60-305.02		
	20	81-3307	21	Omitted		3 60-305.09		
	21	Omitted	22	Omitted		4 Omitted		
	22	Omitted	23	Omitted		5 Omitted		
LB 476	§ 1	17-503	LB 510	§ 1	50-401.01	LB 562	§ 1	29-3608
	2	17-503.01		2	Omitted		2	60-462
	3	17-503.02	LB 513	§ 1	85-902		3	60-483
	4	Omitted	LB 521	§ 1	10-703.01		4	60-487
LB 480	§ 1	60-1306		2	18-2521		5	60-4,112
	2	75-363		3	32-101		6	60-4,116
	3	75-364		4	32-405		7	60-4,131
	4	75-366		5	32-559		8	60-4,132
	5	75-368		6	Omitted		9	60-4,137
	6	75-369	LB 524	§ 1	21-301		10	60-4,138
	7	Omitted		2	21-302		11	60-4,139.01
LB 481	§ 1	60-1308		3	21-303		12	60-4,141.01
	2	Omitted		4	21-304		13	60-4,142
LB 487	§ 1	44-7701		5	21-305		14	60-4,144
	2	44-7702		6	21-306		15	60-4,156
	3	44-7703		7	21-311		16	60-4,168
	4	44-7704		8	21-313		17	60-4,168.01
	5	44-7705		9	21-314		18	60-4,168.02
	6	44-7706		10	21-321		19	60-4,172
	7	44-7707		11	21-323		20	60-462.01
	8	44-7708		12	21-323.01		21	Omitted
	9	44-7709		13	21-325		22	Omitted
	10	44-7710		14	21-325.01	LB 562A		Omitted
	11	44-7711		15	21-330	LB 563	§ 1	60-349
	12	44-7712		16	21-20,182		2	60-350
	13	Omitted		17	21-20,188		3	60-351
LB 494	§ 1	9-516 UCC		18	21-2216		4	60-352
	2	Omitted		19	21-2217		5	60-353
LB 498	§ 1	60-1401.02		20	33-101		6	60-354
	2	60-1403.01		21	Omitted		7	60-355
	3	60-1406		22	Omitted		8	60-356
	4	60-1407		23	Omitted		9	60-357
	5	60-1410	LB 536	§ 1	53-101.02		10	60-358
	6	60-1411		2	53-103		11	60-359
	7	60-1411.01		3	53-123.11		12	60-360
	8	60-1411.02		4	53-304		13	60-361
	9	60-1413		5	Omitted		14	60-362
	10	60-1416	LB 537	§ 1	32-608		15	60-363
	11	Omitted		2	32-615		16	13-518
LB 500	§ 1	39-2301		3	32-617		17	39-2215
	2	39-2301.01		4	Omitted		18	60-102
	3	39-2302	LB 540	§ 1	13-518		19	60-104
	4	39-2304		2	77-3442		20	60-106

CROSS REFERENCE TABLE

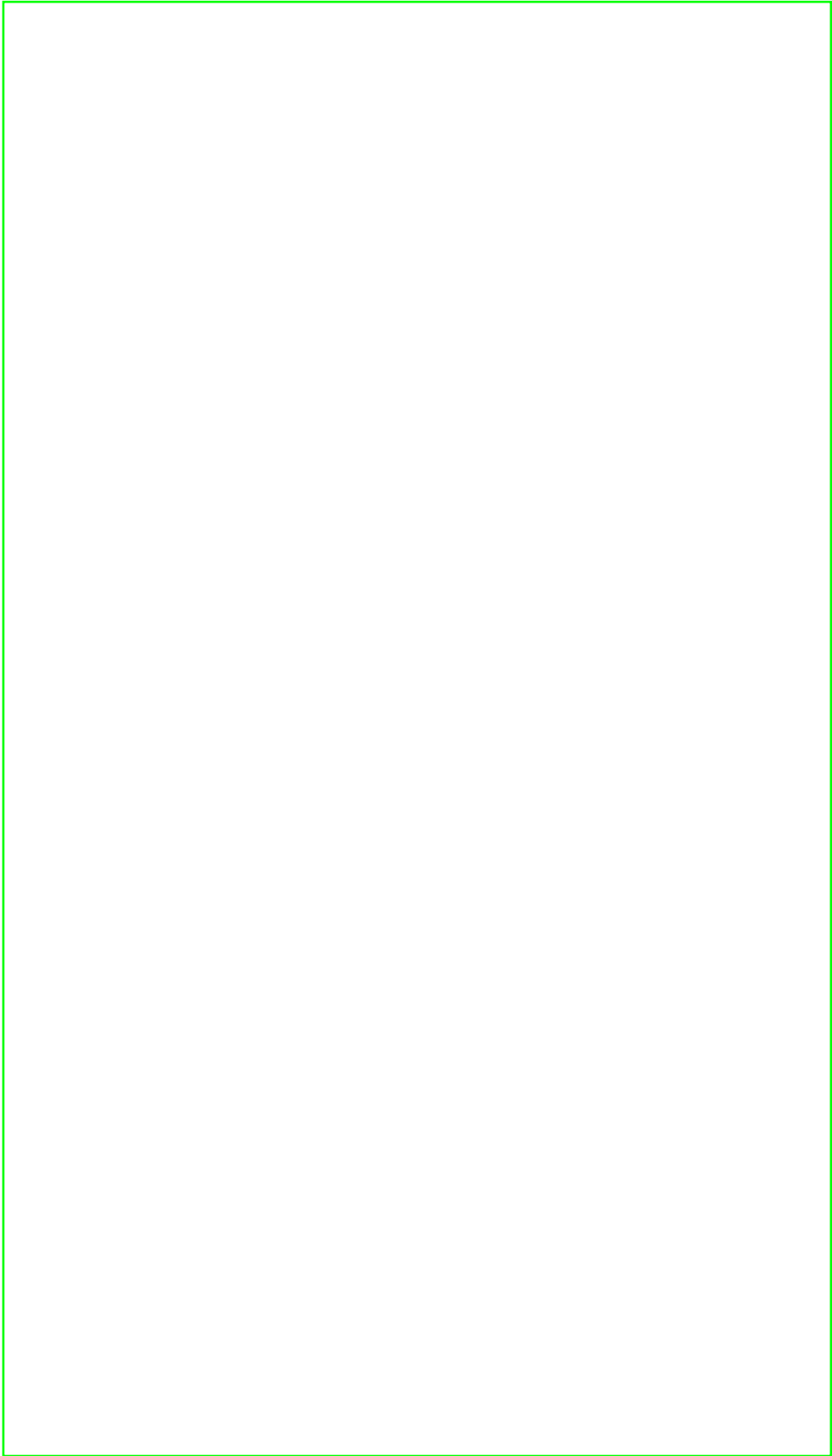
2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	
	21	60-301	23	71-17,104	14	Omitted
	22	60-305.02	24	71-5715	LB 608A	Omitted
	23	60-305.03	25	72-1239.01	LB 610	§ 1 29-3904
	24	60-305.04	26	85-1412		2 Omitted
	25	60-306	27	85-1803	LB 619	§ 1 2-1575
	26	60-310	28	85-1804		2 2-1581
	27	60-311	29	85-1807		3 46-122
	28	60-311.02	30	85-1808		4 46-241
	29	60-318	31	85-1809		5 46-242
	30	60-331	32	85-2001		6 46-257
	31	60-344	33	85-2002		7 46-613.01
	32	60-348	34	85-2003		8 46-642
	33	60-6,298	35	85-2004		9 46-656.01
	34	60-1401.02	36	85-2005		10 46-656.02
	35	60-3002	37	85-2006		11 46-656.24
	36	60-3004	38	85-2007		12 46-656.12
	37	60-3007	39	85-2008		13 46-683
	38	66-1406.02	40	85-2009		14 46-691
	39	66-1414	41	85-2010		15 54-2401
	40	75-305	42	Omitted		16 54-2412
	41	75-386	43	Omitted		17 54-2415
	42	77-1342	44	Omitted		18 66-1701
	43	77-2703	45	Omitted		19 Omitted
	44	Omitted	LB 574A	Omitted		20 Omitted
	45	Omitted	LB 596	§ 1 77-2716		21 Omitted
LB 572	§ 1	69-2704		2 77-2716.01	LB 622	§ 1 77-27,139.03
	2	69-2705		3 Omitted		2 77-3618
	3	69-2706	LB 607	§ 1 13-503		3 Omitted
	4	69-2707		2 39-868		4 Omitted
	5	69-2708		3 50-1201	LB 626	§ 1 73-501
	6	69-2709		4 50-1202		2 73-502
	7	69-2710		5 50-1203		3 73-503
	8	69-2702		6 50-1204		4 73-504
	9	77-2601		7 50-1205		5 73-505
	10	77-2603		8 50-1205.01		6 73-506
	11	77-2608		9 50-1206		7 73-507
	12	77-2620		10 50-1207		8 73-508
	13	69-2711		11 50-1208		9 73-509
	14	Omitted		12 50-1209		10 81-1118
	15	Omitted		13 50-1210		11 Omitted
LB 574	§ 1	85-1901		14 50-1211	LB 626A	Omitted
	2	85-1902		15 50-1212	LB 643	§ 1 71-6403
	3	85-1903		16 50-1213		2 71-6405
	4	85-1904		17 50-1214		3 72-804
	5	85-1905		18 50-1215		4 72-806
	6	85-1906		19 50-1303		5 Omitted
	7	85-1907		20 84-304		6 Omitted
	8	85-1908		21 84-322	LB 655	§ 1 52-1901
	9	85-1909		22 Omitted		2 52-1902
	10	85-1910	LB 608	§ 1 77-27,187		3 52-1903
	11	85-1911		2 77-27,187.01		4 52-1904
	12	85-1912		3 77-27,187.02		5 52-131
	13	85-1913		4 77-27,188		6 52-135
	14	85-1914		5 77-27,188.01		7 52-136
	15	85-1915		6 77-27,188.02		8 52-201
	16	85-1916		7 77-27,189		9 70-641
	17	85-1917		8 77-27,190		10 Omitted
	18	85-1918		9 77-27,191		11 Omitted
	19	85-1919		10 77-27,194	LB 667	§ 1 20-127
	20	85-1920		11 77-27,195		2 20-129
	21	9-812		12 Omitted		3 71-140
	22	9-836.01		13 Omitted		4 71-1,148

APPENDIX

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
	5		2		2
	6		3		3
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	11	LB 701	§ 1		8
	12		2		9
	13		3	LB 756A	Omitted
	14		4	LB 759	§ 1
	15	LB 707	§ 1		2
	16		2		3
	17	LB 720	§ 1		4
	18		2		5
	19		3		6
	20		4		7
	21		5		8
	22		6		9
	23		7		10
	24		8		11
	25	LB 721	§ 1		12
	26		2		13
LB 667A	Omitted		3		14
LB 685	§ 1		4		15
	2	LB 724	§ 1		16
	3		2		17
	4		3		18
	5		4		19
	6		5		20
	7		6		21
	8		7		22
	9		8		23
	10		9		24
	11		10		25
	12		11		26
	13	LB 726	§ 1		27
	14		2		28
	15		3	LB 759A	Omitted
	16		4	LB 760	§ 1
	17	LB 735	§ 1		2
	18		2		3
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	33		17		18
	34	LB 735A	Omitted		19
	35	LB 754	§ 1		20
	36		2		21
	37		3	LB 760A	Omitted
	38		4	LB 790	§ 1
LB 688	§ 1	LB 756	§ 1		2

CROSS REFERENCE TABLE

2003 First Session	2003 Supplement	2003 First Session	2003 Supplement
3	66-1803	65	75-112
4	66-1804	66	75-118
5	66-1805	67	75-122.01
6	66-1806	68	75-128
7	66-1807	69	75-129
8	66-1808	70	75-131
9	66-1809	71	75-132
10	66-1810	72	75-139.01
11	66-1811	73	75-156
12	66-1812	74	84-612
13	66-1813	75	Omitted
14	66-1814	76	Omitted
15	66-1815	77	Omitted
16	66-1816	78	Omitted
17	66-1817	LB 790A	Omitted
18	66-1818	LB 796	§ 1 79-10,138
19	66-1819		2 Omitted
20	66-1820		3 Omitted
21	66-1821	LB 798	§ 1 84-612
22	66-1822		2 Omitted
23	66-1823		3 Omitted
24	66-1824	LB 799	§ 1 80-401.01
25	66-1825		2 Omitted
26	66-1826		3 Omitted
27	66-1827	LB 804	§ 1 37-1015
28	66-1828		2 Omitted
29	66-1829	LB 806	Omitted
30	66-1830		
31	66-1831		
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58	57-705		
59	59-1617		
60	75-101		
61	75-102		
62	75-109		
63	75-109.01		
64	75-110.01		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 98th Legislature
First Session, 2003

Showing the date each act went into effect.
The Ninety-eighth Session of the Legislature adjourned
May 30, 2003.

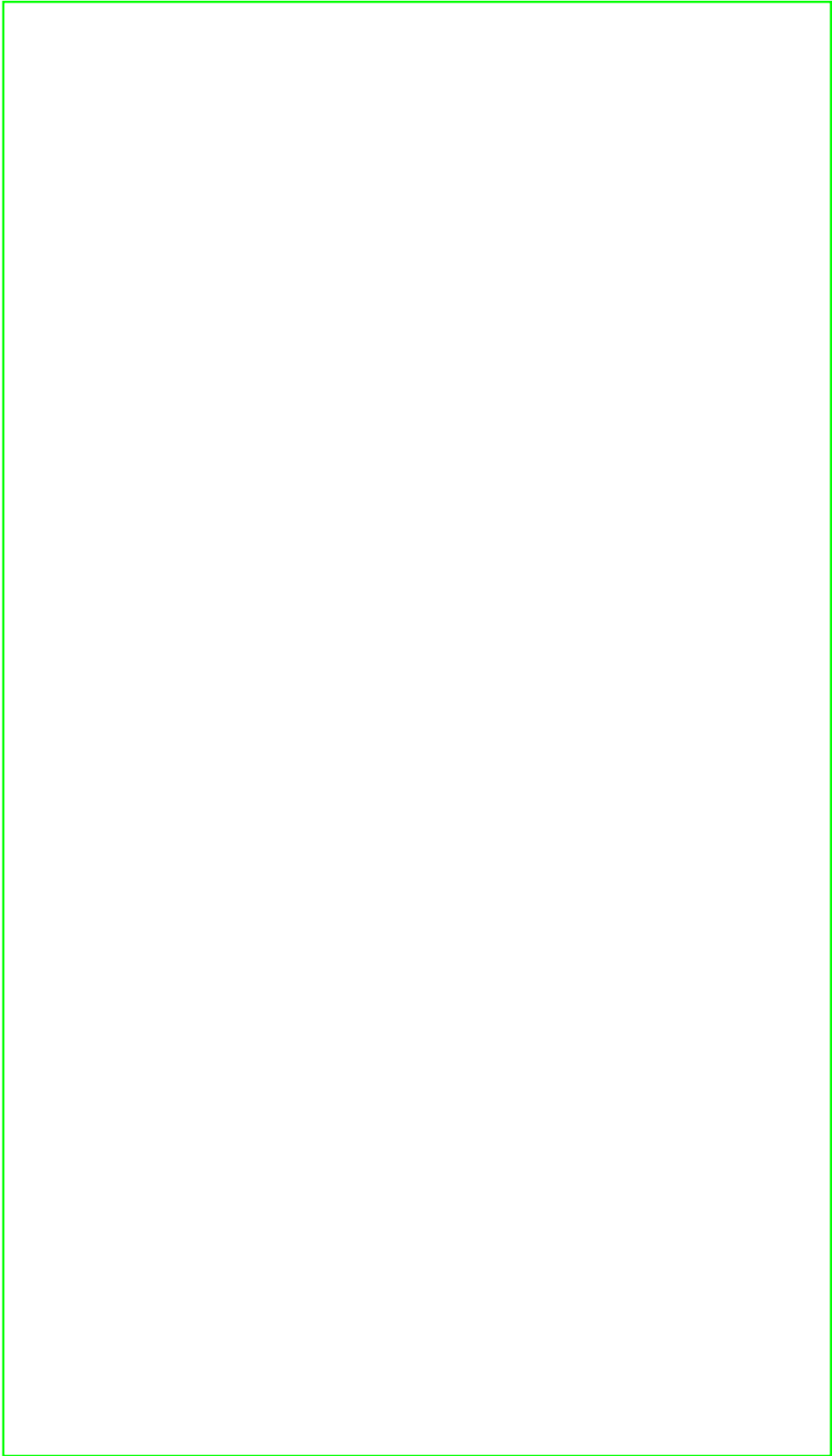
LB No.	Effective Date	LB No.	Effective Date
1	August 31, 2003	60	August 31, 2003
2	August 31, 2003	61	August 31, 2003
3	August 31, 2003	65	August 31, 2003
4	August 31, 2003	66	May 29, 2003
5	August 31, 2003	66A	May 29, 2003
6	August 31, 2003	67	January 31, 2003
7	August 31, 2003	68	August 31, 2003
8	August 31, 2003	69	August 31, 2003
9	August 31, 2003	69A	August 31, 2003
10	August 31, 2003	70	February 4, 2003
11	August 31, 2003	71	August 31, 2003
12	August 31, 2003	72	August 31, 2003
14	February 21, 2003	72A	August 31, 2003
15	August 31, 2003	73	August 31, 2003
17	August 31, 2003	73A	August 31, 2003
19	August 31, 2003	76	August 31, 2003
30	March 21, 2003	83	February 21, 2003
30A	August 31, 2003	84	March 4, 2003
31	January 1, 2004 (operative date)	85	March 4, 2003
31A	August 31, 2003	85A	March 4, 2003
34	August 31, 2003	90	January 1, 2004 (operative date)
35	August 31, 2003	92	July 1, 2003 (operative date)
40	August 31, 2003	93	August 31, 2003
41	August 31, 2003	94	August 31, 2003
43	August 31, 2003	94A	August 31, 2003
45	August 31, 2003	95	August 31, 2003
46	Sections 2 to 4, 6, 27, 30, 53, and 55 of this act become operative when thirty-five states have adopted the Interstate Compact for Adult Offender Supervision. Sections 12, 13, 21, and 22 of this act become operative on July 1, 2003. The other sections of this act become operative on May 24, 2003.	95A	August 31, 2003
46A	May 24, 2003	97	August 31, 2003
48	May 31, 2003	101	August 31, 2003
52	August 31, 2003	102	August 31, 2003
53	August 31, 2003	102A	August 31, 2003
54	March 21, 2003	103	August 31, 2003
54A	March 21, 2003	106	August 31, 2003
55	August 31, 2003	107	March 21, 2003
56	October 1, 2003 (operative date)	111	April 17, 2003
		112	May 1, 2003
		114	August 31, 2003
		118	August 31, 2003
		119	August 31, 2003
		122	August 31, 2003
		126	March 4, 2003
		127	August 31, 2003
		128	August 31, 2003
		130	January 1, 2005

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	(operative date)		2003.
131	August 31, 2003	218	August 31, 2003
137	February 4, 2003	219	March 21, 2003
138	August 31, 2003	222	August 31, 2003
142	August 31, 2003	228	August 31, 2003
143	August 31, 2003	228A	August 31, 2003
143A	August 31, 2003	233	April 17, 2003
146	August 31, 2003	233A	April 17, 2003
148	January 1, 2004 (operative date)	234	January 1, 2004 (operative date)
149	August 31, 2003	234A	August 31, 2003
150	August 31, 2003	235	August 31, 2003
156	August 31, 2003	238	August 31, 2003
157	August 31, 2003	241	August 31, 2003
158	Sections 1 to 61 of this act become operative on January 1, 2004. The other sections of this act become operative on March 21, 2003.	242	July 1, 2004 (operative date)
160	August 31, 2003	243	August 31, 2003
161	March 21, 2003	245	January 1, 2004 (operative date)
164	August 31, 2003	249	May 29, 2003
164A	August 31, 2003	250	April 17, 2003
165	August 31, 2003 (operative date)	255	August 31, 2003
165A	August 31, 2003	257	August 31, 2003
167	October 1, 2003 (operative date)	258	August 31, 2003
168	July 1, 2003 (operative date)	259	August 31, 2003
175	August 31, 2003	267	August 31, 2003
181	August 31, 2003	273	August 31, 2003
182	August 31, 2003	274	August 31, 2003
185	January 1, 2004 (operative date)	281	February 21, 2003
186	August 31, 2003	282	Sections 74 to 77, 84, and 85 of this act become operative on August 31, 2003. The other sections of this act become operative on January 1, 2004.
187	Sections 14, 17, 23, 24, 33, and 35 of this act become operative on January 1, 2004. The other sections of this act become operative on August 31, 2003.	283	Sections 2 and 6 of this act become operative on January 1, 2003. The other sections of this act become operative on July 1, 2003.
191	August 31, 2003	285	October 1, 2003 (operative date)
192	August 31, 2003	285A	May 31, 2003
194	August 31, 2003	291	April 3, 2003
195	August 31, 2003	292	Sections 15, 17 to 19, and 21 of this act become operative on July 1, 2003. The other sections of this act become operative on August 31, 2003.
197	May 1, 2003	294	August 31, 2003
199	August 31, 2003	295	August 31, 2003
200	August 31, 2003	305	Sections 1, 3 to 19, 24, and 28 of this act become operative on August 31, 2003. Sections 2, 20, 21, 25, 26, and 29 of this act become operative on June 1, 2003. The other sections of this act become operative on May 14, 2003.
205	August 31, 2003		
209	Sections 1 to 15, 17, 18, 20, and 22 of this act become operative on October 1, 2003. The other sections of this act become operative on May 30, 2003.	306	July 1, 2004 (operative date)
209A	May 30, 2003	307	August 31, 2003
210	August 31, 2003	319	April 3, 2003
213	August 31, 2003	320	May 30, 2003
214	March 4, 2003	331	August 31, 2003
216	August 31, 2003		
217	Sections 1 to 8, 10, 12 to 31, 33 to 46, 49, and 50 of this act become operative on August 31, 2003. The other sections of this act become operative on March 4,		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
332	May 1, 2003		
333	August 31, 2003		
333A	August 31, 2003		
349	August 31, 2003		
354	August 31, 2003		
357	April 17, 2003		
357A	April 17, 2003		
358	August 31, 2003		
359	August 31, 2003		
365	August 31, 2003		
367	October 1, 2003 (operative date)		
371	August 31, 2003		
381	October 1, 2003 (operative date)		
381A	August 31, 2003		
385	August 31, 2003		
394	July 1, 2003 (operative date)		
402	May 27, 2003		
403	May 27, 2003		
403A	May 27, 2003		
404	July 1, 2003 (operative date)		
405	July 1, 2003 (operative date)		
406	July 1, 2003 (operative date)		
407	July 1, 2003 (operative date)		
408	May 27, 2003		
410	July 1, 2003 (operative date)		
411	May 27, 2003		
412	July 1, 2003 (operative date)		
414	July 1, 2003 (operative date)		
415	July 1, 2003 (operative date)		
418	August 31, 2003		
424	July 1, 2003 (operative date)		
429	April 3, 2003		
430	August 31, 2003		
440	July 1, 2003 (operative date)		
443	August 31, 2003		
444	August 31, 2003		
451	April 17, 2003		
461	August 31, 2003		
464	August 31, 2003		
467	August 31, 2003		
476	August 31, 2003		
480	August 31, 2003		
481	August 31, 2003		
487	August 31, 2003		
494	August 31, 2003		
498	August 31, 2003		
500	January 1, 2004 (operative date)		
510	August 31, 2003		
513	August 31, 2003		
521	August 31, 2003		
		524	Sections 20 to 22 of this act become operative on August 31, 2003. The other sections of this act become operative on January 1, 2004.
		536	August 31, 2003
		537	August 31, 2003
		540	May 28, 2003
		548	August 31, 2003
		561	April 3, 2003
		562	August 31, 2003
		562A	August 31, 2003
		563	August 31, 2003
		572	May 30, 2003
		574	Sections 21 and 43 of this act become operative on July 1, 2003. The other sections of this act become operative on May 30, 2003.
		574A	May 30, 2003
		596	August 31, 2003
		607	August 31, 2003
		608	January 1, 2004 (operative date)
		608A	August 31, 2003
		610	August 31, 2003
		619	April 17, 2003
		622	May 31, 2003
		626	August 31, 2003
		626A	August 31, 2003
		643	January 1, 2004 (operative date)
		655	August 31, 2003
		667	August 31, 2003
		667A	August 31, 2003
		685	May 27, 2003
		688	August 31, 2003
		701	August 31, 2003
		707	August 31, 2003
		720	August 31, 2003
		721	August 31, 2003
		724	August 31, 2003
		726	August 31, 2003
		735	August 31, 2003
		735A	August 31, 2003
		754	August 31, 2003
		756	September 15, 2003
		756A	August 31, 2003
		759	Sections 10, 13, 16, 19, 20, and 27 of this act become operative on January 1, 2004. The other sections of this act become operative on October 1, 2003.
		759A	August 31, 2003
		760	May 24, 2003
		760A	May 24, 2003
		790	May 31, 2003
		790A	May 31, 2003
		796	May 27, 2003
		798	May 27, 2003
		799	May 27, 2003
		804	August 31, 2003
		806	May 27, 2003



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2004 Session Laws of Nebraska, Second Session

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
LB 16	§ 1 21-2204		2 25-21,279	LB 355	§ 1 77-2716.01
	2 21-2209		3 29-119		2 Omitted
	3 21-2607		4 81-1423		3 Omitted
	4 21-2631		5 81-1801.01		4 Omitted
	5 21-2639		6 81-1841	LB 382	§ 1 48-212
	6 67-454		7 81-1840.01		2 Omitted
	7 67-456		8 81-1844	LB 439	§ 1 72-2201
	8 67-458		9 81-1844.01		2 72-2202
	9 Omitted		10 81-1845		3 72-2203
LB 75	§ 1 23-1701.01		11 81-1848		4 72-2204
	2 Omitted		12 81-1848.01		5 72-2205
LB 155	§ 1 44-1984		13 81-1848.02		6 72-2206
	2 44-1993		14 81-1848.03		7 72-2207
	3 44-19,106		15 81-1849		8 72-2208
	4 44-19,116		16 81-1850		9 72-2209
	5 44-19,120.01		17 81-1851		10 72-2210
	6 76-238		18 Omitted		11 72-2211
	7 Omitted	LB 279	§ 1 60-308		12 72-2212
	8 Omitted		2 60-311		13 72-2213
LB 172	Omitted		3 60-320		14 72-2214
LB 208	§ 1 28-306		4 Omitted		15 81-188.01
	2 28-394	LB 279A	Omitted		16 81-188.02
	3 29-3605	LB 297	§ 1 83-1202.01		17 81-1107
	4 60-484		2 83-1209		18 81-1108.15
	5 60-498.01		3 83-1216		19 81-1108.17
	6 60-498.02		4 83-1217		20 81-1108.18
	7 60-4,144		5 83-1219		21 81-1108.20
	8 60-601		6 83-1224		22 81-1108.22
	9 60-6,108		7 Omitted		23 81-1108.23
	10 60-6,196		8 Omitted		24 81-1108.31
	11 60-6,197	LB 315	§ 1 33-133		25 81-1108.32
	12 60-6,197.02		2 64-101		26 81-1108.38
	13 60-6,197.03		3 64-101.01		27 81-1108.50
	14 60-6,197.04		4 64-102		28 81-1108.51
	15 60-6,197.05		5 64-103		29 81-1108.52
	16 60-6,197.06		6 64-105		30 81-1108.53
	17 60-6,197.07		7 64-105.01		31 81-2004
	18 60-6,197.08		8 64-105.02		32 Omitted
	19 60-6,209		9 64-105.03		33 Omitted
	20 60-6,210		10 64-105.04		34 Omitted
	21 60-6,211.04		11 64-113	LB 439A	Omitted
	22 60-6,211.05		12 64-210	LB 449	§ 1 81-1505
	23 83-1,129		13 Omitted		2 81-1505.06
	24 Omitted		14 Omitted		3 81-1532
LB 227	§ 1 60-6,265	LB 323	§ 1 23-272		4 81-15,181
	2 60-6,267		2 32-608		5 81-15,182
	3 60-6,268		3 Omitted		6 81-15,183
	4 Omitted		4 Omitted		7 81-15,186.01
LB 236	§ 1 84-712.05		5 Omitted		8 81-15,184
	2 Omitted	LB 353	§ 1 60-4,125		9 81-15,185
LB 270	§ 1 28-112		2 Omitted		10 81-15,185.01

APPENDIX

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
	11 81-15,185.02	LB 559	§ 1 60-484	2	81-3445
	12 81-15,185.03		2 60-493	3	81-3449
	13 81-15,186		3 60-494	4	81-3451
	14 81-15,248		4 60-4,144	5	81-3453
	15 Omitted		5 60-4,181	6	Omitted
LB 449A	Omitted		6 60-2907	7	Omitted
LB 454	§ 1 24-1301		7 71-4822	8	Omitted
	2 24-1302		8 71-4823	LB 599A	Omitted
LB 479	§ 1 66-482		9 Omitted	LB 613	§ 1 29-4301
	2 66-1330		10 Omitted	2	29-4302
	3 66-1345.05		11 Omitted	3	29-4303
	4 66-1333	LB 559A	Omitted	4	29-4304
	5 66-1344	LB 560	§ 1 13-910	5	28-323
	6 66-1344.01		2 30-24,125	6	29-404.02
	7 66-1345		3 37-1201	7	29-439
	8 66-1345.01		4 37-1291	8	29-440
	9 77-4104.01		5 37-1292	9	29-4401
	10 77-5536		6 37-1293	10	29-4402
	11 Omitted		7 37-1294	11	29-4305
	12 Omitted		8 37-1295	12	42-903
	13 Omitted		9 37-1296	13	Omitted
LB 485	§ 1 9-329.03		10 37-1297	LB 625	§ 1 20-326
	2 53-101		11 37-1298	2	20-330
	3 53-103		12 37-1299	3	Omitted
	4 53-116.01		13 37-12,100	4	Omitted
	5 53-116.02		14 37-12,101	LB 644	§ 1 77-202.13
	6 53-117		15 37-12,102	LB 644A	Omitted
	7 53-119.01		16 37-12,103	LB 692	§ 1 25-21,211
	8 53-122		17 37-12,104	2	Omitted
	9 53-123		18 37-12,105	LB 727	§ 1 32-939
	10 53-123.02		19 37-12,106	2	Omitted
	11 53-123.03		20 37-12,107	LB 740	§ 1 60-110
	12 53-123.04		21 37-12,108	2	Omitted
	13 53-123.13		22 37-12,109	LB 810	Omitted
	14 53-123.15		23 37-12,110	LB 811	§ 1 77-3901
	15 53-124		24 60-106	2	Omitted
	16 53-124.02		25 60-108	3	Omitted
	17 53-124.12		26 60-110	LB 812	§ 1 60-6,347
	18 53-124.14		27 60-111.01	2	Omitted
	19 53-129		28 60-129	LB 813	§ 1 10-505
	20 53-131		29 60-139	2	12-522
	21 53-132		30 60-301	3	15-813
	22 53-133		31 60-302.05	4	19-3005
	23 53-134		32 60-308	5	19-3006
	24 53-134.03		33 60-311.01	6	19-3007.01
	25 53-134.04		34 60-311.02	7	19-3037
	26 53-135		35 60-364	8	23-1802
	27 53-138.03		36 60-462.01	9	23-1809
	28 53-168		37 60-483	10	30-2329
	29 53-179		38 60-484.02	11	30-3408
	30 53-1,115		39 60-6,324	12	31-324
	31 Omitted		40 60-1805	13	31-331
	32 Omitted		41 60-1901	14	31-333
	33 Omitted		42 60-1904	15	32-812
LB 485A	Omitted		43 60-1907	16	32-934
LB 499	§ 1 66-1850		44 81-8,219	17	32-1040
	2 Omitted		45 Omitted	18	32-1401
	3 Omitted		46 Omitted	19	32-1402
LB 514	§ 1 81-2017		47 Omitted	20	49-218
	2 Omitted		48 Omitted	21	49-1522
	3 Omitted	LB 560A	Omitted	22	49-1559
	4 Omitted	LB 599	§ 1 2-3256	23	53-135.01

CROSS REFERENCE TABLE

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
	24 53-1,108		43 85-1502	LB 868	§ 1 79-201
	25 54-403		44 86-327		2 25-21,280
	26 57-202		45 86-413		3 84-712.05
	27 58-525		46 Omitted		4 Omitted
	28 76-1004	LB 824	§ 1 3-104		5 Omitted
	29 76-1007		2 Omitted	LB 869	§ 1 2-945.01
	30 76-1008	LB 826	§ 1 37-201		2 2-953
	31 76-1012		2 37-706.01		3 2-954
	32 77-1819		3 37-706		4 2-958.01
	33 77-1839		4 37-707		5 2-958.02
	34 77-3204		5 37-708.01		6 2-958
	35 Omitted		6 Omitted		7 2-10,117
LB 818	§ 1 71-702		7 Omitted		8 81-201
	2 Omitted	LB 826A	Omitted		9 81-201.05
LB 819	§ 1 81-1114.02	LB 832	§ 1 81-15,173		10 Omitted
	2 Omitted		2 81-15,175	LB 878	§ 1 75-363
LB 820	§ 1 32-1303		3 81-15,176		2 75-364
	2 32-1306		4 Omitted		3 Omitted
	3 Omitted	LB 835	§ 1 81-2,165		4 Omitted
	4 Omitted		2 81-2,166	LB 884	§ 1 2-1201
LB 821	§ 1 2-101		3 81-2,167		2 3-103
	2 2-238		4 81-2,170		3 8-104
	3 2-261		5 81-2,171		4 8-105
	4 13-2515		6 81-2,173		5 8-197
	5 13-2517		7 81-2,174		6 8-1,101
	6 13-2801		8 Omitted		7 9-807
	7 13-2812		9 Omitted		8 11-119
	8 16-1037	LB 836	§ 1 2-3948		9 11-121
	9 25-2937		2 2-3951		10 11-201
	10 28-731		3 2-3951.01		11 11-201.01
	11 39-1108		4 2-3951.02		12 11-202
	12 46-2,120		5 2-3951.03		13 25-2101
	13 50-307		6 2-3951.04		14 25-21,207
	14 58-230		7 Omitted		15 25-21,218
	15 66-1619		8 Omitted		16 32-561
	16 71-121		9 Omitted		17 32-602
	17 71-3406	LB 837	§ 1 54-2280		18 37-110
	18 71-5176		2 Omitted		19 37-431
	19 71-5705		3 Omitted		20 48-158
	20 71-6224	LB 841	§ 1 77-2704.12		21 48-609
	21 72-1704		2 68-1801		22 48-618
	22 74-1308		3 68-1802		23 48-721
	23 77-5005		4 68-1803		24 48-804.03
	24 79-317		5 68-1804		25 53-109
	25 79-554		6 68-1805		26 54-191
	26 79-560		7 68-1806		27 55-123
	27 79-561		8 68-1807		28 55-126
	28 79-814.01		9 68-1808		29 55-127
	29 79-832		10 68-1809		30 55-150
	30 79-1239		11 Omitted		31 57-917
	31 81-1505.03		12 Omitted		32 60-1303
	32 81-15,217		13 Omitted		33 60-1502
	33 81-1712		14 Omitted		34 71-222.01
	34 84-1407	LB 841A	Omitted		35 72-1241
	35 84-1408	LB 845	§ 1 76-1708		36 77-366
	36 84-1409		2 76-1711		37 77-703
	37 84-1410		3 76-1734		38 80-401.02
	38 84-1411		4 81-885.55		39 81-111
	39 84-1412		5 Omitted		40 81-151
	40 84-1414	LB 846	§ 1 60-311.14		41 81-8,128
	41 84-1502		2 Omitted		42 81-8,141
	42 85-104		3 Omitted		43 81-1108.14

APPENDIX

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	
	44	81-2002	23	71-3,100	LB 927 § 1	32-404
	45	83-128	24	71-3,105		2 Omitted
	46	83-139	25	71-385.02		3 Omitted
	47	84-106	26	71-3,119.02	LB 936 § 1	51-213
	48	84-206	27	71-3,119.03		2 Omitted
	49	84-314	28	71-3,106	LB 937 § 1	16-696
	50	84-502	29	71-3,169		2 Omitted
	51	84-505	30	71-3,170	LB 939 § 1	13-501
	52	84-718	31	71-3,174		2 13-513
	53	84-801	32	71-3,177		3 13-804
	54	Omitted	33	71-3,179		4 13-2504
LB 888	§ 1	72-804	34	71-3,236		5 Omitted
	2	72-805	35	71-3,237	LB 940 § 1	43-260
	3	72-806	36	71-3,238		2 81-8,271.01
	4	81-1608	37	Omitted		3 Omitted
	5	81-1609		Omitted		4 Omitted
	6	81-1611	LB 906A			5 Omitted
	7	81-1613	LB 911 § 1	60-529		
	8	81-1614		Omitted	LB 943 § 1	28-101
	9	81-1615		Omitted		2 28-310.01
	10	81-1616	LB 914 § 1	81-2102		3 28-320.02
	11	81-1617		81-2108		4 28-318
	12	81-1618		81-2109		5 28-322
	13	81-1620		81-2113		6 28-322.01
	14	81-1622		81-2118		7 28-1463.05
	15	81-1625		81-2121		8 29-110
	16	Omitted		81-2124		9 29-4003
	17	Omitted		Omitted		10 Omitted
	18	Omitted	LB 914A	Omitted		11 Omitted
LB 890	§ 1	81-3501	LB 915 § 1	84-902	LB 944 § 1	69-2703
	2	81-3503		Omitted		2 69-2703.01
	3	81-3509.01	LB 916 § 1	13-2042		3 Omitted
	4	81-3527		46-241		4 Omitted
	5	81-3529		46-257	LB 947 § 1	48-1805
	6	81-3539		54-744.01		2 Omitted
	7	81-3540		54-2416		3 Omitted
	8	Omitted		54-2417	LB 950 § 1	48-2303
	9	Omitted		54-2418		2 Omitted
LB 902	§ 1	84-311		54-2419		3 Omitted
	2	Omitted		54-2420	LB 955 § 1	77-2786
LB 906	§ 1	71-110.01		54-2421		2 77-2794
	2	71-162		54-2422		3 Omitted
	3	71-340		54-2423	LB 961 § 1	79-907
	4	71-341		54-2424		2 Omitted
	5	71-342		54-2425	LB 962 § 1	2-1586
	6	71-343		54-2426		2 2-1588
	7	71-346.01		54-2427		3 2-3225
	8	71-346.02		54-2428		4 13-520
	9	71-346.03		54-2429		5 46-226.03
	10	71-346.04		54-2430		6 46-229
	11	71-358.01		54-2431		7 46-229.02
	12	71-362.01		54-2432		8 46-229.03
	13	71-363.01		54-2433		9 46-229.04
	14	71-364		54-2434		10 46-229.06
	15	71-370.01		54-2435		11 46-230
	16	71-370.02		81-1502		12 46-235.04
	17	71-376		81-1506		13 46-237
	18	71-377		81-15,149		14 46-241
	19	71-386		Omitted		15 46-261
	20	71-396	LB 916A	Omitted		16 46-290
	21	71-397	LB 917 § 1	85-161		17 46-291
	22	71-398		85-162		18 46-292
						19 46-293

CROSS REFERENCE TABLE

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
20	46-294	82	46-742	2	19-929
21	46-294.01	83	46-743	3	23-114.01
22	46-294.02	84	46-744	4	23-168.03
23	46-294.03	85	46-745	5	77-123
24	46-294.04	86	46-746	6	77-201
25	46-294.05	87	46-747	7	77-202.03
26	46-295	88	46-748	8	77-202.04
27	46-296	89	46-749	9	77-422
28	46-2,112	90	46-750	10	77-603
29	46-2,119	91	46-751	11	77-612
30	46-2,127	92	46-752	12	77-684
31	46-2,132	93	46-753	13	77-801
32	46-2,135	94	46-676	14	77-802
33	46-2,138	95	46-678.01	15	77-802.02
34	46-601.01	96	46-680	16	77-1234
35	46-602	97	46-691.03	17	77-1249
36	46-609	98	46-1207.01	18	77-1301
37	46-613.02	99	46-1207.02	19	77-1303
38	46-651	100	46-1212	20	77-1315
39	46-653	101	46-1228	21	77-1315.01
40	46-655.01	102	61-206	22	77-1317
41	46-701	103	66-1501	23	77-1318
42	46-702	104	66-1532	24	77-1330
43	46-703	105	66-1519	25	77-1343
44	46-704	106	66-1523	26	77-1344
45	46-705	107	66-1525	27	77-1345
46	46-706	108	66-1529.02	28	77-1345.01
47	46-707	109	77-27,137.02	29	77-1348
48	46-708	110	77-3442	30	77-1363
49	46-709	111	81-15,174	31	77-1380
50	46-710	112	Omitted	32	77-1384
51	46-711	113	81-15,176	33	77-1502
52	46-712	114	Omitted	34	77-1504.01
53	46-713	115	Omitted	35	77-1510
54	46-714	116	Omitted	36	77-1510.01
55	46-715	117	Omitted	37	77-1514
56	46-716	118	Omitted	38	77-1606
57	46-717	119	Omitted	39	77-1608
58	46-718	120	Omitted	40	77-1610
59	46-719	LB 962A	Omitted	41	77-1623
60	46-720	LB 963	§ 1 55-121	42	77-1775
61	46-721		2 55-125	43	77-3506.02
62	46-722		3 55-126	44	77-3519
63	46-723		4 55-157	45	77-3520
64	46-724		5 Omitted	46	77-5001
65	46-725	LB 969	§ 1 70-1701	47	77-5004
66	46-726		2 70-1702	48	77-5007
67	46-727		3 70-1703	49	77-5013
68	46-728		4 70-1704	50	77-5015
69	46-729		5 70-1705	51	77-5016
70	46-730		6 18-412.06	52	77-5016.01
71	46-731		7 18-412.07	53	77-5016.02
72	46-732		8 18-412.08	54	77-5016.03
73	46-733		9 18-412.09	55	77-5016.04
74	46-734		10 18-412.10	56	77-5016.05
75	46-735		11 18-2451	57	77-5016.06
76	46-736		12 70-601	58	77-5016.07
77	46-737		13 70-623	59	77-5016.08
78	46-738		14 Omitted	60	77-5016.09
79	46-739		15 Omitted	61	77-5017
80	46-740		16 Omitted	62	77-5020
81	46-741	LB 973	§ 1 19-910	63	77-5022

APPENDIX

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement			
	64	77-5023	51	66-726	21	21-17,115		
	65	77-5027	52	66-727	22	25-1530		
	66	79-1016	53	66-733	23	30-2734		
	67	79-1022	54	66-734	24	30-3811		
	68	84-912.03	55	66-735	25	30-3837		
	69	Omitted	56	66-736	26	30-3854		
	70	Omitted	57	66-737	27	30-3855		
	71	Omitted	58	66-1334	28	30-3867		
	72	Omitted	59	66-1345	29	30-38,110		
	73	Omitted	60	66-1401	30	43-3334		
LB 980	§ 1	44-704	61	66-1416	31	45-101.04		
	2	Omitted	62	66-1417	32	45-205		
LB 983	§ 1	39-2215	63	66-1418	33	45-206		
	2	60-1303	64	66-1419	34	45-342		
	3	60-1306	65	66-1510	35	45-346		
	4	60-1307	66	66-1521	36	45-351		
	5	66-482	67	77-2704.05	37	45-921		
	6	66-483	68	77-2734.03	38	45-1017		
	7	66-484	69	Omitted	39	45-1018		
	8	66-485	70	Omitted	40	45-1024		
	9	66-486	71	Omitted	41	45-1025		
	10	66-487	LB 986	§ 1	77-3526	42	45-1065	
	11	66-488		2	77-3527	43	72-1262	
	12	66-489		3	Omitted	44	76-1006	
	13	66-489.01		4	Omitted	45	76-1009	
	14	66-495		5	Omitted	46	76-1010	
	15	66-495.01	LB 986A		Omitted	47	76-1012	
	16	66-496	LB 997	§ 1	16-230	48	77-2365.01	
	17	66-498		2	17-563	49	77-2366	
	18	66-499		3	Omitted	50	77-2387	
	19	66-4,105	LB 998	§ 1	44-2824	51	77-2365.02	
	20	66-4,106		2	44-2825	52	Omitted	
	21	66-4,114		3	44-2827	53	Omitted	
	22	66-4,116		4	44-2829	54	Omitted	
	23	66-4,140		5	44-2831	55	Omitted	
	24	66-4,124.01		6	44-2831.01	56	Omitted	
	25	66-4,141		7	44-2832	57	Omitted	
	26	66-4,143		8	44-2833	LB 1002	§ 1	54-626
	27	66-4,144		9	44-2855		2	54-627
	28	66-4,145		10	Omitted		3	Omitted
	29	66-4,146		11	Omitted	LB 1004	§ 1	75-112
	30	66-4,146.01	LB 998A		Omitted		2	86-329
	31	66-4,147	LB 999	§ 1	8-113		3	Omitted
	32	66-4,149		2	8-157.01	LB 1005	§ 1	13-518
	33	66-502		3	8-1,140		2	28-414
	34	66-525		4	8-355		3	29-2264
	35	66-685		5	8-602		4	43-107
	36	66-686		6	8-910		5	43-3344
	37	66-687		7	8-1001		6	43-3346
	38	66-698		8	8-1003		7	68-1036.02
	39	66-6,100		9	8-1006		8	71-101
	40	66-6,106		10	8-1008		9	71-110.01
	41	66-6,107		11	8-1009		10	71-162
	42	66-6,109.01		12	8-1010		11	71-185.03
	43	66-6,110		13	8-1012.01		12	71-190
	44	66-6,111		14	8-1511		13	71-1,142
	45	66-712		15	8-1512		14	71-1,144
	46	66-713		16	8-1513		15	71-1,143.01
	47	66-717		17	8-2401		16	71-1,146
	48	66-718		18	8-2402		17	71-1,147.33
	49	66-720		19	8-2403		18	71-1,155
	50	66-722		20	9-701		19	71-341

CROSS REFERENCE TABLE

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
20	71-342	82	71-1919	144	Omitted
21	71-356.04	83	71-1920	145	Omitted
22	71-365.01	84	71-1921	146	Omitted
23	71-368	85	71-1922	LB 1005A	Omitted
24	71-371	86	71-1923	LB 1017	§ 1 49-801.01
25	71-385.01	87	71-3601.01		2 77-2701
26	71-387	88	71-3601		3 77-2701.04
27	71-389	89	71-3602		4 77-2701.44
28	71-3,102	90	71-3603		5 77-2701.45
29	71-3,105	91	71-3608		6 77-2701.10
30	71-3,106.01	92	71-3609		7 77-2701.16
31	71-3,137	93	71-3610		8 77-2701.34
32	71-3,139	94	71-3611		9 77-2701.42
33	71-3,140	95	71-3612		10 77-2703
34	71-3,141	96	71-3613		11 77-2703.01
35	71-3,145	97	71-3614		12 77-2703.02
36	71-3,147	98	71-5301		13 77-2704.12
37	71-3,150	99	71-5651		14 77-2704.15
38	71-3,169	100	71-5652		15 77-2704.32
39	71-3,177	101	71-5653		16 77-2704.33
40	71-3,179	102	71-5654		17 77-2704.36
41	71-401	103	71-5661		18 77-2704.49
42	71-409	104	71-5662		19 77-2704.55
43	71-428	105	71-5663		20 77-2712.05
44	71-448	106	71-5665		21 77-27,188.01
45	71-5901	107	71-5666		22 77-3101
46	71-5902	108	71-5668		23 77-5601
47	71-5903	109	71-5707		24 Omitted
48	71-5904	110	71-6038		25 Omitted
49	71-5905	111	71-6039		26 Omitted
50	71-5906	112	71-6040		27 Omitted
51	71-5907	113	71-6041		28 Omitted
52	71-5908	114	71-6042	LB 1033	§ 1 81-8,139.01
53	71-501	115	71-6039.01		2 Omitted
54	71-542	116	71-6039.02		3 Omitted
55	71-604.05	117	71-6039.03	LB 1034	§ 1 77-2101.03
56	71-612	118	71-6039.04		2 Omitted
57	71-617.05	119	71-6039.05		3 Omitted
58	71-617.15	120	71-6101	LB 1045	§ 1 81-2,239
59	71-627	121	71-6103		2 81-2,240
60	71-628	122	71-6104		3 81-2,254
61	71-634	123	71-6117		4 81-2,267
62	71-1626	124	71-6118		5 81-2,270
63	71-1628.04	125	71-6119		6 Omitted
64	71-1628.08	126	71-6120		7 Omitted
65	71-1636	127	71-6121	LB 1047	§ 1 44-161
66	71-1903	128	71-6122		2 44-201
67	71-1908	129	71-6113		3 44-407.11
68	71-1909	130	71-6123		4 44-407.13
69	71-1910	131	71-6115		5 44-407.14
70	71-1911	132	72-6721		6 44-407.16
71	71-1911.02	133	71-6735		7 44-407.23
72	71-1911.01	134	71-8611		8 44-2703
73	71-1912	135	81-3201		9 44-4201
74	71-1914	136	84-304		10 44-4203
75	71-1914.01	137	85-134		11 44-4215.02
76	71-1914.02	138	Omitted		12 44-4221
77	71-1914.03	139	Omitted		13 44-4228
78	71-1915	140	Omitted		14 44-4809
79	71-1916	141	Omitted		15 44-4842
80	71-1917	142	Omitted		16 44-4842.01
81	71-1918	143	Omitted		17 44-4862

APPENDIX

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	
	18	44-5143	36	71-916	98	48-1102
	19	44-6124	37	71-917	99	53-1,120
	20	44-6125	38	71-918	100	58-703
	21	44-708	39	71-919	101	58-706
	22	44-708.01	40	71-920	102	60-6,209
	23	Omitted	41	71-921	103	71-101
	24	Omitted	42	71-922	104	71-102
	25	Omitted	43	71-923	105	71-107
LB 1065	§ 1	66-489	44	71-924	106	71-110
	2	66-4,124	45	71-925	107	71-112
	3	66-4,134	46	71-926	108	71-113
	4	66-726	47	71-927	109	71-114
	5	66-1344	48	71-928	110	71-116
	6	66-1344.01	49	71-929	111	71-131
	7	66-1345	50	71-930	112	71-139.02
	8	66-1345.01	51	71-931	113	71-162
	9	66-1519	52	71-932	114	71-1,312
	10	77-4103	53	71-933	115	71-1,351
	11	Omitted	54	71-934	116	71-1,352
	12	Omitted	55	71-935	117	71-1,353
	13	Omitted	56	71-936	118	71-1,354
	14	Omitted	57	71-937	119	71-1,355
LB 1069	§ 1	81-3451	58	71-938	120	71-1,356
	2	Omitted	59	71-939	121	71-1,357
	3	Omitted	60	71-940	122	71-1,358
LB 1071	§ 1	85-1415	61	71-941	123	71-1,359
	2	Omitted	62	71-942	124	71-1,360
LB 1083	§ 1	71-801	63	71-943	125	71-1,361
	2	71-802	64	71-944	126	80-601
	3	71-803	65	71-945	127	81-1850
	4	71-804	66	71-946	128	81-2213
	5	71-805	67	71-947	129	83-305
	6	71-806	68	71-948	130	83-305.01
	7	71-807	69	71-949	131	83-314
	8	71-808	70	71-950	132	83-324
	9	71-809	71	71-951	133	83-336
	10	71-810	72	71-952	134	83-338
	11	71-811	73	71-953	135	83-340
	12	71-812	74	71-954	136	83-349
	13	71-813	75	71-955	137	83-350
	14	71-814	76	71-956	138	83-351
	15	71-815	77	71-957	139	83-354
	16	71-816	78	71-958	140	83-364
	17	71-817	79	71-959	141	83-376
	18	71-818	80	71-960	142	83-4,157
	19	71-819	81	71-961	143	84-1211
	20	71-820	82	71-962	144	84-1326.01
	21	71-901	83	9-812	145	Omitted
	22	71-902	84	20-164	146	Omitted
	23	71-903	85	23-3402	147	Omitted
	24	71-904	86	28-416	148	Omitted
	25	71-905	87	29-434	149	Omitted
	26	71-906	88	29-3705	150	Omitted
	27	71-907	89	29-3915	LB 1083A § 1	Omitted
	28	71-908	90	42-917	2	Omitted
	29	71-909	91	43-245	3	Omitted
	30	71-910	92	43-247	4	90-530
	31	71-911	93	43-248	5	Omitted
	32	71-912	94	43-250	6	Omitted
	33	71-913	95	43-254.01	7	Omitted
	34	71-914	96	44-773	LB 1084 § 1	68-1073
	35	71-915	97	44-774	2	68-1074

CROSS REFERENCE TABLE

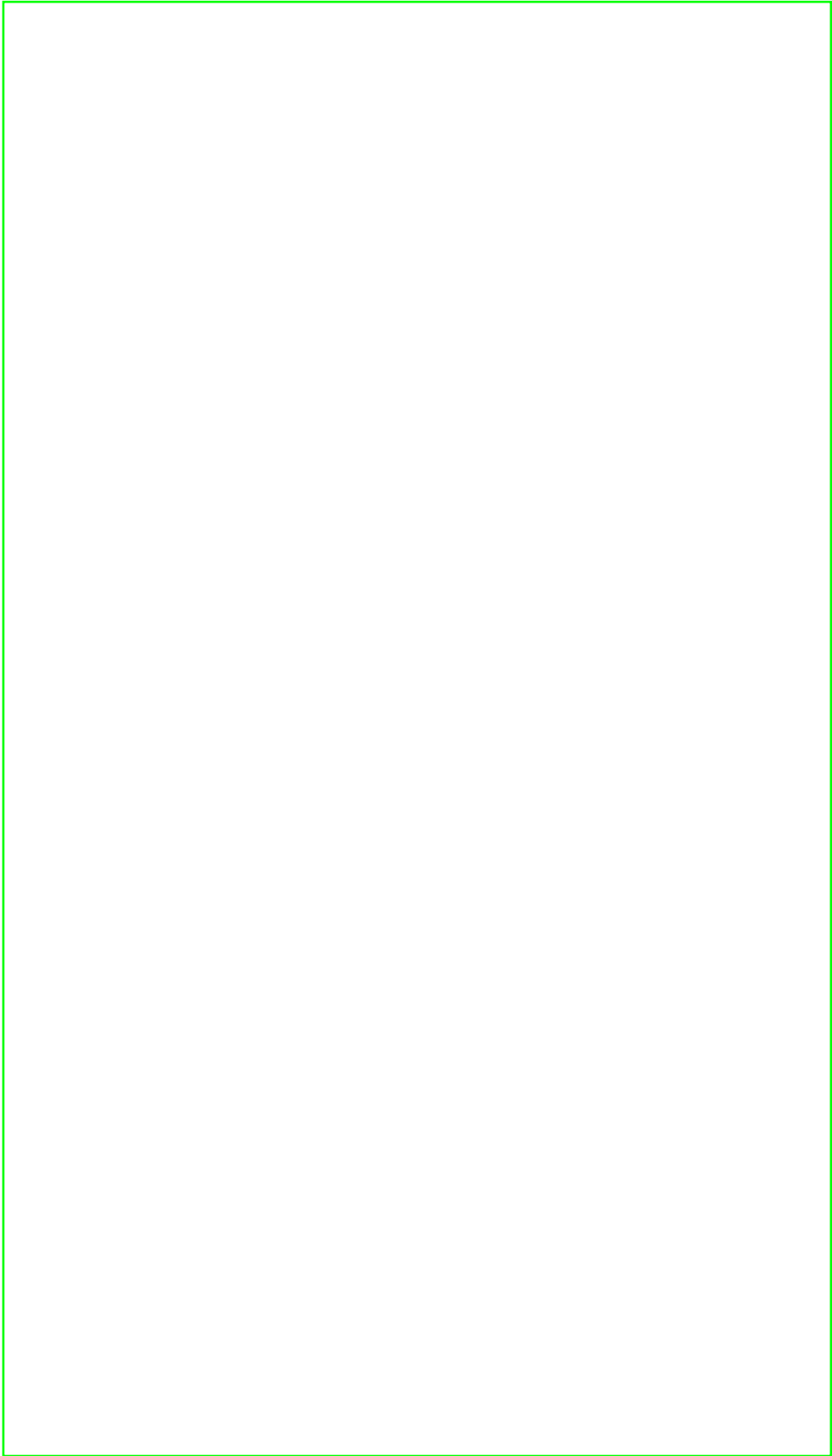
2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	
	3	68-1075	48	Omitted	110	Omitted
	4	68-1076	49	Omitted	111	Omitted
	5	68-1077	50	Omitted	112	Omitted
	6	68-1078	51	Omitted	113	Omitted
	7	68-1079	52	Omitted	114	Omitted
	8	68-1080	53	Omitted	115	Omitted
	9	68-1081	54	Omitted	116	Omitted
	10	68-1082	55	Omitted	117	Omitted
	11	68-1083	56	Omitted	118	Omitted
	12	68-1084	57	Omitted	119	Omitted
	13	68-1085	58	Omitted	120	Omitted
	14	68-1086	59	Omitted	121	Omitted
	15	Omitted	60	Omitted	122	Omitted
	16	Omitted	61	Omitted	123	Omitted
LB 1084A		Omitted	62	Omitted	124	Omitted
LB 1089	§ 1	Omitted	63	Omitted	125	Omitted
	2	Omitted	64	Omitted	126	Omitted
	3	Omitted	65	Omitted	127	Omitted
	4	Omitted	66	Omitted	128	Omitted
	5	Omitted	67	Omitted	129	Omitted
	6	Omitted	68	Omitted	130	Omitted
	7	Omitted	69	Omitted	131	Omitted
	8	Omitted	70	Omitted	132	Omitted
	9	Omitted	71	Omitted	133	Omitted
	10	Omitted	72	Omitted	134	Omitted
	11	Omitted	73	Omitted	135	Omitted
	12	Omitted	74	Omitted	136	Omitted
	13	Omitted	75	Omitted	137	Omitted
	14	Omitted	76	Omitted	138	Omitted
	15	Omitted	77	Omitted	139	Omitted
	16	Omitted	78	Omitted	140	Omitted
	17	Omitted	79	Omitted	141	Omitted
	18	Omitted	80	Omitted	142	Omitted
	19	Omitted	81	Omitted	143	Omitted
	20	Omitted	82	Omitted	144	Omitted
	21	Omitted	83	Omitted	145	Omitted
	22	Omitted	84	Omitted	146	Omitted
	23	Omitted	85	Omitted	147	Omitted
	24	Omitted	86	Omitted	148	Omitted
	25	Omitted	87	Omitted	149	Omitted
	26	Omitted	88	Omitted	150	Omitted
	27	Omitted	89	Omitted	151	Omitted
	28	Omitted	90	Omitted	152	Omitted
	29	Omitted	91	Omitted	153	Omitted
	30	Omitted	92	Omitted	154	Omitted
	31	Omitted	93	Omitted	155	Omitted
	32	Omitted	94	Omitted	156	Omitted
	33	Omitted	95	Omitted	157	Omitted
	34	Omitted	96	Omitted	158	Omitted
	35	Omitted	97	Omitted	159	Omitted
	36	Omitted	98	Omitted	160	Omitted
	37	Omitted	99	Omitted	161	Omitted
	38	Omitted	100	Omitted	162	Omitted
	39	Omitted	101	Omitted	163	Omitted
	40	Omitted	102	Omitted	164	Omitted
	41	Omitted	103	Omitted	165	Omitted
	42	Omitted	104	Omitted	166	Omitted
	43	Omitted	105	Omitted	167	Omitted
	44	Omitted	106	Omitted	168	Omitted
	45	Omitted	107	Omitted	169	Omitted
	46	Omitted	108	Omitted	170	Omitted
	47	Omitted	109	Omitted	171	Omitted

APPENDIX

2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement	2004 Second Session	2004 Cumulative Supplement
172	Omitted	234	Omitted	13	24-707
173	Omitted	235	Omitted	14	24-708
174	Omitted	236	Omitted	15	24-710
175	Omitted	237	Omitted	16	24-710.02
176	Omitted	238	Omitted	17	24-710.07
177	Omitted	239	Omitted	18	24-710.09
178	Omitted	LB 1090 § 1	81-179	19	24-713.01
179	Omitted	2	84-612	20	24-714
180	Omitted	3	84-613	21	42-1102
181	Omitted	4	Omitted	22	48-155.01
182	Omitted	5	Omitted	23	79-916
183	Omitted	LB 1091 § 1	9-812	24	79-921
184	Omitted	2	28-1249	25	79-942
185	Omitted	3	48-162.01	26	79-946
186	Omitted	4	48-162.02	27	79-947.01
187	Omitted	5	71-7607	28	79-951
188	Omitted	6	71-7608	29	79-966
189	Omitted	7	71-7611	30	81-2026
190	Omitted	8	79-1001	31	81-2027.03
191	Omitted	9	79-1011	32	84-1301
192	Omitted	10	79-1012	33	84-1307
193	Omitted	11	79-1028	34	84-1311.03
194	Omitted	12	81-504	35	84-1322
195	Omitted	13	81-509	36	84-1323
196	Omitted	14	81-523	37	84-1325
197	Omitted	15	81-528	38	84-1501
198	Omitted	16	81-550	39	84-1511.01
199	Omitted	17	81-5,153	40	Omitted
200	Omitted	18	Omitted	41	Omitted
201	90-530	19	Omitted	42	Omitted
202	Omitted	LB 1092 § 1	81-181	43	Omitted
203	Omitted	2	81-188.01	44	Omitted
204	Omitted	3	81-188.02	LB 1097A	Omitted
205	Omitted	4	81-188.03	LB 1099 § 1	52-1313
206	Omitted	5	81-188.04	2	52-1316
207	Omitted	6	81-188.05	3	9-525 UCC
208	Omitted	7	81-188.06	4	Omitted
209	Omitted	8	81-1108.15	LB 1107 § 1	85-1903
210	Omitted	9	81-1108.22	2	85-1912
211	Omitted	10	90-271	3	Omitted
212	Omitted	11	85-414	LB 1118 § 1	50-1203
213	Omitted	12	Omitted	2	50-1205.01
214	Omitted	13	Omitted	3	84-304
215	Omitted	LB 1093 § 1	77-3442	4	Omitted
216	Omitted	2	79-1005.01	LB 1144 § 1	13-1210
217	Omitted	3	79-1005.02	2	13-1214
218	Omitted	4	79-1007.02	3	39-2215
219	Omitted	5	79-1008.01	4	66-4,100
220	Omitted	6	79-1009	5	Omitted
221	Omitted	7	Omitted	LB 1149 § 1	37-455
222	Omitted	LB 1097 § 1	16-1036	2	37-530
223	Omitted	2	23-2301	3	Omitted
224	Omitted	3	23-2306	4	Omitted
225	Omitted	4	23-2310.05	LB 1162 § 1	20-503
226	Omitted	5	23-2320	2	20-504
227	Omitted	6	23-2321	3	81-1413
228	Omitted	7	24-707.01	4	81-1438
229	Omitted	8	24-703.03	5	20-506
230	Omitted	9	24-701.02	6	Omitted
231	Omitted	10	24-701.01	7	Omitted
232	Omitted	11	24-703	LB 1179 § 1	84-1410
233	Omitted	12	24-704.01	2	84-1411

CROSS REFERENCE TABLE

2004 Second Session	2004 Cumulative Supplement
	3 Omitted
LB 1207	§ 1 24-301.02
	2 24-809.05
	3 25-1144.01
	4 25-1315.02
	5 25-1329
	6 25-1553
	7 25-1565
	8 25-1916
	9 25-21,281
	10 25-21,223
	11 25-21,230
	12 25-21,232
	13 25-21,233
	14 25-21,234
	15 25-2301.02
	16 25-2740
	17 29-2261
	18 42-349
	19 42-350
	20 42-352
	21 42-353
	22 42-355
	23 42-357
	24 42-361
	25 42-364
	26 42-364.11
	27 42-364.13
	28 42-365
	29 42-371
	30 42-373
	31 42-376
	32 42-380
	33 42-501
	34 42-502
	35 42-503
	36 43-512.01
	37 43-512.03
	38 43-512.04
	39 43-512.15
	40 43-1411.01
	41 43-1412
	42 43-2917
	43 43-3318
	44 44-3311
	45 Omitted
	46 Omitted
	47 Omitted
	48 Omitted
	49 Omitted
	50 Omitted
LB 1231	§ 1 12-1301
	2 Omitted
LB 1231A	Omitted
LB 1241	Omitted



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 98th Legislature
Second Session, 2004

Showing the date each act went into effect.
The Ninety-eighth Session of the Legislature adjourned
April 15, 2004.

LB No.	Effective Date	LB No.	Effective Date
16	July 16, 2004		(operative date)
75	July 16, 2004	644	July 16, 2004
155	July 16, 2004	644A	July 16, 2004
172	July 16, 2004	692	July 16, 2004
208	July 16, 2004	727	July 16, 2004
227	July 16, 2004	740	July 16, 2004
236	July 16, 2004	810	July 16, 2004
270	July 16, 2004	811	July 16, 2004
279	July 16, 2004	812	July 16, 2004
279A	July 16, 2004	813	July 16, 2004
297	April 14, 2004	818	July 16, 2004
315	July 16, 2004	819	July 16, 2004
323	Sections 2 and 4 of this act become operative on January 1, 2005. The other sections of this act become operative on July 16, 2004.	820	March 20, 2004
		821	July 16, 2004
		824	July 16, 2004
		826	July 16, 2004
		826A	July 16, 2004
353	July 16, 2004	832	July 16, 2004
355	January 1, 2003	835	July 16, 2004
382	July 16, 2004	836	March 20, 2004
439	April 16, 2004	837	July 16, 2004
439A	April 16, 2004	841	Sections 1, 12, and 13 of this act become operative on October 1, 2004. The other sections of this act become operative on April 15, 2004.
449	July 16, 2004		
449A	July 16, 2004		
454	July 16, 2004		
479	April 16, 2004		
485	May 1, 2005 (operative date)	841A	April 15, 2004
485A	July 16, 2004	845	July 16, 2004
499	April 16, 2004	846	April 10, 2004
514	July 1, 2004 (operative date)	868	July 16, 2004
559	July 1, 2004 (operative date)	869	July 16, 2004
559A	July 16, 2004	878	March 20, 2004
560	Sections 1 to 27, 29 to 44, and 47 of this act become operative on July 16, 2004. The other sections of this act become operative on March 20, 2004.	884	July 16, 2004
		888	Sections 1 to 12, 14, 15, and 17 of this act become operative on July 1, 2005. The other sections of this act become operative on July 16, 2004.
		890	January 1, 2005 (operative date)
560A	July 16, 2004	902	July 16, 2004
599	April 15, 2004	906	July 16, 2004
599A	April 15, 2004	906A	July 16, 2004
613	July 16, 2004	911	March 20, 2004
625	October 1, 2005	914	July 16, 2004

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
914A	July 16, 2004		become operative on July 16, 2004. The other sections of this act become operative on April 16, 2004.
915	July 16, 2004		
916	July 16, 2004		
916A	July 16, 2004		
917	July 16, 2004	1005A	April 16, 2004
927	July 16, 2004	1017	Sections 1, 22 to 26, and 28 of this act become operative on April 16, 2004. The other sections of this act become operative on July 1, 2004.
936	July 16, 2004		
937	July 16, 2004		
939	July 16, 2004		
940	March 20, 2004		
943	April 16, 2004	1033	March 20, 2004
944	April 10, 2004	1034	April 16, 2004
947	January 1, 2005 (operative date)	1045	April 16, 2004
950	January 1, 2005 (operative date)	1047	July 16, 2004
955	July 16, 2004	1065	Sections 1, 4, and 12 of this act become operative on January 1, 2005. The other sections of this act become operative on April 16, 2004.
961	July 16, 2004		
962	Sections 3, 4, 93, 110, and 117 of this act become operative on July 1, 2004. Sections 111, 112, 114, 115, 116, and 120 of this act become operative on April 16, 2004. The other sections of this act become operative on July 16, 2004.	1069	March 20, 2004
		1071	July 16, 2004
		1083	Sections 1 to 17, 21 to 99, 102 to 144, 147, and 149 of this act become operative on July 1, 2004. The other sections of this act become operative on April 15, 2004.
962A	April 16, 2004		
963	July 16, 2004	1083A	April 15, 2004
969	April 1, 2004	1084	July 16, 2004
973	Sections 33 and 71 of this act become operative on January 1, 2005. The other sections of this act become operative on April 2, 2004.	1084A	July 16, 2004
		1089	April 14, 2004
		1090	April 14, 2004
		1091	April 14, 2004
		1092	April 14, 2004
980	July 16, 2004	1093	July 16, 2004
983	January 1, 2005 (operative date)	1097	Sections 2, 3, 5 to 22, 24 to 28, 31 to 33, 35 to 37, 39, and 41 of this act become operative on July 1, 2004. Sections 1, 4, 30, 34, 38, and 42 of this act become operative on July 16, 2004. The other sections of this act become operative on April 16, 2004.
986	January 1, 2004 (operative date)		
986A	April 15, 2004		
997	July 16, 2004		
998	January 1, 2005 (operative date)		
998A	July 16, 2004	1097A	April 16, 2004
999	Sections 1, 2, 5 to 20, 31 to 42, and 54 of this act become operative on July 16, 2004. Sections 24 to 29 and 55 of this act become operative on January 1, 2005. The other sections of this act become operative on April 16, 2004.	1099	July 16, 2004
		1107	July 16, 2004
		1118	July 16, 2004
		1144	July 16, 2004
		1149	July 16, 2004
		1162	April 16, 2004
		1179	July 16, 2004
1002	July 16, 2004	1207	Sections 1 and 47 of this act become operative on July 1, 2004. The other sections of this act become operative on April 16, 2004.
1004	July 16, 2004		
1005	Sections 1, 53, 62 to 65, 136, and 140 of this act become operative on July 1, 2004. Sections 41, 44 to 52, 141, and 144 of this act become operative on January 1, 2005. Sections 2 to 9, 11 to 40, 43, 54 to 61, 66 to 98, 109, 120 to 134, 137, 139, and 143 of this act	1231	July 16, 2004
		1231A	July 16, 2004
		1241	April 14, 2004

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2005 Session Laws of Nebraska, First Session
Showing LB section number to statute section number

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement
LB 1	§ 1 60-484		31 48-1,102	LB 33	§ 1 81-1566
	2 60-484.01		32 48-1,110		2 Omitted
	3 60-484.02		33 48-1,116	LB 37	§ 1 72-724
	4 60-490		34 Omitted		2 72-728
	5 60-4,115		35 Omitted		3 Omitted
	6 60-4,119		36 Omitted		4 Omitted
	7 60-4,120		37 Omitted	LB 38	§ 1 13-519
	8 60-4,120.01		38 Omitted		2 77-3442
	9 60-4,150	LB 13A			3 85-1503
	10 Omitted	LB 15	§ 1 60-3005		4 85-1517
	11 Omitted		2 60-3006		5 85-1536.01
LB 2	§ 1 71-428		3 77-202.04		6 Omitted
	2 Omitted		4 77-1345.01		7 Omitted
LB 3	§ 1 37-734		5 77-1507.01	LB 39	§ 1 85-162.04
	2 Omitted		6 77-1514		2 Omitted
LB 9	§ 1 23-174.03		7 77-5005	LB 40	§ 1 58-703
	2 Omitted		8 77-5007		2 58-706
LB 10	§ 1 48-1220		9 77-5016		3 58-708
	2 Omitted		10 77-5018		4 66-1519
LB 11	§ 1 86-644		11 77-5019		5 71-812
LB 13	§ 1 48-106		12 77-5026		6 76-901
	2 48-118		13 77-5028		7 76-903
	3 48-120.02		14 Omitted		8 77-1327
	4 48-121.02		15 Omitted		9 Omitted
	5 48-125		16 Omitted		10 Omitted
	6 48-144	LB 16	§ 1 77-2712.05		11 Omitted
	7 48-144.03		2 Omitted	LB 40A	Omitted
	8 48-145		3 Omitted	LB 51	§ 1 81-201
	9 48-145.01	LB 17	§ 1 77-3508		2 81-2,293
	10 48-145.02		2 Omitted		3 Omitted
	11 48-145.04	LB 18	§ 1 77-1719.03	LB 52	§ 1 75-903
	12 48-146.02		2 Omitted		2 75-903.02
	13 48-152	LB 20	§ 1 37-524.01		3 75-905
	14 48-155		2 54-416		4 88-528
	15 48-157		3 Omitted		5 88-528.01
	16 48-158		4 Omitted		6 88-530.01
	17 48-159	LB 21	§ 1 37-1241.07		7 89-1,105
	18 48-162		2 Omitted		8 Omitted
	19 48-162.01		3 Omitted		9 Omitted
	20 48-162.02	LB 28	§ 1 77-2701		10 Omitted
	21 48-163		2 77-27,228	LB 53	§ 1 29-112
	22 48-165		3 77-27,229		2 29-113
	23 48-118.01		4 77-27,230		3 29-2264
	24 48-118.02		5 77-27,231		4 32-312
	25 48-118.03		6 77-27,232		5 32-313
	26 48-118.04		7 77-27,233		6 32-1530
	27 48-118.05		8 77-27,234		7 83-1,118
	28 48-120.03		9 Omitted		8 Omitted
	29 48-177		10 Omitted	LB 54	§ 1 12-104
	30 48-188	LB 28A	Omitted		2 12-1301

APPENDIX

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	
	3	19-1830	4	60-465	20	Omitted
	4	23-1309	5	60-484	21	Omitted
	5	23-1310	6	60-490	22	Omitted
	6	37-420	7	60-4,131	LB 90A	Omitted
	7	48-225	8	60-4,132	LB 94	§ 1 81-1505.04
	8	48-227	9	60-4,137		2 Omitted
	9	48-229	10	60-4,141	LB 97	§ 1 76-239
	10	60-311.03	11	60-4,143		2 Omitted
	11	60-311.04	12	60-4,144	LB 98	§ 1 10-703.01
	12	60-311.08	13	60-4,149.01		2 23-3557
	13	60-3002	14	60-4,159		3 23-3575
	14	71-605	15	60-4,168		4 32-331
	15	71-1002	16	60-4,147.01		5 32-558
	16	77-202.24	17	60-4,147.02		6 32-559
	17	77-3508	18	60-4,147.03		7 32-807
	18	77-3509	19	60-4,147.04		8 32-808
	19	77-3513	20	60-4,147.05		9 32-936
	20	77-3514	21	60-4,147.06		10 32-938
	21	80-102	22	Omitted		11 32-939
	22	80-104	23	Omitted		12 32-940
	23	80-105	LB 78	§ 1 74-1413		13 32-941
	24	80-106		2 Omitted		14 32-942
	25	80-107	LB 80	§ 1 60-6,187		15 32-943
	26	80-316		2 Omitted		16 32-944
	27	80-318	LB 82	§ 1 52-604		17 32-945
	28	80-325		2 60-6,114		18 32-946
	29	80-401.01		3 60-6,294		19 32-947
	30	80-401.02		4 60-6,297		20 32-948
	31	80-401.03		5 60-6,298		21 32-949
	32	80-401.06		6 60-2404		22 32-950
	33	80-410		7 60-2410		23 32-951
	34	80-412		8 9-317 UCC		24 32-952
	35	Omitted		9 9-324 UCC		25 32-958
	36	Omitted		10 Omitted		26 32-1027
	37	Omitted		11 Omitted		27 32-1030
	38	Omitted		12 Omitted		28 32-1031
	39	Omitted	LB 83	§ 1 75-363		29 32-1032
LB 55	§ 1	71-8603		2 75-364		30 32-1502
	2	71-8612		3 Omitted		31 32-1539
	3	Omitted		4 Omitted		32 32-1544
	4	Omitted	LB 88	§ 1 76-2422		33 42-1207
LB 59	§ 1	81-1298		2 Omitted		34 53-122
	2	Omitted	LB 89	§ 1 71-183.01		35 Omitted
LB 61	§ 1	43-146.17		2 Omitted	LB 105	§ 1 25-1629.01
	2	Omitted	LB 90	§ 1 81-12,125		2 25-1635
	3	Omitted		2 81-12,126		3 Omitted
LB 66	§ 1	77-1385		3 81-12,127	LB 111	§ 1 29-212
	2	77-1386		4 2-5413		2 29-213
	3	77-1387		5 2-5414		3 29-214
	4	77-1388		6 2-5415		4 29-214.01
	5	77-1389		7 2-5416		5 Omitted
	6	77-1390		8 2-5417	LB 111A	Omitted
	7	77-1391		9 2-5418	LB 114	§ 1 79-214
	8	77-1392		10 2-5419		2 79-220
	9	77-1393		11 2-5420		3 Omitted
	10	77-1394		12 2-5421	LB 115	§ 1 81-1403
	11	77-201		13 2-5422		2 Omitted
	12	Omitted		14 2-5423	LB 116	§ 1 28-710
LB 66A		Omitted		15 2-5424		2 28-711
LB 71A		Omitted		16 58-202		3 28-713
LB 76	§ 1	29-3608		17 58-242		4 28-713.01
	2	60-462		18 66-1345.01		5 28-714
	3	60-462.01		19 66-1345.04		6 28-715

CROSS REFERENCE TABLE

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement
	7 28-716		37 44-7802		51 79-1031.01
	8 28-717		38 44-3,157		52 79-1083.02
	9 28-718		39 44-7901		53 79-1083.03
	10 28-719		40 44-7902		54 Omitted
	11 28-720		41 44-7903		55 Omitted
	12 28-720.01		42 48-146.01		56 Omitted
	13 28-721		43 Omitted		57 Omitted
	14 28-722		44 Omitted	LB 126A	Omitted
	15 28-723	LB 121	§ 1 37-421.01	LB 131	§ 1 81-2,239
	16 28-724		2 37-201		2 81-2,240
	17 28-725		3 Omitted		3 81-2,242.04
	18 28-726	LB 122	§ 1 48-726		4 81-2,245.01
	19 28-727		2 Omitted		5 Omitted
	20 43-1724	LB 126	§ 1 79-4,112	LB 139	§ 1 70-301
	21 43-3342.03		2 79-4,113		2 70-601
	22 43-3709		3 79-4,114		3 70-601.01
	23 71-6906		4 79-4,115		4 70-604
	24 Omitted		5 79-1072.03		5 70-604.02
LB 117	§ 1 28-401		6 79-1072.04		6 70-626
	2 28-401.01		7 32-542		7 70-628.01
	3 28-416		8 79-102		8 70-628.02
	4 28-450		9 79-401		9 70-628.03
	5 28-456		10 79-402		10 70-628.04
	6 28-456.01		11 79-403		11 70-631
	7 Omitted		12 79-405		12 70-632
LB 118	§ 1 87-705		13 79-407		13 70-636
	2 Omitted		14 79-408		14 70-637
LB 119	§ 1 12-1108		15 79-409		15 70-646.01
	2 12-1110		16 79-410		16 70-655
	3 12-1115		17 79-413		17 70-667
	4 12-1116		18 79-415		18 70-802
	5 44-401		19 79-416		19 70-1402
	6 44-402.01		20 79-418		20 70-1403
	7 44-409		21 79-419		21 70-1404
	8 44-417		22 79-422		22 70-1409
	9 44-797		23 79-423		23 70-1413
	10 44-2131		24 79-433		24 70-1416
	11 44-2132		25 79-434		25 70-1417
	12 44-4814		26 79-435		26 Omitted
	13 44-5103		27 79-443		27 Omitted
	14 44-5109		28 79-447		28 Omitted
	15 44-5143		29 79-449	LB 144	§ 1 79-907
	16 44-5144		30 79-452		2 Omitted
	17 44-5149		31 79-454	LB 146	§ 1 71-17,108
	18 44-5153		32 79-455		2 71-17,109
	19 44-5154		33 79-470		3 71-17,110
	20 44-5505		34 79-473		4 71-17,111
	21 44-5508		35 79-479		5 71-17,112
	22 44-6122		36 79-499		6 71-17,113
	23 44-6125		37 79-4,101		7 71-17,114
	24 44-6143		38 79-4,108		8 71-17,115
	25 44-7506		39 79-4,111		9 71-17,116
	26 44-7508.01		40 79-4,116		10 71-163
	27 44-7508.02		41 79-556		11 Omitted
	28 44-7509		42 79-611	LB 146A	Omitted
	29 44-7511		43 79-850	LB 161	§ 1 14-405
	30 44-416.05		44 79-857		2 15-201
	31 44-416.06		45 79-1003		3 16-611
	32 44-416.07		46 79-1016		4 16-669
	33 44-416.08		47 79-1022		5 16-670
	34 44-416.09		48 79-1026		6 17-522
	35 44-416.10		49 79-1027		7 17-558
	36 44-7801		50 79-1028		8 19-905

APPENDIX

	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement
		9 19-2404		17 71-1117		5 72-2305
		10 19-2405		18 71-1118		6 72-2306
		11 23-165		19 71-1119		7 72-2307
		12 74-1307		20 71-1120		8 72-2308
		13 Omitted		21 71-1121		9 13-808
LB 162	§ 1	37-201		22 71-1122		10 13-2530
	2	37-407		23 71-1123		11 13-2531
	3	37-411		24 71-1124		12 Omitted
	4	37-415		25 71-1125		13 Omitted
	5	37-416		26 71-1126	LB 227	§ 1 12-1301
	6	37-420		27 71-1127		2 37-420
	7	37-421		28 71-1128		3 37-421
	8	37-426		29 71-1129		4 Omitted
	9	37-427		30 71-1130		5 Omitted
	10	37-428		31 71-1131		6 Omitted
	11	37-429		32 71-1132	LB 234	§ 1 16-672.01
	12	37-431		33 71-1133		2 Omitted
	13	37-432		34 71-1134	LB 236	§ 1 48-179
	14	37-438		35 83-1212.01		2 Omitted
	15	37-447		36 Omitted	LB 238	§ 1 48-115
	16	37-450		37 Omitted		2 48-118
	17	37-452	LB 211	§ 1 82-501		3 48-120
	18	37-455.01		2 82-502		4 48-125
	19	37-457		3 82-503		5 48-126
	20	37-538		4 82-504		6 48-136
	21	Omitted		5 82-505		7 48-144.01
	22	Omitted		6 82-506		8 48-144.03
	23	Omitted		7 82-507		9 48-144.04
LB 169	§ 1	18-1803		8 82-508		10 48-145
	2	Omitted		9 82-509		11 48-146
LB 175	§ 1	71-1,107.30		10 82-510		12 48-146.03
	2	Omitted		11 12-1401		13 48-155.01
LB 176	§ 1	71-51,102		12 Omitted		14 48-178
	2	Omitted	LB 211A	Omitted		15 48-178.01
LB 193	§ 1	43-2404.01	LB 216	§ 1 21-2612		16 48-1,117
	2	43-2404.02		2 77-1784		17 Omitted
	3	Omitted		3 77-2115	LB 241	§ 1 50-1302
	4	Omitted		4 77-2701.16		2 Omitted
	5	Omitted		5 77-2701.27	LB 242	§ 1 32-1603
LB 198	§ 1	79-1065.02		6 77-2704.12		2 49-1401
	2	79-475		7 77-2704.25		3 49-1409
	3	79-1022		8 77-2708		4 49-1413
	4	Omitted		9 77-2711		5 49-1419
LB 201	§ 1	81-2104		10 77-2716		6 49-1420
	2	Omitted		11 77-2727		7 49-1445
	3	Omitted		12 77-2734.01		8 49-1446
LB 205		Omitted		13 77-2753		9 49-1446.01
LB 206	§ 1	71-1101		14 77-2756		10 49-1446.02
	2	71-1102		15 77-2775		11 49-1446.03
	3	71-1103		16 77-2776		12 49-1446.04
	4	71-1104		17 77-2786		13 49-1447
	5	71-1105		18 77-27,119		14 49-1453
	6	71-1106		19 77-27,127		15 49-1458
	7	71-1107		20 85-1808		16 49-1461.01
	8	71-1108		21 Omitted		17 49-1463.01
	9	71-1109		22 Omitted		18 49-1467
	10	71-1110		23 Omitted		19 49-1469
	11	71-1111		24 Omitted		20 49-1469.05
	12	71-1112		25 Omitted		21 49-1469.06
	13	71-1113	LB 217	§ 1 72-2301		22 49-1469.07
	14	71-1114		2 72-2302		23 49-1469.08
	15	71-1115		3 72-2303		24 49-1474.02
	16	71-1116		4 72-2304		25 49-1476

CROSS REFERENCE TABLE

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	
	26	49-1476.01	3	71-17,119	66	71-1724.01
	27	49-1476.02	4	71-17,120	67	71-1724.02
	28	49-1479.01	5	71-17,121	68	71-1725
	29	49-1479.02	6	71-17,122	69	71-1725.01
	30	49-1480.01	7	71-17,123	70	71-1726
	31	49-1481	8	71-17,124	71	71-1726.01
	32	49-1482	9	71-17,125	72	71-1726.02
	33	49-1483	10	71-17,126	73	71-1728
	34	49-1486	11	71-17,127	74	71-1729
	35	49-1488.01	12	71-17,128	75	71-1736.01
	36	49-1494	13	71-17,129	76	71-1736.02
	37	49-1496	14	71-17,130	77	71-1736.03
	38	49-1497	15	18-1738	78	71-1730
	39	49-1499	16	28-401	79	71-1731
	40	49-1499.01	17	44-2803	80	71-1735
	41	49-1499.02	18	44-2824	81	71-1737
	42	49-1499.03	19	44-2827	82	71-1738
	43	49-1499.04	20	71-121.01	83	71-1743
	44	49-14,101.01	21	71-168	84	71-1747
	45	49-14,101.02	22	71-168.02	85	71-1749
	46	49-14,102	23	71-1,103	86	71-1750
	47	49-14,103	24	71-1,132.05	87	71-1753
	48	49-14,103.01	25	71-1,132.07	88	71-1754
	49	49-14,103.02	26	71-1,132.08	89	71-1755
	50	49-14,103.03	27	71-1,132.11	90	71-1757
	51	49-14,103.04	28	71-1,132.18	91	71-1758
	52	49-14,104	29	71-1,142	92	71-1913.01
	53	49-14,112	30	71-1,143	93	71-2610.01
	54	49-14,115	31	71-1,198	94	71-5191
	55	49-14,120	32	71-1,339	95	77-2704.09
	56	49-14,123	33	71-3,106	96	79-214
	57	49-14,124	34	71-541	97	79-221
	58	49-14,124.01	35	71-1405	98	83-4,157
	59	49-14,125	36	71-17,131	99	83-4,159
	60	49-14,127	37	71-17,132	100	Omitted
	61	49-14,132	38	71-17,133	101	Omitted
	62	49-14,135	39	71-17,134	102	Omitted
	63	49-14,136	40	71-17,135	103	Omitted
	64	49-14,137	41	71-17,136		Omitted
	65	49-14,138	42	71-17,137	LB 256A	
	66	49-14,139	43	71-17,138	LB 259	§ 1 43-2414
	67	50-114.05	44	71-17,139		2 Omitted
	68	Omitted	45	71-17,140	LB 261	§ 1 13-509
	69	Omitted	46	71-17,141		2 77-1315
	70	Omitted	47	71-1704		3 77-1315.01
LB 243	§ 1	71-162.02	48	71-1706		4 77-1338
	2	71-1796	49	71-1707		5 77-1344
	3	71-1798.01	50	71-1709.02		6 77-1355
	4	71-17,100	51	71-1714		7 77-1514
	5	Omitted	52	71-1716		8 77-5007
	6	Omitted	53	71-1716.02		9 77-5024.01
LB 243A		Omitted	54	71-1716.03		10 77-5028
LB 244	§ 1	71-6123	55	71-1716.05		11 Omitted
	2	Omitted	56	71-1717		12 Omitted
	3	Omitted	57	71-1721	LB 262	§ 1 12-402
LB 246	§ 1	71-434	58	71-1721.07		2 16-242
	2	71-6054	59	71-1722		3 17-946
	3	Omitted	60	71-1723		4 Omitted
LB 247	§ 1	75-133	61	71-1723.01	LB 263	§ 1 23-125
	2	75-134	62	71-1723.02		2 77-101
	3	Omitted	63	71-1723.03		3 77-132
LB 256	§ 1	71-17,117	64	71-1723.04		4 77-202.02
	2	71-17,118	65	71-1724		5 77-202.12

APPENDIX

	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement
		6 77-1333	41	60-341	104	60-3,104
		7 77-1303	42	60-342	105	60-3,105
		8 77-1311	43	60-343	106	60-3,106
		9 77-1311.02	44	60-344	107	60-3,107
		10 77-1331	45	60-345	108	60-3,108
		11 77-1345.01	46	60-346	109	60-3,109
		12 77-1347	47	60-347	110	60-3,110
		13 77-1504	48	60-348	111	60-3,111
		14 77-1507	49	60-349	112	60-3,112
		15 77-5027	50	60-350	113	60-3,113
		16 79-1016	51	60-351	114	60-3,114
		17 Omitted	52	60-352	115	60-3,115
		18 Omitted	53	60-353	116	60-3,116
LB 264	§ 1	68-1202	54	60-354	117	60-3,117
	2	68-1207	55	60-355	118	60-3,118
	3	68-1207.01	56	60-356	119	60-3,119
	4	Omitted	57	60-357	120	60-3,120
LB 268	§ 1	35-1310	58	60-358	121	60-3,121
	2	35-1312	59	60-359	122	60-3,122
	3	35-1320	60	60-360	123	60-3,123
	4	35-1324	61	60-361	124	60-3,124
	5	35-1330	62	60-362	125	60-3,125
	6	Omitted	63	60-363	126	60-3,126
LB 274	§ 1	60-301	64	60-364	127	60-3,127
	2	60-302	65	60-365	128	60-3,128
	3	60-303	66	60-366	129	60-3,129
	4	60-304	67	60-367	130	60-3,130
	5	60-305	68	60-368	131	60-3,131
	6	60-306	69	60-369	132	60-3,132
	7	60-307	70	60-370	133	60-3,133
	8	60-308	71	60-371	134	60-3,134
	9	60-309	72	60-372	135	60-3,135
	10	60-310	73	60-373	136	60-3,136
	11	60-311	74	60-374	137	60-3,137
	12	60-312	75	60-375	138	60-3,138
	13	60-313	76	60-376	139	60-3,139
	14	60-314	77	60-377	140	60-3,140
	15	60-315	78	60-378	141	60-3,141
	16	60-316	79	60-379	142	60-3,142
	17	60-317	80	60-380	143	60-3,143
	18	60-318	81	60-381	144	60-3,144
	19	60-319	82	60-382	145	60-3,145
	20	60-320	83	60-383	146	60-3,146
	21	60-321	84	60-384	147	60-3,147
	22	60-322	85	60-385	148	60-3,148
	23	60-323	86	60-386	149	60-3,149
	24	60-324	87	60-387	150	60-3,150
	25	60-325	88	60-388	151	60-3,151
	26	60-326	89	60-389	152	60-3,152
	27	60-327	90	60-390	153	60-3,153
	28	60-328	91	60-391	154	60-3,154
	29	60-329	92	60-392	155	60-3,155
	30	60-330	93	60-393	156	60-3,156
	31	60-331	94	60-394	157	60-3,157
	32	60-332	95	60-395	158	60-3,158
	33	60-333	96	60-396	159	60-3,159
	34	60-334	97	60-397	160	60-3,160
	35	60-335	98	60-398	161	60-3,161
	36	60-336	99	60-399	162	60-3,162
	37	60-337	100	60-3,100	163	60-3,163
	38	60-338	101	60-3,101	164	60-3,164
	39	60-339	102	60-3,102	165	60-3,165
	40	60-340	103	60-3,103	166	60-3,166

CROSS REFERENCE TABLE

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement
167	60-3,167	230	44-3521	7	60-107
168	60-3,168	231	60-102	8	60-108
169	60-3,169	232	60-104	9	60-109
170	60-3,170	233	60-106	10	60-110
171	60-3,171	234	60-108	11	60-111
172	60-3,172	235	60-465	12	60-112
173	60-3,173	236	60-505.02	13	60-113
174	60-3,174	237	60-653	14	60-114
175	60-3,175	238	60-683	15	60-115
176	60-3,176	239	60-685	16	60-116
177	60-3,177	240	60-697	17	60-117
178	60-3,178	241	60-6,100	18	60-118
179	60-3,179	242	60-6,162	19	60-119
180	60-3,180	243	60-6,226	20	60-120
181	60-3,181	244	60-6,246	21	60-121
182	60-3,182	245	60-6,255	22	60-122
183	60-3,183	246	60-6,298	23	60-123
184	60-3,184	247	60-6,309	24	60-124
185	60-3,185	248	60-6,320	25	60-125
186	60-3,186	249	60-6,347	26	60-126
187	60-3,187	250	60-6,355	27	60-127
188	60-3,188	251	60-6,364	28	60-128
189	60-3,189	252	60-6,375	29	60-129
190	60-3,190	253	60-1303	30	60-130
191	60-3,191	254	60-1306	31	60-131
192	60-3,192	255	60-1307	32	60-132
193	60-3,193	256	60-1401.02	33	60-133
194	60-3,194	257	60-1411.02	34	60-134
195	60-3,195	258	60-1515	35	60-135
196	60-3,196	259	60-1801	36	60-136
197	60-3,197	260	60-1803	37	60-137
198	60-3,198	261	60-1804	38	60-138
199	60-3,199	262	60-1807	39	60-139
200	60-3,200	263	60-1901	40	60-140
201	60-3,201	264	60-1902	41	60-141
202	60-3,202	265	60-2507	42	60-142
203	60-3,203	266	60-2701	43	60-143
204	60-3,204	267	66-482	44	60-144
205	60-3,205	268	66-686	45	60-145
206	60-3,206	269	66-6,103	46	60-146
207	60-3,207	270	75-305	47	60-147
208	60-3,208	271	75-363	48	60-148
209	60-3,209	272	77-1342	49	60-149
210	60-3,210	273	77-2701.24	50	60-150
211	60-3,211	274	77-2703	51	60-151
212	60-3,212	275	77-2703.01	52	60-152
213	60-3,213	276	77-2704.44	53	60-153
214	60-3,214	277	77-27,143	54	60-154
215	60-3,215	278	77-4103	55	60-155
216	60-3,216	279	77-4501	56	60-156
217	60-3,217	280	77-5007	57	60-157
218	60-3,218	281	77-5403	58	60-158
219	60-3,219	282	81-1023	59	60-159
220	60-3,220	283	81-2005	60	60-160
221	13-324	284	89-187	61	60-161
222	13-518	285	Omitted	62	60-162
223	13-2814	286	Omitted	63	60-163
224	18-1214	LB 276	§ 1 60-101	64	60-164
225	18-1736		2 60-102	65	60-165
226	18-1737		3 60-103	66	60-166
227	23-186		4 60-104	67	60-167
228	39-2215		5 60-105	68	60-168
229	44-1545		6 60-106	69	60-169

APPENDIX

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement			
	70	60-170	2	76-2601	42	71-3503		
	71	60-171	3	76-2602	43	71-3524		
	72	60-172	4	76-2603	44	71-4737		
	73	60-173	5	76-2604	45	71-4738		
	74	60-174	6	76-2605	46	71-4739		
	75	60-175	7	76-2606	47	71-4740		
	76	60-176	8	76-2607	48	71-4741		
	77	60-177	9	76-2608	49	71-4742		
	78	60-178	10	76-2609	50	71-4743		
	79	60-179	11	76-2610	51	71-4744		
	80	60-180	12	76-2611	52	71-5647		
	81	60-181	13	76-2612	53	71-5649		
	82	60-182	14	76-2613	54	71-5653		
	83	60-183	15	76-288	55	71-5655		
	84	60-184	16	Omitted	56	71-5714		
	85	60-185	17	Omitted	57	71-7617		
	86	60-186	18	Omitted	58	71-7618		
	87	60-187	19	Omitted	59	71-7619		
	88	60-188	20	Omitted	60	71-7620		
	89	60-189	LB 299	§ 1	77-1502	61	71-7621	
	90	60-190		2	Omitted	62	71-7622	
	91	60-191		3	Omitted	63	79-217	
	92	60-192	LB 301	§ 1	68-156	64	79-218	
	93	60-193		2	68-1017.02	65	79-219	
	94	60-194		3	68-1020	66	81-656	
	95	60-195		4	68-1021	67	81-6,101	
	96	60-196		5	68-1021.01	68	81-3004	
	97	60-197		6	68-1037	69	81-3102	
	98	13-910		7	68-1048	70	81-3202	
	99	23-186		8	68-1604	71	81-3208	
	100	42-371		9	71-147	72	81-3209	
	101	52-1801		10	71-1,104.01	73	81-3210	
	102	60-302		11	71-1,155	74	81-3211	
	103	60-314		12	71-501.02	75	Omitted	
	104	60-6,309		13	71-503.01	76	Omitted	
	105	60-6,375		14	71-505	77	Omitted	
	106	60-1411.02		15	71-519	78	Omitted	
	107	60-1417		16	71-520	79	Omitted	
	108	60-1419		17	71-521	LB 306	§ 1	71-101
	109	60-3004		18	71-522		2	71-104.01
	110	75-386		19	71-523		3	71-168
	111	81-8,219		20	71-529		4	Omitted
	112	81-2004.02		21	71-601	LB 306A		Omitted
	113	2A-104 UCC		22	71-603.01	LB 312	§ 1	49-801.01
	114	9-311 UCC		23	71-603		2	66-1344
	115	Omitted		24	71-601.01		3	66-1349
	116	Omitted		25	71-605		4	77-202
LB 283	§ 1	77-1315.01		26	71-613		5	77-1229
	2	77-1502		27	71-640.01		6	77-2701
	3	77-1504		28	71-642		7	77-2701.04
	4	77-1504.01		29	71-649		8	77-2701.46
	5	77-1507		30	71-701		9	77-2701.47
	6	77-1510		31	71-703		10	77-2704.22
	7	77-1613.04		32	71-705		11	77-2711
	8	Omitted		33	71-706		12	77-2715.07
LB 284	§ 1	60-301		34	71-707		13	77-2717
	2	60-354		35	71-1628.05		14	77-2734.03
	3	60-356		36	71-1628.06		15	77-27,119
	4	75-386		37	71-1628.07		16	77-27,187
	5	Omitted		38	71-1913.01		17	77-27,187.01
LB 291	§ 1	77-1340		39	71-1913.02		18	77-27,187.02
	2	Omitted		40	71-1913.03		19	77-27,188
LB 298	§ 1	66-1510		41	71-2081		20	77-27,194

CROSS REFERENCE TABLE

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement		
	21	77-27,194.01		2	79-902	45	46-1645
	22	77-27,195		3	Omitted	46	46-1646
	23	77-5701	LB 331	§ 1	71-2422	47	46-1647
	24	77-5702		2	71-2423	48	46-1648
	25	77-5703		3	71-2425	49	46-1649
	26	77-5704		4	71-2426	50	46-1650
	27	77-5705		5	71-2427	51	46-1651
	28	77-5706		6	71-2429	52	46-1652
	29	77-5707		7	71-2430	53	46-1653
	30	77-5708		8	Omitted	54	46-1654
	31	77-5709	LB 332		Omitted	55	46-1655
	32	77-5710	LB 332A		Omitted	56	46-1656
	33	77-5711	LB 334	§ 1	13-202	57	46-1657
	34	77-5712		2	13-204	58	46-1658
	35	77-5713		3	13-206	59	46-1659
	36	77-5714		4	13-207	60	46-1660
	37	77-5715		5	13-208	61	46-1661
	38	77-5716		6	Omitted	62	46-1662
	39	77-5717		7	Omitted	63	46-1663
	40	77-5718	LB 335	§ 1	46-1601	64	46-1664
	41	77-5719		2	46-1602	65	46-1665
	42	77-5720		3	46-1603	66	46-1666
	43	77-5721		4	46-1604	67	46-1667
	44	77-5722		5	46-1605	68	46-1668
	45	77-5723		6	46-1606	69	46-1669
	46	77-5724		7	46-1607	70	46-1670
	47	77-5725		8	46-1608	71	2-3257
	48	77-5726		9	46-1609	72	31-1015
	49	77-5727		10	46-1610	73	33-105
	50	77-5728		11	46-1611	74	46-241
	51	77-5729		12	46-1612	75	46-676.01
	52	77-5730		13	46-1613	76	46-677
	53	77-5731		14	46-1614	77	46-686
	54	77-5732		15	46-1615	78	46-688
	55	77-5733		16	46-1616	79	46-690
	56	77-5734		17	46-1617	80	54-2429
	57	77-4109		18	46-1618	81	61-210
	58	77-5536		19	46-1619	82	Omitted
	59	77-5801		20	46-1620	83	Omitted
	60	77-5802		21	46-1621	LB 342	§ 1 2-1568
	61	77-5803		22	46-1622		2 2-1569
	62	77-5804		23	46-1623		3 Omitted
	63	77-5805		24	46-1624		4 Omitted
	64	77-5806		25	46-1625	LB 343	§ 1 58-202
	65	77-5807		26	46-1626		2 86-401
	66	77-5901		27	46-1627		3 86-402
	67	77-5902		28	46-1628		4 86-403
	68	77-5903		29	46-1629		5 86-416
	69	77-5904		30	46-1630		6 86-417
	70	77-5905		31	46-1631		7 86-418
	71	77-5906		32	46-1632		8 86-418.01
	72	77-5907		33	46-1633		9 86-516
	73	Omitted		34	46-1634		10 86-543
	74	Omitted		35	46-1635		11 86-572
LB 312A		Omitted		36	46-1636		12 Omitted
LB 319	§ 1	71-4604.01		37	46-1637		13 Omitted
	2	71-4608		38	46-1638		14 Omitted
	3	75-156		39	46-1639	LB 348	§ 1 24-201.01
	4	Omitted		40	46-1640		2 24-703
	5	Omitted		41	46-1641		3 25-1140.09
LB 320	§ 1	83-4,161		42	46-1642		4 25-2804
	2	Omitted		43	46-1643		5 33-103
LB 329	§ 1	79-514		44	46-1644		6 33-103.01

APPENDIX

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	
	7	33-106	40	Omitted	19	Omitted
	8	33-106.02	41	Omitted	LB 383	§ 1 49-801.01
	9	33-107.01	LB 364	§ 1 23-2308		2 Omitted
	10	33-123		2 23-2308.01		3 Omitted
	11	33-124		3 23-2310.04	LB 389	§ 1 44-8001
	12	33-125		4 23-2310.05		2 44-8002
	13	33-126.02		5 23-2319.01		3 44-8003
	14	33-126.03		6 24-702		4 44-8004
	15	33-126.05		7 24-703		5 44-8005
	16	33-126.06		8 79-902		6 44-8006
	17	33-156		9 79-906		7 44-8007
	18	64-108		10 79-974		8 44-8008
	19	Omitted		11 79-978		9 44-8009
	20	Omitted		12 79-990		10 44-8010
	21	Omitted		13 79-991	LB 389A	Omitted
	22	Omitted		14 79-992	LB 396	§ 1 42-358
	23	Omitted		15 79-9,101		2 42-358.02
LB 348A		Omitted		16 81-2018		3 Omitted
LB 351	§ 1	81-1503		17 84-1309.02	LB 401	§ 1 31-735
	2	Omitted		18 84-1314		2 32-101
	3	Omitted		19 84-1321.01		3 32-903
LB 352	§ 1	85-1534.01		20 84-1501		4 32-904
	2	Omitted		21 84-1503.03		5 32-915
LB 355	§ 1	12-530		22 23-2319.02		6 32-939.01
LB 361	§ 1	71-8701		23 Omitted		7 32-939
	2	71-8702		24 Omitted		8 32-949.01
	3	71-8703		25 Omitted		9 32-960
	4	71-8704		26 Omitted		10 32-1041
	5	71-8705		27 Omitted		11 Omitted
	6	71-8706		28 Omitted	LB 402	§ 1 25-1628
	7	71-8707	LB 373	§ 1 84-907.09		2 Omitted
	8	71-8708		2 84-906	LB 406	§ 1 18-1740
	9	71-8709		3 84-906.01		2 Omitted
	10	71-8710		4 84-907		3 Omitted
	11	71-8711		5 84-907.06		4 Omitted
	12	71-8712		6 84-907.07	LB 421	Omitted
	13	71-8713		7 84-907.10	LB 422	Omitted
	14	71-8714		8 84-920	LB 423	Omitted
	15	71-8715		9 Omitted	LB 424	Omitted
	16	71-8716	LB 380	§ 1 79-586	LB 425	Omitted
	17	71-8717		2 79-589	LB 426	§ 1 72-1001
	18	71-8718		3 79-590		2 84-619
	19	71-8719		4 79-591		3 81-15,180
	20	71-8720		5 79-592		4 2-108
	21	71-8721		6 Omitted		5 2-109
	22	29-4126	LB 382	§ 1 28-401		6 2-110
	23	42-372.02		2 28-405		7 2-111
	24	76-248.01		3 28-414		8 72-2401
	25	20-325		4 28-1437		9 Omitted
	26	20-326		5 71-168		10 18-2603
	27	20-327		6 71-1,142		11 47-632
	28	20-330		7 71-1,146.01		12 71-7611
	29	24-517		8 71-1,147.35		13 72-816
	30	25-21,280		9 71-374		14 72-1005
	31	29-3303		10 71-375		15 77-2602
	32	71-168		11 71-5402		16 77-27,137.01
	33	71-168.02		12 71-5403		17 81-1561
	34	71-6736		13 71-5404		18 81-15,101.01
	35	76-250		14 71-2431		19 81-15,104
	36	76-802		15 71-104.01		20 81-15,113.01
	37	84-712.05		16 Omitted		21 85-302
	38	Omitted		17 Omitted		22 85-316
	39	Omitted		18 Omitted		23 Omitted

CROSS REFERENCE TABLE

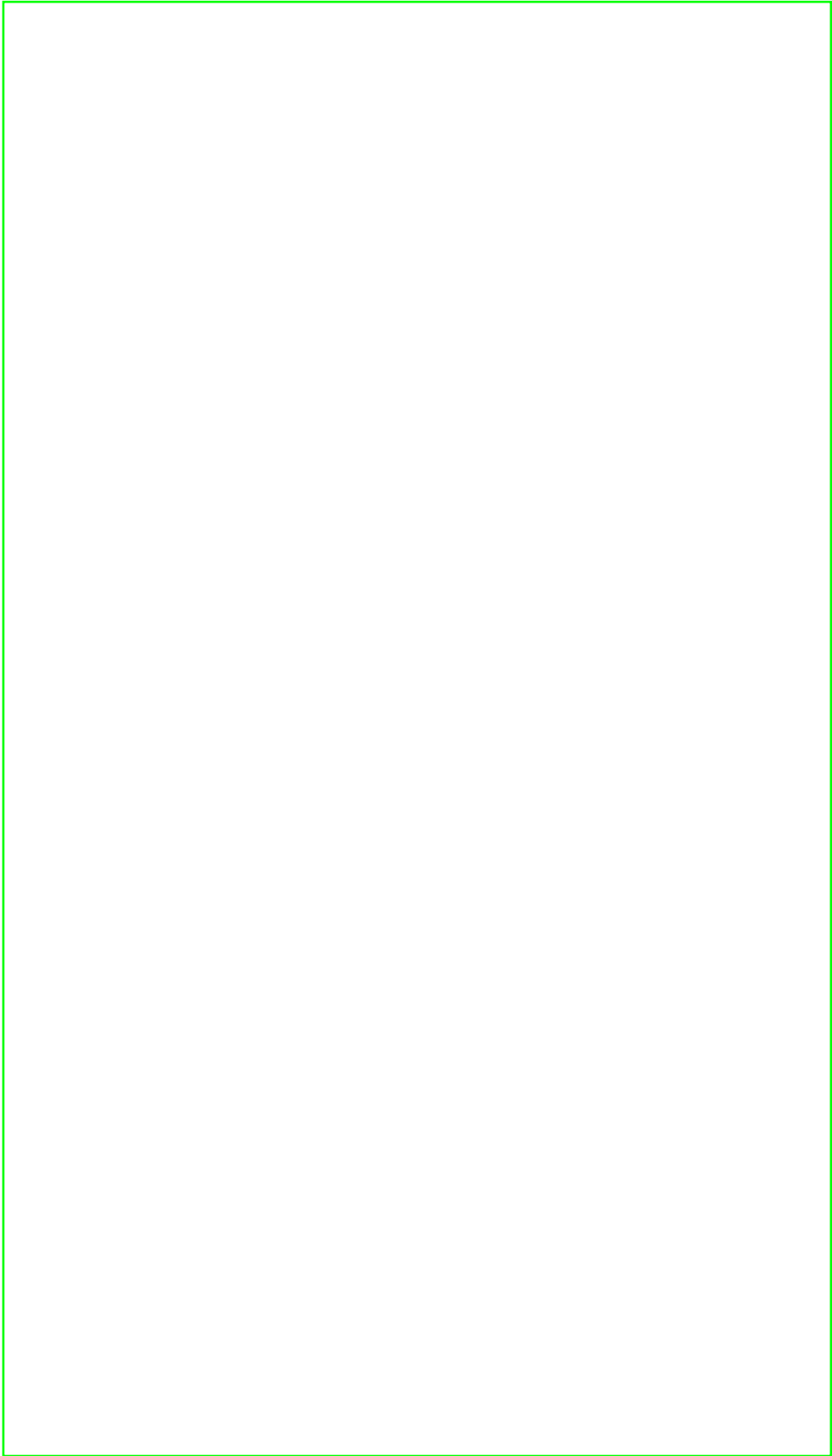
	2005 Session Laws	2005 Supplement		2005 Session Laws	2005 Supplement		2005 Session Laws	2005 Supplement
		24 Omitted			5 88-527		20	8-602
LB 427	§ 1	81-1201.21			6 88-547		21	8-701
	2	84-612			7 Omitted		22	8-702
	3	Omitted	LB 499	§ 1	77-2101.01		23	8-1006
	4	Omitted		2	Omitted		24	8-2401
LB 439	§ 1	75-902		3	Omitted		25	8-2501
	2	75-903		4	Omitted		26	8-2502
	3	75-905	LB 501	§ 1	84-1413		27	8-2503
	4	88-526		2	Omitted		28	8-2504
	5	88-528	LB 503	§ 1	23-2309.01		29	8-2505
	6	88-543		2	23-2310.05		30	21-1725.01
	7	Omitted		3	23-2312		31	21-17,102
	8	Omitted		4	24-704		32	21-17,115
LB 441	§ 1	54-199		5	72-1238		33	30-3116
	2	54-1,108		6	72-1239		34	30-3117
	3	Omitted		7	72-1243		35	30-3119.01
	4	Omitted		8	79-902		36	30-3803
LB 450	§ 1	87-210		9	79-906		37	30-3805
	2	Omitted		10	79-958		38	30-3810
LB 451	§ 1	52-1312		11	79-1028		39	30-3822
	2	9-522 UCC		12	81-2017		40	30-3836
	3	Omitted		13	81-2021		41	30-3837
LB 453	§ 1	71-3519		14	84-1305.01		42	30-3849
	2	71-3512		15	84-1309.01		43	30-3855
	3	Omitted		16	84-1310.01		44	30-3867
LB 465	§ 1	8-1,131		17	84-1311.03		45	30-3878
	2	21-1799		18	84-1502		46	30-3879
	3	44-371		19	84-1503		47	45-346
	4	44-1089		20	84-1503.04		48	45-348
	5	Omitted		21	84-1503.03		49	45-350
LB 471	§ 1	60-6,232		22	84-1512		50	45-703
	2	Omitted		23	Omitted		51	45-704
LB 475	§ 1	81-2711		24	Omitted		52	45-705
	2	81-2701		25	Omitted		53	45-706
	3	Omitted		26	Omitted		54	45-707
LB 476	§ 1	69-1311	LB 503A		Omitted		55	45-711
	2	Omitted	LB 516	§ 1	86-420		56	45-910
LB 484	§ 1	48-310		2	86-441.01		57	45-1001
	2	48-601		3	Omitted		58	45-1005
	3	48-602	LB 525	§ 1	84-1205.03		59	45-1006
	4	48-619		2	Omitted		60	45-1013
	5	48-627	LB 528	§ 1	16-318		61	45-1024
	6	48-628		2	17-606		62	45-1032
	7	48-648		3	Omitted		63	45-1033
	8	48-648.01	LB 533	§ 1	8-113		64	45-1069
	9	48-649		2	8-115.01		65	45-1055
	10	48-654		3	8-116.01		66	Omitted
	11	48-654.01		4	8-120		67	Omitted
	12	48-664		5	8-124		68	Omitted
	13	Omitted		6	8-135		69	Omitted
	14	Omitted		7	8-143.01		70	Omitted
	15	Omitted		8	8-148		71	Omitted
	16	Omitted		9	8-157	LB 534	§ 1	71-906
	17	Omitted		10	8-183.04		2	Omitted
LB 485	§ 1	81-8,211		11	8-1,140	LB 538	§ 1	28-929
	2	81-8,224		12	8-206		2	28-930
	3	81-8,225		13	8-213		3	28-931
	4	81-8,239.02		14	8-234		4	28-931.01
	5	Omitted		15	8-305		5	29-2246
LB 492	§ 1	25-1093		16	8-318		6	29-2255
	2	88-525		17	8-320		7	29-2252
	3	88-547.01		18	8-331		8	29-2257
	4	88-547.02		19	8-355		9	29-2258

APPENDIX

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement		
	10	29-2262.06	18	32-315	22	1-303 UCC	
	11	29-2269	19	32-318	23	1-304 UCC	
	12	47-621	20	32-318.01	24	1-305 UCC	
	13	47-622	21	32-320	25	1-306 UCC	
	14	47-623	22	32-321	26	1-307 UCC	
	15	47-624	23	32-322	27	1-308 UCC	
	16	47-625	24	32-323	28	1-309 UCC	
	17	47-627	25	32-324	29	1-310 UCC	
	18	47-630	26	32-325	30	2-103 UCC	
	19	47-632	27	32-326	31	2-104 UCC	
	20	71-1,148	28	32-328	32	2-202 UCC	
	21	81-1423	29	32-329	33	2-310 UCC	
	22	81-1425	30	32-554	34	2-323 UCC	
	23	83-1,102	31	32-901	35	2-401 UCC	
	24	83-1,135	32	32-908	36	2-503 UCC	
	25	83-1,110.02	33	32-909	37	2-505 UCC	
	26	83-1,110.03	34	32-914	38	2-506 UCC	
	27	83-4,142	35	32-914.01	39	2-509 UCC	
	28	83-4,143	36	32-914.02	40	2-605 UCC	
	29	Omitted	37	32-915	41	2-705 UCC	
	30	Omitted	38	32-916	42	2A-103 UCC	
LB 538A		Omitted	39	32-921	43	2A-501 UCC	
LB 544		Omitted	40	32-938	44	2A-514 UCC	
LB 546	§ 1	81-12,117	41	32-939	45	2A-518 UCC	
	2	81-12,118	42	32-940	46	2A-519 UCC	
	3	81-12,119	43	32-941	47	2A-526 UCC	
	4	81-12,120	44	32-942	48	2A-527 UCC	
	5	81-12,121	45	32-943	49	2A-528 UCC	
	6	81-12,122	46	32-945	50	3-103 UCC	
	7	81-12,123	47	32-946	51	4-104 UCC	
	8	81-12,124	48	32-947	52	4-210 UCC	
LB 546A		Omitted	49	32-948	53	4A-105 UCC	
LB 551	§ 1	71-1,356	50	32-949	54	4A-106 UCC	
	2	71-1,358	51	32-950	55	4A-204 UCC	
	3	71-810	52	32-951	56	5-103 UCC	
	4	71-813	53	32-1002	57	7-101 UCC	
	5	71-815	54	32-1027	58	7-102 UCC	
	6	71-816	55	32-1502	59	7-103 UCC	
	7	71-817	56	Omitted	60	7-104 UCC	
	8	71-818	57	Omitted	61	7-105 UCC	
	9	71-922	58	Omitted	62	7-106 UCC	
	10	Omitted	59	Omitted	63	7-201 UCC	
	11	Omitted	LB 570	§ 1	45-1,109	64	7-202 UCC
	12	Omitted		2	53-208	65	7-203 UCC
LB 557	§ 1	81-1258		3	69-2103	66	7-204 UCC
	2	Omitted		4	86-630	67	7-205 UCC
LB 566	§ 1	32-101		5	86-643	68	7-206 UCC
	2	32-103		6	1-101 UCC	69	7-207 UCC
	3	32-110.02		7	1-102 UCC	70	7-208 UCC
	4	32-203		8	1-103 UCC	71	7-209 UCC
	5	32-301		9	1-104 UCC	72	7-210 UCC
	6	32-306		10	1-105 UCC	73	7-301 UCC
	7	32-308		11	1-106 UCC	74	7-302 UCC
	8	32-309		12	1-107 UCC	75	7-303 UCC
	9	32-310		13	1-108 UCC	76	7-304 UCC
	10	32-311.01		14	1-201 UCC	77	7-305 UCC
	11	32-312		15	1-202 UCC	78	7-306 UCC
	12	32-312.01		16	1-203 UCC	79	7-307 UCC
	13	32-312.02		17	1-204 UCC	80	7-308 UCC
	14	32-312.03		18	1-205 UCC	81	7-309 UCC
	15	32-312.04		19	1-206 UCC	82	7-401 UCC
	16	32-312.05		20	1-301 UCC	83	7-402 UCC
	17	32-314		21	1-302 UCC	84	7-403 UCC

CROSS REFERENCE TABLE

2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	2005 Session Laws	2005 Supplement	
	85	7-404 UCC	4	17-952	4	29-4003
	86	7-501 UCC	5	Omitted	5	29-4004
	87	7-502 UCC	LB 639	§ 1 39-1302	6	29-4009
	88	7-503 UCC		2 39-1311	7	29-4013
	89	7-504 UCC		3 Omitted	8	Omitted
	90	7-505 UCC	LB 640	§ 1 76-547	LB 737	Omitted
	91	7-506 UCC		2 Omitted	LB 739	§ 1 48-601
	92	7-507 UCC	LB 645	§ 1 86-593		2 48-602
	93	7-508 UCC		2 86-594		3 48-649.01
	94	7-509 UCC		3 86-595		4 48-603.01
	95	7-601 UCC		4 86-596		5 48-624
	96	7-602 UCC		5 86-597		6 48-648.02
	97	7-603 UCC		6 86-598		7 48-628.01
	98	7-703 UCC		7 86-599		8 48-625
	99	7-704 UCC		8 25-2602.01		9 48-627
	100	8-103 UCC		9 86-575		10 48-628
	101	9-102 UCC		10 Omitted		11 48-649
	102	9-203 UCC		11 Omitted		12 48-652
	103	9-207 UCC	LB 664	§ 1 71-409		13 48-669
	104	9-208 UCC		2 Omitted		14 Omitted
	105	9-301 UCC		3 Omitted	LB 753	§ 1 77-2701.16
	106	9-310 UCC	LB 664A	Omitted		2 Omitted
	107	9-312 UCC	LB 668	§ 1 90-201		3 Omitted
	108	9-313 UCC	LB 675	§ 1 60-480	LB 754	§ 1 24-719
	109	9-314 UCC		2 60-4,120.01		2 24-721
	110	9-317 UCC		3 60-4,123		3 Omitted
	111	9-338 UCC		4 60-4,124	LB 761	§ 1 43-1302
	112	9-601 UCC		5 Omitted		2 Omitted
	113	Omitted		6 Omitted	LB 761A	Omitted
	114	Omitted	LB 675A	Omitted	LB 762	§ 1 23-1302
	115	Omitted	LB 676	§ 1 76-2221		2 77-1501
	116	Omitted		2 Omitted		3 Omitted
LB 573	§ 1	2-1203		3 Omitted		
	2	2-1207	LB 682	§ 1 32-564		
	3	2-1208		2 32-571		
	4	2-1213		3 Omitted		
	5	Omitted	LB 684	§ 1 72-2201		
	6	Omitted		2 72-2205.01		
LB 577	§ 1	79-1003		3 72-2211.01		
	2	79-1007.01		4 81-1108.32		
	3	79-1007.02		5 Omitted		
	4	79-1028	LB 684A	Omitted		
	5	79-1103	LB 689	§ 1 79-1329		
	6	Omitted		2 79-1330		
LB 589	§ 1	68-10,100		3 Omitted		
	2	68-10,101	LB 689A	Omitted		
	3	68-10,102	LB 709	§ 1 68-1087		
	4	68-10,103		2 68-1088		
	5	68-10,104		3 68-1089		
	6	68-10,105		4 68-1090		
	7	68-10,106		5 68-1091		
	8	68-10,107		6 68-1092		
	9	44-1540		7 68-1093		
	10	Omitted		8 68-1094		
	11	Omitted		9 68-1095		
LB 589A		Omitted		10 68-1096		
LB 594	§ 1	28-106		11 68-1097		
	2	60-6,197.02		12 68-1098		
	3	60-6,197.03		13 68-1099		
	4	Omitted		14 Omitted		
LB 626	§ 1	14-3,100	LB 713	§ 1 29-4306		
	2	16-696		2 29-110		
	3	17-501		3 29-2264		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 99th Legislature
First Session, 2005

Showing the date each act went into effect.
The Ninety-ninth Session of the Legislature adjourned
June 3, 2005.

LB No.	Effective Date	LB No.	Effective Date
1	September 4, 2005	66	September 4, 2005
2	September 4, 2005	66A	September 4, 2005
3	September 4, 2005	71A	September 4, 2005
9	September 4, 2005	76	March 23, 2005
10	September 4, 2005	78	September 4, 2005
11	September 4, 2005	80	September 4, 2005
13	Sections 1 to 4, 6 to 30, 32, 33, and 37 of this act become operative on September 4, 2005. The other sections of this act become operative on June 3, 2005.	82	Sections 8, 9, and 11 of this act become operative on October 17, 2005. The other sections of this act become operative on September 4, 2005.
13A	September 4, 2005	83	March 10, 2005
15	March 10, 2005	88	September 4, 2005
16	March 10, 2005	89	September 4, 2005
17	September 4, 2005	90	May 27, 2005
18	September 4, 2005	90A	May 27, 2005
20	March 10, 2005	94	September 4, 2005
21	March 10, 2005	97	September 4, 2005
28	January 1, 2006 (operative date)	98	September 4, 2005
28A	September 4, 2005	105	September 4, 2005
33	September 4, 2005	111	September 4, 2005
37	March 10, 2005	111A	September 4, 2005
38	May 7, 2005	114	September 4, 2005
39	September 4, 2005	115	September 4, 2005
40	July 1, 2005 (operative date)	116	September 4, 2005
40A	June 3, 2005	117	September 4, 2005
51	September 4, 2005	118	September 4, 2005
52	Sections 7 and 10 of this act become operative on January 1, 2006. The other sections of this act become operative on September 4, 2005.	119	September 4, 2005
53	September 4, 2005	121	September 4, 2005
54	Sections 1 to 5, 10 to 13, 15, 21 to 28, 30 to 34, and 36 of this act become operative on July 1, 2004. The other sections of this act become operative on March 10, 2005.	122	September 4, 2005
55	March 26, 2005	126	Sections 8, 42, 50, and 55 of this act become operative on June 15, 2006. The other sections of this act become operative on September 4, 2005.
59	September 4, 2005	126A	September 4, 2005
61	March 10, 2005	131	September 4, 2005
		139	March 23, 2005
		144	September 4, 2005
		146	September 4, 2005
		146A	September 4, 2005
		161	September 4, 2005
		162	Sections 14, 21, and 22 of this act become operative on September 4, 2005. The other sections of this

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	act become operative on January 1, 2006.	276	September 4, 2005
169	September 4, 2005	283	September 4, 2005
175	September 4, 2005	284	September 4, 2005
176	September 4, 2005	291	September 4, 2005
193	July 1, 2005 (operative date)	298	Sections 1 and 18 of this act become operative on January 1, 2005. Sections 2 to 15 and 19 of this act become operative on September 4, 2005. The other sections of this act become operative on March 23, 2005.
198	September 4, 2005	299	April 8, 2005
201	March 26, 2005	301	Sections 8, 12 to 20, 30 to 40, 44 to 65, 69 to 74, and 77 of this act become operative on July 1, 2005. Sections 1 to 7, 9 to 11, 21 to 29, 41 to 43, 66 to 68, 76, and 78 of this act become operative on September 4, 2005. The other sections of this act become operative on March 10, 2005.
205	September 4, 2005	306	September 4, 2005
206	June 1, 2005	306A	March 29, 2005
211	Section 11 of this act becomes operative on January 1, 2006. The other sections of this act become operative on September 4, 2005.	312	January 1, 2006 (operative date)
211A	September 4, 2005	312A	September 4, 2005
216	Sections 2, 13, and 23 of this act become operative on January 1, 2006. Sections 4 to 8 and 24 of this act become operative on October 1, 2005. Sections 10 to 12, 20, and 22 of this act become operative for taxable years beginning or deemed to begin on or after January 1, 2005, under the Internal Revenue Code of 1986, as amended. The other sections of this act become operative on September 4, 2005.	319	March 29, 2005
217	September 4, 2005	320	September 4, 2005
227	Sections 2, 3, and 5 of this act become operative on January 1, 2006. The other sections of this act become operative on September 4, 2005.	329	September 4, 2005
234	September 4, 2005	331	September 4, 2005
236	September 4, 2005	332	July 1, 2005 (operative date)
238	September 4, 2005	332A	June 3, 2005
241	September 4, 2005	334	January 1, 2005 (operative date)
242	January 1, 2006 (operative date)	335	September 4, 2005
243	March 23, 2005	342	September 4, 2005
243A	March 23, 2005	343	June 3, 2005
244	March 23, 2005	348	Sections 2, 4 to 17, and 22 of this act become operative on July 1, 2005. Sections 18 and 21 of this act become operative on September 4, 2005. The other sections of this act become operative on June 3, 2005.
246	September 4, 2005	348A	June 3, 2005
247	September 4, 2005	351	April 28, 2005
256	Sections 33, 100, and 101 of this act become operative on September 4, 2005. The other sections of this act become operative on July 1, 2007, except that necessary actions preparatory to their implementation may be taken prior to such date.	352	September 4, 2005
256A	September 4, 2005	355	September 4, 2005
259	March 26, 2005	361	April 28, 2005
261	January 1, 2006 (operative date)	364	Sections 1 to 7, 10, 16 to 22, 24, and 27 of this act become operative on September 4, 2005. Sections 8, 9, and 25 of this act become operative on July 1, 2005. The other sections of this act become operative on June 1, 2005.
262	September 4, 2005	373	September 4, 2005
263	March 10, 2005	380	September 4, 2005
264	September 4, 2005	382	Sections 15 and 17 of this act become operative on September 4, 2005. The other sections of this act become operative on May 7,
268	September 4, 2005		
274	September 4, 2005		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
	2005.		4, 2005. The other sections of this act become operative on January 1, 2006.
383	March 10, 2005		
389	September 4, 2005		
389A	September 4, 2005	570	January 1, 2006 (operative date)
396	September 4, 2005		
401	September 4, 2005	573	June 3, 2005
402	September 4, 2005	577	September 4, 2005
406	August 1, 2005 (operative date)	589	September 4, 2005
421	May 25, 2005	589A	September 4, 2005
422	July 1, 2005 (operative date)	594	September 4, 2005
423	July 1, 2005 (operative date)	626	September 4, 2005
424	July 1, 2005 (operative date)	639	September 4, 2005
425	July 1, 2005 (operative date)	640	September 4, 2005
426	May 25, 2005	645	September 4, 2005
427	May 25, 2005	664	June 1, 2005
439	April 8, 2005	664A	June 1, 2005
441	March 23, 2005	668	September 4, 2005
450	September 4, 2005	675	January 1, 2006 (operative date)
451	September 4, 2005	675A	September 4, 2005
453	September 4, 2005	676	March 29, 2005
465	September 4, 2005	682	September 4, 2005
471	September 4, 2005	684	September 4, 2005
475	September 4, 2005	684A	April 8, 2005
476	September 4, 2005	689	June 1, 2005
484	Sections 1 and 15 of this act become operative on June 3, 2005. The other sections of this act become operative on January 1, 2006.	689A	June 1, 2005
485	September 4, 2005	709	June 3, 2005
492	September 4, 2005	713	September 4, 2005
499	June 1, 2005	737	May 25, 2005
501	September 4, 2005	739	September 4, 2005
503	Sections 1, 2, 16, 17, and 25 of this act become operative on September 4, 2005. The other sections of this act become operative on July 1, 2005.	753	June 1, 2005
503A	April 28, 2005	754	September 4, 2005
516	September 4, 2005	761	September 4, 2005
525	September 4, 2005	761A	September 4, 2005
528	September 4, 2005	762	September 4, 2005
533	Sections 1 to 10, 12, 14 to 18, 20 to 31, 33 to 35, 47 to 65, 69, and 70 of this act become operative on September 4, 2005. The other sections of this act become operative on March 23, 2005.		
534	September 4, 2005		
538	September 4, 2005		
538A	September 4, 2005		
544	September 4, 2005		
546	September 4, 2005		
546A	September 4, 2005		
551	July 1, 2005 (operative date)		
557	September 4, 2005		
566	Sections 30, 56, and 57 of this act become operative on September		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2006 Session Laws of Nebraska, Second Session
Showing LB section number to statute section number

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
LB 14	§ 1 66-1840		13 49-1446.04		10 29-4109
	2 66-1841		14 49-1463		11 29-4112
	3 Omitted		15 49-1463.01		12 29-4113
	4 Omitted		16 49-14,124		13 29-4114
LB 32	§ 1 2-3218		17 49-14,125		14 29-4115
	2 Omitted		18 49-14,126		15 Omitted
LB 57	§ 1 28-101		19 Omitted	LB 385A	Omitted
	2 28-395		20 Omitted	LB 409	§ 1 40-104
	3 28-396		21 Omitted		2 Omitted
	4 28-397	LB 196	§ 1 85-408	LB 454	§ 1 69-2427
	5 28-398		2 85-1402		2 69-2428
	6 28-399		3 85-1409		3 69-2429
	7 28-3,100		4 85-1414		4 69-2430
	8 28-3,101		5 Omitted		5 69-2431
	9 28-115	LB 239	§ 1 85-502		6 69-2432
	10 60-6,198		2 Omitted		7 69-2433
	11 Omitted	LB 248	§ 1 60-3,186		8 69-2434
	12 Omitted		2 60-3,187		9 69-2435
LB 79	§ 1 74-1334		3 Omitted		10 69-2436
	2 Omitted		4 Omitted		11 69-2437
LB 85	§ 1 12-1106		5 Omitted		12 69-2438
	2 68-129	LB 287	§ 1 28-1320.01		13 69-2439
	3 Omitted		2 28-1320.02		14 69-2440
LB 85A	Omitted		3 28-1320.03		15 69-2441
LB 87	§ 1 20-150		4 28-101		16 69-2442
	2 20-151		6 Omitted		17 69-2443
	3 20-156		7 Omitted		18 69-2444
	4 71-4728	LB 366	§ 1 2-1608		19 69-2445
	5 71-4728.05		2 23-2301		20 69-2446
	6 Omitted		3 23-2306		21 69-2447
LB 87A	Omitted		4 23-2306.03		22 28-1202
LB 173	§ 1 69-1301		5 23-2308.01		23 Omitted
	2 69-1305.02		6 23-2319		24 Omitted
	3 69-1305.03		7 84-1301		25 Omitted
	4 69-1308		8 84-1307	LB 454A	Omitted
	5 69-1329		9 84-1308	LB 489	§ 1 48-2501
	6 Omitted		10 84-1309.02		2 48-2502
	7 Omitted		11 84-1321		3 48-2503
LB 188	§ 1 32-1601		12 Omitted		4 48-2504
	2 32-1602		13 Omitted		5 48-2505
	3 32-1603		14 Omitted		6 48-2506
	4 32-1604	LB 385	§ 1 29-2262		7 48-2507
	5 32-1604.01		2 29-4101		8 48-2508
	6 32-1606		3 29-4102		9 48-2509
	7 32-1606.01		4 29-4103		10 48-2510
	8 32-1607		5 29-4104		11 48-2511
	9 32-1608		6 29-4105		12 48-2512
	10 32-1608.01		7 29-4106		13 48-2513
	11 32-1608.03		8 29-4107		14 48-2514
	12 32-1612		9 29-4108		15 48-2515

APPENDIX

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement			
	16	48-2516	13	70-1813	9	60-142.04		
	17	48-2517	14	70-1814	10	60-142.05		
	18	48-2518	15	70-1815	11	60-142.06		
	19	48-2519	16	70-1816	12	60-143		
	20	48-2520	17	70-1817	13	60-144		
	21	48-2521	18	Omitted	14	60-148		
	22	48-2522	LB 562	§ 1	53-103	15	60-149	
	23	48-2523		2	53-123.04	16	60-154	
	24	48-2524		3	53-123.11	17	60-159	
	25	48-2525		4	53-124.11	18	60-159.01	
	26	48-2526		5	53-124.12	19	60-169	
	27	48-2527		6	60-6,211.08	20	60-193	
	28	48-2528		7	Omitted	21	60-301	
	29	48-2529		8	Omitted	22	60-333	
	30	48-2530	LB 588	§ 1	50-1203	23	60-3,104	
	31	48-2531		2	50-1204	24	60-3,130	
	32	48-2532		3	50-1205	25	60-3,130.01	
	33	48-2533		4	50-1205.01	26	60-3,130.02	
	34	48-168		5	50-1213	27	60-3,130.03	
	35	48-418		6	50-1214	28	60-3,130.04	
	36	48-418.04		7	50-1215	29	60-3,130.05	
	37	48-418.09		8	77-2711	30	60-3,130.06	
	38	Omitted		9	77-27,119	31	60-3,130.07	
	39	Omitted		10	84-304	32	60-3,132	
	40	Omitted		11	84-311	33	60-3,133	
	41	Omitted		12	Omitted	34	60-3,175	
	42	Omitted	LB 605	§ 1	85-419	35	Omitted	
LB 489A		Omitted		2	85-420	36	Omitted	
LB 508	§ 1	46-286		3	85-421	37	Omitted	
	2	46-602		4	85-422	38	Omitted	
	3	46-602.01		5	85-423	39	Omitted	
	4	46-1208		6	85-424	LB 690	§ 1	79-763
	5	46-1217		7	85-425		2	79-764
	6	46-1233.01		8	Omitted		3	79-765
	7	46-1238	LB 605A		Omitted		4	79-766
	8	46-1239	LB 647	§ 1	21-301		5	79-767
	9	46-1404		2	21-304		6	79-768
	10	46-1405		3	21-330	LB 690A		Omitted
	11	81-2121		4	21-2601	LB 693	§ 1	58-201
	12	Omitted		5	21-2601.01		2	58-202
LB 542	§ 1	77-6001		6	21-2603		3	58-203
	2	77-6002		7	21-2606		4	58-207
	3	77-6003		8	21-2607		5	58-210.02
	4	77-6004		9	21-2610		6	58-219
	5	77-6005		10	21-2613		7	58-219.01
	6	77-6006		11	21-2617.01		8	58-239.04
	7	77-6007		12	21-2632.01		9	Omitted
	8	Omitted		13	21-2631		10	Omitted
	9	Omitted		14	21-2631.01	LB 746	§ 1	25-3005
LB 542A		Omitted		15	21-2632		2	25-3006
LB 548	§ 1	70-1801		16	21-2634		3	25-3007
	2	70-1802		17	21-2639		4	25-3008
	3	70-1803		18	Omitted		5	25-3009
	4	70-1804	LB 647A		Omitted		6	25-3010
	5	70-1805	LB 663	§ 1	60-101		7	81-1413
	6	70-1806		2	60-117		8	81-1428
	7	70-1807		3	60-139		9	81-1429
	8	70-1808		4	60-140		10	Omitted
	9	70-1809		5	60-142	LB 746A		Omitted
	10	70-1810		6	60-142.01	LB 757	§ 1	84-106
	11	70-1811		7	60-142.02		2	Omitted
	12	70-1812		8	60-142.03		3	Omitted

CROSS REFERENCE TABLE

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
LB 764	Omitted		47 76-2227	14	23-2520
LB 765	§ 1 60-123		48 76-2228	15	23-2522
	2 60-137		49 76-2228.01	16	23-2524
	3 60-144		50 76-2229	17	23-2525
	4 60-146		51 76-2229.01	18	23-2526
	5 60-362		52 76-2230	19	23-2527
	6 60-385		53 76-2231.01	20	23-2531
	7 60-3,187		54 76-2232	21	23-2533
	8 Omitted		55 76-2233	22	23-3202
	9 Omitted		56 76-2233.01	23	23-3209
LB 771	§ 1 69-1318.01		57 76-2233.02	24	77-201
	2 69-1329		58 76-2236	25	77-422
	3 Omitted		59 76-2237	26	77-801.01
LB 776	§ 1 13-2039		60 76-2238	27	77-1343
	2 Omitted		61 76-2239	28	77-1344
	3 Omitted		62 76-2241	29	77-1345
LB 778	§ 1 2-1502		63 76-2242	30	77-1345.01
	2 2-5506		64 76-2243	31	77-1347
	3 13-403		65 76-2245	32	77-1347.01
	4 44-320		66 76-2246	33	77-1348
	5 49-14,103.01		67 76-2247.01	34	77-1355
	6 72-224.03		68 76-2248	35	77-1359
	7 72-257		69 76-2249	36	77-1363
	8 76-706		70 76-2250	37	77-1502
	9 76-1907		71 77-1355	38	77-1504
	10 76-1908		72 77-2019	39	77-1507
	11 76-1909		73 77-5004	40	77-1843
	12 76-1910		74 Omitted	41	77-5009
	13 76-2201		75 Omitted	42	77-5019
	14 76-2202	LB 787	§ 1 71-3529	43	77-5022
	15 76-2203		2 71-3530	44	77-5023
	16 76-2204		3 71-3531	45	77-5029
	17 76-2205		4 71-3532	46	79-1016
	18 76-2205.01		5 71-3533	47	Omitted
	19 76-2206		6 71-3534	48	Omitted
	20 76-2207		7 71-3535	49	Omitted
	21 76-2208		8 71-3536	50	Omitted
	22 76-2209		9 55-131	51	Omitted
	23 76-2210		10 Omitted	52	Omitted
	24 76-2210.01		11 Omitted	53	Omitted
	25 76-2210.02		12 Omitted	LB 815	§ 1 60-3,131
	26 76-2211	LB 789	§ 1 60-392	2	Omitted
	27 76-2211.01		2 Omitted	LB 817	§ 1 75-104
	28 76-2211.02	LB 792	§ 1 90-404	2	84-101.01
	29 76-2212		2 Omitted	3	84-201.01
	30 76-2213		3 Omitted	4	84-721
	31 76-2213.01	LB 795	§ 1 79-1010	5	Omitted
	32 76-2214		2 Omitted	LB 817A	Omitted
	33 76-2215		3 Omitted	LB 818	§ 1 13-2039
	34 76-2216	LB 808	§ 1 18-2117.01	2	Omitted
	35 76-2217		2 18-2147	3	Omitted
	36 76-2217.01		3 18-2148	LB 819	§ 1 81-885.07
	37 76-2217.02		4 18-2149	2	81-885.17
	38 76-2218		5 19-2428	3	81-885.20
	39 76-2219		6 23-114.03	4	Omitted
	40 76-2220		7 23-2517	LB 821	§ 1 79-2,136
	41 76-2221		8 23-2518	LB 823	§ 1 33-106.02
	42 76-2222		9 23-2518.01	2	Omitted
	43 76-2223		10 23-2518.02	LB 833	§ 1 71-104.01
	44 76-2224		11 23-2518.03	2	71-1,102
	45 76-2225		12 23-2518.04	3	71-1,103
	46 76-2226		13 23-2519	4	Omitted

APPENDIX

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
LB 845	§ 1 53-101	LB 856A	Omitted	14	8-1001.01
	2 53-132	LB 860	§ 1 79-1221	15	8-1008
	3 53-117.03		2 Omitted	16	8-1010
	4 Omitted	LB 872	§ 1 77-2701	17	8-1012
LB 845A	Omitted		2 77-27,235	18	8-1016
LB 853	§ 1 60-311		3 81-1505	19	8-1017
	2 60-342		4 81-1505.04	20	8-1111
	3 60-3,183		5 Omitted	21	8-1601
	4 60-3,196	LB 872A	Omitted	22	8-1602
	5 60-3,205	LB 874	§ 1 2-15,122	23	8-1605
	6 60-462		2 2-2624	24	21-17,115
	7 60-462.01		3 2-2626	25	45-335
	8 60-465		4 2-2627	26	45-336
	9 60-4,124		5 2-2629	27	45-701
	10 60-4,139		6 2-2634	28	45-702
	11 60-4,142		7 2-2636	29	45-706
	12 60-4,147.02		8 2-2638	30	45-707
	13 60-4,131.01		9 2-2639	31	45-709
	14 60-601		10 2-2641	32	45-714
	15 60-605		11 2-2643.03	33	45-717
	16 60-649.01		12 2-2646	34	45-717.01
	17 60-6,126.01		13 2-2649	35	45-717.02
	18 60-6,144		14 2-2651	36	45-901
	19 60-6,265		15 Omitted	37	45-906
	20 60-6,267	LB 875	§ 1 44-3,157	38	45-907
	21 60-6,290		2 44-1602	39	45-911
	22 66-1406.02		3 44-1988	40	45-912
	23 Omitted		4 44-3521	41	45-915
	24 Omitted		5 44-3522	42	45-916
	25 Omitted		6 44-3523	43	45-917
	26 Omitted		7 44-4902	44	45-919
LB 856	§ 1 2-3002		8 44-4903	45	45-922
	2 2-3003		9 44-4904	46	45-925
	3 2-3005		10 44-4906	47	45-915.01
	4 2-3006		11 44-4907	48	45-1002
	5 2-3007		12 44-7513	49	45-1007
	6 54-7,105		13 44-8101	50	45-1024
	7 54-7,106		14 44-8102	51	45-1026
	8 54-7,107		15 44-8103	52	76-1006
	9 54-7,108		16 44-8104	53	76-1007
	10 54-753.06		17 44-8105	54	76-1008
	11 28-1008		18 44-8106	55	76-1012
	12 28-1018		19 44-8107	56	9-705 UCC
	13 54-625		20 Omitted	57	9-707 UCC
	14 54-627		21 Omitted	58	Omitted
	15 54-633		22 Omitted	59	Omitted
	16 54-642		23 Omitted	60	Omitted
	17 54-701.03		24 Omitted	61	Omitted
	18 54-703		25 Omitted	LB 887	§ 1 13-324
	19 54-704	LB 876	§ 1 87-801	2	77-2701.14
	20 54-705		2 87-802	3	77-2701.43
	21 54-750		3 87-803	4	77-2712.05
	22 54-751		4 87-804	5	77-27,143
	23 54-752		5 87-805	6	Omitted
	24 54-753		6 87-806	LB 898	§ 1 84-1410
	25 54-2601		7 87-807	2	84-1411
	26 54-2603		8 8-141	3	84-1412
	27 54-2627.01		9 8-148.04	4	84-1414
	28 54-702		10 8-178	5	Omitted
	29 54-702.01		11 8-179	LB 904	§ 1 39-2401
	30 Omitted		12 8-1,140	2	39-2510
	31 Omitted		13 8-355	3	39-2520

CROSS REFERENCE TABLE

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
	4 77-27,132		5 81-830		2 54-2417
	5 Omitted		6 Omitted		3 54-2418
LB 915	6 Omitted	LB 941	§ 1 81-8,128		4 54-2419
	§ 1 71-2432		2 Omitted		5 54-2422
	2 71-2433	LB 956	§ 1 50-401.01		6 54-2423
	3 71-2434		2 50-421		7 54-2424
LB 921	4 71-2435		3 50-1203		8 54-2425
	§ 1 81-1108		4 50-1204		9 54-2426
	2 81-1108.01		5 50-1205		10 54-2428
	3 81-1116		6 50-1206		11 54-2429
	4 81-1117		7 50-1207		12 54-2431
	5 81-1117.02		8 50-1208		13 54-2432
	6 81-1120.02		9 50-1210		14 54-2433
	7 81-1120.03		10 50-1211		15 54-2435
	8 81-1120.16		11 77-27,119		16 54-2436
	9 81-1120.23		12 Omitted		17 54-2437
	10 81-1423	LB 956A	Omitted		18 54-2438
	11 84-1205.01	LB 962	§ 1 71-17,112		19 81-1513
	12 84-1228		2 71-5663		20 Omitted
	13 86-407		3 71-5668		21 Omitted
	14 86-461		4 85-957		22 Omitted
	15 86-519		5 85-1416		23 Omitted
	16 86-521		6 85-1903	LB 990	§ 1 77-2715.07
	17 86-522		7 85-1428		2 77-27,187.01
	18 86-523		8 85-1429		3 77-27,187.02
	19 86-527		9 Omitted		4 77-27,188
	20 86-539	LB 962A	Omitted		5 77-27,188.02
	21 86-551	LB 965	§ 1 77-6101		6 77-27,189
	22 86-555		2 77-6102		7 77-27,195
	23 86-556		3 77-6103		8 77-5201
	24 86-557		4 77-6104		9 77-5203
	25 86-563		5 77-6105		10 77-5208
	26 86-564		6 77-2716		11 77-5209
	27 86-568		7 68-1095.01		12 77-5209.01
	28 86-570		8 Omitted		13 77-5211
	29 Omitted		9 Omitted		14 77-5212
LB 924	§ 1 76-701		10 Omitted		15 77-5213
	2 76-710.04	LB 965A	Omitted		16 77-5215
	3 76-883	LB 968	§ 1 66-1345.04		17 Omitted
	4 Omitted		2 77-201	LB 994	§ 1 71-7427
LB 925	§ 1 28-306		3 77-2701		2 71-7428
	2 60-497.01		4 77-2701.04		3 71-7429
	3 60-4,182		5 77-2704.18		4 71-7430
	4 60-601		6 77-2704.55		5 71-7431
	5 60-605		7 77-2715.02		6 71-7432
	6 60-614.01		8 77-2715.07		7 71-7433
	7 60-696		9 77-2716		8 71-7434
	8 60-697		10 77-2716.01		9 71-7435
	9 60-698		11 77-2716.03		10 71-7436
	10 60-6,197.01		12 77-3442		11 71-7437
	11 60-6,197.03		13 77-3501.01		12 71-7438
	12 60-6,197.06		14 77-3505.02		13 71-7439
	13 60-6,197.08		15 77-5023		14 71-7440
	14 60-6,197.09		16 79-1016		15 71-7441
	15 60-6,210		17 Omitted		16 71-7442
	16 60-6,211.05		18 Omitted		17 71-7443
	17 60-6,211.09		19 Omitted		18 71-7444
	18 Omitted		20 Omitted		19 71-7445
LB 940	§ 1 32-716		21 Omitted		20 71-7446
	2 32-1524		22 Omitted		21 71-7447
	3 49-1434	LB 968A	Omitted		22 71-7448
	4 84-509.01	LB 975	§ 1 54-2416		23 71-7449

APPENDIX

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
24	71-7450	86	71-612	148	71-2102
25	71-7451	87	71-617.15	149	71-2103
26	71-7452	88	71-627	150	71-2104
27	71-7453	89	71-628	151	81-3308
28	71-7454	90	71-634	152	81-3309
29	71-7455	91	71-801	153	81-3310
30	71-7456	92	71-802	154	81-3311
31	71-7457	93	71-814	155	Omitted
32	71-7458	94	71-815	156	Omitted
33	71-7459	95	71-816	157	Omitted
34	71-7460	96	71-1721	158	Omitted
35	71-7461	97	71-1910	159	Omitted
36	71-7462	98	71-1911	160	Omitted
37	71-7463	99	71-1911.02	161	Omitted
38	71-5680	100	71-1914	162	Omitted
39	71-5681	101	71-1916	163	Omitted
40	71-5682	102	71-2225	LB 994A	Omitted
41	71-5683	103	71-3503	LB 996	§ 1 12-1301
42	71-2436	104	71-3515.01		2 Omitted
43	71-2437	105	71-3515.02	LB 996A	Omitted
44	71-2438	106	71-3516	LB 1003	§ 1 13-203
45	71-2439	107	71-3516.01		2 49-801.01
46	71-2440	108	71-3519		3 53-164.01
47	71-2441	109	79-1902		4 53-165
48	71-2442	110	80-315		5 66-489
49	71-2443	111	81-647		6 77-2717
50	20-162	112	81-668		7 77-27,117
51	28-356	113	81-671		8 77-27,187.01
52	28-372	114	81-1316		9 77-27,191
53	28-380	115	81-3007.01		10 77-27,194
54	43-522	116	81-3008		11 77-5544
55	43-524	117	81-3009		12 77-5719
56	43-2505	118	71-1,362		13 77-5723
57	43-2507	119	71-1,363		14 77-5725
58	43-2508	120	71-1,364		15 77-5727
59	43-2509	121	71-1,365		16 77-5728
60	43-2510	122	71-1,366		17 77-5903
61	43-2512	123	71-1,367		18 81-12,127
62	43-2606	124	71-1,368		19 Omitted
63	43-3401	125	71-1,369		20 Omitted
64	43-3402	126	71-1,370		21 Omitted
65	68-1021.01	127	71-1,371		22 Omitted
66	68-1204	128	71-1,372		23 Omitted
67	68-1205	129	71-1,373	LB 1007	§ 1 28-1213
68	68-1206	130	71-1,374		2 28-1241
69	68-1402	131	71-1,375		3 57-501
70	68-1403	132	71-1,376		4 60-462.01
71	68-1405	133	71-1,377		5 60-465
72	68-1503	134	71-1,378		6 60-4,138
73	68-1514	135	71-1,379		7 60-4,145
74	68-1521	136	71-1,380		8 60-4,146
75	68-1522	137	71-1,381		9 60-4,163
76	68-1523	138	71-1,382		10 60-6,251
77	68-1713	139	71-1,383		11 60-6,284
78	68-1721	140	71-1,384		12 60-1306
79	71-101	141	71-1,385		13 75-363
80	71-113	142	71-1,386		14 75-362
81	71-162	143	71-1,387		15 75-364
82	71-193.01	144	71-1,388		16 75-368
83	71-193.02	145	71-1,389		17 75-369
84	71-193.03	146	83-107.01		18 75-369.01
85	71-1,104.01	147	71-2101		19 75-369.02

CROSS REFERENCE TABLE

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	
	20	75-369.03	21	79-407	83	79-1007.10
	21	75-391	22	79-408	84	79-1008.01
	22	Omitted	23	79-409	85	79-1008.02
	23	Omitted	24	79-413	86	79-1022
	24	Omitted	25	79-415	87	79-1024
LB 1008	§ 1	60-490	26	79-416	88	79-1026
	2	60-4,115	27	79-433	89	79-1026.01
	3	60-4,118	28	79-4,117	90	79-1028
	4	Omitted	29	79-4,118	91	79-1030
	5	Omitted	30	79-4,119	92	79-1033
	6	Omitted	31	79-4,120	93	79-1073
LB 1008A		Omitted	32	79-4,121	94	79-1073.01
LB 1010	§ 1	77-27,230	33	79-4,122	95	79-1074
	2	77-27,231	34	79-4,123	96	79-1075
	3	77-27,232	35	79-4,124	97	79-1083
	4	77-27,233	36	79-4,125	98	79-1084
	5	Omitted	37	79-4,126	99	79-1086
	6	Omitted	38	79-4,127	100	79-10,120
LB 1019	§ 1	23-2301	39	79-4,128	101	79-10,126
	2	23-2305.01	40	79-4,129	102	79-10,126.01
	3	23-2308.01	41	79-4,130	103	79-2101
	4	23-2317	42	79-452	104	79-2102
	5	24-703	43	79-458	105	79-2103
	6	71-1631	44	79-458.01	106	79-2104
	7	72-1237	45	79-467	107	79-2105
	8	79-902	46	79-468	108	79-2106
	9	79-966.01	47	79-469	109	79-2107
	10	79-987	48	79-473	110	79-2108
	11	79-992	49	79-476	111	79-2109
	12	81-2017	50	79-479	112	79-11,150
	13	81-2026	51	79-527	113	Omitted
	14	84-1301	52	79-528	114	Omitted
	15	84-1305.02	53	79-535	115	Omitted
	16	84-1309.02	54	79-536	LB 1024A	Omitted
	17	84-1319	55	79-549	LB 1038	§ 1
	18	84-1503.02	56	79-611		2
	19	84-1503.03	57	79-769		3
	20	Omitted	58	79-760	LB 1039	§ 1
	21	Omitted	59	79-850		2
	22	Omitted	60	79-979		3
	23	Omitted	61	79-980	LB 1060	Omitted
	24	Omitted	62	79-981	LB 1061	§ 1
LB 1024	§ 1	13-503	63	79-983		2
	2	13-508	64	79-984		3
	3	13-511	65	79-985		4
	4	32-543	66	79-986		5
	5	77-1601.02	67	79-9,107		6
	6	77-1614	68	79-9,108		7
	7	77-1624	69	79-9,109		8
	8	77-1702	70	79-9,115		9
	9	77-1704.01	71	79-1001		10
	10	77-1708	72	79-1002		11
	11	77-1772	73	79-1003		12
	12	77-2201	74	79-1007.01		13
	13	77-2202	75	79-1007.03		14
	14	77-3442	76	79-1007.02		15
	15	79-102	77	79-1007.04		16
	16	79-2110	78	79-1007.05		17
	17	79-232	79	79-1007.06		18
	18	79-233	80	79-1007.07		19
	19	79-237	81	79-1007.08		20
	20	79-238	82	79-1007.09		21

APPENDIX

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement			
	22	Omitted	25	28-729	32	43-2,129		
	23	Omitted	26	28-730	33	43-2,106.02		
	24	Omitted	27	28-813	34	43-1314		
	25	Omitted	28	29-4101	35	44-3311		
	26	Omitted	29	29-4102	36	71-507		
	27	Omitted	30	29-4104	37	71-510		
	28	Omitted	31	29-4106.01	38	71-601.01		
	29	Omitted	32	29-4106	39	71-612		
	30	Omitted	33	29-4107	40	71-628		
LB 1066	§ 1	18-2805	34	29-4126	41	84-915.01		
	2	Omitted	35	42-364	42	84-917		
LB 1067	§ 1	32-568	36	42-364.13	43	Omitted		
	2	32-569	37	42-1103	44	Omitted		
	3	Omitted	38	43-256	45	Omitted		
LB 1069	§ 1	75-109.01	39	43-271	46	Omitted		
	2	75-303.03	40	43-408	47	Omitted		
	3	75-302	41	43-1412	48	Omitted		
	4	75-370	42	43-3001	LB 1116	§ 1	71-2426	
	5	75-371	43	43-3342.05	2	71-2429		
	6	Omitted	44	47-619	3	Omitted		
	7	Omitted	45	47-620	4	Omitted		
LB 1069A		Omitted	46	47-623	5	Omitted		
LB 1086	§ 1	71-2301	47	47-624	LB 1126		Omitted	
	2	71-2302	48	47-634	LB 1131	§ 1	84-612	
	3	71-2303	49	47-625	2	84-613		
	4	71-2304	50	83-192	3	72-730		
	5	71-2305	51	83-1,114	4	Omitted		
	6	28-101	52	83-1,115	5	Omitted		
	7	28-801	53	86-291	LB 1148	§ 1	79-224	
	8	28-801.01	54	Omitted	2	25-21,280		
	9	28-804.01	LB 1113A		3	Omitted		
	10	28-830	LB 1115	§ 1	25-3201	LB 1175	§ 1	15-201.02
	11	28-831		2	25-3202	2	18-2147	
	12	28-832		3	25-3203	3	18-1757	
	13	Omitted		4	25-3204	4	29-424	
LB 1107	§ 1	79-225		5	25-3205	5	31-741	
LB 1111	§ 1	2-1201		6	25-3206	6	35-1207	
	2	Omitted		7	25-3207	7	Omitted	
LB 1113	§ 1	43-3801		8	25-214	8	Omitted	
	2	43-3802		9	25-302	LB 1178	§ 1	81-657
	3	43-3803		10	25-307	2	81-660	
	4	43-3804		11	25-308	3	Omitted	
	5	43-3805		12	25-316	4	Omitted	
	6	43-3806		13	25-322	LB 1189	§ 1	77-2701
	7	43-3807		14	25-325	2	77-2701.04	
	8	43-3808		15	25-326	3	77-2704.56	
	9	43-3809		16	25-329	4	77-2701.47	
	10	43-3810		17	25-2009	5	77-2704.12	
	11	43-3811		18	25-2720.01	6	77-2704.15	
	12	43-3812		19	29-812	7	Omitted	
	13	2-3202		20	29-814.01	8	Omitted	
	14	2-3290.01		21	29-4202	9	Omitted	
	15	2-3290		22	29-4203	10	Omitted	
	16	2-3296		23	29-4204	LB 1189A		Omitted
	17	2-3297		24	29-4205	LB 1199	§ 1	28-101
	18	18-1755		25	29-4206	2	28-111	
	19	20-504		26	29-4207	3	28-311	
	20	23-1824		27	30-2603	4	28-318	
	21	28-311.02		28	42-108	5	28-319	
	22	28-311.03		29	42-116	6	28-319.01	
	23	28-311.04		30	42-371.01	7	28-320.01	
	24	28-728		31	43-247	8	28-320.02	

CROSS REFERENCE TABLE

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
9	28-707	71	71-1215	23	79-1337
10	29-110	72	71-1216	24	79-1319
11	29-119	73	71-1217	25	79-1325
12	29-1926	74	71-1218	26	81-1634
13	29-2028	75	71-1219	27	86-515
14	29-2221	76	71-1220	28	86-516
15	29-2290	77	71-1221	29	86-520
16	29-2923	78	71-1222	30	86-5,100
17	29-4001	79	71-1223	31	Omitted
18	29-4003	80	71-1224	32	Omitted
19	29-4004	81	71-1225	LB 1208A	Omitted
20	29-4005	82	71-1226	LB 1222	§ 1 86-420
21	29-4006	83	79-267		2 86-440.01
22	29-4007	84	80-601		3 86-442
23	29-4009	85	81-1850		4 86-443
24	29-4011	86	83-174		5 86-443.01
25	29-4013	87	83-174.01		6 86-450.01
26	29-4014	88	83-174.02		7 86-456
27	29-4015	89	83-174.03		8 86-457
28	29-4016	90	83-174.04		9 86-459
29	29-4017	91	83-174.05		10 86-463
30	29-4103	92	83-1,100		11 86-465
31	42-1203	93	83-1,102		12 86-466
32	71-1,206.14	94	83-1,103		13 86-466.01
33	71-1,206.18	95	83-1,103.01		14 Omitted
34	71-1,206.34	96	83-1,103.02		15 Omitted
35	71-916	97	83-1,103.03	LB 1222A	Omitted
36	71-917	98	83-1,103.04	LB 1226	§ 1 2-965
37	71-918	99	83-1,135		2 2-945.01
38	71-919	100	83-338		3 2-1588
39	71-942	101	83-351		4 2-3225
40	71-944	102	83-364		5 2-3240
41	71-945	103	83-376		6 46-2,139
42	71-946	104	83-4,143		7 46-229.02
43	71-947	105	83-933		8 46-229.03
44	71-948	106	29-4019		9 46-229.04
45	71-949	107	71-1227		10 46-290
46	71-954	108	71-1228		11 46-291
47	71-956	109	Omitted		12 46-294.01
48	71-957	LB 1199A	Omitted		13 46-2,112
49	71-958	LB 1208	§ 1 9-812		14 46-2,136
50	71-959		2 79-704		15 46-602
51	71-960		3 79-761		16 46-655.01
52	71-961		4 79-1003		17 46-683
53	71-962		5 79-1007.02		18 46-691.03
54	71-1128		6 79-1018.01		19 46-701
55	29-4018		7 79-1028		20 46-754
56	71-6908		8 79-1204		21 46-706
57	71-1201		9 79-1223		22 46-712
58	71-1202		10 79-1233		23 46-713
59	71-1203		11 79-1241.01		24 46-714
60	71-1204		12 79-1241.02		25 46-715
61	71-1205		13 79-1243		26 46-719
62	71-1206		14 79-1302		27 46-739
63	71-1207		15 79-1303		28 46-740
64	71-1208		16 79-1304		29 61-205
65	71-1209		17 79-1331		30 77-3442
66	71-1210		18 79-1332		31 Omitted
67	71-1211		19 79-1333		32 Omitted
68	71-1212		20 79-1334		33 Omitted
69	71-1213		21 79-1335		34 Omitted
70	71-1214		22 79-1336	LB 1226A	Omitted

APPENDIX

2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement	2006 Session Laws	2006 Cumulative Supplement
LB 1227	§ 1 69-2402		53 30-2487		9 84-612
	2 69-2404		54 43-512.12		10 84-613
	3 69-2405		55 43-2508		11 Omitted
	4 69-2406		56 44-3,144	LB 1256A	Omitted
	5 69-2410		57 44-3,149		
	6 69-2411		58 44-526		
	7 69-2418		59 44-1540		
	8 69-2419		60 44-32,180		
	9 Omitted		61 44-4221		
	10 Omitted		62 44-4222		
LB 1248	§ 1 68-901		63 44-4228		
	2 68-902		64 44-4726		
	3 68-903		65 44-5305		
	4 68-904		66 44-8002		
	5 68-905		67 68-104		
	6 68-906		68 68-150		
	7 68-907		69 68-716		
	8 68-908		70 68-1070		
	9 68-909		71 68-1509		
	10 68-910		72 68-1802		
	11 68-911		73 68-1803		
	12 68-912		74 71-804		
	13 68-913		75 71-806		
	14 68-914		76 71-820		
	15 68-915		77 71-2426		
	16 68-916		78 71-6017.01		
	17 68-917		79 71-7607		
	18 68-918		80 71-7610		
	19 68-919		81 71-8405		
	20 68-920		82 71-8506		
	21 68-921		83 77-908		
	22 68-922		84 77-912		
	23 68-923		85 77-2704.09		
	24 68-924		86 77-27,163.01		
	25 68-925		87 79-215		
	26 68-926		88 81-6,113		
	27 68-927		89 50-422		
	28 68-928		90 Omitted		
	29 68-929		91 Omitted		
	30 68-930		92 Omitted		
	31 68-931	LB 1248A	Omitted		
	32 68-932	LB 1249	§ 1 13-2802		
	33 68-933		2 66-1801		
	34 68-934		3 66-1804		
	35 68-935		4 66-1852		
	36 68-936		5 66-1858		
	37 68-937		6 66-1859		
	38 68-938		7 66-1860		
	39 68-939		8 66-1861		
	40 68-940		9 66-1862		
	41 68-941		10 66-1863		
	42 68-942		11 66-1864		
	43 68-943		12 75-109.01		
	44 68-944		13 Omitted		
	45 68-945	LB 1256	§ 1 79-1101		
	46 68-946		2 79-1103		
	47 68-947		3 79-1104		
	48 68-948		4 79-1104.01		
	49 68-949		5 79-1104.02		
	50 25-21,188.02		6 79-1104.03		
	51 28-705		7 79-1104.04		
	52 28-706		8 79-1104.05		

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 99th Legislature
Second Session, 2006

Showing the date each act went into effect.
The Ninety-ninth Session of the Legislature adjourned
April 13, 2006.

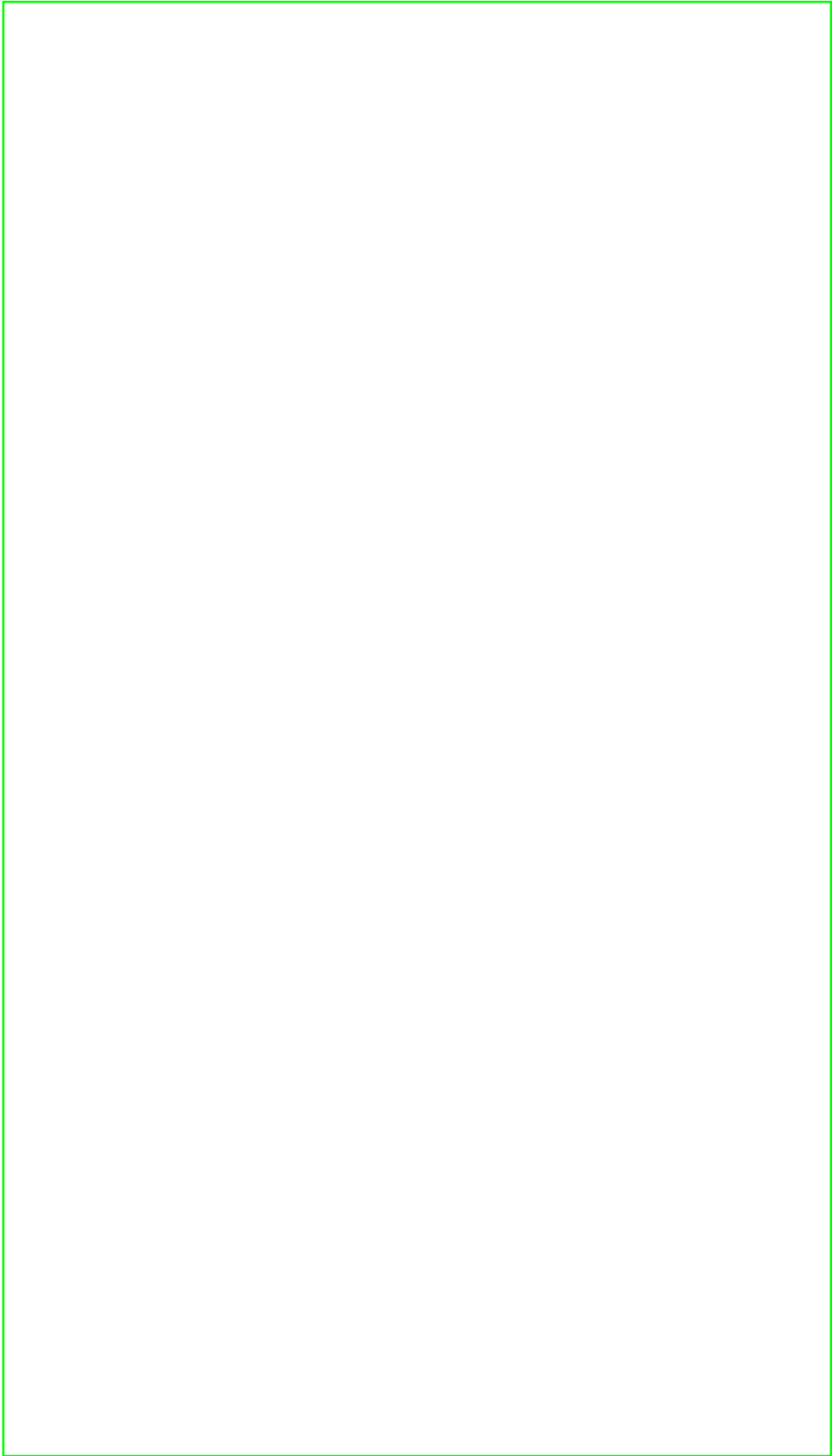
LB No.	Effective Date	LB No.	Effective Date
14	March 7, 2006	542A	April 12, 2006
32	July 14, 2006	548	July 14, 2006
57	April 14, 2006	562	July 14, 2006
79	July 14, 2006	588	July 14, 2006
85	July 14, 2006	605	April 12, 2006
85A	July 14, 2006	605A	April 12, 2006
87	July 14, 2006	647	July 14, 2006
87A	July 14, 2006	647A	July 14, 2006
173	November 2, 2006 (operative date)	663	Sections 19 and 37 of this act become operative on June 1, 2006. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 36 of this act become operative on July 14, 2006. The other sections of this act become operative on March 17, 2006.
188	January 1, 2007 (operative date)	690	July 14, 2006
196	July 14, 2006	690A	July 14, 2006
239	July 14, 2006	693	February 7, 2006
248	Sections 2 and 4 of this act become operative on January 1, 2007. The other sections of this act become operative on July 14, 2006.	746	July 14, 2006
287	April 5, 2006	746A	July 14, 2006
366	January 1, 2007 (operative date)	757	March 14, 2006
385	July 14, 2006	764	July 14, 2006
385A	July 14, 2006	765	February 7, 2006
409	July 14, 2006	771	July 14, 2006
454	January 1, 2007 (operative date)	776	March 7, 2006
454A	July 14, 2006	778	July 14, 2006
489	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, and 41 of this act become operative on January 1, 2008. Sections 34 and 39 of this act become operative on July 14, 2006. Sections 37 and 40 of this act become operative on July 1, 2006. The other sections of this act become operative on April 14, 2006.	787	July 1, 2006 (operative date)
489A	July 14, 2006	789	July 14, 2006
508	July 14, 2006	792	March 14, 2006
542	April 12, 2006	795	April 12, 2006
		808	Sections 5, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 43, 44, 49, and 52 of this act become operative on January 1, 2007. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 50 of this act become operative on July 14, 2006. The other sections of this act become operative on April 13, 2006.

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
815	July 14, 2006		
817	July 14, 2006		
817A	April 14, 2006		
818	March 7, 2006		
819	July 14, 2006		
821	July 14, 2006		
823	July 14, 2006		
833	July 14, 2006		
845	July 14, 2006		
845A	July 14, 2006		
853	Sections 11 and 24 of this act become operative on January 1, 2007. The other sections of this act become operative on March 17, 2006.	968A	April 7, 2006
		975	Sections 1, 2, 3, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, and 22 of this act become operative on December 1, 2006. The other sections of this act become operative on March 17, 2006.
856	July 14, 2006		
856A	July 14, 2006		
860	July 14, 2006	990	July 14, 2006
872	July 14, 2006	994	Sections 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 86, 87, 88, 89, 90, 151, 152, 153, 154, and 157 of this act become operative on July 1, 2006. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 81, 158, and 161 of this act become operative on August 1, 2006. Sections 115, 116, 117, and 159 of this act become operative on January 1, 2007. Sections 38, 39, 40, 41, 50, 62, 64, 79, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 160, and 162 of this act become operative on July 14, 2006. The other sections of this act become operative on April 13, 2006.
872A	July 14, 2006		
874	July 14, 2006		
875	Section 24 of this act becomes operative on December 31, 2007. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 22 of this act become operative on July 14, 2006. The other sections of this act become operative on March 14, 2006.	994A	April 13, 2006
		996	July 14, 2006
876	Sections 1, 2, 3, 4, 5, 6, 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, and 60 of this act become operative on July 14, 2006. The other sections of this act become operative on April 7, 2006.	996A	July 14, 2006
		1003	Sections 1, 8, 9, and 20 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended. Sections 3, 4, and 21 of this act become operative on July 1, 2006. The other sections of this act become operative on March 7, 2006.
887	July 14, 2006		
898	July 14, 2006		
904	October 1, 2006 (operative date)		
915	July 14, 2006		
921	July 14, 2006		
924	July 14, 2006		
925	July 14, 2006		
940	July 14, 2006		
941	July 14, 2006		
956	July 14, 2006		
956A	July 14, 2006		
962	July 14, 2006		
962A	July 14, 2006		
965	Sections 7, 8, and 10 of this act become operative on July 14, 2006. The other sections of this act become operative for taxable years beginning or deemed to begin on or after January 1, 2006, under the Internal Revenue Code of 1986, as amended.		
		1007	March 7, 2006
965A	July 14, 2006	1008	Sections 2, 3, and 6 of this act become operative on January 1, 2007. The other sections of this act become operative on July 14,
968	Sections 2, 13, 14, 15, and 18 of this act become operative on January 1, 2007. Sections 7, 8, 9,		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
	2006.		operative on July 14, 2006.
1008A	July 14, 2006		Sections 29, 30, 38, 39, 40, and 45 of this act become operative on January 1, 2007. The other sections of this act become operative on March 17, 2006.
1010	January 1, 2006 (operative date)		
1019	Sections 1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, and 23 of this act become operative on July 14, 2006. The other sections of this act become operative on March 23, 2006.	1116	July 1, 2006 (operative date)
1024	July 14, 2006	1126	April 4, 2006
1024A	July 14, 2006	1131	April 4, 2006
1038	July 14, 2006	1148	July 14, 2006
1039	July 14, 2006	1175	April 14, 2006
1060	Provisions line-item vetoed by the Governor and overridden by the Legislature become effective on April 6, 2006. All other provisions became effective April 4, 2006.	1178	July 14, 2006
1061	Sections 9, 10, 22, 23, 26, and 28 of this act become operative on July 1, 2006. The other sections of this act become operative on April 4, 2006.	1189	July 1, 2006 (operative date)
1066	July 14, 2006	1189A	July 14, 2006
1067	July 14, 2006	1199	July 14, 2006
1069	July 14, 2006	1199A	July 14, 2006
1069A	July 14, 2006	1208	July 14, 2006
1086	July 14, 2006	1208A	July 14, 2006
1107	July 14, 2006	1222	April 14, 2006
1111	July 14, 2006	1222A	April 14, 2006
1113	July 14, 2006	1226	Sections 4, 30, 31, 32, and 34 of this act become operative on April 14, 2006. The other sections of this act become operative on July 14, 2006.
1113A	July 14, 2006	1226A	July 14, 2006
1115	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 31, 32, 33, 34, 35, 36, 37, 41, 42, 44, and 47 of this act become	1227	April 14, 2006
		1248	July 1, 2006 (operative date)
		1248A	July 14, 2006
		1249	July 14, 2006
		1256	July 14, 2006
		1256A	July 14, 2006



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2007 Session Laws of Nebraska, First Session
Showing LB section number to statute section number

	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
LB 1	§ 1	28-1317	LB 35	§ 1	LB 97	§ 1
	2	28-1318		2		2
	3	Omitted		3		3
LB 2	§ 1	Omitted		4	LB 99	§ 1
LB 5	§ 1	81-1346	LB 43	§ 1		2
	2	81-1350	LB 44	§ 1		3
	3	81-1351		2	LB 108	§ 1
	4	Omitted		3		2
LB 8	§ 1	81-1525		4		3
	2	Omitted	LB 63	§ 1		4
LB 11	§ 1	16-117		2		5
	2	Omitted	LB 64	§ 1		6
LB 12	§ 1	54-625	LB 67	§ 1		7
	2	54-627		2		8
	3	54-628	LB 69	§ 1		9
	4	54-629		2		10
	5	54-630		3	LB 110	§ 1
	6	54-631		4		2
	7	54-632	LB 73	§ 1		3
	8	54-633		2		4
	9	54-643		3		5
	10	Omitted		4		6
LB 12A		Omitted	LB 73A			7
LB 21	§ 1	79-1007.02	LB 74	§ 1		8
	2	79-1007.10		2		9
	3	79-1022		3		10
	4	79-1026		4		11
	5	79-1027		5		12
	6	79-1031.01		6		13
	7	Omitted		7		14
	8	Omitted		8		15
LB 24	§ 1	1-124		9		16
	2	1-136.02		10		17
	3	Omitted		11		18
	4	Omitted		12		19
LB 25	§ 1	71-4401		13		20
	2	71-4402	LB 79	§ 1		21
	3	71-4402.02		2	LB 111	§ 1
	4	71-4402.03		3		2
	5	71-4403	LB 80	§ 1		3
	6	71-4404		2		4
	7	71-4405		3		5
	8	71-4406	LB 80A			6
	9	71-4407	LB 83	§ 1		7
	10	71-4408		2		8
	11	71-4409		3		9
	12	71-4410		4		10
	13	71-4412		5		11
	14	Omitted		6		12
LB 26	§ 1	81-885.01		7		13
	2	Omitted	LB 88			14
LB 28	§ 1	17-503.02	LB 94	§ 1		15
	2	Omitted		2		16
LB 34	§ 1	50-445		3		17

APPENDIX

	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
	18	2-3982	49	44-8215	58	52-1301
	19	2-3983	50	44-8216	59	52-1302
	20	2-3984	51	44-8217	60	52-1302.01
	21	2-3985	52	44-8218	61	52-1307
	22	2-3986	53	77-908	62	52-1308
	23	2-3987	54	Omitted	63	52-1312
	24	2-3988	55	Omitted	64	52-1313
	25	2-3989	LB 124	§ 1 8-108	65	52-1314
	26	2-3990		2 8-113	66	52-1315
	27	2-3991		3 8-124	67	52-1317
	28	2-3992		4 8-148.04	68	52-1318
	29	81-2,270		5 8-149	69	52-1602
	30	Omitted		6 8-1,140	70	9-315 UCC
	31	Omitted		7 8-355	71	9-320 UCC
LB 115	§ 1	44-514		8 8-601	72	9-529 UCC
	2	Omitted		9 8-602	73	9-531 UCC
LB 117	§ 1	21-2005		10 8-603	74	Omitted
	2	44-319.07		11 8-604	75	Omitted
	3	44-3,158		12 8-605	76	Omitted
	4	44-501		13 8-606	77	Omitted
	5	44-507		14 8-607	78	Omitted
	6	44-508		15 8-915	79	Omitted
	7	44-522		16 8-1901	LB 132	§ 1 42-372.03
	8	44-1104		17 8-2107		2 Omitted
	9	44-4501		18 8-2312	LB 136	§ 1 58-610
	10	44-4521		19 8-2504		2 58-611
	11	44-4519		20 21-17,112		3 58-612
	12	44-5103		21 21-17,115		4 58-613
	13	44-5110		22 30-3805		5 58-614
	14	44-5111		23 30-3846		6 58-615
	15	44-5120		24 30-3848		7 58-616
	16	44-5137		25 30-3849		8 58-617
	17	44-5140		26 30-3851		9 58-618
	18	44-5141		27 30-3867		10 58-619
	19	44-5152		28 30-38,110		11 Omitted
	20	44-5153		29 45-191.01	LB 142	§ 1 28-101
	21	44-5501		30 45-191.04		2 28-833
	22	44-5502		31 45-334		3 Omitted
	23	44-5504		32 45-340	LB 143	§ 1 29-216
	24	44-5515		33 45-344	LB 144	§ 1 71-545
	25	44-7504		34 45-346		2 71-546
	26	44-8101		35 45-346.01		3 71-547
	27	44-8102		36 45-347		4 71-548
	28	44-8103		37 45-351		5 71-549
	29	44-8104		38 45-352		6 71-550
	30	44-8105		39 45-353		7 Omitted
	31	44-8106		40 45-701	LB 145	§ 1 77-3510
	32	44-8107		41 45-702		2 77-3513
	33	48-144.03		42 45-705		3 77-3514
	34	48-446		43 45-706		4 Omitted
	35	44-8201		44 45-708	LB 147	§ 1 60-6,304
	36	44-8202		45 45-710		2 Omitted
	37	44-8203		46 45-711	LB 148	§ 1 60-6,301
	38	44-8204		47 45-714		2 Omitted
	39	44-8205		48 45-715	LB 150	§ 1 79-809
	40	44-8206		49 45-722		2 79-810
	41	44-8207		50 45-723		3 Omitted
	42	44-8208		51 45-716	LB 152	§ 1 71-1,200
	43	44-8209		52 45-920		2 Omitted
	44	44-8210		53 45-927	LB 160	§ 1 25-21,282
	45	44-8211		54 45-1013		2 35-801
	46	44-8212		55 45-1014		3 Omitted
	47	44-8213		56 45-1017	LB 161	§ 1 81-15,130
	48	44-8214		57 45-1033		2 Omitted

CROSS REFERENCE TABLE

2007		2007		2007		2007		
Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	
LB 166	§ 1	60-147	37	71-17,135		2	18-2420	
		2 72-258.03		38 71-17,137		3	18-2422	
		3 77-201		39 71-17,138		4	18-2425	
		4 77-202.03		40 71-17,139		5	18-2427	
		5 77-1233.04		41 71-17,140		6	18-2436	
		6 77-1344		42 71-5185		7	18-2438	
		7 77-1347.01		43 71-6039		8	18-2439	
		8 77-1348		44 71-6726		9	84-1411	
		9 77-1355		45 71-6733		10	Omitted	
		10 77-1613.02		46 71-8249	LB 203	§ 1	71-401	
		11 77-5018		47 71-8252		2	71-403	
		12 Omitted		48 81-647		3	71-427.01	
		13 Omitted		49 81-671		4	71-434	
		14 Omitted		50 Omitted		5	71-452	
LB 167	§ 1	25-1901	51	Omitted		6	71-453	
		2 77-1504	52	Omitted		7	Omitted	
		3 77-1507.01	53	Omitted	LB 206	§ 1	14-553	
		4 77-5003	54	Omitted		2	14-554	
		5 77-5011	55	Omitted		3	14-1821	
		6 77-5016	LB 186	§ 1	76-2210	4	Omitted	
		7 77-5017		2	76-2210.01	5	Omitted	
		8 77-5020		3	76-2210.02	LB 207	§ 1	14-2109
		9 77-5023		4	76-2213		2	14-2110
		10 77-5026		5	76-2213.01		3	14-2146
		11 77-5028		6	76-2217.01		4	14-2147
		12 Omitted		7	76-2219		5	Omitted
		13 Omitted		8	76-2223	LB 208	§ 1	52-118
		14 Omitted		9	76-2226		2	Omitted
LB 185	§ 1	68-906	10	76-2227	LB 211	§ 1	48-806	
		2 68-919	11	76-2228		2	Omitted	
		3 68-921	12	76-2228.01		3	Omitted	
		4 71-629	13	76-2229	LB 211A		Omitted	
		5 71-1707	14	76-2229.01	LB 213	§ 1	24-514	
		6 71-1722	15	76-2230		2	25-2732	
		7 71-1723	16	76-2231.01		3	Omitted	
		8 71-1723.01	17	76-2232	LB 214	§ 1	23-1205	
		9 71-1723.02	18	76-2233		2	24-516	
		10 71-1724	19	76-2233.01		3	29-509	
		11 71-1724.01	20	76-2236		4	Omitted	
		12 71-1726.01	21	76-2237		5	Omitted	
		13 71-1726.02	22	76-2241	LB 218	§ 1	28-456	
		14 71-1729	23	76-2242		2	Omitted	
	15 71-1730	24	76-2247.01	LB 219	§ 1	79-458		
	16 71-1731	25	77-5004		2	Omitted		
	17 71-1734	26	Omitted		3	Omitted		
	18 71-1735	LB 188	§ 1	44-3522	LB 221	§ 1	42-353	
	19 71-1737		2	Omitted		2	43-1803	
	20 71-1748		3	Omitted		3	Omitted	
	21 71-1749	LB 191	§ 1	21-2095	LB 223	§ 1	77-375	
	22 71-1752		2	44-211		2	77-3,112	
	23 71-1755		3	Omitted		3	77-2701	
	24 71-1756		4	Omitted		4	77-2701.04	
	25 71-1757	LB 192	§ 1	85-1412		5	77-2701.48	
	26 71-1764		2	85-2101		6	77-2701.35	
	27 71-1765		3	85-2102		7	77-2703	
	28 71-17,118		4	85-2103		8	77-2703.04	
	29 71-17,119		5	85-2104		9	77-2711	
	30 71-17,121		6	85-2105		10	77-2712.03	
	31 71-17,122		7	85-2106		11	77-2712.05	
	32 71-17,123		8	85-2107		12	77-2753	
	33 71-17,124		9	85-2108		13	77-2756	
	34 71-17,128		10	Omitted		14	77-2790	
	35 71-17,129		11	Omitted		15	77-27,131	
	36 71-17,134	LB 199	§ 1	18-2410		16	77-27,187.01	

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement		
	17	77-27,187.02	28	71-1,136.04	32	71-1,195.04	
	18	77-27,188	29	71-1,142	33	71-1,195.05	
	19	77-27,189	30	71-1,147	34	71-1,195.06	
	20	77-27,190	31	71-1,147.65	35	71-1,195.07	
	21	77-27,192	32	71-1,147.66	36	71-1,195.08	
	22	77-3102	33	71-1,147.67	37	71-1,195.09	
	23	77-3903	34	71-1,147.68	38	71-1,296	
	24	77-3904	35	71-1,147.69	39	71-1,305.01	
	25	77-4105	36	71-1,147.70	40	71-1,307	
	26	77-4110	37	71-1,147.71	41	71-1,308	
	27	77-4933	38	71-1,147.72	42	71-1,314.02	
	28	77-5542	39	71-6501	43	71-1,315	
	29	77-5715	40	71-6502	44	71-1,316	
	30	77-5725	41	71-6503	45	71-1,333	
	31	77-5803	42	71-6504	46	71-1,335	
	32	77-5904	43	71-415	47	71-1,336	
	33	Omitted	44	71-6720	48	71-1,337	
	34	Omitted	45	Omitted	49	71-1,338	
	35	Omitted	46	Omitted	50	71-1913.01	
	36	Omitted	47	Omitted	51	71-2421	
LB 226	§ 1	48-720	LB 236A	Omitted	52	71-4702	
	2	48-722	LB 237	§ 1	40-101	53	71-4707
	3	48-730		2	Omitted	54	71-5403
	4	48-731	LB 239	§ 1	60-311	55	71-7438
	5	48-736		2	60-342	56	71-8402
	6	Omitted		3	60-3,196	57	81-651
	7	Omitted		4	60-462.01	58	38-101
LB 227	§ 1	28-1008		5	60-4,147.02	59	38-121
	2	28-1009		6	60-6,265	60	38-131
	3	Omitted		7	60-6,267	61	38-1,125
LB 231	§ 1	79-1102		8	75-363	62	38-1,130
	2	Omitted		9	75-364	63	38-501
LB 232	§ 1	81-12,126		10	Omitted	64	38-502
	2	81-12,127	LB 247	§ 1	28-401	65	38-505
	3	Omitted		2	28-405	66	38-506
LB 233	§ 1	13-1303		3	28-412	67	38-507
	2	Omitted		4	43-102	68	38-508
LB 236	§ 1	71-101		5	43-104	69	38-526
	2	71-102		6	43-104.01	70	38-1509
	3	71-107		7	43-104.02	71	38-1512
	4	71-110		8	43-104.03	72	38-2101
	5	71-112		9	43-104.04	73	38-2613
	6	71-162		10	43-104.05	74	38-2614
	7	71-168		11	43-104.08	75	38-2615
	8	71-1,390		12	43-104.09	76	38-2701
	9	71-1,391		13	43-104.12	77	38-2705
	10	71-1,392		14	43-104.13	78	38-2708
	11	71-1,393		15	43-104.14	79	38-2801
	12	71-1,394		16	43-104.17	80	38-2836
	13	71-1,395		17	43-104.22	81	38-2867
	14	71-1,396		18	43-104.25	82	38-2891
	15	71-1,397		19	43-105	83	38-2894
	16	71-1,398		20	43-106	84	38-2895
	17	71-1,399		21	43-906	85	71-6504
	18	71-1,400		22	43-1411	86	44-7,102
	19	71-1,401		23	71-101	87	Omitted
	20	71-1,133		24	71-193.15	88	Omitted
	21	71-1,134		25	71-193.17	89	Omitted
	22	71-1,135		26	71-1,147.35	90	Omitted
	23	71-1,135.02		27	71-1,186	91	Omitted
	24	71-1,135.04		28	71-1,187	92	Omitted
	25	71-1,135.06		29	71-1,195.01	93	Omitted
	26	71-1,136		30	71-1,195.02	LB 247A	Omitted
	27	71-1,136.01		31	71-1,195.03	LB 248	§ 1
							39-1601

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement			
	2	39-1605	31	48-2508	39	60-3,118		
	3	39-1606	32	48-2512	40	60-3,122		
	4	39-1607	33	Omitted	41	60-3,123		
	5	Omitted	34	Omitted	42	60-3,124		
	6	Omitted	35	Omitted	43	60-3,125		
	7	Omitted	36	Omitted	44	60-3,126		
LB 252	§ 1	81-8,118	37	Omitted	45	60-3,128		
	2	Omitted	38	Omitted	46	60-3,130.04		
LB 255	§ 1	48-1228	39	Omitted	47	60-3,141		
	2	48-1229	40	Omitted	48	60-3,142		
	3	48-1230	41	Omitted	49	60-3,145		
	4	48-1230.01	LB 274	§ 1	57-517	50	60-3,147	
	5	48-1232		2	Omitted	51	60-3,150	
	6	Omitted	LB 277	§ 1	39-1320	52	60-3,184	
	7	Omitted		2	39-2116	53	60-3,186	
LB 256	§ 1	72-803		3	39-2119	54	60-3,188	
	2	72-818		4	39-2119.01	55	60-3,190	
	3	73-508		5	39-2124	56	Omitted	
	4	81-154		6	39-2125	57	Omitted	
	5	81-161.03		7	39-2502	LB 289	§ 1	77-3444
	6	81-8,239.01		8	39-2512		2	Omitted
	7	81-8,239.11		9	Omitted	LB 290	§ 1	24-809
	8	81-8,239.02	LB 283	§ 1	71-162		2	Omitted
	9	81-8,239.03		2	71-6728	LB 292	§ 1	68-104
	10	81-8,239.04		3	Omitted		2	68-1803
	11	81-8,239.05	LB 283A		Omitted		3	Omitted
	12	81-8,239.07	LB 286	§ 1	60-101	LB 292A		Omitted
	13	81-1108.43		2	60-102	LB 296	§ 1	81-3110
	14	83-901		3	60-114		2	81-3111
	15	83-916		4	60-117		3	81-3112
	16	Omitted		5	60-119.01		4	81-3113
	17	Omitted		6	60-123		5	81-3114
LB 263	§ 1	13-2036		7	60-134		6	81-3115
	2	Omitted		8	60-136.01		7	81-3116
LB 265	§ 1	13-1102		9	60-137		8	81-3117
	2	20-113		10	60-145		9	81-3118
	3	48-601		11	60-146		10	81-3119
	4	48-602		12	60-152		11	81-3120
	5	48-606		13	60-153		12	81-3121
	6	48-612		14	60-164		13	81-3122
	7	48-612.01		15	60-166		14	81-3123
	8	48-624		16	60-168		15	81-3124
	9	48-649		17	60-168.01		16	2-15,100
	10	48-652		18	60-168.02		17	2-2626
	11	48-663.01		19	60-173		18	2-3254
	12	48-664		20	60-301		19	2-3925
	13	48-1001		21	60-302		20	2-3928
	14	48-1002		22	60-308		21	2-3932
	15	48-1003		23	60-324		22	2-4901
	16	48-1004		24	60-325		23	13-1207
	17	48-1005		25	60-333		24	23-1204.06
	18	48-1007		26	60-336.01		25	23-3595
	19	48-1008		27	60-339		26	28-322.04
	20	48-1009		28	60-345		27	28-326
	21	48-1010		29	60-351.01		28	28-328
	22	48-1203		30	60-355		29	28-343
	23	48-1203.01		31	60-356		30	28-345
	24	81-405		32	60-378		31	28-356
	25	48-1809		33	60-385		32	28-372
	26	48-2501		34	60-387		33	28-377
	27	48-2512.01		35	60-395		34	28-380
	28	48-2503		36	60-397		35	28-401
	29	48-2506		37	60-3,104		36	28-456
	30	48-2507		38	60-3,107		37	28-713

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
38	28-721	102	43-146.13	166	43-3335
39	28-726	103	43-146.14	167	43-3336
40	28-728	104	43-146.15	168	43-3338
41	28-734	105	43-146.16	169	43-3342.04
42	28-735	106	43-146.17	170	43-3401
43	28-736	107	43-161	171	43-3402
44	28-737	108	43-284.02	172	43-3810
45	28-738	109	43-404	173	44-771
46	29-2928	110	43-411	174	44-772
47	29-2929	111	43-504.01	175	44-773
48	29-4125	112	43-507	176	44-774
49	30-2487	113	43-508	177	44-782
50	31-740	114	43-511	178	44-793
51	32-310	115	43-512	179	44-1102
52	32-327	116	43-512.11	180	44-2835
53	37-1254.05	117	43-515	181	44-2847
54	37-1254.06	118	43-522	182	44-2901
55	42-106	119	43-523	183	44-2904
56	42-358	120	43-524	184	44-32,119
57	42-358.01	121	43-525	185	44-32,120
58	42-358.02	122	43-529	186	44-32,127
59	42-364.13	123	43-536	187	44-32,128
60	42-705	124	43-905	188	44-32,134
61	42-917	125	43-907	189	44-32,136
62	43-102	126	43-908	190	44-32,152
63	43-104.01	127	43-1320	191	44-32,153
64	43-104.02	128	43-1408.01	192	44-32,156
65	43-104.03	129	43-1414	193	44-32,157
66	43-104.04	130	43-1718.02	194	44-32,163
67	43-107	131	43-1720	195	44-32,165
68	43-118	132	43-1902	196	44-32,176
69	43-119	133	43-1903	197	44-4109.01
70	43-122	134	43-1904	198	44-7006
71	43-123.01	135	43-1905	199	44-7107
72	43-124	136	43-2002	200	44-7206
73	43-125	137	43-2003	201	44-7306
74	43-126	138	43-2411	202	46-602
75	43-127	139	43-2503	203	46-705
76	43-130	140	43-2505	204	46-724
77	43-131	141	43-2507	205	46-1011
78	43-132	142	43-2508	206	46-1018
79	43-133	143	43-2509	207	46-1204.01
80	43-134	144	43-2510	208	46-1207
81	43-135	145	43-2511	209	46-1217
82	43-137	146	43-2512	210	46-1235
83	43-138	147	43-2515	211	46-1235.01
84	43-139	148	43-2605	212	46-1237.01
85	43-140	149	43-2606	213	46-1237.02
86	43-141	150	43-2616	214	46-1240.05
87	43-142	151	43-2617	215	47-623
88	43-143	152	43-2620	216	48-602
89	43-144	153	43-3305.01	217	48-647
90	43-145	154	43-3314	218	48-1902
91	43-146	155	43-3317	219	48-2305
92	43-146.02	156	43-3318	220	48-2306
93	43-146.04	157	43-3319	221	48-2307
94	43-146.05	158	43-3320	222	49-506
95	43-146.06	159	43-3323	223	49-617
96	43-146.07	160	43-3325	224	54-703
97	43-146.08	161	43-3326	225	54-744.01
98	43-146.09	162	43-3327	226	54-747
99	43-146.10	163	43-3329	227	60-3,135
100	43-146.11	164	43-3333	228	60-480.01
101	43-146.12	165	43-3334	229	60-493

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
230	60-4,118.02	294	69-302	358	71-1,206.18
231	60-4,164.01	295	69-305	359	71-1,238
232	60-6,104	296	71-101	360	71-1,290
233	60-6,107	297	71-102	361	71-1,312
234	60-6,201	298	71-104	362	71-1,339
235	60-6,202	299	71-105	363	71-1,341
236	68-126	300	71-121.01	364	71-1,367
237	68-129	301	71-139	365	71-354
238	68-130	302	71-141	366	71-390
239	68-309	303	71-142	367	71-3,173
240	68-312	304	71-150	368	71-3,174
241	68-313	305	71-151	369	71-410
242	68-703.01	306	71-153	370	71-411
243	68-716	307	71-155	371	71-434
244	68-717	308	71-155.01	372	71-445
245	68-718	309	71-156	373	71-448
246	68-907	310	71-161.02	374	71-501
247	68-908	311	71-161.03	375	71-501.02
248	68-913	312	71-161.06	376	71-502
249	68-915	313	71-161.07	377	71-502.01
250	68-921	314	71-161.12	378	71-502.02
251	68-922	315	71-161.13	379	71-502.03
252	68-923	316	71-161.14	380	71-502.04
253	68-924	317	71-161.16	381	71-503
254	68-925	318	71-161.17	382	71-503.01
255	68-926	319	71-161.20	383	71-504
256	68-927	320	71-165	384	71-505
257	68-928	321	71-169	385	71-507
258	68-930	322	71-172.01	386	71-514.02
259	68-931	323	71-172.02	387	71-516.02
260	68-932	324	71-181	388	71-516.03
261	68-940	325	71-188	389	71-516.04
262	68-948	326	71-193.01	390	71-519
263	68-949	327	71-193.13	391	71-520
264	68-1001.01	328	71-193.15	392	71-521
265	68-1002	329	71-193.18	393	71-522
266	68-1007	330	71-193.19	394	71-523
267	68-1008	331	71-193.22	395	71-524
268	68-1014	332	71-1,104	396	71-529
269	68-1015	333	71-1,104.01	397	71-532
270	68-1016	334	71-1,107	398	71-541
271	68-1017	335	71-1,107.06	399	71-543
272	68-1095.01	336	71-1,107.07	400	71-601.01
273	68-1101	337	71-1,107.08	401	71-602
274	68-1103	338	71-1,107.16	402	71-602.01
275	68-1104	339	71-1,132.05	403	71-604
276	68-1105	340	71-1,132.53	404	71-604.01
277	68-1204	341	71-1,135.02	405	71-604.05
278	68-1205	342	71-1,136	406	71-605.01
279	68-1206	343	71-1,141	407	71-605.02
280	68-1207	344	71-1,142	408	71-606
281	68-1207.01	345	71-1,143.01	409	71-608.01
282	68-1210	346	71-1,147.26	410	71-609
283	68-1402	347	71-1,147.28	411	71-610
284	68-1403	348	71-1,147.31	412	71-611
285	68-1405	349	71-1,147.33	413	71-612
286	68-1503	350	71-1,147.44	414	71-614
287	68-1514	351	71-1,147.45	415	71-615
288	68-1521	352	71-1,147.48	416	71-616
289	68-1522	353	71-1,147.53	417	71-616.03
290	68-1523	354	71-1,147.59	418	71-616.04
291	68-1732	355	71-1,154	419	71-617.02
292	68-1802	356	71-1,190.01	420	71-617.06
293	68-1807	357	71-1,206.05	421	71-617.07

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
422	71-617.08	486	71-1745	550	71-2610.01
423	71-617.09	487	71-1774	551	71-2617
424	71-617.10	488	71-1798.01	552	71-2619
425	71-617.11	489	71-1799	553	71-2620
426	71-617.12	490	71-17,102	554	71-2621
427	71-617.13	491	71-17,109	555	71-2622
428	71-617.15	492	71-17,113	556	71-3101
429	71-626	493	71-17,118	557	71-3102
430	71-626.01	494	71-1802	558	71-3104
431	71-627	495	71-1803	559	71-3305
432	71-627.01	496	71-1804	560	71-3306
433	71-627.02	497	71-1903	561	71-3401
434	71-628	498	71-1909	562	71-3402
435	71-629	499	71-1910	563	71-3406
436	71-630	500	71-1913.01	564	71-3410
437	71-634	501	71-1913.02	565	71-3502.01
438	71-636	502	71-1913.03	566	71-3503
439	71-639	503	71-1914	567	71-3504
440	71-640.02	504	71-1915	568	71-3505
441	71-640.03	505	71-1919	569	71-3508.03
442	71-641	506	71-1922	570	71-3508.04
443	71-644	507	71-2002	571	71-3513
444	71-645	508	71-2003	572	71-3516.01
445	71-646	509	71-2004	573	71-3517
446	71-647	510	71-2006	574	71-3524
447	71-648	511	71-2007	575	71-3526
448	71-701	512	71-2009	576	71-3601
449	71-702	513	71-2010	577	71-3610
450	71-703	514	71-2011	578	71-3702
451	71-705	515	71-2013	579	71-3706
452	71-706	516	71-2014	580	71-4302
453	71-707	517	71-2015	581	71-4303
454	71-804	518	71-2081	582	71-4304
455	71-805	519	71-2082	583	71-4305
456	71-806	520	71-2084	584	71-4306
457	71-809	521	71-2086	585	71-4401
458	71-811	522	71-2096	586	71-4621
459	71-812	523	71-2097	587	71-4624
460	71-814	524	71-2098	588	71-4635
461	71-916	525	71-2099	589	71-4701
462	71-919	526	71-20,100	590	71-4728.05
463	71-961	527	71-20,101	591	71-4737
464	71-1001	528	71-20,103	592	71-4738
465	71-1301	529	71-20,113	593	71-4739
466	71-1333.01	530	71-2201	594	71-4740
467	71-1340	531	71-2202	595	71-4741
468	71-1341	532	71-2203	596	71-4742
469	71-1356	533	71-2207	597	71-4743
470	71-1363	534	71-2208	598	71-4744
471	71-1367	535	71-2304	599	71-4813
472	71-1368	536	71-2305	600	71-4816
473	71-1405	537	71-2407	601	71-4819
474	71-1617	538	71-2408	602	71-5175
475	71-1626	539	71-2409	603	71-5192
476	71-1628	540	71-2411	604	71-5197
477	71-1628.05	541	71-2423	605	71-51,102
478	71-1628.06	542	71-2431	606	71-51,103
479	71-1628.07	543	71-2432	607	71-5205
480	71-1630	544	71-2437	608	71-5301
481	71-1631	545	71-2503	609	71-5302
482	71-1635	546	71-2506	610	71-5303
483	71-1637	547	71-2509	611	71-5304.01
484	71-1710	548	71-2511	612	71-5304.02
485	71-1729	549	71-2610	613	71-5305.01

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
614	71-5305.02	678	71-7608	742	81-661
615	71-5306	679	71-7614	743	81-663
616	71-5310	680	71-7617	744	81-664
617	71-5310.01	681	71-7618	745	81-676
618	71-5311	682	71-7619	746	81-677
619	71-5311.02	683	71-7620	747	81-678
620	71-5318	684	71-7621	748	81-679
621	71-5322	685	71-7622	749	81-680
622	71-5402	686	71-7702	750	81-699
623	71-5647	687	71-8008	751	81-6,110
624	71-5649	688	71-8211	752	81-6,113
625	71-5653	689	71-8228	753	81-1021
626	71-5654	690	71-8231	754	81-1139.01
627	71-5655	691	71-8236	755	81-1281
628	71-5681	692	71-8239	756	81-1316
629	71-5707	693	71-8312	757	81-15,103
630	71-5710	694	71-8313	758	81-15,170
631	71-5711	695	71-8503	759	81-15,189
632	71-5713	696	72-249	760	81-15,210
633	71-5714	697	75-303.01	761	81-15,245
634	71-5803.04	698	75-303.02	762	81-2205
635	71-5829.05	699	75-303.03	763	81-2206
636	71-5859	700	76-1304	764	81-2213
637	71-5903	701	76-14,102	765	81-2226
638	71-6010	702	77-912	766	81-2229
639	71-6018.01	703	77-2602	767	81-2248
640	71-6019	704	77-2704.21	768	81-2249
641	71-6021	705	77-27,162	769	81-2250
642	71-6038	706	77-27,222	770	81-2251
643	71-6042	707	79-217	771	81-2252
644	71-6043	708	79-218	772	81-2255
645	71-6045	709	79-219	773	81-2260
646	71-6048	710	79-248	774	81-2265
647	71-6053	711	79-249	775	81-2267
648	71-6059	712	79-843	776	81-2268
649	71-6065	713	79-1104.04	777	81-3602
650	71-6068	714	79-1902	778	83-101.08
651	71-6103	715	79-1903	779	83-107.01
652	71-6208	716	79-1904	780	83-113
653	71-6221	717	79-1905	781	83-114
654	71-6301	718	80-314	782	83-115
655	71-6303	719	80-316	783	83-121
656	71-6309	720	80-317	784	83-126
657	71-6319.15	721	80-318	785	83-130
658	71-6319.28	722	80-319	786	83-305.03
659	71-6319.30	723	80-320	787	83-324
660	71-6319.31	724	80-321	788	83-336
661	71-6321	725	80-322	789	83-348
662	71-6602	726	81-101	790	83-363
663	71-6721	727	81-102	791	83-365
664	71-6724	728	81-502	792	83-366
665	71-6725	729	81-502.01	793	83-373
666	71-6732	730	81-601	794	83-374
667	71-6743	731	81-602	795	83-376
668	71-7012	732	81-604.01	796	83-379
669	71-7105	733	81-604.02	797	83-380
670	71-7107	734	81-604.03	798	83-381
671	71-7110	735	81-637	799	83-382
672	71-7434	736	81-638	800	83-383
673	71-7450	737	81-639	801	83-384
674	71-7457	738	81-640	802	83-385
675	71-7603	739	81-642	803	83-386
676	71-7606	740	81-652	804	83-387
677	71-7607	741	81-654	805	83-390

APPENDIX

2007		2007		2007		2007	
Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement
	806	83-802	5	81-11,105	10	84-1321.01	
	807	83-1204	6	47-632	11	84-1322	
	808	83-1206	7	47-633	12	50-417.02	
	809	83-1216	8	48-162.02	13	50-417.03	
	810	84-1409	9	55-131	14	50-417.04	
	811	85-134	10	60-1303	15	50-417.05	
	812	86-570	11	60-1513	16	50-417.06	
	813	Omitted	12	66-489	17	Omitted	
	814	Omitted	13	66-1345	18	Omitted	
	815	Omitted	14	66-1345.01	19	Omitted	
	816	Omitted	15	66-1345.02	LB 328A	Omitted	
LB 298	§ 1	32-618	16	66-1345.04	LB 333	§ 1	81-15,236
	2	Omitted	17	69-2436		2	81-15,237
LB 299	§ 1	37-406	18	71-3532		3	81-15,247
	2	37-407	19	71-7611		4	81-15,248
	3	37-414	20	77-2602		5	81-15,248.01
	4	37-426	21	81-188.02		6	81-15,250
	5	37-427	22	81-188.04		7	81-15,250.01
	6	37-431	23	81-188.06		8	Omitted
	7	37-447	24	81-523		9	Omitted
	8	37-449	25	81-5,153	LB 334	§ 1	2-257
	9	37-450	26	81-1108.22		2	11-201
	10	37-452	27	81-1201.21		3	23-1601
	11	37-457	28	Omitted		4	23-1611
	12	37-4,111	29	Omitted		5	35-509
	13	37-513	30	Omitted		6	49-506
	14	37-527	31	Omitted		7	49-617
	15	37-548	32	Omitted		8	57-239
	16	37-614	33	Omitted		9	60-147
	17	37-803	34	Omitted		10	60-3,189
	18	37-811	35	Omitted		11	60-3,202
	19	77-27,119.01	36	Omitted		12	76-214
	20	Omitted	37	81-12,105.01		13	77-103
LB 304	§ 1	77-6102	38	81-12,128		14	77-105
	2	77-6105	39	Omitted		15	77-202.01
	3	Omitted	40	Omitted		16	77-202.02
LB 305	§ 1	77-27,132	41	Omitted		17	77-202.03
	2	Omitted	42	Omitted		18	77-202.04
	3	Omitted	43	Omitted		19	77-202.05
LB 305A		Omitted	44	Omitted		20	77-202.09
LB 307	§ 1	60-6,356	LB 323	§ 1	72-730	21	77-202.12
	2	Omitted		2	81-179	22	77-202.13
LB 311	§ 1	32-1409		3	84-612	23	77-361
	2	Omitted		4	84-613	24	77-366
LB 313	§ 1	54-2429		5	Omitted	25	77-370
	2	Omitted		6	Omitted	26	77-374
LB 315	§ 1	49-801.01		7	Omitted	27	77-377
	2	Omitted		8	Omitted	28	77-414
	3	Omitted	LB 324	§ 1	81-2014	29	77-421
LB 316	§ 1	79-11,151		2	81-2014.01	30	77-422
	2	79-11,152		3	81-2041	31	77-603
	3	79-11,153		4	81-2017	32	77-603.01
	4	79-11,154		5	Omitted	33	77-605
	5	Omitted		6	Omitted	34	77-607
LB 316A		Omitted	LB 324A		Omitted	35	77-612
LB 317		Omitted	LB 328	§ 1	23-2308.01	36	77-683
LB 318		Omitted		2	23-2310.04	37	77-684
LB 319		Omitted		3	23-2317	38	77-685
LB 320		Omitted		4	23-2319.01	39	77-687
LB 321		Omitted		5	23-2319.02	40	77-689
LB 322	§ 1	24-229		6	23-2320	41	77-690
	2	81-2004.01		7	84-1309.02	42	77-691
	3	81-2004.06		8	84-1314	43	77-701
	4	81-2004.08		9	84-1319	44	77-702

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement			
	45	77-705	109	Omitted	42	85-1517		
	46	77-706	LB 338	§ 1	77-2716	43	85-1903	
	47	77-709		2	Omitted	44	Omitted	
	48	77-801.02		3	Omitted	45	Omitted	
	49	77-802.02	LB 339	§ 1	25-213	46	Omitted	
	50	77-803		2	81-8,294	47	Omitted	
	51	77-804		3	81-8,300.01	LB 342A	Omitted	
	52	77-1229		4	Omitted	LB 343	§ 1	77-2701
	53	77-1233.06	LB 341	§ 1	43-3901	2	77-27,236	
	54	77-1247		2	43-3902	3	77-2715.07	
	55	77-1249		3	43-3903	4	77-2715.08	
	56	77-1249.01		4	43-3904	5	77-2715.09	
	57	77-1250		5	43-3905	6	77-2734.03	
	58	77-1250.02		6	43-3906	7	Omitted	
	59	77-1250.03		7	43-3907	8	Omitted	
	60	77-1250.04		8	43-3908	LB 343A	Omitted	
	61	77-1250.05		9	43-3909	LB 347	§ 1	11-104
	62	77-1301.01		10	43-3910	2	14-208	
	63	77-1311		11	43-3911	3	14-553	
	64	77-1311.02		12	43-3912	4	15-251	
	65	77-1327		13	43-1230	5	15-307	
	66	77-1330		14	Omitted	6	15-308	
	67	77-1331		15	Omitted	7	15-317	
	68	77-1333	LB 342	§ 1	85-2201	8	16-219	
	69	77-1334		2	85-2202	9	16-304	
	70	77-1339		3	85-2203	10	16-318	
	71	77-1340		4	85-2204	11	17-541	
	72	77-1342		5	85-2205	12	17-604	
	73	77-1345		6	85-2206	13	Omitted	
	74	77-1346		7	85-2207	LB 349	§ 1	60-301
	75	77-1355		8	85-2208	2	60-3,221	
	76	77-1374		9	85-2209	3	Omitted	
	77	77-1376		10	85-2210	LB 351	§ 1	43-504
	78	77-1392		11	85-2211	2	43-512	
	79	77-1514		12	85-2212	3	68-915	
	80	77-1613.01		13	85-2213	4	68-1709	
	81	77-1735		14	85-2214	5	68-1710	
	82	77-1736.06		15	85-2215	6	68-1713	
	83	77-1749		16	85-2216	7	68-1718	
	84	77-1750		17	85-2217	8	68-1721	
	85	77-1763		18	85-2218	9	68-1722	
	86	77-1766		19	85-2219	10	68-1723	
	87	77-1775		20	85-2220	11	68-1724	
	88	77-3902		21	85-2221	12	Omitted	
	89	77-3903		22	85-2222	LB 351A	Omitted	
	90	77-3904		23	85-2223	LB 358	§ 1	75-392
	91	77-3905		24	85-2224	2	75-393	
	92	77-3906		25	85-2225	3	75-394	
	93	77-3907		26	85-2226	4	75-395	
	94	77-3908		27	85-2227	5	75-396	
	95	77-4105		28	85-2228	6	75-397	
	96	77-5007		29	85-2229	7	75-398	
	97	77-5008		30	13-518	8	75-399	
	98	77-5725		31	77-3442	9	60-3,137	
	99	77-6006		32	85-9,177	10	60-3,205	
	100	77-1311.03		33	85-9,178	11	66-1406.02	
	101	79-1016		34	85-9,179	12	75-302	
	102	81-101		35	85-9,180	13	75-307	
	103	81-102		36	85-9,181	14	75-369.03	
	104	81-109		37	85-9,182	15	75-370	
	105	81-1401		38	85-1416	16	75-371	
	106	Omitted		39	85-1418	17	75-386	
	107	Omitted		40	85-1503	18	Omitted	
	108	Omitted		41	85-1511	19	Omitted	

APPENDIX

2007		2007		2007		2007	
Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement
LB 364	§ 1	77-2014	30	21-2930	94	21-2994	
	2	Omitted	31	21-2931	95	21-2995	
LB 367	§ 1	77-4209	32	21-2932	96	21-2996	
	2	77-4210	33	21-2933	97	21-2997	
	3	77-4211	34	21-2934	98	21-2998	
	4	77-4212	35	21-2935	99	21-2999	
	5	77-908	36	21-2936	100	21-29,100	
	6	77-2101.01	37	21-2937	101	21-29,101	
	7	77-2101.02	38	21-2938	102	21-29,102	
	8	77-2101.03	39	21-2939	103	21-29,103	
	9	77-2701	40	21-2940	104	21-29,104	
	10	77-2701.04	41	21-2941	105	21-29,105	
	11	77-2704.57	42	21-2942	106	21-29,106	
	12	77-2701.10	43	21-2943	107	21-29,107	
	13	77-2701.16	44	21-2944	108	21-29,108	
	14	77-2701.34	45	21-2945	109	21-29,109	
	15	77-2703	46	21-2946	110	21-29,110	
	16	77-2703.01	47	21-2947	111	21-29,111	
	17	77-2704.33	48	21-2948	112	21-29,112	
	18	77-2704.55	49	21-2949	113	21-29,113	
	19	77-2715.02	50	21-2950	114	21-29,114	
	20	77-2715.07	51	21-2951	115	21-29,115	
	21	77-2716.01	52	21-2952	116	21-29,116	
	22	77-2717	53	21-2953	117	21-29,117	
	23	77-2734.03	54	21-2954	118	21-29,118	
	24	77-27,235	55	21-2955	119	21-29,119	
	25	77-3806	56	21-2956	120	21-29,120	
	26	Omitted	57	21-2957	121	21-29,121	
	27	Omitted	58	21-2958	122	21-29,122	
	28	Omitted	59	21-2959	123	21-29,123	
	29	Omitted	60	21-2960	124	21-29,124	
	30	Omitted	61	21-2961	125	21-29,125	
	31	Omitted	62	21-2962	126	21-29,126	
	32	Omitted	63	21-2963	127	21-29,127	
LB 367A		Omitted	64	21-2964	128	21-29,128	
LB 368	§ 1	21-2901	65	21-2965	129	21-29,129	
	2	21-2902	66	21-2966	130	21-29,130	
	3	21-2903	67	21-2967	131	21-29,131	
	4	21-2904	68	21-2968	132	21-29,132	
	5	21-2905	69	21-2969	133	21-29,133	
	6	21-2906	70	21-2970	134	21-29,134	
	7	21-2907	71	21-2971	135	77-2716	
	8	21-2908	72	21-2972	136	77-27,187.01	
	9	21-2909	73	21-2973	137	77-27,194	
	10	21-2910	74	21-2974	138	77-5509	
	11	21-2911	75	21-2975	139	77-5719	
	12	21-2912	76	21-2976	140	77-5728	
	13	21-2913	77	21-2977	141	77-5903	
	14	21-2914	78	21-2978	142	Omitted	
	15	21-2915	79	21-2979	143	Omitted	
	16	21-2916	80	21-2980		Omitted	
	17	21-2917	81	21-2981	LB 368A		
	18	21-2918	82	21-2982	LB 373	§ 1	27-1201
	19	21-2919	83	21-2983	LB 374	§ 1	71-5666
	20	21-2920	84	21-2984		2	71-5667
	21	21-2921	85	21-2985		3	Omitted
	22	21-2922	86	21-2986		4	Omitted
	23	21-2923	87	21-2987	LB 377	§ 1	24-201.01
	24	21-2924	88	21-2988		2	24-301.02
	25	21-2925	89	21-2989		3	24-503
	26	21-2926	90	21-2990		4	43-2,119
	27	21-2927	91	21-2991		5	Omitted
	28	21-2928	92	21-2992		6	Omitted
	29	21-2929	93	21-2993		7	Omitted

CROSS REFERENCE TABLE

2007		2007		2007		2007	
Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement
LB 377A	Omitted		2 Omitted		57	38-157	
LB 382	§ 1 64-210	LB 456	§ 1 77-2715.07		58	38-158	
	2 Omitted		2 77-2716		59	38-159	
LB 388	§ 1 81-1201.04		3 77-3807		60	38-160	
	2 81-1201.05		4 Omitted		61	38-161	
	3 81-1201.14	LB 457	§ 1 43-1314.02		62	38-162	
	4 Omitted		2 43-1318		63	38-163	
LB 389	§ 1 84-712.05		3 Omitted		64	38-164	
	2 Omitted	LB 463	§ 1 38-101		65	38-165	
	3 Omitted		2 38-102		66	38-166	
LB 390	§ 1 81-15,123		3 38-103		67	38-167	
	2 Omitted		4 38-104		68	38-168	
LB 396	§ 1 81-8,194		5 38-105		69	38-169	
	2 Omitted		6 38-106		70	38-170	
	3 Omitted		7 38-107		71	38-171	
LB 415	§ 1 60-462		8 38-108		72	38-172	
	2 60-463		9 38-109		73	38-173	
	3 60-470.02		10 38-110		74	38-174	
	4 60-4,120.01		11 38-111		75	38-175	
	5 60-4,123		12 38-112		76	38-176	
	6 60-4,124		13 38-113		77	38-177	
	7 Omitted		14 38-114		78	38-178	
	8 Omitted		15 38-115		79	38-179	
LB 415A	Omitted		16 38-116		80	38-180	
LB 422	§ 1 54-191		17 38-117		81	38-181	
	2 54-192		18 38-118		82	38-182	
	3 54-194		19 38-119		83	38-183	
	4 Omitted		20 38-120		84	38-184	
	5 Omitted		21 38-121		85	38-185	
LB 424	§ 1 28-419		22 38-122		86	38-186	
	2 Omitted		23 38-123		87	38-187	
LB 425	§ 1 81-12,129		24 38-124		88	38-188	
	2 81-12,130		25 38-125		89	38-189	
	3 81-12,131		26 38-126		90	38-190	
	4 81-12,132		27 38-127		91	38-191	
	5 81-12,133		28 38-128		92	38-192	
	6 81-12,134		29 38-129		93	38-193	
	7 81-12,135		30 38-130		94	38-194	
LB 425A	Omitted		31 38-131		95	38-195	
LB 434	§ 1 49-1458		32 38-132		96	38-196	
	2 49-1478.01		33 38-133		97	38-197	
	3 49-1479.02		34 38-134		98	38-198	
	4 49-1483.03		35 38-135		99	38-199	
	5 Omitted		36 38-136		100	38-1,100	
LB 435	§ 1 2-108		37 38-137		101	38-1,101	
	2 2-111		38 38-138		102	38-1,102	
	3 2-131		39 38-139		103	38-1,103	
	4 Omitted		40 38-140		104	38-1,104	
	5 Omitted		41 38-141		105	38-1,105	
LB 441	§ 1 53-123.15		42 38-142		106	38-1,106	
	2 2-5601		43 38-143		107	38-1,107	
	3 2-5602		44 38-144		108	38-1,108	
	4 2-5603		45 38-145		109	38-1,109	
	5 2-5604		46 38-146		110	38-1,110	
	6 2-5605		47 38-147		111	38-1,111	
	7 53-304		48 38-148		112	38-1,112	
	8 Omitted		49 38-149		113	38-1,113	
LB 441A	Omitted		50 38-150		114	38-1,114	
LB 445	§ 1 71-8601		51 38-151		115	38-1,115	
	2 71-8603		52 38-152		116	38-1,116	
	3 71-8610.01		53 38-153		117	38-1,117	
	4 71-8610.02		54 38-154		118	38-1,118	
	5 Omitted		55 38-155		119	38-1,119	
LB 449	§ 1 25-1285		56 38-156		120	38-1,120	

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
121	38-1,121	185	38-413	249	38-808
122	38-1,122	186	38-414	250	38-809
123	38-1,123	187	38-501	251	38-810
124	38-1,124	188	38-502	252	38-811
125	38-1,125	189	38-503	253	38-901
126	38-1,126	190	38-504	254	38-902
127	38-1,127	191	38-505	255	38-903
128	38-1,128	192	38-507	256	38-904
129	38-1,129	193	38-508	257	38-905
130	38-1,130	194	38-509	258	38-906
131	38-1,131	195	38-510	259	38-907
132	38-1,132	196	38-511	260	38-908
133	38-1,133	197	38-512	261	38-909
134	38-1,134	198	38-513	262	38-910
135	38-1,135	199	38-514	263	38-1001
136	38-1,136	200	38-515	264	38-1002
137	38-1,137	201	38-516	265	38-1003
138	38-1,138	202	38-517	266	38-1004
139	38-1,139	203	38-518	267	38-1005
140	38-201	204	38-519	268	38-1006
141	38-202	205	38-520	269	38-1007
142	38-203	206	38-521	270	38-1008
143	38-204	207	38-522	271	38-1009
144	38-205	208	38-523	272	38-1010
145	38-206	209	38-524	273	38-1011
146	38-207	210	38-525	274	38-1012
147	38-208	211	38-526	275	38-1013
148	38-209	212	38-527	276	38-1014
149	38-210	213	38-601	277	38-1015
150	38-211	214	38-602	278	38-1016
151	38-212	215	38-603	279	38-1017
152	38-301	216	38-604	280	38-1018
153	38-302	217	38-605	281	38-1019
154	38-303	218	38-606	282	38-1020
155	38-304	219	38-607	283	38-1021
156	38-305	220	38-608	284	38-1022
157	38-306	221	38-609	285	38-1023
158	38-307	222	38-610	286	38-1024
159	38-308	223	38-611	287	38-1025
160	38-309	224	38-612	288	38-1026
161	38-310	225	38-613	289	38-1027
162	38-311	226	38-614	290	38-1028
163	38-312	227	38-615	291	38-1029
164	38-313	228	38-616	292	38-1030
165	38-314	229	38-617	293	38-1031
166	38-315	230	38-618	294	38-1032
167	38-316	231	38-701	295	38-1033
168	38-317	232	38-702	296	38-1034
169	38-318	233	38-703	297	38-1035
170	38-319	234	38-704	298	38-1036
171	38-320	235	38-705	299	38-1037
172	38-321	236	38-706	300	38-1038
173	38-401	237	38-707	301	38-1039
174	38-402	238	38-708	302	38-1040
175	38-403	239	38-709	303	38-1041
176	38-404	240	38-710	304	38-1042
177	38-405	241	38-711	305	38-1043
178	38-406	242	38-801	306	38-1044
179	38-407	243	38-802	307	38-1045
180	38-408	244	38-803	308	38-1046
181	38-409	245	38-804	309	38-1047
182	38-410	246	38-805	310	38-1048
183	38-411	247	38-806	311	38-1049
184	38-412	248	38-807	312	38-1050

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
313	38-1051	377	38-10,115	441	38-1108
314	38-1052	378	38-10,116	442	38-1109
315	38-1053	379	38-10,117	443	38-1110
316	38-1054	380	38-10,118	444	38-1111
317	38-1055	381	38-10,119	445	38-1112
318	38-1056	382	38-10,120	446	38-1113
319	38-1057	383	38-10,121	447	38-1114
320	38-1058	384	38-10,122	448	38-1115
321	38-1059	385	38-10,123	449	38-1116
322	38-1060	386	38-10,124	450	38-1117
323	38-1061	387	38-10,125	451	38-1118
324	38-1062	388	38-10,126	452	38-1119
325	38-1063	389	38-10,127	453	38-1120
326	38-1064	390	38-10,128	454	38-1121
327	38-1065	391	38-10,129	455	38-1122
328	38-1066	392	38-10,130	456	38-1123
329	38-1067	393	38-10,131	457	38-1124
330	38-1068	394	38-10,132	458	38-1125
331	38-1069	395	38-10,133	459	38-1126
332	38-1070	396	38-10,134	460	38-1127
333	38-1071	397	38-10,135	461	38-1128
334	38-1072	398	38-10,136	462	38-1129
335	38-1073	399	38-10,137	463	38-1130
336	38-1074	400	38-10,138	464	38-1131
337	38-1075	401	38-10,139	465	38-1132
338	38-1076	402	38-10,140	466	38-1133
339	38-1077	403	38-10,141	467	38-1134
340	38-1078	404	38-10,142	468	38-1135
341	38-1079	405	38-10,143	469	38-1136
342	38-1080	406	38-10,144	470	38-1137
343	38-1081	407	38-10,145	471	38-1138
344	38-1082	408	38-10,146	472	38-1139
345	38-1083	409	38-10,147	473	38-1140
346	38-1084	410	38-10,148	474	38-1141
347	38-1085	411	38-10,149	475	38-1142
348	38-1086	412	38-10,150	476	38-1143
349	38-1087	413	38-10,151	477	38-1144
350	38-1088	414	38-10,152	478	38-1145
351	38-1089	415	38-10,153	479	38-1146
352	38-1090	416	38-10,154	480	38-1147
353	38-1091	417	38-10,155	481	38-1148
354	38-1092	418	38-10,156	482	38-1149
355	38-1093	419	38-10,157	483	38-1150
356	38-1094	420	38-10,158	484	38-1151
357	38-1095	421	38-10,159	485	38-1201
358	38-1096	422	38-10,160	486	38-1202
359	38-1097	423	38-10,161	487	38-1203
360	38-1098	424	38-10,162	488	38-1204
361	38-1099	425	38-10,163	489	38-1205
362	38-10,100	426	38-10,164	490	38-1206
363	38-10,101	427	38-10,165	491	38-1207
364	38-10,102	428	38-10,166	492	38-1208
365	38-10,103	429	38-10,167	493	38-1209
366	38-10,104	430	38-10,168	494	38-1210
367	38-10,105	431	38-10,169	495	38-1211
368	38-10,106	432	38-10,170	496	38-1212
369	38-10,107	433	38-10,171	497	38-1213
370	38-10,108	434	38-1101	498	38-1214
371	38-10,109	435	38-1102	499	38-1215
372	38-10,110	436	38-1103	500	38-1216
373	38-10,111	437	38-1104	501	38-1217
374	38-10,112	438	38-1105	502	38-1218
375	38-10,113	439	38-1106	503	38-1219
376	38-10,114	440	38-1107	504	38-1220

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
505	38-1221	569	38-1505	633	38-1811
506	38-1222	570	38-1506	634	38-1812
507	38-1223	571	38-1507	635	38-1813
508	38-1224	572	38-1508	636	38-1814
509	38-1225	573	38-1509	637	38-1815
510	38-1226	574	38-1510	638	38-1816
511	38-1227	575	38-1511	639	38-1901
512	38-1228	576	38-1512	640	38-1902
513	38-1229	577	38-1513	641	38-1903
514	38-1230	578	38-1514	642	38-1904
515	38-1231	579	38-1515	643	38-1905
516	38-1232	580	38-1516	644	38-1906
517	38-1233	581	38-1517	645	38-1907
518	38-1234	582	38-1518	646	38-1908
519	38-1235	583	38-1601	647	38-1909
520	38-1236	584	38-1602	648	38-1910
521	38-1237	585	38-1603	649	38-1911
522	38-1301	586	38-1604	650	38-1912
523	38-1302	587	38-1605	651	38-1913
524	38-1303	588	38-1606	652	38-1914
525	38-1304	589	38-1607	653	38-1915
526	38-1305	590	38-1608	654	38-1916
527	38-1306	591	38-1609	655	38-1917
528	38-1307	592	38-1610	656	38-1918
529	38-1308	593	38-1611	657	38-1919
530	38-1309	594	38-1612	658	38-1920
531	38-1310	595	38-1613	659	38-2001
532	38-1311	596	38-1614	660	38-2002
533	38-1312	597	38-1615	661	38-2003
534	38-1313	598	38-1616	662	38-2004
535	38-1314	599	38-1617	663	38-2005
536	38-1315	600	38-1618	664	38-2006
537	38-1401	601	38-1619	665	38-2007
538	38-1402	602	38-1620	666	38-2008
539	38-1403	603	38-1621	667	38-2009
540	38-1404	604	38-1622	668	38-2010
541	38-1405	605	38-1623	669	38-2011
542	38-1406	606	38-1624	670	38-2012
543	38-1407	607	38-1625	671	38-2013
544	38-1408	608	38-1701	672	38-2014
545	38-1409	609	38-1702	673	38-2015
546	38-1410	610	38-1703	674	38-2016
547	38-1411	611	38-1704	675	38-2017
548	38-1412	612	38-1705	676	38-2018
549	38-1413	613	38-1706	677	38-2019
550	38-1414	614	38-1707	678	38-2020
551	38-1415	615	38-1708	679	38-2021
552	38-1416	616	38-1709	680	38-2022
553	38-1417	617	38-1710	681	38-2023
554	38-1418	618	38-1711	682	38-2024
555	38-1419	619	38-1712	683	38-2025
556	38-1420	620	38-1713	684	38-2026
557	38-1421	621	38-1714	685	38-2027
558	38-1422	622	38-1715	686	38-2028
559	38-1423	623	38-1801	687	38-2029
560	38-1424	624	38-1802	688	38-2030
561	38-1425	625	38-1803	689	38-2031
562	38-1426	626	38-1804	690	38-2032
563	38-1427	627	38-1805	691	38-2033
564	38-1428	628	38-1806	692	38-2034
565	38-1501	629	38-1807	693	38-2035
566	38-1502	630	38-1808	694	38-2036
567	38-1503	631	38-1809	695	38-2037
568	38-1504	632	38-1810	696	38-2038

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
697	38-2039	761	38-2205	825	38-2410
698	38-2040	762	38-2206	826	38-2411
699	38-2041	763	38-2207	827	38-2412
700	38-2042	764	38-2208	828	38-2413
701	38-2043	765	38-2209	829	38-2414
702	38-2044	766	38-2210	830	38-2415
703	38-2045	767	38-2211	831	38-2416
704	38-2046	768	38-2212	832	38-2417
705	38-2047	769	38-2213	833	38-2418
706	38-2048	770	38-2214	834	38-2419
707	38-2049	771	38-2215	835	38-2420
708	38-2050	772	38-2216	836	38-2421
709	38-2051	773	38-2217	837	38-2422
710	38-2052	774	38-2218	838	38-2423
711	38-2053	775	38-2219	839	38-2424
712	38-2054	776	38-2220	840	38-2425
713	38-2055	777	38-2221	841	38-2501
714	38-2056	778	38-2222	842	38-2502
715	38-2057	779	38-2223	843	38-2503
716	38-2058	780	38-2224	844	38-2504
717	38-2059	781	38-2225	845	38-2505
718	38-2060	782	38-2226	846	38-2506
719	38-2061	783	38-2227	847	38-2507
720	38-2101	784	38-2228	848	38-2508
721	38-2102	785	38-2229	849	38-2509
722	38-2103	786	38-2230	850	38-2510
723	38-2104	787	38-2231	851	38-2511
724	38-2105	788	38-2232	852	38-2512
725	38-2106	789	38-2233	853	38-2513
726	38-2107	790	38-2234	854	38-2514
727	38-2108	791	38-2235	855	38-2515
728	38-2109	792	38-2236	856	38-2516
729	38-2110	793	38-2301	857	38-2517
730	38-2111	794	38-2302	858	38-2518
731	38-2112	795	38-2303	859	38-2519
732	38-2114	796	38-2304	860	38-2520
733	38-2115	797	38-2305	861	38-2521
734	38-2116	798	38-2306	862	38-2522
735	38-2117	799	38-2307	863	38-2523
736	38-2118	800	38-2308	864	38-2524
737	38-2119	801	38-2309	865	38-2525
738	38-2120	802	38-2310	866	38-2526
739	38-2121	803	38-2311	867	38-2527
740	38-2122	804	38-2312	868	38-2528
741	38-2123	805	38-2313	869	38-2529
742	38-2125	806	38-2314	870	38-2530
743	38-2126	807	38-2315	871	38-2531
744	38-2127	808	38-2316	872	38-2601
745	38-2128	809	38-2317	873	Omitted
746	38-2129	810	38-2318	874	38-2602
747	38-2130	811	38-2319	875	38-2603
748	38-2131	812	38-2320	876	38-2604
749	38-2132	813	38-2321	877	38-2605
750	38-2133	814	38-2322	878	38-2606
751	38-2134	815	38-2323	879	38-2607
752	38-2135	816	38-2401	880	38-2608
753	38-2136	817	38-2402	881	38-2609
754	38-2137	818	38-2403	882	38-2610
755	38-2138	819	38-2404	883	38-2611
756	38-2139	820	38-2405	884	38-2612
757	38-2201	821	38-2406	885	38-2613
758	38-2202	822	38-2407	886	38-2614
759	38-2203	823	38-2408	887	38-2615
760	38-2204	824	38-2409	888	Omitted

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
889	38-2616	953	38-2857	1017	38-2924
890	38-2617	954	38-2858	1018	38-2925
891	38-2618	955	38-2859	1019	38-2926
892	38-2619	956	38-2860	1020	38-2927
893	38-2620	957	38-2861	1021	38-2928
894	38-2621	958	38-2862	1022	38-2929
895	38-2622	959	38-2863	1023	38-3001
896	38-2623	960	38-2864	1024	38-3002
897	38-2801	961	38-2865	1025	38-3003
898	38-2802	962	38-2866	1026	38-3004
899	38-2803	963	38-2867	1027	38-3005
900	38-2804	964	38-2868	1028	38-3006
901	38-2805	965	38-2869	1029	38-3007
902	38-2806	966	38-2870	1030	38-3008
903	38-2807	967	38-2871	1031	38-3009
904	38-2808	968	38-2872	1032	38-3010
905	38-2809	969	38-2873	1033	38-3011
906	38-2810	970	38-2874	1034	38-3012
907	38-2811	971	38-2875	1035	38-3101
908	38-2812	972	38-2876	1036	38-3102
909	38-2813	973	38-2877	1037	38-3103
910	38-2814	974	38-2878	1038	38-3104
911	38-2815	975	38-2879	1039	38-3105
912	38-2816	976	38-2880	1040	38-3106
913	38-2817	977	38-2881	1041	38-3107
914	38-2818	978	38-2882	1042	38-3108
915	38-2819	979	38-2883	1043	38-3109
916	38-2820	980	38-2884	1044	38-3110
917	38-2821	981	38-2885	1045	38-3111
918	38-2822	982	38-2886	1046	38-3112
919	38-2823	983	38-2887	1047	38-3113
920	38-2824	984	38-2888	1048	38-3114
921	38-2825	985	38-2889	1049	38-3115
922	38-2826	986	Omitted	1050	38-3116
923	38-2827	987	Omitted	1051	38-3117
924	38-2828	988	38-2898	1052	38-3118
925	38-2829	989	38-2899	1053	38-3119
926	38-2830	990	38-28,100	1054	38-3120
927	38-2831	991	38-28,101	1055	38-3121
928	38-2832	992	38-28,102	1056	38-3122
929	38-2833	993	38-28,103	1057	38-3123
930	38-2834	994	38-2901	1058	38-3124
931	38-2835	995	38-2902	1059	38-3125
932	38-2836	996	38-2903	1060	38-3126
933	38-2837	997	38-2904	1061	38-3127
934	38-2838	998	38-2905	1062	38-3128
935	38-2839	999	38-2906	1063	38-3129
936	38-2840	1000	38-2907	1064	38-3130
937	38-2841	1001	38-2908	1065	38-3131
938	38-2842	1002	38-2909	1066	38-3132
939	38-2843	1003	38-2910	1067	38-3201
940	38-2844	1004	38-2911	1068	38-3202
941	38-2845	1005	38-2912	1069	38-3203
942	38-2846	1006	38-2913	1070	38-3204
943	38-2847	1007	38-2914	1071	38-3205
944	38-2848	1008	38-2915	1072	38-3206
945	38-2849	1009	38-2916	1073	38-3207
946	38-2850	1010	38-2917	1074	38-3208
947	38-2851	1011	38-2918	1075	38-3209
948	38-2852	1012	38-2919	1076	38-3210
949	38-2853	1013	38-2920	1077	38-3211
950	38-2854	1014	38-2921	1078	38-3212
951	38-2855	1015	38-2922	1079	38-3213
952	38-2856	1016	38-2923	1080	38-3214

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
1081	38-3215	1145	46-1203	1209	71-3503
1082	38-3216	1146	46-1204.01	1210	71-3505
1083	38-3301	1147	46-1205	1211	71-3507
1084	38-3302	1148	46-1205.01	1212	71-3508.03
1085	38-3303	1149	46-1207.01	1213	71-3515
1086	38-3304	1150	46-1209	1214	71-3517
1087	38-3305	1151	46-1210	1215	71-3518.01
1088	38-3306	1152	46-1213	1216	71-3519
1089	38-3307	1153	46-1214	1217	71-4305
1090	38-3308	1154	46-1214.01	1218	71-4807
1091	38-3309	1155	46-1217	1219	71-4810
1092	38-3310	1156	46-1218	1220	71-4813
1093	38-3311	1157	46-1219	1221	71-51,102
1094	38-3312	1158	46-1227.01	1222	71-51,103
1095	38-3313	1159	46-1223	1223	71-5301
1096	38-3314	1160	46-1223.01	1224	71-5303
1097	38-3315	1161	46-1224	1225	71-5305.02
1098	38-3316	1162	46-1225	1226	71-5307
1099	38-3317	1163	46-1227	1227	71-5308
1100	38-3318	1164	46-1229	1228	71-5309
1101	38-3319	1165	46-1230	1229	71-5311
1102	38-3320	1166	46-1231	1230	71-5312.01
1103	38-3321	1167	46-1233	1231	71-5313
1104	38-3322	1168	46-1235	1232	71-5402
1105	38-3323	1169	46-1238	1233	71-5654
1106	38-3324	1170	46-1239	1234	71-5662
1107	38-3325	1171	46-1240	1235	71-6038
1108	38-3326	1172	46-1241	1236	71-6039
1109	38-3327	1173	54-311	1237	71-6040
1110	38-3328	1174	60-4,118.02	1238	71-6041
1111	38-3329	1175	60-6,261	1239	71-6042
1112	38-3330	1176	69-302	1240	71-6039.06
1113	12-1208	1177	69-2429	1241	71-6211
1114	25-12,123	1178	71-1,190	1242	71-6218
1115	25-21,188.02	1179	71-414	1243	71-6301
1116	25-21,247	1180	71-425	1244	71-6303
1117	27-504	1181	71-448	1245	71-6304
1118	28-328	1182	71-507	1246	71-6305
1119	28-401	1183	71-551	1247	71-6306
1120	28-401.01	1184	71-605	1248	71-6307
1121	28-409	1185	71-906	1249	71-6309
1122	28-414	1186	71-1356	1250	71-6310
1123	28-435	1187	71-1357	1251	71-6310.01
1124	28-435.01	1188	71-1361	1252	71-6310.02
1125	28-435.02	1189	71-1363	1253	71-6310.03
1126	28-435.03	1190	71-1373	1254	71-6310.04
1127	28-1013	1191	71-17,102	1255	71-6312
1128	28-1301	1192	71-17,113	1256	71-6313
1129	29-2261	1193	71-2407	1257	71-6314
1130	29-4013	1194	71-2411	1258	71-6315
1131	43-129	1195	71-2412	1259	71-6317
1132	43-146.03	1196	71-2418	1260	71-6318
1133	43-1302	1197	71-2419	1261	71-6318.01
1134	44-526	1198	71-2420	1262	71-6319.01
1135	44-792	1199	71-2421	1263	71-6319.02
1136	44-2804	1200	71-2423	1264	71-6319.04
1137	44-2902	1201	71-2431	1265	71-6319.05
1138	44-32,170	1202	71-2437	1266	71-6319.06
1139	44-4110	1203	71-2505	1267	71-6319.07
1140	46-602	1204	71-2509	1268	71-6319.08
1141	46-602.01	1205	71-2510	1269	71-6319.09
1142	46-604	1206	71-2610.01	1270	71-6319.10
1143	46-1201	1207	71-3501	1271	71-6319.29
1144	46-1202	1208	71-3502	1272	71-6319.40

APPENDIX

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	
	1273	71-6320	8	81-8,138	6	Omitted
	1274	71-6321	9	81-8,139	LB 530	§ 1 46-2,139
	1275	71-6322	10	81-8,139.01		2 Omitted
	1276	71-6323	11	81-8,131	LB 537	§ 1 66-741
	1277	71-6326	12	Omitted		2 Omitted
	1278	71-6327	13	Omitted	LB 540	§ 1 47-635
	1279	71-6328	LB 472	§ 1 48-801		2 47-636
	1280	71-6328.01		2 48-804		3 47-637
	1281	71-6329		3 48-804.01		4 47-638
	1282	71-6330		4 48-805		5 47-639
	1283	71-6331		5 48-806		6 Omitted
	1284	71-6331.01		6 48-816.01	LB 540A	Omitted
	1285	71-6328.02		7 48-838	LB 542	§ 1 43-4001
	1286	71-6721		8 49-617		2 43-4002
	1287	71-6726		9 Omitted		3 43-4003
	1288	71-6727	LB 481	§ 1 71-101		4 43-407
	1289	71-6728		2 71-104.01		5 Omitted
	1290	71-6734		3 71-131		6 Omitted
	1291	71-6742		4 71-1,106.01	LB 549	§ 1 53-101
	1292	71-7001		5 Omitted		2 53-103
	1293	71-7427		6 Omitted		3 53-116.02
	1294	71-7436	LB 482	§ 1 85-1,138		4 53-117.07
	1295	71-7454		2 85-1,139		5 53-123
	1296	71-7457		3 85-1,140		6 53-123.16
	1297	71-7460.01		4 85-1,141		7 53-124
	1298	71-7460.02		5 85-1,142		8 53-124.11
	1299	71-7460.03		6 71-7611		9 53-124.12
	1300	71-7460.04		7 Omitted		10 53-129
	1301	71-7702		8 Omitted		11 53-131
	1302	71-7901		9 Omitted		12 53-132
	1303	71-8228	LB 482A	Omitted		13 53-133
	1304	71-8231	LB 497	§ 1 55-501		14 53-134
	1305	71-8253		2 55-502		15 53-134.03
	1306	71-8402		3 55-503		16 53-164.01
	1307	71-8709		4 55-504		17 53-169
	1308	77-2704.09		5 55-505		18 53-171
	1309	77-3504		6 55-506		19 53-188
	1310	80-325		7 55-507		20 53-1,115
	1311	81-2,281		8 Omitted		21 Omitted
	1312	81-657	LB 502	§ 1 77-2004	LB 549A	Omitted
	1313	81-6,102		2 77-2005	LB 551	§ 1 13-2602
	1314	81-2121		3 77-2006		2 13-2603
	1315	81-3115		4 77-2010		3 13-2605
	1316	Omitted		5 77-2040		4 13-2607
	1317	Omitted		6 Omitted		5 13-2609
	1318	Omitted	LB 504	§ 1 37-201		6 13-2610
	1319	Omitted		2 37-571		7 13-2612
LB 464	§ 1	28-915.01		3 37-572		8 13-2706
	2	49-1401		4 37-573		9 Omitted
	3	49-14,123		5 Omitted		10 Omitted
	4	49-14,124.02	LB 508	§ 1 24-707		11 Omitted
	5	49-14,126		2 79-956	LB 551A	Omitted
	6	49-14,133		3 Omitted	LB 554	§ 1 43-2920
	7	Omitted		4 Omitted		2 43-2921
LB 470	§ 1	29-3523	LB 516	§ 1 50-446		3 43-2922
	2	Omitted		2 50-447		4 43-2923
LB 470A		Omitted		3 50-448		5 43-2924
LB 471	§ 1	81-8,129		4 Omitted		6 43-2925
	2	81-8,130.01	LB 516A	Omitted		7 43-2926
	3	81-8,132	LB 527	§ 1 49-1401		8 43-2927
	4	81-8,133		2 49-1449		9 43-2928
	5	81-8,133.01		3 49-1449.01		10 43-2929
	6	81-8,134		4 49-1463.02		11 43-2930
	7	81-8,135		5 49-14,140		12 43-2931

CROSS REFERENCE TABLE

2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement	2007 Session Laws	2007 Supplement
	13		4	17	79-1246
	14		5	18	79-1247
	15	LB 570	§ 1	19	79-1248
	16		2	20	79-1249
	17		3	21	79-1223
	18		4	22	79-1233
	19		5	23	79-1241
	20		6	24	79-1241.03
	21		7	25	79-1241.01
	22		8	26	79-1241.02
	23		9	27	79-1243
	24	LB 573	§ 1	28	79-1304
	25		2	29	79-1336
	26		3	30	79-1337
	27		4	31	84-304
	28		5	32	86-515
	29		6	33	86-5,100
	30		7	34	86-5,101
	31		8	35	Omitted
	32		9	36	Omitted
	33		10	37	Omitted
	34		11	38	Omitted
	35		12	39	Omitted
	36		13	40	Omitted
	37	LB 578	§ 1		Omitted
	38		2	LB 603A	
	39		3	LB 610	§ 1
	40		4	LB 629	§ 1
	41		5		2
	42		6		3
	43	LB 580	§ 1		4
	44		2		5
	45		3		6
	46		4		7
	47		5		8
	48	LB 588	§ 1		9
	49		2		10
			3		11
			4	LB 629A	Omitted
LB 554A			5	LB 636	§ 1
LB 561	§ 1		6		2
	2		7		3
	3		8		4
LB 562	§ 1		9		5
	2	LB 588A			6
	3	LB 596	§ 1		7
	4		2		Omitted
	5		3	LB 638	§ 1
	6		4		2
	7		5		3
	8	LB 603	§ 1		4
	9		2		5
	10		3		6
	11		4		7
	12		5		8
LB 564	§ 1		6		9
	2		7		10
	3		8		11
	4		9		12
	5		10		13
	6		11		14
	7		12		15
	8		13		16
LB 568	§ 1		14		17
	2		15		18
	3		16		19

APPENDIX

2007		2007		2007		2007	
Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement	Session Laws	Supplement
	20 Omitted		3 32-235		2 8-2602		
	21 Omitted		4 32-612		3 8-2603		
LB 641	§ 1 32-567		5 32-808		4 8-2604		
	2 32-604		6 32-904		5 8-2605		
	3 32-606		7 32-906		6 8-2606		
	4 77-3442		8 32-909		7 8-2607		
	5 79-4,117		9 32-1001		8 8-2608		
	6 79-4,125		10 32-1002		9 8-2609		
	7 79-4,126		11 32-1004		10 8-2610		
	8 79-4,128		12 32-1010		11 8-2611		
	9 79-528		13 32-1027		12 8-2612		
	10 79-611		14 32-1041		13 8-2613		
	11 79-769		15 32-1049		14 8-2614		
	12 79-1001		16 Omitted		15 8-2615		
	13 79-1003		17 Omitted		16 48-237		
	14 79-1003.01	LB 653	§ 1 79-757		17 Omitted		
	15 79-1007.02		2 79-758	LB 677	§ 1 54-2423		
	16 79-1007.03		3 79-760		2 Omitted		
	17 79-1007.04		4 79-760.03		3 Omitted		
	18 79-1007.05		5 79-760.01	LB 681	§ 1 60-1411.01		
	19 79-1007.06		6 79-760.02		2 60-1419		
	20 79-1007.07		7 79-760.04		3 Omitted		
	21 79-1007.08		8 79-760.05	LB 701	§ 1 2-967		
	22 79-1007.09		9 Omitted		2 2-968		
	23 79-1013	LB 653A	Omitted		3 2-945.01		
	24 79-1014	LB 661	§ 1 86-125		4 2-958.02		
	25 79-1015		2 86-140		5 2-3202		
	26 79-1008.02		3 86-313		6 2-3226.01		
	27 79-1015.01		4 86-316		7 2-3226.02		
	28 79-1022		5 86-318		8 2-3226.03		
	29 79-1073		6 86-320.01		9 2-3226.04		
	30 79-1073.01		7 86-322		10 2-3226.05		
	31 79-10,120		8 86-323		11 2-3225		
	32 79-10,126.01		9 86-420		12 2-3231		
	33 79-11,150		10 86-422		13 13-808		
	34 79-1204		11 86-429.01		14 13-2530		
	35 79-2101		12 86-433		15 46-229.04		
	36 79-2102		13 86-434		16 2-32,115		
	37 32-555.01		14 86-435		17 46-601.01		
	38 79-2102.01		15 86-436		18 46-602		
	39 79-2103		16 86-442		19 46-609		
	40 79-2104		17 86-443		20 46-644		
	41 79-2107		18 86-449.01		21 46-702		
	42 79-2110		19 86-450.02		22 46-707		
	43 79-2111		20 86-450.03		23 46-715		
	44 79-2112		21 86-456		24 46-1212		
	45 79-2113		22 86-456.01		25 61-218		
	46 79-2114		23 86-457		26 61-210		
	47 79-2115		24 86-459		27 66-1345		
	48 79-2116		25 86-461		28 66-1345.01		
	49 32-546.01		26 Omitted		29 66-1345.02		
	50 79-2117		27 Omitted		30 Omitted		
	51 79-2118		28 Omitted		31 Omitted		
	52 Omitted		29 Omitted		32 61-219		
	53 Omitted		30 Omitted		33 77-3442		
	54 Omitted		31 Omitted		34 Omitted		
LB 641A	Omitted	LB 664	§ 1 81-3541		35 Omitted		
LB 646	§ 1 32-230		2 Omitted		36 Omitted		
	2 32-232	LB 674	§ 1 8-2601	LB 701A	Omitted		

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 100th Legislature
First Session, 2007

Showing the date each act went into effect.
The One Hundredth Session of the Legislature adjourned
May 31, 2007.

LB No.	Effective Date	LB No.	Effective Date
1	September 1, 2007		September 1, 2007. The other sections of this act become operative on March 20, 2007.
2	September 1, 2007		
5	September 1, 2007		
8	September 1, 2007		
11	September 1, 2007	132	
12	September 1, 2007	136	
12A	September 1, 2007	142	
21	February 1, 2007	143	
24	February 1, 2007	144	
25	September 1, 2007	145	
26	September 1, 2007	147	
28	September 1, 2007	148	
34	September 1, 2007	150	
35	February 15, 2007	152	September 1, 2007
43	September 1, 2007	160	September 1, 2007
44	September 1, 2007	161	September 1, 2007
63	September 1, 2007	166	March 8, 2007
64	September 1, 2007	167	February 10, 2007
67	September 1, 2007	185	Sections 1, 50, 51, and 55 of this act become operative on March 15, 2007. Sections 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 53, and 54 of this act become operative on July 1, 2007. The other sections of this act become operative on September 1, 2007.
69	September 1, 2007		
73	July 1, 2007 (operative date)		
73A	May 31, 2007		
74	July 1, 2007 (operative date)		
79	September 1, 2007		
80	September 1, 2007		
80A	September 1, 2007		
83	March 20, 2007		
88	May 22, 2007		
94	September 1, 2007	186	September 1, 2007
97	September 1, 2007	188	May 17, 2007
99	March 8, 2007	191	March 8, 2007
108	March 8, 2007	192	September 1, 2007
110	February 15, 2007	199	September 1, 2007
111	September 1, 2007	203	September 1, 2007
115	September 1, 2007	206	September 1, 2007
117	September 1, 2007	207	September 1, 2007
124	Sections 1, 2, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 75, and 78 of this act become operative on	208	September 1, 2007
		211	May 31, 2007
		211A	May 31, 2007
		213	September 1, 2007
		214	September 1, 2007
		218	September 1, 2007
		219	May 17, 2007
		221	September 1, 2007
		223	Sections 1, 3, 4, 5, 6, 7, 8, 12, 13, 14, 15, 22, 23, 24,

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	and 35 of this act become operative on January 1, 2008. The other sections of this act become operative on September 1, 2007.	313	September 1, 2007
226	May 17, 2007	315	February 15, 2007
227	September 1, 2007	316	May 31, 2007
231	September 1, 2007	316A	May 31, 2007
232	September 1, 2007	317	May 22, 2007
233	September 1, 2007	318	July 1, 2007 (operative date)
236	September 1, 2007	319	July 1, 2007 (operative date)
236A	September 1, 2007	320	July 1, 2007 (operative date)
237	September 1, 2007	321	July 1, 2007
239	September 1, 2007	322	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, 36, 37, 38, and 41 of this act become operative on July 1, 2007. Section 43 of this act becomes operative on August 1, 2007. The other sections of this act become operative on May 22, 2007.
247	Sections 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 90, and 91 of this act become operative on December 1, 2008. The other sections of this act become operative on June 1, 2007.	323	Sections 1, 2, 4, and 6 of this act become operative on July 1, 2007. The other sections of this act become operative on May 22, 2007.
247A	September 1, 2007	324	May 31, 2007
248	January 1, 2008 (operative date)	324A	May 31, 2007
252	September 1, 2007	328	Sections 12, 13, 14, 15, 16, 17, and 19 of this act become operative on May 31, 2007. The other sections of this act become operative on September 1, 2007.
255	April 3, 2007	328A	May 31, 2007
256	September 1, 2007	333	March 8, 2007
263	September 1, 2007	334	July 1, 2007 (operative date)
265	Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 35, and 39 of this act become operative on July 1, 2007. Sections 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, and 38 of this act become operative on January 1, 2008. Sections 1, 2, 13, 14, 15, 16, 17, 18, 19, 20, 21, 36, and 40 of this act become operative on September 1, 2007. Sections 22, 23, 33, 37, and 41 of this act become operative on June 1, 2007.	338	January 1, 2007 (operative date)
274	July 1, 2008 (operative date)	339	September 1, 2007
277	September 1, 2007	341	February 2, 2007
283	September 1, 2007	342	July 1, 2007 (operative date)
283A	September 1, 2007	342A	July 1, 2007 (operative date)
286	September 1, 2007	343	January 1, 2007 (operative date)
289	September 1, 2007	343A	September 1, 2007
290	September 1, 2007	347	September 1, 2007
292	September 1, 2007	349	September 1, 2007
292A	September 1, 2007	351	September 1, 2007
296	July 1, 2007 (operative date)	351A	September 1, 2007
298	September 1, 2007	358	September 1, 2007
299	September 1, 2007	364	September 1, 2007
304	September 1, 2007	367	Sections 5, 19, 20, 21, 22, 23, 25, 27, and 30 of this act become operative for taxable years beginning or deemed to begin on or after January 1, 2007, under the Internal Revenue Code of 1986, as
305	October 1, 2007 (operative date)		
305A	September 1, 2007		
307	September 1, 2007		
311	September 1, 2007		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
	amended. Sections 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 24, 29, and 31 of this act become operative on October 1, 2007.		187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570,
367A	September 1, 2007		
368	January 1, 2008 (operative date)		
368A	September 1, 2007		
373	September 1, 2007		
374	July 1, 2007 (operative date)		
377	July 1, 2007		
377A	May 31, 2007		
382	September 1, 2007		
388	September 1, 2007		
389	April 3, 2007		
390	September 1, 2007		
396	May 17, 2007		
415	January 1, 2008 (operative date)		
415A	September 1, 2007		
422	March 8, 2007		
424	September 1, 2007		
425	September 1, 2007		
425A	September 1, 2007		
434	September 1, 2007		
435	May 17, 2007		
441	September 1, 2007		
441A	September 1, 2007		
445	September 1, 2007		
449	September 1, 2007		
456	September 1, 2007		
457	September 1, 2007		
463	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186,		

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	571, 572, 573, 574, 575, 576,		955, 956, 957, 958, 959, 960,
	577, 578, 579, 580, 581, 582,		961, 962, 963, 964, 965, 966,
	583, 584, 585, 586, 587, 588,		967, 968, 969, 970, 971, 972,
	589, 590, 591, 592, 593, 594,		973, 974, 975, 976, 977, 978,
	595, 596, 597, 598, 599, 600,		979, 980, 981, 982, 983, 984,
	601, 602, 603, 604, 605, 606,		985, 986, 987, 988, 989, 990,
	607, 608, 609, 610, 611, 612,		991, 992, 993, 994, 995, 996,
	613, 614, 615, 616, 617, 618,		997, 998, 999, 1000, 1001,
	619, 620, 621, 622, 623, 624,		1002, 1003, 1004, 1005,
	625, 626, 627, 628, 629, 630,		1006, 1007, 1008, 1009,
	631, 632, 633, 634, 635, 636,		1010, 1011, 1012, 1013,
	637, 638, 639, 640, 641, 642,		1014, 1015, 1016, 1017,
	643, 644, 645, 646, 647, 648,		1018, 1019, 1020, 1021,
	649, 650, 651, 652, 653, 654,		1022, 1023, 1024, 1025,
	655, 656, 657, 658, 659, 660,		1026, 1027, 1028, 1029,
	661, 662, 663, 664, 665, 666,		1030, 1031, 1032, 1033,
	667, 668, 669, 670, 671, 672,		1034, 1035, 1036, 1037,
	673, 674, 675, 676, 677, 678,		1038, 1039, 1040, 1041,
	679, 680, 681, 682, 683, 684,		1042, 1043, 1044, 1045,
	685, 686, 687, 688, 689, 690,		1046, 1047, 1048, 1049,
	691, 692, 693, 694, 695, 696,		1050, 1051, 1052, 1053,
	697, 698, 699, 700, 701, 702,		1054, 1055, 1056, 1057,
	703, 704, 705, 706, 707, 708,		1058, 1059, 1060, 1061,
	709, 710, 711, 712, 713, 714,		1062, 1063, 1064, 1065,
	715, 716, 717, 718, 719, 720,		1066, 1067, 1068, 1069,
	721, 722, 723, 724, 725, 726,		1070, 1071, 1072, 1073,
	727, 728, 729, 730, 731, 732,		1074, 1075, 1076, 1077,
	733, 734, 735, 736, 737, 738,		1078, 1079, 1080, 1081,
	739, 740, 741, 742, 743, 744,		1082, 1083, 1084, 1085,
	745, 746, 747, 748, 749, 750,		1086, 1087, 1088, 1089,
	751, 752, 753, 754, 755, 756,		1090, 1091, 1092, 1093,
	757, 758, 759, 760, 761, 762,		1094, 1095, 1096, 1097,
	763, 764, 765, 766, 767, 768,		1098, 1099, 1100, 1101,
	769, 770, 771, 772, 773, 774,		1102, 1103, 1104, 1105,
	775, 776, 777, 778, 779, 780,		1106, 1107, 1108, 1109,
	781, 782, 783, 784, 785, 786,		1110, 1111, 1112, 1113,
	787, 788, 789, 790, 791, 792,		1114, 1115, 1116, 1117,
	793, 794, 795, 796, 797, 798,		1118, 1119, 1120, 1121,
	799, 800, 801, 802, 803, 804,		1122, 1123, 1124, 1125,
	805, 806, 807, 808, 809, 810,		1126, 1127, 1128, 1129,
	811, 812, 813, 814, 815, 816,		1130, 1131, 1132, 1133,
	817, 818, 819, 820, 821, 822,		1134, 1135, 1136, 1137,
	823, 824, 825, 826, 827, 828,		1138, 1139, 1140, 1141,
	829, 830, 831, 832, 833, 834,		1142, 1143, 1144, 1145,
	835, 836, 837, 838, 839, 840,		1146, 1147, 1148, 1149,
	841, 842, 843, 844, 845, 846,		1150, 1151, 1152, 1153,
	847, 848, 849, 850, 851, 852,		1154, 1155, 1156, 1157,
	853, 854, 855, 856, 857, 858,		1158, 1159, 1160, 1161,
	859, 860, 861, 862, 863, 864,		1162, 1163, 1164, 1165,
	865, 866, 867, 868, 869, 870,		1166, 1167, 1168, 1169,
	871, 872, 873, 874, 875, 876,		1170, 1171, 1172, 1173,
	877, 878, 879, 880, 881, 882,		1174, 1175, 1176, 1177,
	883, 884, 885, 886, 887, 888,		1179, 1180, 1181, 1182,
	889, 890, 891, 892, 893, 894,		1183, 1184, 1185, 1186,
	895, 896, 897, 898, 899, 900,		1187, 1188, 1189, 1190,
	901, 902, 903, 904, 905, 906,		1191, 1192, 1193, 1194,
	907, 908, 909, 910, 911, 912,		1195, 1196, 1197, 1198,
	913, 914, 915, 916, 917, 918,		1199, 1200, 1201, 1202,
	919, 920, 921, 922, 923, 924,		1203, 1204, 1205, 1206,
	925, 926, 927, 928, 929, 930,		1207, 1208, 1209, 1210,
	931, 932, 933, 934, 935, 936,		1211, 1212, 1213, 1214,
	937, 938, 939, 940, 941, 942,		1215, 1216, 1217, 1218,
	943, 944, 945, 946, 947, 948,		1219, 1220, 1221, 1222,
	949, 950, 951, 952, 953, 954,		1223, 1224, 1225, 1226,

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
	1227, 1228, 1229, 1230, 1231, 1232, 1233, 1234, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1282, 1283, 1284, 1285, 1286, 1287, 1288, 1289, 1290, 1291, 1292, 1293, 1294, 1295, 1296, 1297, 1298, 1299, 1300, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1310, 1311, 1312, 1313, 1314, 1315, 1318, and 1319 of this act become operative on December 1, 2008. The other sections of this act become operative on September 1, 2007.		568 April 5, 2007 570 January 1, 2010 (operative date) 573 Sections 1, 2, 3, 4, 5, 6, 7, 8, and 9 of this act become operative on January 1, 2008. The other sections of this act become operative on September 1, 2007. 578 September 1, 2007 580 September 1, 2007 588 Sections 1, 2, 5, 6, and 7 of this act become operative on September 1, 2007. Sections 3, 4, and 8 of this act become operative on January 1, 2008. 588A September 1, 2007 596 May 17, 2007 603 Sections 1, 16, 17, 18, 19, 20, 21, 22, 28, 31, 32, 33, 36, and 39 of this act become operative on July 1, 2008. Sections 4, 7, 8, 10, 12, 34, 35, 38, and 40 of this act become operative on May 31, 2007. The other sections of this act become operative on September 1, 2007. 603A September 1, 2007 610 September 1, 2007 629 May 22, 2007 629A May 22, 2007 636 September 1, 2007 638 September 1, 2007 641 September 1, 2007 641A September 1, 2007 646 September 1, 2007 653 September 1, 2007 653A September 1, 2007 661 Sections 16, 17, 18, 19, 20, 21, 22, 23, and 29 of this act become operative on July 1, 2007. Sections 1, 2, and 28 of this act become operative on August 1, 2007. The other sections of this act become operative on April 5, 2007. 664 September 1, 2007 674 Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 17 of this act become operative on September 1, 2007. Section 16 of this act becomes operative on September 1, 2008. 677 April 12, 2007 681 September 1, 2007 701 May 2, 2007 701A May 2, 2007
464	September 1, 2007		
470	September 1, 2007		
470A	September 1, 2007		
471	May 17, 2007		
472	September 1, 2007		
481	May 17, 2007		
482	July 1, 2007 (operative date)		
482A	May 25, 2007		
497	April 5, 2007		
502	September 1, 2007		
504	September 1, 2007		
508	May 17, 2007		
516	May 25, 2007		
516A	May 25, 2007		
527	September 1, 2007		
530	September 1, 2007		
537	September 1, 2007		
540	May 31, 2007		
540A	May 31, 2007		
542	May 25, 2007		
549	September 1, 2007		
549A	September 1, 2007		
551	June 1, 2007		
551A	September 1, 2007		
554	Sections 42 and 48 of this act become operative on July 1, 2008. The other sections of this act become operative on January 1, 2008.		
554A	September 1, 2007		
561	September 1, 2007		
562	September 1, 2007		
564	May 17, 2007		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2008 Session Laws of Nebraska, Second Session
 Showing LB section number to statute section number

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
LB 39	§ 1 32-628		3 Omitted		7 23-1831
	2 32-629		4 Omitted		8 23-1832
	3 32-630		5 Omitted		9 Omitted
	4 32-1303	LB 157	§ 1 29-121	LB 268	§ 1 23-151
	5 32-1404	LB 171	§ 1 68-1017.02		2 32-528
	6 49-1455		2 Omitted		3 Omitted
	7 49-1478	LB 171A	Omitted	LB 269	§ 1 23-148
	8 Omitted	LB 177	§ 1 77-5903		2 23-149
LB 92	§ 1 43-3801		2 Omitted		3 23-151
	2 43-3802	LB 179	§ 1 29-4501		4 23-202
	3 43-3803		2 29-4502		5 23-292
	4 43-3804		3 29-4503		6 23-293
	5 43-3805		4 29-4504		7 23-294
	6 43-3806		5 29-4505		8 23-295
	7 43-3807		6 29-4506		9 23-296
	8 43-3808		7 29-4507		10 23-297
	9 43-3809		8 29-4508		11 23-299
	10 43-3810	LB 179A	Omitted		12 51-201.03
	11 Omitted	LB 195	Omitted		13 Omitted
LB 123	§ 1 76-2701	LB 196	§ 1 55-133		14 Omitted
	2 76-2702		2 60-610	LB 279	§ 1 60-4,173
	3 76-2703		3 60-6,230		2 60-4,174
	4 76-2704		4 60-6,231		3 60-4,175
	5 76-2705		5 Omitted		4 Omitted
	6 76-2706	LB 202	§ 1 13-2001	LB 280	§ 1 24-517
	7 76-2707		2 13-2020.01		2 25-2740
	8 76-2708		3 Omitted		3 43-247
	9 76-2709	LB 204	§ 1 48-2102		4 Omitted
	10 76-2710		2 48-2103	LB 308	§ 1 71-2444
	11 76-2711		3 48-2104		2 71-2445
	12 76-2712		4 48-2107		3 71-2446
	13 76-2713		5 48-2114		4 71-2447
	14 76-2714		6 48-2115		5 71-2448
	15 76-2715		7 Omitted		6 71-2449
	16 76-2716	LB 204A	Omitted		7 71-2450
	17 76-2717	LB 205	§ 1 79-2,137		8 71-2452
	18 76-2718		2 79-267		9 71-2451
	19 76-2719		3 Omitted		10 38-178
	20 76-2720		4 Omitted		11 38-2866
	21 76-2721	LB 210	§ 1 48-1623		12 71-448
	22 76-2722		2 Omitted		13 71-7454
	23 76-2723	LB 245	§ 1 71-3305		14 Omitted
	24 76-2724		2 Omitted		15 Omitted
	25 76-2725		3 Omitted		16 Omitted
	26 76-2726	LB 245A	Omitted		17 Omitted
	27 76-2727	LB 246	§ 1 23-1825		18 Omitted
	28 76-2728		2 23-1826		19 Omitted
	29 87-302		3 23-1827	LB 308A	§ 1 9-506 UCC
	30 Omitted		4 23-1828		2 Omitted
LB 151	§ 1 25-227		5 23-1829	LB 312	§ 1 32-562
	2 3-118 UCC		6 23-1830		2 32-571

APPENDIX

	2008 Session Laws	2008 Cumulative Supplement		2008 Session Laws	2008 Cumulative Supplement		2008 Session Laws	2008 Cumulative Supplement
		3 32-1205		13 71-5728		LB 668	§ 1 69-1305.03	
		4 32-1306		14 71-5729			2 Omitted	
		5 Omitted		15 71-5730		LB 690	§ 1 37-413	
LB 379	§ 1	21-301		16 71-5731			2 37-414	
	2	21-302		17 71-5732			3 37-452	
	3	21-304		18 71-5733			4 Omitted	
	4	21-305		19 71-5734		LB 706	§ 1 21-2970	
	5	21-1302		20 Omitted			2 Omitted	
	6	21-1403		21 Omitted			3 Omitted	
	7	21-1921		22 Omitted		LB 707	§ 1 67-294	
	8	21-1934	LB 395A	Omitted			2 67-464	
	9	21-1935	LB 465	§ 1 29-1928			3 67-465	
	10	21-19,148		2 29-1929			4 Omitted	
	11	21-19,152		3 Omitted			5 Omitted	
	12	21-19,153	LB 467	§ 1 81-8,240		LB 710	§ 1 77-3206.01	
	13	21-19,161		2 81-8,244			2 77-3206	
	14	21-19,172		3 Omitted			3 77-3207	
	15	21-2018	LB 467A	Omitted			4 77-3210	
	16	21-2032	LB 469	§ 1 71-7606			5 77-3212	
	17	21-20,170		2 Omitted			6 77-3213	
	18	21-20,175	LB 480	§ 1 71-7605			7 Omitted	
	19	21-20,181.01		2 71-7611		LB 715	§ 1 81-885.17	
	20	21-2216		3 Omitted			2 Omitted	
	21	21-2304		4 Omitted		LB 720	§ 1 49-1474.02	
	22	21-2601.01		5 Omitted			2 86-242	
	23	21-2606		6 Omitted			3 86-247	
	24	21-2610	LB 500	§ 1 48-652			4 86-250	
	25	21-2632.01		2 Omitted			5 86-256	
	26	21-2638	LB 575	§ 1 77-2704.12			6 Omitted	
	27	Omitted		2 Omitted			7 Omitted	
LB 380	§ 1	45-705		3 Omitted		LB 724	§ 1 81-15,184	
	2	45-706	LB 586	§ 1 52-401			2 Omitted	
	3	Omitted		2 Omitted		LB 726	§ 1 81-15,151	
LB 383	§ 1	67-236		3 Omitted			2 81-15,153	
	2	67-240	LB 606	§ 1 71-8801			3 Omitted	
	3	67-241		2 71-8802		LB 726A	Omitted	
	4	67-281		3 71-8803		LB 727	§ 1 61-206	
	5	67-283		4 71-8804			2 Omitted	
	6	67-415		5 71-8805		LB 728	§ 1 90-111	
	7	67-454		6 71-8806			2 Omitted	
	8	67-456		7 71-7608		LB 734	§ 1 13-1622	
	9	67-458		8 Omitted			2 Omitted	
	10	Omitted		9 Omitted		LB 736	§ 1 60-480	
LB 386	§ 1	76-2801	LB 606A	Omitted			2 60-497.01	
	2	76-2802	LB 609	§ 1 81-12,126			3 60-498.02	
	3	76-2803		2 Omitted			4 60-4,115	
	4	76-2804	LB 609A	Omitted			5 60-4,118.06	
	5	76-2805	LB 619	§ 1 84-617			6 60-601	
	6	76-2806		2 84-617.01			7 60-6,197.01	
	7	76-2807		3 Omitted			8 60-6,197.03	
LB 395	§ 1	71-5716	LB 620	§ 1 43-3342.03			9 60-6,209	
	2	71-5717		2 84-620			10 60-6,211.05	
	3	71-5718		3 Omitted			11 60-6,211.10	
	4	71-5719	LB 621	§ 1 60-4,182			12 83-1,127.02	
	5	71-5720		2 60-682.01			13 Omitted	
	6	71-5721		3 Omitted			14 Omitted	
	7	71-5722	LB 623	§ 1 29-1207		LB 736A	Omitted	
	8	71-5723		2 Omitted		LB 744	§ 1 81-1108.17	
	9	71-5724	LB 624	§ 1 28-905			2 Omitted	
	10	71-5725		2 Omitted		LB 745	§ 1 81-1316	
	11	71-5726	LB 632	§ 1 54-702			2 Omitted	
	12	71-5727		2 Omitted		LB 746	§ 1 85-505	

CROSS REFERENCE TABLE

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
	2 85-505.01	LB 764	§ 1 28-101	4	68-906
	3 Omitted		2 28-1008	5	71-409
LB 747	§ 1 66-1065		3 28-1009.02	6	71-1557
	2 79-10,105		4 28-1009.03	7	71-1558
	3 Omitted		5 28-1013	8	71-1559
LB 750	§ 1 32-302		6 28-1013.01	9	71-1563
	2 32-311.01		7 28-1013.02	10	71-1564
	3 32-321		8 28-1014	11	71-1567
	4 Omitted		9 28-1015	12	71-1901
	5 Omitted		10 28-1016	13	71-4603
LB 752	§ 1 81-1108.32		11 Omitted	14	71-4604
	2 Omitted	LB 765	§ 1 71-5829.03	15	71-4604.01
LB 754	§ 1 13-2610		2 71-5829.06	16	71-4608
	2 Omitted		3 Omitted	17	71-4623
	3 Omitted	LB 766	§ 1 69-401	18	71-4631
LB 755	§ 1 75-111		2 69-402	19	71-5662
	2 75-126		3 69-403	20	71-5663
	3 75-156		4 69-404	21	71-5665
	4 75-1011		5 69-405	22	71-5668
	5 75-1012		6 69-406	23	71-7003.01
	6 86-127		7 69-407	24	71-7010
	7 86-209		8 69-408	25	71-7012
	8 86-437		9 69-409	26	71-7013
	9 86-459		10 Omitted	27	71-8249
	10 86-465	LB 768	§ 1 31-727	28	81-671
	11 Omitted		2 31-740	29	86-570
	12 Omitted		3 Omitted	30	68-720
LB 756	§ 1 37-1282	LB 775	§ 1 24-401	31	Omitted
	2 60-141		2 Omitted	32	Omitted
	3 60-164	LB 777	§ 1 77-1359	33	Omitted
	4 60-168.02		2 Omitted	34	Omitted
	5 60-301		3 Omitted	35	Omitted
	6 60-302	LB 781	§ 1 87-302	36	Omitted
	7 60-311		2 87-303.01	LB 798	§ 1 46-283
	8 60-334.01		3 87-303.02	2	46-286
	9 60-342		4 87-303.03	3	46-287
	10 60-3,193.01		5 87-303.04	4	46-291
	11 60-365		6 87-303.05	5	46-299
	12 60-376		7 87-303.06	6	Omitted
	13 60-3,161		8 87-303.07	LB 805	§ 1 66-1618
	14 60-3,196		9 87-304	2	Omitted
	15 60-3,198		10 87-305	LB 806	§ 1 14-102
	16 60-462.01		11 Omitted	2	15-220
	17 60-4,147.02	LB 782	§ 1 81-3126	3	16-206
	18 60-601		2 28-725	4	17-526
	19 60-605		3 28-726	5	20-126.01
	20 60-624.01		4 Omitted	6	20-127
	21 60-6,265		5 Omitted	7	20-128
	22 60-6,267		6 Omitted	8	20-129
	23 60-6,288	LB 789	§ 1 2-5420	9	20-131.02
	24 60-6,289		2 Omitted	10	20-131.04
	25 60-6,290		3 Omitted	11	28-1009.01
	26 60-6,294	LB 790	§ 1 2-5109	12	49-801
	27 60-6,310		2 Omitted	13	54-603
	28 75-363	LB 791	§ 1 2-1072	14	54-614
	29 75-364		2 2-1074	15	Omitted
	30 Omitted		3 2-1075.02	LB 821	§ 1 81-8,210
	31 Omitted		4 2-10,116	2	81-8,211
	32 Omitted		5 Omitted	3	81-8,212
	33 Omitted	LB 797	§ 1 60-107	4	81-8,213
	34 Omitted		2 60-1301	5	81-8,220
	35 Omitted		3 60-1401.02	6	81-8,224

APPENDIX

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
	7 81-8,227		3 66-485	LB 851	§ 1 8-115.01
	8 81-8,228		4 66-488		2 8-116
	9 81-8,300		5 66-489		3 8-120
	10 81-8,305		6 66-489.01		4 8-122
LB 822	§ 1 50-1204		7 66-495.01		5 8-143.01
	2 50-1205.01		8 66-499		6 8-157
	3 50-1206		9 66-4,103		7 8-1,140
	4 84-304		10 66-4,105		8 8-223
LB 823	§ 1 86-501		11 66-489.02		9 8-224
	2 86-506		12 66-4,114		10 8-234
	3 86-516		13 66-4,145		11 8-355
	4 86-520		14 66-4,146		12 8-374
	5 86-521		15 66-697		13 8-910
	6 86-524.01		16 66-6,107		14 8-1510
	7 86-526		17 66-6,109.02		15 8-2102
	8 86-527		18 66-6,109		16 8-2106
	9 86-528		19 66-6,111		17 21-17,115
	10 86-529		20 66-726		18 25-202
	11 86-530		21 84-612		19 45-702
	12 86-552		22 Omitted		20 45-703
	13 86-562	LB 848	23 Omitted		21 45-704
	14 86-563	§ 1	24 Omitted		22 45-722
	15 86-564	§ 1	21-2901		23 45-907
	16 86-565	2	21-2903		24 45-922
	17 86-569	3	21-2910		25 45-1006
	18 86-570	4	21-2922		26 64-214
	19 86-571	5	21-2929		27 9-324 UCC
	20 86-572	6	21-2930		28 9-506 UCC
	21 86-573	7	21-2935		29 Omitted
	22 Omitted	8	21-2939		30 Omitted
	23 Omitted	9	21-2945		31 Omitted
LB 830	§ 1 68-901	10	21-2949		32 Omitted
	2 68-950	11	21-2950	LB 853	§ 1 44-1101
	3 68-951	12	21-2951		2 44-1102
	4 68-952	13	21-2952		3 44-1103
	5 68-953	14	21-2953		4 44-1104
	6 68-954	15	21-2955		5 44-1105
	7 68-955	16	21-2956		6 44-1106
	8 68-956	17	21-2959		7 44-1107
	9 71-7611	18	21-2960		8 44-1108
	10 Omitted	19	21-2978		9 44-1108.01
LB 830A	Omitted	20	21-2980		10 44-1109
LB 837	§ 1 74-1334	21	21-2981.01		11 44-1110
	2 Omitted	22	21-2981.02		12 44-1117
LB 838	§ 1 32-202	23	21-2981.03		13 44-1111
	2 32-947	24	21-2982		14 44-1112
	3 32-953	25	21-2992		15 44-1113
	4 32-954	26	21-29,110		16 44-1114
	5 32-957	27	21-29,117		17 44-1115
	6 Omitted	28	21-29,122		18 Omitted
	7 Omitted	29	21-29,123	LB 855	§ 1 13-206
	8 Omitted	30	21-29,124		2 28-631
LB 844	§ 1 28-416	31	21-29,125		3 44-349
	2 Omitted	32	21-29,126		4 44-356
LB 845	§ 1 75-363	33	21-29,127		5 44-789
	2 75-369.03	34	Omitted		6 44-1521
	3 75-369.06	35	Omitted		7 44-1534.01
	4 Omitted	§ 1	79-506		8 44-1601
LB 846	§ 1 39-2215	2	79-2119		9 44-1602
	2 66-482	3	79-1232		10 44-1603
		4	Omitted		11 44-1604
		5	Omitted		

CROSS REFERENCE TABLE

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
12	44-1605	11	13-2911	13	60-4,117
13	44-1606.01	12	13-2912	14	60-4,118.05
14	44-1606.02	13	13-2913	15	60-4,120.01
15	44-1606.03	14	13-2914	16	60-4,122
16	44-1607	15	Omitted	17	60-4,123
17	44-1607.01	16	Omitted	18	60-4,124
18	44-1613	LB 893 § 1	77-1834	19	60-4,126
19	44-1614	2	77-1914	20	60-4,127
20	44-32,106	3	77-1917	21	60-4,144
21	44-3901	4	Omitted	22	60-4,148
22	44-3902	LB 895 § 1	18-2720	23	60-4,149
23	44-3904	2	77-27,187.01	24	60-4,150
24	44-3909	3	77-27,187.02	25	60-4,151
25	44-3910	4	77-27,188	26	60-4,181
26	44-3911	5	77-27,196.01	27	Omitted
27	44-4064	6	77-5701	LB 911A	Omitted
28	44-4521	7	77-5703	LB 912 § 1	13-2603
29	44-6009	8	77-5707.01	2	Omitted
30	44-6016	9	77-5708	LB 914 § 1	21-2612
31	44-6603	10	77-5712	2	66-720
32	44-6604	11	77-5714	3	66-722
33	44-8301	12	77-5715	4	66-723
34	44-8302	13	77-5719.01	5	66-1344
35	44-8303	14	77-5719.02	6	77-1783.01
36	44-8304	15	77-5723	7	77-2709
37	44-8305	16	77-5725	8	77-2711
38	44-8306	17	77-5726	9	77-2775
39	44-8307	18	77-5727	10	77-2777
40	44-8308	19	77-5731	11	77-2778
41	44-8309	20	77-5735	12	77-2780
42	44-8310	21	Omitted	13	77-2792
43	44-8311	22	Omitted	14	77-2793
44	44-8312	LB 896 § 1	49-801.01	15	77-2796
45	44-8313	2	Omitted	16	77-27,100
46	44-8314	3	Omitted	17	77-27,187.02
47	44-8315	LB 898 § 1	59-1502	18	77-4104
48	44-8316	2	59-1505	19	77-4928
49	44-7508.02	3	Omitted	20	77-5405
50	44-165	LB 902 § 1	28-405	21	77-5534
51	44-7613	2	28-410	22	77-5723
52	Omitted	3	Omitted	23	77-5726
53	Omitted	4	Omitted	24	72-2501
54	Omitted	5	Omitted	25	79-1034
LB 856 § 1	32-564	LB 904 § 1	80-403	26	Omitted
2	Omitted	2	Omitted	27	Omitted
LB 857 § 1	32-712	LB 907 § 1	21-1905	28	Omitted
2	Omitted	2	21-2005	29	Omitted
LB 865 § 1	37-513	3	21-2604	LB 915 § 1	77-2717
2	Omitted	4	21-2611	2	77-2727
LB 888 § 1	77-2734.02	5	Omitted	3	77-2734.01
2	Omitted	LB 911 § 1	60-462	4	77-2769
3	Omitted	2	60-462.02	5	77-2794
LB 889 § 1	13-2901	3	60-463	6	77-27,119
2	13-2902	4	60-465.01	7	77-5803
3	13-2903	5	60-468.01	8	Omitted
4	13-2904	6	60-475.01	9	Omitted
5	13-2905	7	60-479	10	Omitted
6	13-2906	8	60-479.01	LB 916 § 1	70-1903
7	13-2907	9	60-484	2	70-1904
8	13-2908	10	60-4,112	3	70-1905
9	13-2909	11	60-4,113	4	70-1907
10	13-2910	12	60-4,115	5	77-2701

APPENDIX

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement		
	6	77-2701.04	38	81-659	32	Omitted	
	7	77-2701.16	39	81-660	33	Omitted	
	8	77-2701.32	40	81-662	34	Omitted	
	9	77-2701.49	41	81-664	35	Omitted	
	10	77-2701.50	42	Omitted	36	Omitted	
	11	77-2701.51	43	Omitted	37	Omitted	
	12	77-2701.52	44	Omitted	38	Omitted	
	13	77-2701.53	45	Omitted	39	Omitted	
	14	77-2701.34	46	Omitted	40	Omitted	
	15	77-2703	47	Omitted	41	Omitted	
	16	77-2703.01	48	Omitted	42	Omitted	
	17	77-2704.09	LB 928A	Omitted	43	Omitted	
	18	77-2704.26	LB 939	§ 1	13-824.01	44	Omitted
	19	77-2704.45		2	18-2442	45	Omitted
	20	77-2704.46		3	70-637	46	Omitted
	21	77-2704.57		4	Omitted	47	Omitted
	22	77-2704.58	LB 947	§ 1	16-321	48	Omitted
	23	77-2704.59		2	17-568.01	49	Omitted
	24	77-2705		3	Omitted	50	Omitted
	25	77-2708	LB 952	§ 1	81-119	51	Omitted
	26	Omitted		2	86-2,112	52	Omitted
	27	Omitted		3	Omitted	53	Omitted
	28	Omitted	LB 953	§ 1	76-2901	54	Omitted
LB 925	§ 1	54-401		2	60-137	55	Omitted
	2	Omitted		3	60-164	56	Omitted
LB 928	§ 1	30-2483		4	Omitted	57	Omitted
	2	38-101	LB 956	§ 1	81-1201.21	58	Omitted
	3	38-1,140		2	81-1202	59	Omitted
	4	38-711		3	81-1204.01	60	Omitted
	5	38-1901		4	81-1205	61	Omitted
	6	38-1902		5	Omitted	62	Omitted
	7	38-1907	LB 959	§ 1	Omitted	63	Omitted
	8	38-1905.01		2	Omitted	64	Omitted
	9	38-1908.01		3	Omitted	65	Omitted
	10	38-1915		4	Omitted	66	Omitted
	11	38-1917.01		5	Omitted	67	Omitted
	12	38-1917.02		6	Omitted	68	Omitted
	13	38-3321		7	Omitted	69	Omitted
	14	43-4001		8	Omitted	70	Omitted
	15	68-909		9	Omitted	71	Omitted
	16	68-949		10	Omitted	72	Omitted
	17	71-810		11	Omitted	73	Omitted
	18	71-818		12	Omitted	74	Omitted
	19	71-1910		13	Omitted	75	Omitted
	20	71-2619		14	Omitted	76	Omitted
	21	71-2620		15	Omitted	77	Omitted
	22	71-2621		16	Omitted	78	Omitted
	23	71-3503		17	Omitted	79	Omitted
	24	71-3505		18	Omitted	80	Omitted
	25	71-3513.01		19	Omitted	81	Omitted
	26	71-3507		20	Omitted	82	Omitted
	27	71-3508.03		21	Omitted	83	Omitted
	28	71-3517		22	Omitted	84	Omitted
	29	71-3519		23	Omitted	85	90-531
	30	71-5306		24	Omitted	86	90-532
	31	71-5830.01		25	Omitted	87	90-533
	32	71-7608		26	Omitted	88	90-534
	33	81-653		27	Omitted	89	Omitted
	34	81-654		28	Omitted	90	Omitted
	35	81-655		29	Omitted	91	Omitted
	36	81-656		30	Omitted	92	Omitted
	37	81-657		31	Omitted	93	Omitted

CROSS REFERENCE TABLE

2008		2008	2008		2008	2008
Session	Laws	Cumulative Supplement	Session Laws	Cumulative Supplement	Session Laws	Cumulative Supplement
LB 960	§ 1	Omitted	63	Omitted	125	Omitted
	2	Omitted	64	Omitted	126	Omitted
	3	Omitted	65	Omitted	127	Omitted
	4	Omitted	66	Omitted	128	Omitted
	5	Omitted	67	Omitted	129	Omitted
	6	Omitted	68	Omitted	130	Omitted
	7	Omitted	69	Omitted	131	Omitted
	8	Omitted	70	Omitted	132	Omitted
	9	Omitted	71	Omitted	133	Omitted
	10	Omitted	72	Omitted	134	Omitted
	11	Omitted	73	Omitted	135	Omitted
	12	Omitted	74	Omitted	136	Omitted
	13	Omitted	75	Omitted	137	Omitted
	14	Omitted	76	Omitted	138	Omitted
	15	Omitted	77	Omitted	139	Omitted
	16	Omitted	78	Omitted	140	Omitted
	17	Omitted	79	Omitted	141	Omitted
	18	Omitted	80	Omitted	142	Omitted
	19	Omitted	81	Omitted	143	Omitted
	20	Omitted	82	Omitted	144	Omitted
	21	Omitted	83	Omitted	145	Omitted
	22	Omitted	84	Omitted	146	Omitted
	23	Omitted	85	Omitted	147	Omitted
	24	Omitted	86	Omitted	148	Omitted
	25	Omitted	87	Omitted	149	Omitted
	26	Omitted	88	Omitted	150	Omitted
	27	Omitted	89	Omitted	151	Omitted
	28	Omitted	90	Omitted	152	Omitted
	29	Omitted	91	Omitted	153	Omitted
	30	Omitted	92	Omitted	154	Omitted
	31	Omitted	93	Omitted	155	Omitted
	32	Omitted	94	Omitted	156	Omitted
	33	Omitted	95	Omitted	157	Omitted
	34	Omitted	96	Omitted	158	Omitted
	35	Omitted	97	Omitted	159	Omitted
	36	Omitted	98	Omitted	160	Omitted
	37	Omitted	99	Omitted	161	Omitted
	38	Omitted	100	Omitted	162	Omitted
	39	Omitted	101	Omitted	163	Omitted
	40	Omitted	102	Omitted	164	Omitted
	41	Omitted	103	Omitted	165	Omitted
	42	Omitted	104	Omitted	166	Omitted
	43	Omitted	105	Omitted	167	Omitted
	44	Omitted	106	Omitted	168	Omitted
	45	Omitted	107	Omitted	169	Omitted
	46	Omitted	108	Omitted	170	Omitted
	47	Omitted	109	Omitted	171	Omitted
	48	Omitted	110	Omitted	172	Omitted
	49	Omitted	111	Omitted	173	Omitted
	50	Omitted	112	Omitted	174	Omitted
	51	Omitted	113	Omitted	175	Omitted
	52	Omitted	114	Omitted	176	Omitted
	53	Omitted	115	Omitted	177	Omitted
	54	Omitted	116	Omitted	178	Omitted
	55	Omitted	117	Omitted	179	Omitted
	56	Omitted	118	Omitted	180	Omitted
	57	Omitted	119	Omitted	181	Omitted
	58	Omitted	120	Omitted	182	Omitted
	59	Omitted	121	Omitted	183	Omitted
	60	Omitted	122	Omitted	184	Omitted
	61	Omitted	123	Omitted	185	90-531
	62	Omitted	124	Omitted	186	90-532

APPENDIX

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
	187 Omitted		7 85-2227	LB 993	§ 1 53-117.06
	188 90-533		8 85-2228		2 Omitted
	189 90-534		9 Omitted	LB 995	§ 1 12-401
	190 Omitted		10 Omitted		2 12-402
	191 Omitted	LB 988	§ 1 44-4317		3 12-805
	192 Omitted		2 77-3442		4 12-806
	193 Omitted		3 79-233		5 12-807
	194 Omitted		4 79-458		6 12-808
	195 Omitted		5 79-4,108		7 12-810
	196 Omitted		6 79-4,111		8 12-1202
LB 961	§ 1 2-958.01		7 79-8,137		9 12-1204
	2 29-3921		8 79-1001		10 12-1401
	3 54-857		9 79-1003		11 Omitted
	4 71-7608		10 79-1003.01		12 Omitted
	5 71-7611		11 79-1005.01	LB 1001	§ 1 66-1012
	6 81-3119		12 79-1007.02		2 66-1013
	7 84-510		13 79-1007.11		3 66-1014
	8 Omitted		14 79-1007.12		4 66-1015
	9 77-2602.04		15 79-1007.13		5 66-1016
	10 Omitted		16 79-1007.14		6 66-1017
	11 Omitted		17 79-1007.15		7 66-1018
	12 Omitted		18 79-1007.16		8 66-1019
LB 962	§ 1 84-1412		19 79-1007.17		9 77-2753
	2 Omitted		20 79-1007.18		10 77-3102
LB 965	§ 1 76-214		21 79-1007.19		11 77-3104
	2 77-115		22 79-1007.20		12 77-3105
	3 77-1201		23 79-1007.21		13 77-3106
	4 77-1202.01		24 79-1007.22		14 Omitted
	5 77-1210		25 79-1007.23		15 Omitted
	6 77-1214		26 79-1007.24	LB 1001A	Omitted
	7 77-1219		27 79-1007.04	LB 1004	§ 1 77-2753
	8 77-1230		28 79-1007.06		2 77-2790
	9 77-1233.02		29 79-1007.07		3 Omitted
	10 77-1233.03		30 79-1007.08		4 Omitted
	11 77-1233.04		31 79-1007.09	LB 1011	§ 1 76-2207
	12 77-1233.06		32 79-1007.10		2 76-2213.01
	13 77-1234		33 79-1008.01		3 76-2217.02
	14 77-1345.01		34 79-1008.02		4 76-2221
	15 77-1502		35 79-1009		5 76-2222
	16 77-1504.01		36 79-1013		6 76-2223
	17 77-1734.01		37 79-1014		7 76-2228
	18 77-1736.06		38 79-1015.01		8 76-2229
	19 77-4105		39 79-1016		9 76-2229.01
	20 77-5004		40 79-1018.01		10 76-2230
	21 77-5019		41 79-1022		11 76-2231.01
	22 77-5725		42 79-1022.02		12 76-2232
	23 81-1316		43 79-1023		13 76-2233
	24 Omitted		44 79-1024		14 76-2241
	25 Omitted		45 79-1028		15 76-2244
	26 Omitted		46 79-1028.01		16 76-2249
	27 Omitted		47 79-1029		17 Omitted
	28 Omitted		48 79-1031.01	LB 1014	§ 1 24-303
LB 972	§ 1 38-2609		49 79-1073		2 24-312
	2 38-2611		50 79-1083.03		3 24-508
	3 Omitted		51 79-1229		4 24-517
	4 Omitted		52 79-1336		5 24-730
LB 973	§ 1 85-2205		53 79-1337		6 24-1301
	2 85-2212		54 79-2102		7 24-1302
	3 85-2221		55 Omitted		8 25-534
	4 85-2223		56 Omitted		9 25-2943
	5 85-2224		57 Omitted		10 25-1129
	6 85-2225	LB 988A	Omitted		11 25-1130

CROSS REFERENCE TABLE

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
12	25-2704	74	Omitted	LB 1055	§ 1 28-101
13	25-2733	75	Omitted		2 28-1008
14	25-2740	76	Omitted		3 28-1019
15	29-2326	77	Omitted		4 28-1013
16	29-1816	78	Omitted		5 28-1014
17	29-2291	79	Omitted		6 28-1015
18	29-2246	80	Omitted		7 28-1016
19	7-201	81	Omitted		8 54-607
20	7-202	82	Omitted		9 54-608
21	7-203	83	Omitted		10 54-610
22	7-204	LB 1014A	Omitted		11 54-611
23	7-205	LB 1019	Omitted		12 54-613
24	7-206	LB 1022	§ 1 71-8901		13 54-614
25	7-207		2 71-8902		14 54-615
26	7-208		3 71-8903		15 54-616
27	7-209		4 71-8904		16 54-617
28	29-3927		5 71-8905		17 54-618
29	42-353		6 71-8906		18 54-619
30	42-357		7 71-8907		19 54-620
31	42-359		8 71-8908		20 54-623
32	42-364		9 71-8909		21 54-624
33	42-364.17		10 71-8910		22 54-623.01
34	42-364.13		11 71-8911		23 Omitted
35	42-371		12 71-8912		24 Omitted
36	42-925		13 71-8913		25 Omitted
37	43-247		14 71-8914	LB 1056	§ 1 16-1101
38	43-247.01		15 71-8915		2 16-1102
39	43-272.01		16 71-8916		3 16-1103
40	43-276		17 71-8917		4 16-1104
41	43-2,106.03		18 71-8918		5 16-1105
42	43-2,129		19 71-8919		6 16-1106
43	43-512.15		20 71-8920		7 16-1107
44	43-1311		21 71-8921		8 16-1108
45	43-1312		22 71-8922		9 16-1109
46	43-1411.01		23 71-8923		10 16-1110
47	43-1412.01		24 71-8924		11 16-1111
48	43-1608		25 71-8925		12 16-1112
49	43-1609		26 71-8926		13 16-1113
50	43-1610		27 71-8927		14 16-1114
51	43-1611		28 71-8928		15 16-1115
52	43-1612		29 71-8929	LB 1058	§ 1 71-816
53	43-1613		30 Omitted		2 71-817
54	43-2404.02	LB 1027	§ 1 77-202		3 Omitted
55	43-2922		2 77-5201		4 Omitted
56	43-2923		3 77-5203	LB 1067	§ 1 32-1203
57	43-2924		4 77-5209.02		2 70-610
58	43-2927		5 77-5204		3 Omitted
59	43-2928		6 77-5208	LB 1068	§ 1 13-1210
60	43-2929		7 77-5209		2 39-1817
61	43-2930		8 77-5211		3 39-1818
62	43-2932		9 77-5215		4 39-2103
63	43-2934		10 Omitted		5 39-2105
64	43-2936	LB 1027A	Omitted		6 39-2109
65	43-2937	LB 1045	§ 1 44-531		7 39-2110
66	43-2943		2 Omitted		8 39-2112
67	43-3001	LB 1048	§ 1 71-606		9 39-2113
68	79-215		2 Omitted		10 Omitted
69	84-917		3 Omitted	LB 1072	§ 1 66-1838
70	86-2,107	LB 1048A	Omitted		2 66-1852
71	25-1107.01	LB 1049	§ 1 37-101		3 75-130.01
72	29-2011		2 Omitted		4 Omitted
73	Omitted		3 Omitted		5 Omitted

APPENDIX

2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement	2008 Session Laws	2008 Cumulative Supplement
LB 1094	§ 1 2-3225		4 66-1529.02	17	79-2102.01
	2 2-3226.01		5 Omitted	18	79-2104
	3 2-3226.05	LB 1147	§ 1 23-2306	19	79-2104.01
	4 2-3226.06		2 23-2309.01	20	79-2107
	5 2-3226.07		3 23-2310.05	21	79-2110
	6 2-3226.08		4 23-2320	22	79-2111
	7 2-3226.09		5 24-708	23	79-2113
	8 84-612		6 24-710.07	24	79-2115
	9 Omitted		7 24-710.10	25	79-2117
	10 Omitted		8 79-933	26	79-2118
	11 Omitted		9 79-947.01	27	81-1203
LB 1094A	Omitted		10 79-947.04	28	81-1204
LB 1096	§ 1 16-222.01		11 81-2027.03	29	Omitted
	2 16-222.02		12 81-2027.06	LB 1157	§ 1 79-758
	3 16-222.03		13 84-1307	2	79-760.01
	4 35-901		14 84-1310.01	3	79-760.02
	5 35-1401		15 84-1311.03	4	79-760.03
	6 35-1403		16 84-1322	5	79-760.05
	7 35-1404		17 72-1277	6	Omitted
	8 35-1405		18 72-1278	LB 1157A	Omitted
	9 35-1406		19 Omitted	LB 1162	§ 1 37-415
	10 35-1407		20 Omitted	2	37-426
	11 35-1408		21 Omitted	3	37-438
	12 35-1402		22 Omitted	4	37-448
	13 Omitted	LB 1147A	Omitted	5	37-451
LB 1103	§ 1 53-103	LB 1153	§ 1 79-770	6	37-458
	2 53-123.11		2 79-1102.01	7	37-462
	3 53-123.13		3 79-1103	8	37-463
	4 Omitted		4 79-1104.01	9	37-465
LB 1108	§ 1 38-2112		5 79-1104.02	10	37-478
	2 38-2115		6 79-1104.04	11	37-479
	3 38-2116		7 79-1007.11	12	37-483
	4 38-2124		8 Omitted	13	37-484
	5 Omitted		9 Omitted	14	37-497
	6 Omitted		10 Omitted	15	37-4,104
LB 1116	§ 1 2-101		11 Omitted	16	37-4,105
	2 2-101.01		12 Omitted	17	37-4,106
	3 2-103	LB 1154	§ 1 13-508	18	37-4,108
	4 2-108		2 13-519	19	Omitted
	5 2-112		3 32-546.01	LB 1165	§ 1 82-331
	6 2-113		4 32-604	2	84-612
	7 2-258		5 77-3442	3	Omitted
	8 81-1108.33		6 79-201	LB 1172	§ 1 54-501
	9 84-612		7 79-234	2	54-502
	10 Omitted		8 79-611	3	54-503
	11 Omitted		9 79-769	4	54-504
	12 Omitted		10 79-1028.01	5	54-505
	13 Omitted		11 79-1073	6	54-506
	14 Omitted		12 79-1202	7	54-507
LB 1116A	Omitted		13 79-1210	8	54-508
LB 1145	§ 1 66-1519		14 79-1225	LB 1172A	Omitted
	2 66-1523		15 79-1241.03		
	3 66-1525		16 79-2102		

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 100th Legislature
Second Session, 2008

Showing the date each act went into effect.
Convened January 9, 2008, and adjourned April 17, 2008.

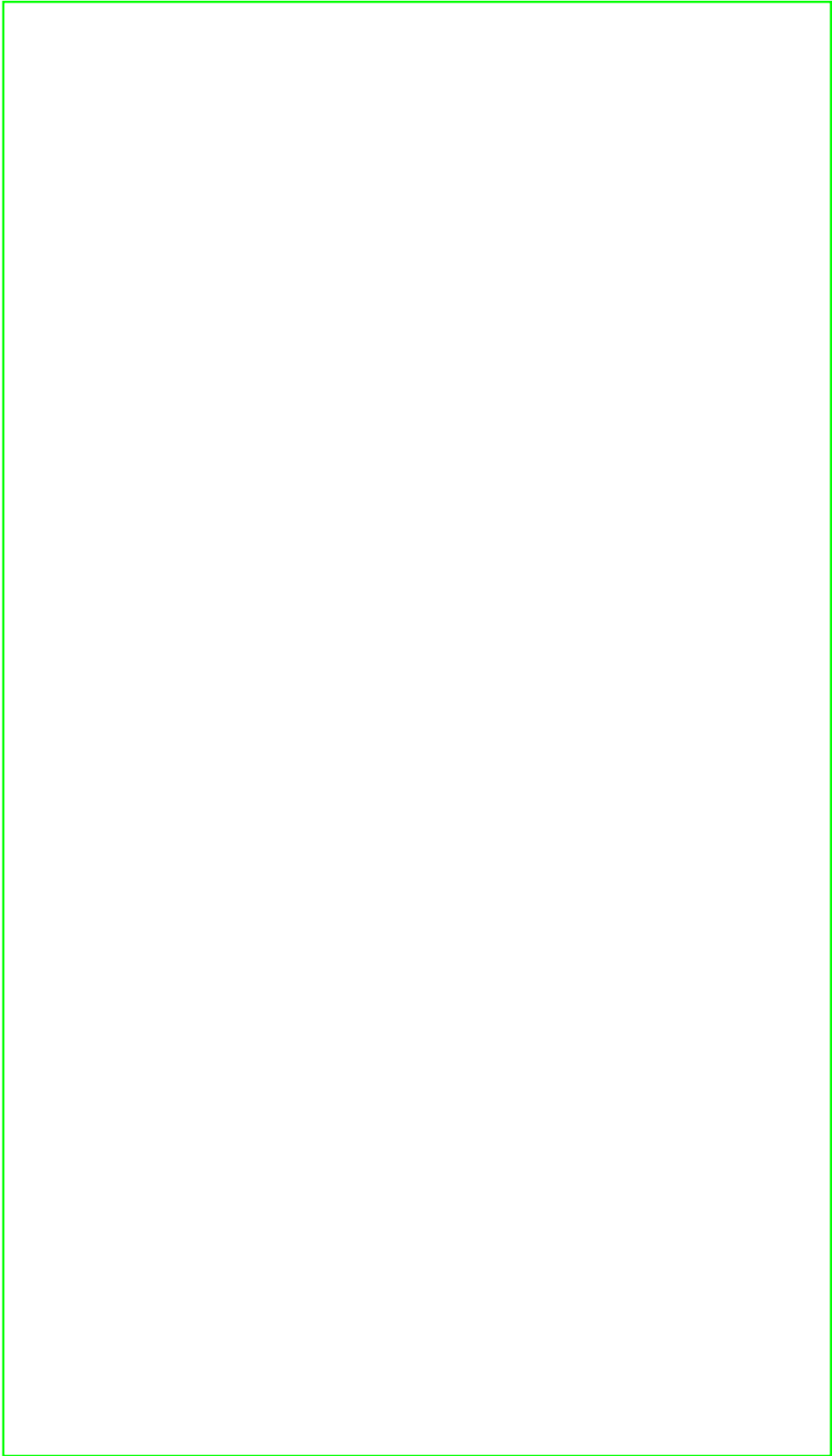
LB No.	Effective Date	LB No.	Effective Date
39	July 18, 2008	500	July 18, 2008
92	July 18, 2008	575	October 1, 2008 (operative date)
123	July 18, 2008	586	March 11, 2008
151	July 1, 2008 (operative date)	606	March 26, 2008
157	July 18, 2008	606A	March 26, 2008
171	July 18, 2008	609	July 18, 2008
171A	July 18, 2008	609A	April 22, 2008
177	July 18, 2008	619	July 18, 2008
179	July 18, 2008	620	July 18, 2008
179A	July 18, 2008	621	July 18, 2008
195	July 18, 2008	623	July 18, 2008
196	July 18, 2008	624	July 18, 2008
202	July 18, 2008	632	July 18, 2008
204	July 18, 2008	668	July 18, 2008
204A	July 18, 2008	690	July 18, 2008
205	February 8, 2008	706	February 8, 2008
210	July 18, 2008	707	July 18, 2008
245	April 18, 2008	710	July 18, 2008
245A	April 18, 2008	715	July 18, 2008
246	February 8, 2008	720	January 1, 2009 (operative date)
268	July 18, 2008	724	July 18, 2008
269	July 18, 2008	726	July 18, 2008
279	July 18, 2008	726A	July 18, 2008
280	July 18, 2008	727	July 18, 2008
308	Sections 10, 11, 15, and 17 of this act become operative on December 1, 2008. The other sections of this act become operative on April 22, 2008.	728	July 18, 2008
308A	July 18, 2008	734	July 18, 2008
312	July 18, 2008	736	January 1, 2009 (operative date)
379	July 18, 2008	736A	July 18, 2008
380	July 18, 2008	744	July 18, 2008
383	July 18, 2008	745	July 18, 2008
386	July 18, 2008	746	July 18, 2008
395	June 1, 2009 (operative date)	747	July 18, 2008
395A	July 18, 2008	750	March 11, 2008
465	July 18, 2008	752	July 18, 2008
467	July 18, 2008	754	April 17, 2008
467A	July 18, 2008	755	March 20, 2008
469	July 18, 2008	756	Sections 1, 3, 11, 12, 13, 15, 18, 19, 20, 23, 24, 25, 26, 31, and 34 of this act become operative on July 18, 2008.
480	July 15, 2008 (operative date)		Sections 5, 6, 7, 8, 9, 10, 14, 16, 17, 21, 22, and 32 of this act become operative on July

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	1, 2008. The other sections of this act become operative on March 20, 2008.	865	July 18, 2008
764	July 18, 2008	888	January 1, 2008 (operative date)
765	July 18, 2008	889	July 18, 2008
766	September 1, 2008 (operative date)	893	July 18, 2008
768	July 18, 2008	895	April 18, 2008
775	July 18, 2008	896	March 11, 2008
777	January 1, 2009 (operative date)	898	July 18, 2008
781	July 18, 2008	902	Sections 2 and 4 of this act become operative on January 1, 2009. The other sections of this act become operative on July 18, 2008.
782	March 11, 2008		
789	April 17, 2008	904	July 18, 2008
790	July 18, 2008	907	July 18, 2008
791	July 18, 2008	911	July 18, 2008
797	Sections 12, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 33, and 35 of this act become operative on July 18, 2008. The other sections of this act become operative on April 1, 2008.	911A	July 18, 2008
		912	July 18, 2008
798	July 18, 2008	914	Sections 1, 8, 13, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, and 29 of this act become operative on July 18, 2008. Sections 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15, 16, 23, and 28 of this act become operative on January 1, 2009.
805	July 18, 2008		
806	July 18, 2008		
821	July 18, 2008	915	Sections 1, 2, 3, 4, 7, and 9 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2008, under the Internal Revenue Code of 1986, as amended. Sections 5, 6, 8, and 10 of this act become operative on July 18, 2008.
822	July 18, 2008		
823	July 18, 2008		
830	July 18, 2008		
830A	July 18, 2008		
837	July 18, 2008		
838	January 1, 2009 (operative date)		
844	July 18, 2008		
845	July 18, 2008		
846	Sections 5, 8, 10, 13, 14, 16, 18, and 23 of this act become operative on July 1, 2009. The other sections of this act become operative on July 18, 2008.	916	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, and 27 of this act become operative on October 1, 2008. Sections 17 and 28 of this act become operative on December 1, 2008. The other section of this act becomes operative on July 18, 2008.
848	July 18, 2008		
850	July 18, 2008		
851	Sections 2, 3, 4, 8, 9, 19, 20, 21, 23, 24, 25, 28, and 30 of this act become operative on July 18, 2008. The other sections of this act become operative on March 20, 2008.	925	July 18, 2008
		928	Sections 1, 15, 16, 19, 20, 21, 22, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, and 47 of this act become operative on July 18, 2008. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 23, 24, 26, 27, 28, and 43 of this act become operative on December 1, 2008. Sections 14 and 46 of this act become operative on July 1, 2008.
853	July 18, 2008		
855	Sections 5 and 53 of this act become operative on January 1, 2009. The other sections of this act become operative on July 18, 2008.		
856	July 18, 2008		
857	July 18, 2008		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
	The other sections of this act become operative on April 22, 2008.	1022	December 1, 2008 (operative date)
928A	July 18, 2008	1027	July 18, 2008
939	July 18, 2008	1027A	July 18, 2008
947	July 18, 2008	1045	July 18, 2008
952	July 18, 2008	1048	April 17, 2008
953	July 18, 2008	1048A	July 18, 2008
956	July 18, 2008	1049	January 1, 2009 (operative date)
959	Provisions line-item vetoed by the Governor and overridden by the Legislature became effective April 8, 2008. All other provisions became effective April 3, 2008.	1055	April 22, 2008
		1056	July 18, 2008
		1058	April 15, 2008
		1067	July 18, 2008
		1068	July 18, 2008
		1072	April 18, 2008
		1094	April 2, 2008
960	April 3, 2008	1094A	April 2, 2008
961	Section 9 of this act becomes operative on July 1, 2008. The other sections of this act become operative on April 3, 2008.	1096	July 18, 2008
		1103	July 18, 2008
		1108	December 1, 2008 (operative date)
962	July 18, 2008	1116	Sections 3 and 12 of this act become operative on January 1, 2009. Sections 8, 13, and 14 of this act become operative on December 31, 2009. The other sections of this act become operative on July 18, 2008.
965	Sections 1 and 25 of this act become operative on January 1, 2009. The other sections of this act become operative on April 15, 2008.		
		1116A	July 18, 2008
972	December 1, 2008 (operative date)	1145	July 18, 2008
973	July 18, 2008	1147	Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 20 of this act become operative on July 18, 2008. The other sections of this act become operative on April 22, 2008.
988	April 3, 2008		
988A	April 3, 2008	1147A	July 18, 2008
993	July 18, 2008	1153	Sections 7, 9, 11, and 12 of this act become operative on April 18, 2008. The other sections of this act become operative on July 18, 2008.
995	July 18, 2008		
1001	January 1, 2009 (operative date)	1154	July 18, 2008
1001A	July 18, 2008	1157	July 18, 2008
1004	April 17, 2008	1157A	July 18, 2008
1011	July 18, 2008	1162	July 18, 2008
1014	Sections 1, 2, 4, 5, 10, 11, 12, 13, 14, 15, 48, 49, 50, 51, 52, 53, 76, and 80 of this act become operative on January 1, 2009. Sections 3, 6, 7, 8, 9, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 36, 37, 38, 39, 40, 41, 42, 44, 45, 54, 67, 68, 69, 70, 79, and 82 of this act become operative on July 18, 2008. Sections 43 and 77 of this act become operative on July 1, 2008. The other sections of this act become operative on April 17, 2008.	1165	July 18, 2008
		1172	July 18, 2008
		1172A	July 18, 2008
1014A	April 17, 2008		
1019	April 3, 2008		



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2008 Session Laws of Nebraska, First Special Session
Showing LB section number to statute section number

2008 First Special Session		2008 Cumulative Supplement
LB 1	§ 1	29-121
	2	Omitted
	3	Omitted
LB 2		Omitted



APPENDIX

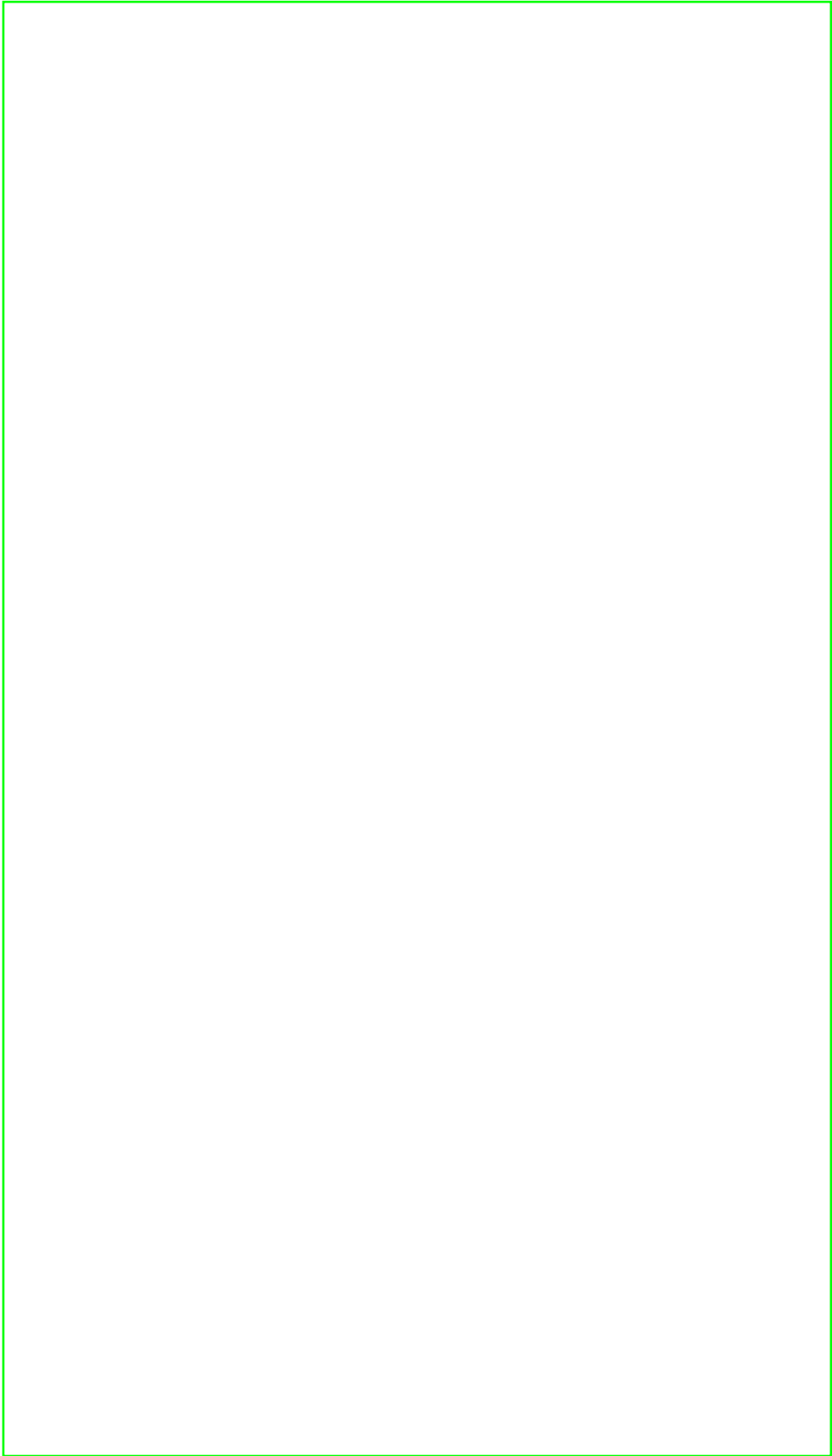
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, 100th Legislature
First Special Session, 2008

Showing the date each act went into effect.
Convened November 14, 2008, and adjourned November 21, 2008.

LB No.	Effective Date
1	November 22, 2008
2	November 22, 2008



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2009 Session Laws of Nebraska, First Session
Showing LB section number to statute section number

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
LB 1	Omitted		8 81-885.25	LB 32	§ 1 8-113
LB 2	Omitted		9 81-885.29		2 Omitted
LB 3	Omitted		10 81-885.31		3 Omitted
LB 5	§ 1 37-513		11 81-885.43	LB 35	§ 1 21-2654
	2 37-614		12 81-885.44		2 21-2601
	3 Omitted		13 81-885.46		3 23-1205
LB 7	§ 1 24-337.04		14 81-885.48		4 24-301.02
	2 32-524		15 81-887.03		5 24-517
	3 Omitted		16 Omitted		6 25-505.01
LB 9	§ 1 77-2704.60		17 Omitted		7 25-506.01
	2 77-2701	LB 31	§ 1 1-105		8 25-507.01
	3 77-2701.04		2 1-106		9 25-1144
	4 77-2704.13		3 1-109		10 25-1628
	5 Omitted		4 1-110		11 25-1708
	6 Omitted		5 1-111		12 25-2240
	7 Omitted		6 1-114		13 25-1801
	8 Omitted		7 1-116		14 25-2405
LB 11	§ 1 81-885.14		8 1-118		15 25-2721
	2 Omitted		9 1-119		16 25-3007
LB 16	§ 1 84-602.01		10 1-120		17 25-3008
	2 84-602		11 1-122		18 27-1201
	3 84-602.02		12 1-125.01		19 30-2302
	4 Omitted		13 1-125.02		20 30-2485
LB 20	§ 1 85-2105		14 1-126		21 30-2487
	2 85-2106		15 1-134		22 30-24,125
	3 Omitted		16 1-135		23 30-24,129
	4 Omitted		17 1-136		24 33-107.03
LB 24	§ 1 71-3531		18 1-136.01		25 33-117
	2 71-3534		19 1-136.02		26 34-301
	3 71-3535		20 1-136.04		27 43-103
	4 Omitted		21 1-137		28 43-1314.02
LB 27	§ 1 68-901		22 1-138		29 43-3001
	2 68-962		23 1-137.01		30 43-3713
	3 68-963		24 1-148		31 81-1429
	4 68-964		25 1-151		32 84-917
	5 68-965		26 1-152		33 Omitted
	6 68-966		27 1-155		34 Omitted
	7 71-7611		28 1-156		35 Omitted
	8 Omitted		29 1-157		36 Omitted
	9 Omitted		30 1-158	LB 35A	Omitted
LB 27A	Omitted		31 1-159	LB 36	§ 1 29-2537
LB 28	§ 1 60-3,135		32 1-161		2 29-2538
	2 60-480.01		33 1-162		3 29-2539
	3 Omitted		34 1-162.01		4 29-2540
LB 29	§ 1 81-885.19		35 1-164.01		5 29-2541
	2 Omitted		36 1-164.02		6 29-2542
LB 30	§ 1 81-885		37 1-167		7 29-2543
	2 81-885.02		38 1-168		8 29-2546
	3 81-885.05		39 1-170		9 83-964
	4 81-885.09		40 1-171		10 83-965
	5 81-885.10		41 Omitted		11 83-966
	6 81-885.15		42 Omitted		12 83-967
	7 81-885.24		43 Omitted		13 83-968

APPENDIX

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	14 83-969		2 28-101	LB 84	§ 1 71-702
	15 83-970		3 28-111		2 Omitted
	16 83-971		4 28-308	LB 85	§ 1 18-2901
	17 83-972		5 28-309	LB 87	§ 1 9-506 UCC
	18 Omitted		6 28-524		2 Omitted
	19 Omitted		7 28-929		3 Omitted
	20 Omitted		8 28-930	LB 89	§ 1 77-4001
	21 Omitted		9 28-1201		2 77-4002
LB 48	§ 1 75-363		10 28-1202		3 77-4005.01
	2 75-364		11 28-1204		4 77-4008
	3 Omitted		12 28-1204.01		5 77-4014
	4 Omitted		13 28-1204.04		6 77-4017
LB 49	§ 1 18-1214		14 28-1205		7 77-4025
	2 23-186		15 28-1206		8 Omitted
	3 37-1201		16 28-1207		9 Omitted
	4 37-1280.01		17 28-1208	LB 90	§ 1 29-4204
	5 60-101		18 28-1212.02		2 Omitted
	6 60-111		19 28-1212.03		3 Omitted
	7 60-162.01		20 28-1212.04	LB 91	§ 1 43-117
	8 60-320		21 28-1351		2 Omitted
	9 83-123		22 29-401	LB 92	§ 1 60-601
	10 Omitted		23 29-901		2 60-6,378
LB 49A	Omitted		24 29-901.01		3 Omitted
LB 50	§ 1 60-1401.02		25 29-1912	LB 94	§ 1 77-3501
	2 Omitted		26 29-2320		2 77-3505.05
LB 52	§ 1 80-410		27 29-2321		3 77-3512
	2 Omitted		28 43-245		4 77-3513
LB 53	§ 1 70-603		29 43-250		5 77-3514
	2 70-604.01		30 43-276		6 77-3516
	3 70-604.02		31 47-632		7 77-3514.01
	4 70-604.05		32 60-497.01		8 Omitted
	5 70-681		33 69-2404		9 Omitted
	6 Omitted		34 69-2407	LB 97	§ 1 21-20,177
LB 54	§ 1 46-713		35 69-2410		2 21-20,179
	2 46-714		36 69-2430		3 27-412
	3 46-715		37 81-1447		4 27-413
	4 46-719		38 81-1448		5 27-414
	5 Omitted		39 81-1449		6 27-415
LB 55	§ 1 23-1201.02		40 81-1450		7 27-404
	2 Omitted		41 81-1451		8 27-1103
LB 56	§ 1 54-2417		42 83-183		9 28-101
	2 54-2422		43 79-2,138		10 28-311
	3 54-2431		44 79-2,139		11 28-318
	4 54-2435		45 79-2,140		12 28-319.01
	5 Omitted		46 79-2,141		13 28-320.02
LB 60	§ 1 60-1901		47 79-2,142		14 28-322.05
	2 Omitted		48 Omitted		15 28-813.01
LB 61	§ 1 79-1022		49 Omitted		16 28-1010
	2 79-1023		50 Omitted		17 28-1463.02
	3 79-1026.01		51 Omitted		18 28-1463.03
	4 79-1027	LB 63A	Omitted		19 28-1463.04
	5 79-1031.01	LB 74	§ 1 8-133		20 28-1463.05
	6 Omitted		2 Omitted		21 29-110
	7 Omitted		3 Omitted		22 27-1301
LB 62	§ 1 79-233	LB 75	§ 1 8-157.01		23 29-4001
	2 79-237		2 Omitted		24 29-4001.01
	3 79-238		3 Omitted		25 29-4003
	4 79-1007.22	LB 80	§ 1 30-3116		26 29-4006
	5 79-2120		2 30-3135		27 29-4007
	6 79-2110		3 30-3146		28 29-4008
	7 Omitted		4 30-3135.01		29 83-4,143
	8 Omitted		5 Omitted		30 81-6,120
LB 63	§ 1 13-2610		6 Omitted		31 Omitted

CROSS REFERENCE TABLE

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	32 Omitted		13 37-433		7 77-1342
	33 Omitted		14 37-440		8 77-1340.04
	34 Omitted		15 37-447		9 77-1340.05
	35 Omitted		16 37-449		10 77-1340.06
	36 Omitted		17 37-450		11 77-3442
	37 Omitted		18 37-451		12 Omitted
LB 97A	Omitted		19 37-455		13 Omitted
LB 98	§ 1 2-958.01		20 37-455.01		14 Omitted
	2 2-958.02		21 37-456		15 Omitted
	3 2-967		22 37-457	LB 121A	Omitted
	4 2-968		23 37-477	LB 122	§ 1 28-718
	5 2-5106		24 37-479		2 28-720
	6 Omitted		25 37-481		3 Omitted
	7 Omitted		26 37-4,111	LB 123	§ 1 28-405
LB 98A	Omitted		27 37-501		2 Omitted
LB 99	§ 1 54-764		28 37-504	LB 129	§ 1 60-301
	2 54-765		29 37-507		2 60-3,222
	3 54-766		30 37-513		3 Omitted
	4 54-767		31 37-514	LB 131	§ 1 22-161.01
	5 54-768		32 37-523		2 22-172.01
	6 54-769		33 37-528		3 Omitted
	7 54-770		34 37-613	LB 133	§ 1 32-707
	8 54-771		35 37-727		2 Omitted
	9 54-772		36 37-1241.07	LB 135	Omitted
	10 54-773		37 37-1241.08	LB 137	§ 1 53-103
	11 54-774		38 54-2313		2 Omitted
	12 54-775		39 Omitted	LB 142	§ 1 54-1,100
	13 54-776	LB 105A	Omitted		2 Omitted
	14 54-777	LB 110	§ 1 60-301	LB 151	§ 1 28-405
	15 54-778		2 60-3,104		2 28-456
	16 54-779		3 60-3,104.01		3 28-456.01
	17 54-780		4 60-3,104.02		4 Omitted
	18 54-781		5 60-3,119		5 Omitted
	19 54-744		6 60-3,122		6 Omitted
	20 Omitted		7 60-3,122.02	LB 152	§ 1 44-6413
	21 Omitted		8 60-3,123		2 Omitted
	22 Omitted		9 60-3,124	LB 154	§ 1 12-1301
LB 100	§ 1 2-2629		10 60-3,125		2 29-3922
	2 2-2636		11 60-3,128		3 29-3927
	3 2-2638		12 60-3,129		4 38-2881
	4 2-2639		13 60-3,130.04		5 38-2886
	5 2-2641		14 Omitted		6 38-2888
	6 2-2645		15 Omitted		7 38-2889
	7 2-2646	LB 110A	Omitted		8 42-917
	8 Omitted	LB 111	§ 1 60-682.01		9 44-5230
LB 101	§ 1 2-4801		2 Omitted		10 44-5255
	2 Omitted		3 Omitted		11 44-5263
	3 Omitted	LB 113	§ 1 8-1110		12 58-326
	4 Omitted		2 8-1115.01		13 66-1337
LB 102	§ 1 79-771		3 8-1116		14 66-1518
	2 Omitted		4 8-1123		15 66-1519
LB 105	§ 1 28-1335		5 Omitted		16 71-702
	2 37-201		6 Omitted		17 71-801
	3 37-314	LB 120	§ 1 77-2010		18 71-810
	4 37-327		2 77-2018.04		19 81-15,124.01
	5 37-407		3 77-2018.07		20 85-1655
	6 37-410		4 Omitted		21 86-401
	7 37-411	LB 121	§ 1 13-519		22 86-593
	8 37-415		2 13-520		23 86-597
	9 37-417		3 23-3202		24 86-598
	10 37-426		4 32-519		25 84-621
	11 37-431		5 77-1339		26 Omitted
	12 37-432		6 77-1340		27 Omitted

APPENDIX

2009		2009		2009		2009	
Session	Laws	Session	Laws	Session	Laws	Session	Laws
		Supplement	Supplement	Supplement	Supplement	Supplement	Supplement
LB 155	§ 1	28-101		12	77-5906		3 Omitted
	2	28-1352		13	81-12,125	LB 180	§ 1 13-2042.01
	3	28-1353		14	Omitted		2 81-15,160
	4	28-1354		15	Omitted		3 Omitted
	5	28-1355		16	Omitted	LB 184	§ 1 46-226
	6	28-1356	LB 165	§ 1	66-1521		2 Omitted
	7	28-518		2	77-1783.01	LB 187	§ 1 79-958
	8	28-636		3	77-1784		2 79-966
	9	28-637		4	77-2701.03		3 79-9,113
	10	28-638		5	77-2701.16		4 Omitted
	11	28-639		6	77-2701.24		5 Omitted
	12	28-640		7	77-2703.04		6 Omitted
	13	28-603		8	77-2704.09	LB 188	§ 1 23-2306
	14	28-604		9	77-2704.52		2 23-2308.01
	15	28-611		10	77-2711		3 23-2315
	16	28-611.01		11	77-2712.05		4 23-2317
	17	29-110		12	77-2715.07		5 23-2319
	18	87-302		13	77-2761		6 23-2321
	19	Omitted		14	77-2780		7 81-2017
	20	Omitted		15	77-5211		8 84-712.05
LB 158	§ 1	17-107		16	Omitted		9 84-1302
	2	17-208		17	Omitted		10 84-1307
	3	23-1734		18	Omitted		11 84-1309.02
	4	13-3001		19	Omitted		12 84-1313.02
	5	13-3002		20	Omitted		13 84-1317
	6	13-3003		21	Omitted		14 84-1319
	7	13-3004	LB 166	§ 1	13-508		15 84-1321
	8	13-3005		2	13-509		16 84-1323
	9	Omitted		3	72-258.03		17 84-1330
LB 160	§ 1	2-3226.10		4	77-201		18 84-1331
	2	2-3226.11		5	77-421		19 84-1512
	3	2-3226.12		6	77-680		20 Omitted
	4	2-3226.13		7	77-801		21 Omitted
	5	2-3226.14		8	77-1327		22 Omitted
	6	2-3234		9	77-1343	LB 189	§ 1 71-816
	7	2-3290.01		10	77-1344		2 71-817
	8	Omitted		11	77-1345.01		3 Omitted
	9	Omitted		12	77-1355	LB 192	§ 1 12-1116
LB 162	§ 1	48-2101		13	77-1371		2 44-1988
	2	48-2103		14	77-1501		3 44-4065
	3	48-2104		15	77-1502		4 44-5103
	4	48-2105		16	77-1507.01		5 44-5223
	5	48-2107		17	77-1775		6 44-5225
	6	48-2117		18	77-3523		7 44-5231.01
	7	48-2115		19	77-5022		8 44-5260
	8	77-373.01		20	77-5023		9 44-5904
	9	77-2753		21	79-1016		10 44-5905
	10	Omitted		22	Omitted		11 Omitted
	11	Omitted		23	Omitted	LB 195	§ 1 28-401
	12	Omitted		24	Omitted		2 28-407
LB 163	§ 1	79-544	LB 167	§ 1	81-1394		3 28-414
	2	Omitted		2	81-1117.05		4 37-413
LB 164	§ 1	2-5413		3	Omitted		5 38-101
	2	77-27,187.02	LB 168	§ 1	81-1118.07		6 38-121
	3	77-5714	LB 175	§ 1	60-395		7 38-167
	4	77-5715		2	60-3,157		8 38-507
	5	77-5723		3	Omitted		9 38-511
	6	77-5725	LB 177	§ 1	8-2602		10 38-512
	7	77-5726		2	8-2607		11 38-524
	8	77-5727		3	8-2609		12 38-1215
	9	77-5804		4	Omitted		13 38-1217
	10	77-5806	LB 179	§ 1	2-1588		14 38-1218
	11	77-5905		2	Omitted		15 38-1219

CROSS REFERENCE TABLE

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
16	38-1221		79 71-3601		11 60-140
17	38-1224		80 71-3602		12 60-144
18	38-1232		81 71-3604		13 60-147
19	38-1501		82 71-3614		14 60-152
20	38-1502		83 71-5403		15 60-164
21	38-1503		84 71-5829.03		16 60-165
22	38-1504		85 71-5829.04		17 60-165.01
23	38-1505		86 71-5830.01		18 60-166
24	38-1506		87 71-5865		19 60-168.01
25	38-1507		88 71-8205		20 Omitted
26	38-1508		89 71-8207	LB 202A	Omitted
27	38-1509		90 71-8208	LB 204	§ 1 60-4,141.01
28	38-1510		91 71-8210		2 60-4,168.01
29	38-1511		92 71-8216		3 Omitted
30	38-1512		93 71-8218	LB 206	§ 1 85-2301
31	38-1513		94 71-8222		2 85-2302
32	38-1514		95 71-8230		3 85-2303
33	38-1515		96 71-8232		4 85-2304
34	38-1516		97 71-8234		5 85-2305
35	38-1517		98 71-8235		6 85-2306
36	38-1518		99 71-8237		7 Omitted
37	38-2008		100 71-8239	LB 207	§ 1 72-2101
38	38-2014		101 71-8240		2 72-2105
39	38-2015		102 71-8242		3 81-1108.17
40	38-2017		103 71-8243		4 Omitted
41	38-2018		104 71-8244		5 Omitted
42	38-2037		105 71-8245	LB 208	§ 1 28-631
43	38-2047		106 71-8246		2 44-6604
44	38-2049		107 71-8247		3 Omitted
45	38-2050		108 71-8248	LB 209	§ 1 46-238
46	38-2055		109 86-275		2 46-1654
47	38-2801		110 Omitted		3 Omitted
48	38-2802		111 Omitted	LB 218	§ 1 13-518
49	38-2826.01	LB 196	§ 1 71-5666		2 47-120
50	38-2871		2 71-5667		3 71-5326
51	48-120		3 71-5668		4 77-27,136
52	69-2603		4 Omitted		5 77-27,137.01
53	71-201	LB 198	§ 1 69-501		6 77-27,137.02
54	71-208.02		2 69-502		7 77-27,137.03
55	71-208.06		3 69-503		8 77-27,139
56	71-216		4 69-504		9 81-15,158
57	71-219		5 69-505		10 83-380
58	71-219.01		6 69-506		11 83-4,133
59	71-219.02		7 69-507		12 Omitted
60	71-219.05		8 69-508		13 Omitted
61	71-223.01		9 69-509		14 Omitted
62	71-224		10 69-510	LB 219	§ 1 60-6,267
63	71-239		11 69-511		2 81-701.03
64	71-239.01		12 Omitted		3 60-2132
65	71-242	LB 198A	Omitted		4 Omitted
66	71-245	LB 201	§ 1 43-1230		5 Omitted
67	71-604		2 Omitted		6 Omitted
68	71-605		3 Omitted	LB 219A	Omitted
69	71-2411	LB 202	§ 1 37-1201	LB 224	§ 1 2-101
70	71-2412		2 37-1211		2 2-109
71	71-2413		3 37-1277		3 2-110
72	71-2414		4 37-1279		4 2-111
73	71-2416		5 37-1282		5 2-113
74	71-2417		6 37-1282.01		6 2-1208.01
75	71-2445		7 37-1283		7 Omitted
76	71-2447		8 37-1287		8 Omitted
77	71-2449		9 37-1290		9 Omitted
78	71-2450		10 60-101		10 Omitted

APPENDIX

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	11 Omitted		15 77-2318		18 Omitted
LB 231	§ 1 81-3602		16 77-2326.04	LB 286	§ 1 9-255.04
	2 Omitted		17 77-2340		2 9-347
LB 232	§ 1 53-101		18 77-2344		3 9-347.01
	2 53-124.15		19 77-2345		4 9-812
	3 53-177		20 77-2352		5 Omitted
	4 Omitted		21 77-2355		6 Omitted
LB 237	§ 1 43-1011		22 77-2362		7 Omitted
	2 43-1005		23 77-2365.02		8 Omitted
	3 43-1103		24 77-2375	LB 288	§ 1 32-310
	4 Omitted		25 77-2385		2 38-2893
	5 Omitted		26 77-2302		3 38-2894
LB 237A	Omitted		27 77-2387		4 42-358.02
LB 238	§ 1 28-520		28 77-2388		5 42-364
	2 28-521		29 77-2389		6 42-369
	3 70-2101		30 77-2395		7 43-512
	4 70-2102		31 77-2398		8 43-512.03
	5 70-2103		32 77-23,100		9 43-512.07
	6 70-2104		33 77-23,101		10 43-512.12
	7 70-2105		34 77-23,102		11 43-512.15
	8 70-301		35 77-23,105		12 43-512.16
	9 Omitted		36 Omitted		13 43-512.17
	10 Omitted		37 Omitted		14 44-3,144
	11 Omitted		38 Omitted		15 48-647
LB 241	§ 1 54-625	LB 260	§ 1 29-4601		16 48-2302
	2 54-626		2 29-4602		17 68-717
	3 54-627		3 29-4603		18 68-901
	4 54-627.01		4 29-4604		19 68-906
	5 54-628		5 29-4605		20 68-908
	6 54-628.01		6 29-4606		21 68-934
	7 54-629		7 29-4607		22 68-940
	8 54-632		8 29-4608		23 68-940.01
	9 54-634.01		9 29-3506		24 68-948
	10 54-640		10 81-8,210		25 68-1016
	11 54-644		11 81-8,227		26 68-1017
	12 54-645		12 Omitted		27 68-1017.01
	13 54-646	LB 263	§ 1 81-2,147.12		28 68-1017.02
	14 54-647		2 81-2,147		29 68-1070
	15 54-648		3 81-2,162.28		30 68-1713
	16 54-649		4 81-2,162.22		31 71-401
	17 54-650		5 Omitted		32 71-464
	18 Omitted	LB 274	§ 1 83-4,142		33 71-531
	19 Omitted		2 83-4,143		34 71-604.05
LB 246	§ 1 50-501		3 Omitted		35 71-5309
	2 Omitted	LB 278	§ 1 60-6,157		36 77-27,166
LB 246A	Omitted		2 Omitted		37 81-2270
LB 251	§ 1 49-801.01	LB 285	§ 1 28-322.05		38 81-2271
	2 Omitted		2 29-2264		39 81-3119
	3 Omitted		3 29-4001.01		40 83-1209
LB 259	§ 1 2-4214		4 29-4003		41 83-1211
	2 12-1102		5 29-4004		42 83-1213
	3 12-1107		6 29-4005		43 83-1217
	4 14-556		7 29-4006		44 83-1217.02
	5 15-847		8 29-4007		45 85-2104
	6 15-849		9 29-4009		46 71-2453
	7 16-713		10 29-4011		47 Omitted
	8 16-715		11 29-4013		48 Omitted
	9 16-716		12 29-4016		49 Omitted
	10 17-607		13 83-174.03		50 Omitted
	11 17-720		14 Omitted		51 Omitted
	12 30-3209		15 Omitted		52 Omitted
	13 72-1268.03		16 Omitted		53 Omitted
	14 77-2305		17 Omitted		54 Omitted

CROSS REFERENCE TABLE

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	55 Omitted		23 82-331		21 45-736
LB 288A	Omitted		24 82-332		22 45-737
LB 292	§ 1 48-2601		25 84-510		23 45-738
	2 48-2602		26 85-415		24 45-739
	3 48-2603		27 85-421		25 45-740
	4 48-2604		28 Omitted		26 45-741
	5 48-2605		29 Omitted		27 45-742
	6 48-2606		30 Omitted		28 45-743
	7 48-2607	LB 318	§ 1 81-188.02		29 45-744
	8 48-2608		2 81-188.04		30 45-745
	9 48-2609		3 81-188.06		31 45-746
	10 48-2610		4 Omitted		32 45-747
	11 48-2611		5 Omitted		33 45-748
	12 48-2612		6 Omitted		34 45-749
	13 48-2613	LB 322	§ 1 49-1401		35 45-750
	14 48-2614		2 49-1499.07		36 45-751
	15 48-2615		3 49-1499.03		37 45-752
	16 48-2616		4 81-108		38 45-753
	17 48-2617		5 Omitted		39 45-754
	18 48-2618		6 Omitted		40 45-1001
	19 48-2619	LB 327	§ 1 8-101.01		41 45-1002
	20 84-907.03		2 8-162.02		42 45-1007
	21 Omitted		3 8-112		43 45-1008
	22 Omitted		4 8-157.01		44 45-1013
	23 Omitted		5 8-163		45 45-1018
LB 292A	Omitted		6 8-1,140		46 45-1019
LB 294	§ 1 23-120		7 8-209		47 45-1024
	2 Omitted		8 8-210		48 45-1025
LB 299	§ 1 85-1008		9 8-355		49 45-1033
	2 Omitted		10 8-602		50 45-1033.01
LB 300	§ 1 70-637		11 8-1001		51 45-1033.02
	2 Omitted		12 8-1001.01		52 76-2711
LB 302	§ 1 77-3509.01		13 8-1018		53 Omitted
	2 77-3509.02		14 8-1019		54 Omitted
	3 Omitted		15 21-17,115	LB 328A	Omitted
	4 Omitted		16 45-190	LB 331	§ 1 18-1739
LB 311	Omitted		17 45-346.01		2 60-3,122.02
LB 312	Omitted		18 45-348		3 60-3,137
LB 313	Omitted		19 45-922		4 60-3,193.01
LB 314	Omitted		20 Omitted		5 60-3,198
LB 315	Omitted		21 Omitted		6 60-3,205
LB 316	§ 1 90-501		22 Omitted		7 60-462.01
	2 90-502		23 Omitted		8 60-462.02
	3 90-503	LB 328	§ 1 8-113		9 60-480.01
	4 90-504		2 8-702		10 60-4,147.02
	5 90-505		3 45-701		11 60-6,265
	6 90-506		4 45-702		12 60-6,267
	7 90-507		5 45-703		13 66-1406.02
	8 90-508		6 45-704		14 75-301
	9 90-509		7 45-705		15 75-363
	10 90-510		8 45-706		16 75-364
	11 90-511		9 45-724		17 75-369.03
	12 90-512		10 45-725		18 75-386
	13 90-513		11 45-726		19 75-393
	14 90-514		12 45-727		20 75-394
	15 57-705		13 45-728		21 75-396
	16 66-1334		14 45-729		22 75-397
	17 66-1345.04		15 45-730		23 75-398
	18 71-7608		16 45-731		24 Omitted
	19 71-7611		17 45-732		25 Omitted
	20 71-8805		18 45-733		26 Omitted
	21 77-2602.04		19 45-734		27 Omitted
	22 81-1201.21		20 45-735		28 Omitted

APPENDIX

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	29 Omitted		4 13-2202	LB 422	§ 1 80-401.01
LB 339	§ 1 18-2102.01		5 32-546.01		2 Omitted
	2 Omitted		6 32-555.01	LB 430	§ 1 14-102
LB 340	§ 1 85-1412		7 32-606		2 15-255
	2 Omitted		8 77-2704.15		3 16-227
	3 Omitted		9 79-575		4 17-556
LB 342	§ 1 68-901		10 79-592		5 18-1703
	2 68-967		11 79-1024		6 28-1201
	3 Omitted		12 79-1033		7 28-1204.03
LB 342A	Omitted		13 79-1041		8 28-1204.04
LB 343	§ 1 24-819		14 79-1073		9 69-2427
	2 Omitted		15 79-1073.01		10 69-2430
LB 347	§ 1 54-601		16 79-2104		11 69-2433
	2 Omitted		17 79-2113		12 69-2441
LB 348	§ 1 76-214		18 79-2117		13 69-2448
	2 Omitted		19 79-2118		14 Omitted
LB 355	§ 1 53-101		20 Omitted	LB 432	§ 1 69-1317
	2 53-103		21 Omitted		2 Omitted
	3 53-124	LB 394	§ 1 38-2001	LB 434	§ 1 23-202
	4 53-131		2 38-2062		2 23-294
	5 53-1,120.01		3 Omitted		3 23-295
	6 71-5730		4 Omitted		4 Omitted
	7 Omitted	LB 396	§ 1 68-901	LB 436	§ 1 70-2001
	8 Omitted		2 68-957		2 70-2002
LB 358	§ 1 44-4201		3 68-958		3 70-2003
	2 44-4220.01		4 68-959		4 70-2004
	3 44-4220.02		5 68-960		5 70-2005
	4 44-4221		6 68-961		6 70-1012
	5 44-4222		7 Omitted		7 Omitted
	6 44-4222.01	LB 402	§ 1 13-2611		8 Omitted
	7 44-4226		2 13-2612	LB 440	§ 1 85-9,178
	8 44-4227		3 19-5101		2 85-9,182
	9 Omitted		4 Omitted		3 85-1402
LB 360	§ 1 77-3201		5 Omitted		4 Omitted
	2 77-3203		6 Omitted	LB 441	§ 1 14-813
	3 77-3204	LB 403	§ 1 4-108		2 15-1202
	4 77-3205		2 4-109		3 15-1203
	5 77-3207		3 4-110		4 15-1204
	6 77-3211		4 4-111		5 19-2424
	7 Omitted		5 4-112		6 Omitted
LB 361	§ 1 79-1218		6 4-113	LB 445	§ 1 44-5302
	2 84-1411		7 4-114		2 44-5303
	3 84-1413		8 77-27,187		3 44-5305
	4 Omitted		9 77-27,188.03		4 44-5306
LB 372	§ 1 60-484.02		10 77-5701		5 44-5307
	2 Omitted		11 77-5722.01		6 Omitted
LB 377	§ 1 10-1201		12 77-5801	LB 446	§ 1 81-3401
	2 10-1202		13 77-5808		2 81-3432
	3 10-1203		14 77-5901		3 81-3432.01
	4 10-1204		15 77-5908		4 Omitted
	5 10-1205		16 Omitted	LB 447	§ 1 77-5209
	6 10-1206		17 Omitted		2 Omitted
	7 Omitted		18 Omitted	LB 449	§ 1 79-954
	8 Omitted	LB 412	§ 1 31-735		2 Omitted
LB 379	§ 1 81-15,160		2 Omitted	LB 450	§ 1 90-303
	2 Omitted	LB 414	§ 1 24-201.01		2 Omitted
	3 Omitted		2 24-703	LB 456	§ 1 79-1104.01
LB 389	§ 1 2-4901		3 Omitted		2 79-1104.05
	2 Omitted		4 Omitted		3 84-612
	3 Omitted		5 Omitted		4 84-613
LB 392	§ 1 11-119		6 Omitted		5 Omitted
	2 13-503		7 Omitted		6 Omitted
	3 13-903	LB 414A	Omitted	LB 458	§ 1 68-1721

CROSS REFERENCE TABLE

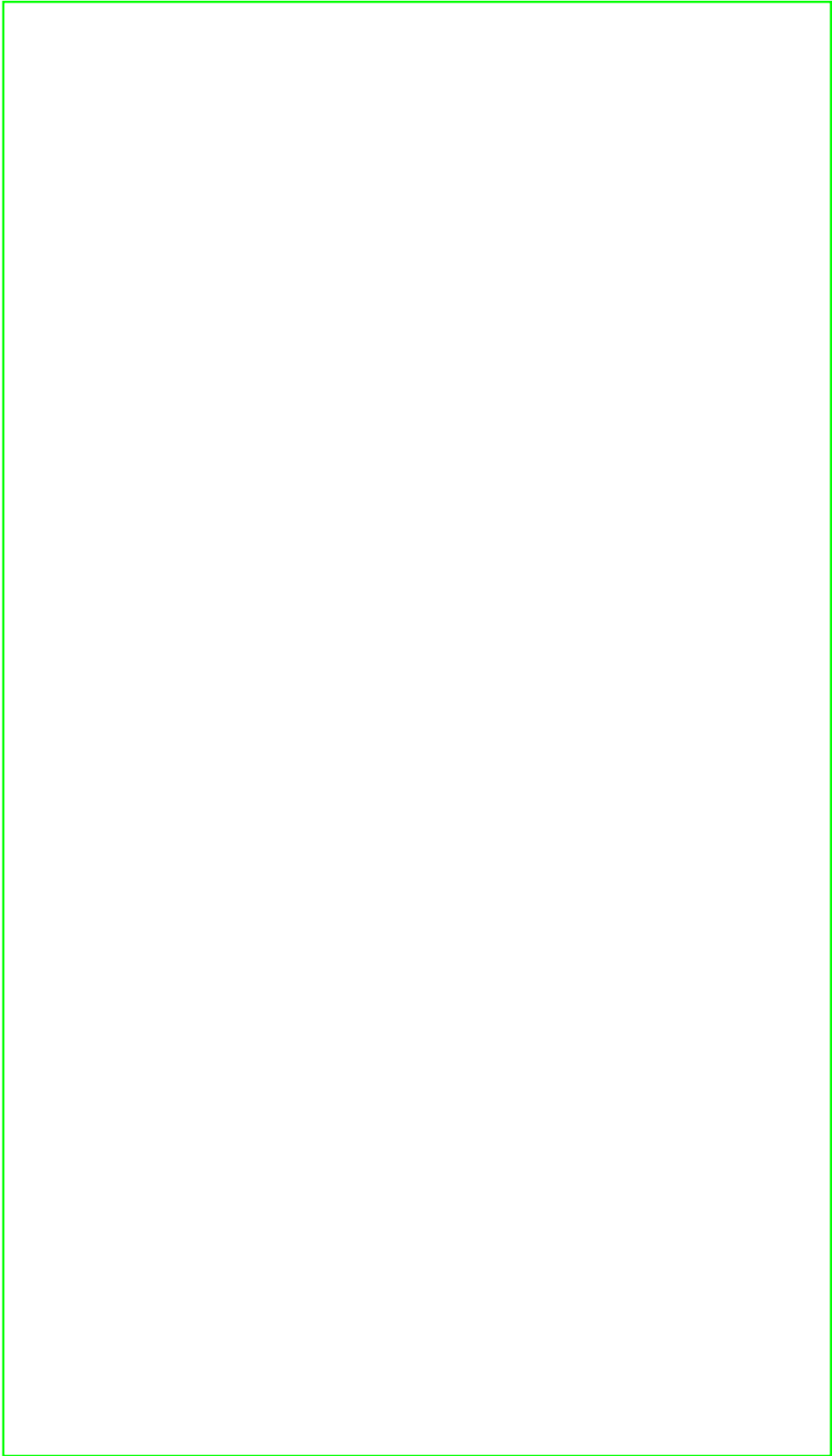
2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	2 Omitted		2 15-268		4 21-2060
LB 463	§ 1 38-1,140		3 16-117		5 21-20,186
	2 38-3301		4 16-130		6 Omitted
	3 38-3302		5 16-230	LB 531	§ 1 77-5903
	4 38-3307.01		6 17-405.01		2 Omitted
	5 38-3309.01		7 17-407	LB 532	§ 1 23-187
	6 38-3314		8 17-563		2 23-188
	7 38-3321		9 19-916		3 23-189
	8 38-3331		10 Omitted		4 23-190
	9 38-3332	LB 497	§ 1 29-2259.01		5 23-191
	10 38-3333		2 60-498.02		6 23-192
	11 38-3334		3 60-4,115		7 23-193
	12 71-8909		4 60-4,118.06	LB 533	§ 1 81-1174
	13 71-8910		5 60-6,197.01		2 Omitted
	14 71-8922		6 60-6,197.02		3 Omitted
	15 Omitted		7 60-6,197.03	LB 537	§ 1 35-302
LB 463A	Omitted		8 60-6,197.05		2 Omitted
LB 464	§ 1 79-217		9 60-6,197.06	LB 540	§ 1 43-4001
	2 Omitted		10 60-6,211.05		2 Omitted
LB 464A	Omitted		11 Omitted		3 Omitted
LB 476	§ 1 79-772		12 Omitted	LB 545	§ 1 9-812
	2 79-773		13 Omitted		2 77-3446
	3 79-774	LB 497A	Omitted		3 79-1001
	4 79-775	LB 498	§ 1 12-101		4 79-1003
	5 Omitted		2 12-101.01		5 79-1007.07
	6 Omitted		3 Omitted		6 79-1007.09
	7 Omitted		4 Omitted		7 79-1007.10
LB 476A	Omitted	LB 500	§ 1 12-402		8 79-1007.11
LB 477	§ 1 46-290		2 16-242		9 79-1007.18
	2 46-291		3 17-936		10 79-1007.23
	3 46-701		4 Omitted		11 79-1007.24
	4 46-706	LB 501	§ 1 13-519		12 79-1011
	5 46-707		2 32-607		13 79-1012
	6 46-739		3 32-960		14 79-1017.01
	7 46-739.01		4 77-27,142.01		15 79-1022
	8 46-739.02		5 77-27,142.02		16 79-1023
	9 46-739.03		6 77-27,142.03		17 79-1026.01
	10 Omitted		7 Omitted		18 79-1027
LB 483	§ 1 2-32,115	LB 503	§ 1 37-1301		19 79-1028.01
	2 46-706		2 37-1302		20 79-1028.02
	3 46-713		3 37-1303		21 79-1028.03
	4 46-714		4 37-1304		22 79-1031.01
	5 46-720		5 37-1305		23 79-1073
	6 Omitted		6 37-1306		24 79-10,110
	7 Omitted		7 37-1307		25 Omitted
LB 488	§ 1 80-316		8 37-1308		26 Omitted
	2 Omitted		9 37-1309		27 Omitted
LB 494	§ 1 28-1008		10 37-1310	LB 545A	Omitted
	2 28-1013		11 14-102	LB 547	§ 1 9-812
	3 28-1014		12 15-258		2 79-808
	4 28-1015		13 16-226		3 79-8,132
	5 28-1016		14 Omitted		4 79-8,133
	6 28-1017	LB 511	§ 1 71-5803.09		5 79-8,134
	7 28-1020		2 Omitted		6 79-8,135
	8 54-617		3 Omitted		7 79-8,137
	9 54-620	LB 517	§ 1 43-283.01		8 79-8,137.01
	10 54-622		2 43-292		9 79-8,137.02
	11 54-623		3 Omitted		10 79-8,137.03
	12 54-623.01	LB 524	§ 1 18-1741.02		11 79-8,137.04
	13 54-622.01		2 Omitted		12 79-8,137.05
	14 54-624	LB 528	§ 1 21-2003		13 79-8,138
	15 Omitted		2 21-2014		14 79-8,139
LB 495	§ 1 19-5001		3 21-2015		15 79-8,140

APPENDIX

2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement	2009 Session Laws	2009 Supplement
	16 Omitted		52 Omitted	LB 603A	Omitted
	17 Omitted		53 Omitted	LB 604	§ 1 38-2801
	18 Omitted	LB 551	§ 1 44-710.01		2 38-2802
	19 Omitted		2 44-761		3 38-2805.01
LB 547A	Omitted		3 44-7,103		4 38-2826.02
LB 548	§ 1 79-1022		4 Omitted		5 38-2826.03
	2 79-1023		5 Omitted		6 38-2826
	3 79-1026.01	LB 555	§ 1 77-5803		7 38-2850
	4 79-1027		2 Omitted		8 38-2867
	5 79-1031.01		3 Omitted		9 38-2869
	6 Omitted	LB 561	§ 1 70-670		10 38-2873
	7 Omitted		2 70-1014.01		11 Omitted
LB 549	§ 1 13-518		3 70-1903		12 Omitted
	2 43-2007		4 70-1904		13 Omitted
	3 60-658		5 77-2704.57	LB 620	§ 1 50-421
	4 79-233		6 Omitted		2 50-416
	5 79-234	LB 562	§ 1 14-2102		3 Omitted
	6 79-237		2 Omitted	LB 626	§ 1 49-1401
	7 79-238	LB 568	§ 1 76-3001		2 49-1405
	8 79-239		2 76-3002		3 49-14,101.03
	9 79-240		3 76-3003		4 49-14,101.01
	10 79-2,104		4 76-3004		5 49-14,101.02
	11 79-2,105		5 66-911.01		6 81-1120.27
	12 79-304		6 Omitted		7 Omitted
	13 79-305	LB 587	§ 1 77-2701.16	LB 627	§ 1 48-722
	14 79-306		2 Omitted		2 Omitted
	15 79-310		3 Omitted	LB 628	Omitted
	16 79-313	LB 598	§ 1 81-1801.02	LB 629	Omitted
	17 79-317		2 81-1801	LB 630	§ 1 48-106
	18 79-318		3 81-1802		2 48-120.04
	19 79-319		4 81-1803		3 48-125
	20 79-528		5 81-1805		4 48-136
	21 79-569		6 81-1813		5 48-138
	22 79-598		7 81-1818		6 48-139
	23 79-606		8 81-1820		7 48-140
	24 79-608		9 81-1822		8 48-141
	25 79-611		10 81-1823		9 48-144.03
	26 79-1003		11 81-1825		10 48-168
	27 79-1007.06		12 81-1833		11 Omitted
	28 79-1007.08		13 81-1834		12 Omitted
	29 79-1007.16		14 81-1835	LB 631	§ 1 48-612.01
	30 79-1007.20		15 81-1839		2 48-622.01
	31 79-1007.21		16 81-1840		3 48-622.02
	32 79-1007.22		17 81-1841		4 48-622.03
	33 79-1014		18 Omitted		5 48-648
	34 79-1065.01	LB 603	§ 1 68-911		6 48-648.01
	35 79-1084		2 68-915		7 48-649
	36 79-1086		3 71-801		8 48-652
	37 79-10,110		4 71-808		9 48-654
	38 79-1102.01		5 71-821		10 48-655
	39 79-1110		6 71-822		11 48-665
	40 79-1127		7 71-823		12 48-668
	41 79-1148		8 71-824		13 48-668.02
	42 79-1149		9 71-825		14 Omitted
	43 79-1150		10 71-826		15 Omitted
	44 79-1161		11 71-827		16 Omitted
	45 79-1204		12 71-828	LB 653	§ 1 50-1401
	46 79-1212		13 71-829		2 50-1402
	47 79-1241.01		14 71-830		3 50-1403
	48 79-1241.03		15 Omitted		4 50-1404
	49 79-1601		16 Omitted		5 Omitted
	50 79-1606		17 Omitted	LB 658	§ 1 66-1801
	51 85-607		18 Omitted		2 66-1802

CROSS REFERENCE TABLE

2009 Session Laws	2009 Supplement
	3 66-1839
	4 66-1865
	5 66-1866
	6 66-1867
	7 84-712.05
	8 Omitted
LB 671	§ 1 23-1212
	2 23-1213
	3 23-1213.01
	4 23-1213.02
	5 23-1213.03
	6 23-1218
	7 Omitted
LB 671A	Omitted
LB 675	§ 1 28-326
	2 28-327
	3 28-327.01
	4 28-327.03
	5 28-327.04
	6 Omitted
	7 Omitted
LB 679	§ 1 43-1302
	2 Omitted



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred First Legislature
First Session, 2009

Showing the date each act went into effect.
Convened January 7, 2009, and adjourned May 29, 2009.

LB No.	Effective Date	LB No.	Effective Date
1	August 30, 2009	85	August 30, 2009
2	August 30, 2009	87	February 27, 2009
3	August 30, 2009	89	October 1, 2009 (operative date)
5	August 30, 2009	90	August 30, 2009
7	August 30, 2009	91	August 30, 2009
9	Sections 4, 5, 7, and 8 of this act become operative on April 1, 2009. The other sections of this act become operative on October 1, 2009.	92	August 30, 2009
11	August 30, 2009	94	May 27, 2009
16	August 30, 2009	97	Sections 3, 4, 5, 6, 7, 8, 11, 29, 31, 34, and 36 of this act become operative on January 1, 2010. Section 30 of this act becomes operative on August 30, 2009. The other sections of this act become operative on May 21, 2009.
20	March 6, 2009	97A	August 30, 2009
24	August 30, 2009	98	May 14, 2009
27	May 27, 2009	98A	May 14, 2009
27A	May 27, 2009	99	February 27, 2009
28	August 30, 2009	100	August 30, 2009
29	August 30, 2009	101	February 27, 2009
30	August 30, 2009	102	August 30, 2009
31	September 1, 2010 (operative date)	105	August 30, 2009
32	March 6, 2009	105A	August 30, 2009
35	Sections 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, and 35 of this act become operative on August 30, 2009. The other sections of this act become operative on May 30, 2009.	110	January 1, 2010 (operative date)
35A	July 1, 2009 (operative date)	110A	August 30, 2009
36	August 30, 2009	111	April 23, 2009
48	March 6, 2009	113	May 27, 2009
49	August 30, 2009	120	August 30, 2009
49A	August 30, 2009	121	Sections 3, 4, 5, 13, and 15 of this act become operative on July 1, 2013. The other sections of this act become operative on August 30, 2009.
50	August 30, 2009	121A	August 30, 2009
52	August 30, 2009	122	August 30, 2009
53	August 30, 2009	123	August 30, 2009
54	August 30, 2009	129	August 30, 2009
55	August 30, 2009	131	August 30, 2009
56	August 30, 2009	133	August 30, 2009
60	August 30, 2009	135	March 6, 2009
61	January 30, 2009	137	August 30, 2009
62	February 13, 2009	142	August 30, 2009
63	May 28, 2009	151	March 19, 2009
63A	May 28, 2009	152	August 30, 2009
74	March 6, 2009	154	August 30, 2009
75	February 27, 2009	155	August 30, 2009
80	February 27, 2009	158	August 30, 2009
84	August 30, 2009	160	August 30, 2009

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
162	January 1, 2010 (operative date)	238	May 27, 2009
163	August 30, 2009	241	Sections 11, 12, 13, 14, 15, 16, and 17 of this act become operative on January 1, 2010. The other sections of this act become operative on August 30, 2009.
164	Sections 6, 7, and 15 of this act become operative on January 1, 2009. The other sections of this act become operative on August 30, 2009.	246	August 30, 2009
165	Sections 1 and 17 of this act become operative on July 1, 2009. Sections 2, 4, 5, 6, 7, 8, 9, 10, 11, 14, and 20 of this act become operative on October 1, 2009. Sections 3 and 18 of this act become operative on January 1, 2010. The other sections of this act become operative on April 9, 2009.	246A	August 30, 2009
166	February 27, 2009	251	February 27, 2009
167	August 30, 2009	259	March 6, 2009
168	August 30, 2009	260	August 30, 2009
175	August 30, 2009	263	August 30, 2009
177	August 30, 2009	274	August 30, 2009
179	February 13, 2009	278	August 30, 2009
180	August 30, 2009	285	Sections 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, and 17 of this act become operative on January 1, 2010. The other sections of this act become operative on May 30, 2009.
184	August 30, 2009	286	Sections 1, 2, 3, and 7 of this act become operative on August 30, 2009. Sections 4 and 6 of this act become operative on June 30, 2009. The other sections of this act become operative on May 14, 2009.
187	July 1, 2009 (operative date)	288	Sections 18, 19, 20, 21, 22, 23, 33, 39, 43, 47, 48, and 55 of this act become operative on May 30, 2009. Sections 5, 6, 7, 8, 10, 12, 13, 14, and 50 of this act become operative on September 30, 2009. Sections 9 and 51 of this act become operative on October 1, 2009. Sections 16, 36, and 52 of this act become operative on January 1, 2010. Sections 4 and 53 of this act become operative on October 1, 2010. The other sections of this act become operative on August 30, 2009.
188	July 1, 2009 (operative date)	288A	May 30, 2009
189	August 30, 2009	292	January 1, 2010 (operative date)
192	August 30, 2009	292A	August 30, 2009
195	August 30, 2009	294	August 30, 2009
196	August 30, 2009	299	August 30, 2009
198	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 of this act become operative on January 1, 2010. The other sections of this act become operative on August 30, 2009.	300	August 30, 2009
198A	August 30, 2009	302	May 27, 2009
201	March 6, 2009	311	May 20, 2009
202	August 30, 2009	312	July 1, 2009 (operative date)
202A	August 30, 2009	313	July 1, 2009 (operative date)
204	August 30, 2009	314	July 1, 2009 (operative date)
206	April 23, 2009	315	July 1, 2009 (operative date)
207	August 30, 2009	316	May 20, 2009
208	August 30, 2009	318	July 1, 2009 (operative date)
209	August 30, 2009		
218	July 1, 2011 (operative date)		
219	July 1, 2009 (operative date)		
219A	July 1, 2009 (operative date)		
224	Sections 6 and 9 of this act become operative on January 1, 2010. The other sections of this act become operative on May 23, 2009.		
231	August 30, 2009		
232	August 30, 2009		
237	August 30, 2009		
237A	August 30, 2009		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
322	August 30, 2009	456	May 20, 2009
327	Sections 1, 2, 3, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 19, and 21 of this act become operative on August 30, 2009. The other sections of this act become operative on April 9, 2009.	458	August 30, 2009
328	April 23, 2009	463	August 30, 2009
328A	April 23, 2009	463A	August 30, 2009
331	Sections 2 and 25 of this act become operative on January 1, 2010. Sections 1, 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, and 28 of this act become operative on August 30, 2009. The other sections of this act become operative on March 6, 2009.	464	August 30, 2009
339	August 30, 2009	464A	August 30, 2009
340	April 23, 2009	476	July 1, 2009 (operative date)
342	August 30, 2009	476A	May 23, 2009
342A	August 30, 2009	477	August 30, 2009
343	August 30, 2009	483	April 7, 2009
347	August 30, 2009	488	August 30, 2009
348	August 30, 2009	494	August 30, 2009
355	August 30, 2009	495	August 30, 2009
358	August 30, 2009	497	May 14, 2009
360	August 30, 2009	497A	May 14, 2009
361	August 30, 2009	498	May 27, 2009
372	August 30, 2009	500	August 30, 2009
377	April 9, 2009	501	August 30, 2009
379	March 19, 2009	503	August 30, 2009
389	May 27, 2009	511	April 23, 2009
392	May 27, 2009	517	August 30, 2009
394	January 1, 2010 (operative date)	524	August 30, 2009
396	August 30, 2009	528	August 30, 2009
402	Sections 1, 2, and 5 of this act become operative on August 30, 2009. The other sections of this act become operative on May 23, 2009.	531	August 30, 2009
403	October 1, 2009 (operative date)	532	August 30, 2009
412	August 30, 2009	533	May 27, 2009
414	Sections 2 and 6 of this act become operative on July 1, 2009. The other sections of this act become operative on May 20, 2009.	537	August 30, 2009
414A	July 1, 2009 (operative date)	540	May 27, 2009
422	August 30, 2009	545	May 20, 2009
430	August 30, 2009	545A	July 1, 2009 (operative date)
432	August 30, 2009	547	Sections 1, 12, and 17 of this act become operative on July 1, 2009. Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 14, 15, 16, 18, and 19 of this act become operative on April 23, 2009.
434	August 30, 2009	547A	April 23, 2009
436	August 30, 2009	548	March 27, 2009
440	August 30, 2009	549	August 30, 2009
441	August 30, 2009	551	January 1, 2010 (operative date)
445	August 30, 2009	555	January 1, 2009 (operative date)
446	August 30, 2009	561	August 30, 2009
447	August 30, 2009	562	August 30, 2009
449	August 30, 2009	568	August 30, 2009
450	August 30, 2009	587	October 1, 2009 (operative date)
		598	August 30, 2009
		603	Sections 2 and 16 of this act become operative on August 30, 2009. The other sections of this act become operative on May 23, 2009.
		603A	August 30, 2009
		604	May 27, 2009
		620	August 30, 2009
		626	August 30, 2009
		627	August 30, 2009
		628	May 20, 2009
		629	August 30, 2009
		630	May 27, 2009

APPENDIX

LB No.	Effective Date
631	May 27, 2009
653	May 14, 2009
658	August 30, 2009
671	August 30, 2009
671A	August 30, 2009
675	August 30, 2009
679	August 30, 2009

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2009 Session Laws of Nebraska, First Special Session
 Showing LB section number to statute section number

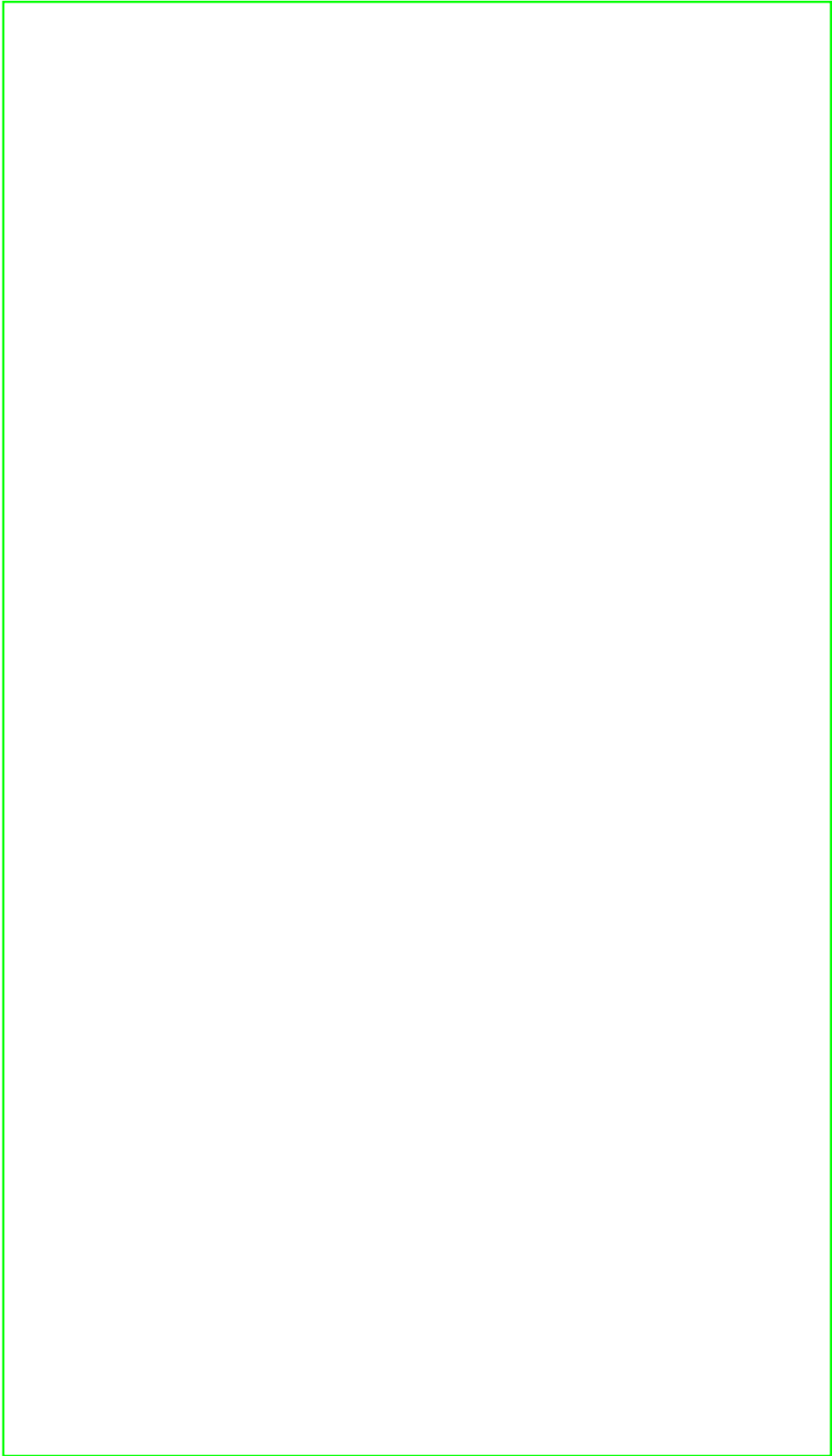
	2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement
LB 1	§ 1	Omitted	52	Omitted	103	Omitted
	2	Omitted	53	Omitted	104	Omitted
	3	Omitted	54	Omitted	105	Omitted
	4	Omitted	55	Omitted	106	Omitted
	5	Omitted	56	Omitted	107	Omitted
	6	Omitted	57	Omitted	108	Omitted
	7	Omitted	58	Omitted	109	Omitted
	8	Omitted	59	Omitted	110	Omitted
	9	Omitted	60	Omitted	111	Omitted
	10	Omitted	61	Omitted	112	Omitted
	11	Omitted	62	Omitted	113	Omitted
	12	Omitted	63	Omitted	114	Omitted
	13	Omitted	64	Omitted	115	Omitted
	14	Omitted	65	Omitted	116	Omitted
	15	Omitted	66	Omitted	117	Omitted
	16	Omitted	67	Omitted	118	Omitted
	17	Omitted	68	Omitted	119	Omitted
	18	Omitted	69	Omitted	120	Omitted
	19	Omitted	70	Omitted	121	Omitted
	20	Omitted	71	Omitted	122	Omitted
	21	Omitted	72	Omitted	123	Omitted
	22	Omitted	73	Omitted	124	Omitted
	23	Omitted	74	Omitted	125	Omitted
	24	Omitted	75	Omitted	126	Omitted
	25	Omitted	76	Omitted	127	Omitted
	26	Omitted	77	Omitted	128	Omitted
	27	Omitted	78	Omitted	129	Omitted
	28	Omitted	79	Omitted	130	Omitted
	29	Omitted	80	Omitted	131	Omitted
	30	Omitted	81	Omitted	132	Omitted
	31	Omitted	82	Omitted	133	Omitted
	32	Omitted	83	Omitted	134	Omitted
	33	Omitted	84	Omitted	135	Omitted
	34	Omitted	85	Omitted	136	Omitted
	35	Omitted	86	Omitted	137	Omitted
	36	Omitted	87	Omitted	138	Omitted
	37	Omitted	88	Omitted	139	Omitted
	38	Omitted	89	Omitted	140	Omitted
	39	Omitted	90	Omitted	141	Omitted
	40	Omitted	91	Omitted	142	Omitted
	41	Omitted	92	Omitted	143	Omitted
	42	Omitted	93	Omitted	144	Omitted
	43	Omitted	94	Omitted	145	Omitted
	44	Omitted	95	Omitted	146	Omitted
	45	Omitted	96	Omitted	147	Omitted
	46	Omitted	97	Omitted	148	Omitted
	47	Omitted	98	Omitted	149	Omitted
	48	Omitted	99	Omitted	150	Omitted
	49	Omitted	100	Omitted	151	Omitted
	50	Omitted	101	Omitted	152	Omitted
	51	Omitted	102	Omitted	153	Omitted

APPENDIX

2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement
154	Omitted		216 Omitted	37	60-2132
155	Omitted		217 Omitted	38	61-210
156	Omitted		218 Omitted	39	61-218
157	Omitted		219 Omitted	40	66-739
158	Omitted		220 Omitted	41	66-1521
159	Omitted		221 Omitted	42	66-1839
160	Omitted		222 Omitted	43	70-1020
161	Omitted		223 Omitted	44	71-222.02
162	Omitted		224 Omitted	45	71-4732
163	Omitted		225 Omitted	46	71-5661
164	Omitted		226 Omitted	47	71-5714
165	Omitted		227 Omitted	48	71-8612
166	Omitted		228 Omitted	49	72-2009
167	Omitted		229 Omitted	50	72-2211
168	Omitted		230 Omitted	51	72-2501
169	Omitted		231 Omitted	52	76-549
170	Omitted	LB 2	§ 1 9-812	53	76-2226
171	Omitted		2 71-5714	54	77-3,110
172	Omitted		3 72-1001	55	77-1342
173	Omitted		4 77-3,111	56	77-4310.03
174	Omitted		5 90-515	57	77-5031
175	Omitted		6 90-516	58	77-5601
176	Omitted		7 84-612	59	79-810
177	Omitted		8 Omitted	60	79-1320
178	Omitted		9 Omitted	61	81-188.01
179	Omitted		10 Omitted	62	81-201.05
180	Omitted	LB 3	§ 1 1-111	63	81-2,147.11
181	Omitted		2 2-1503.01	64	81-2,291
182	Omitted		3 2-1577	65	81-528
183	Omitted		4 2-1587	66	81-550
184	Omitted		5 2-15,122	67	81-5,153
185	Omitted		6 2-5106	68	81-885.15
186	Omitted		7 3-126	69	81-8,110.07
187	Omitted		8 13-2704	70	81-8,194
188	Omitted		9 24-205	71	81-1120.23
189	Omitted		10 24-227.01	72	81-1201.21
190	Omitted		11 24-229	73	81-1201.22
191	Omitted		12 25-2921	74	81-1278
192	Omitted		13 28-429	75	81-1413.01
193	Omitted		14 29-2259.02	76	81-1428
194	Omitted		15 29-2262.07	77	81-15,121
195	Omitted		16 29-3921	78	81-15,160
196	Omitted		17 33-102	79	81-15,165
197	Omitted		18 37-351	80	81-15,180
198	Omitted		19 38-157	81	81-1607.01
199	Omitted		20 39-1390	82	81-1634
200	Omitted		21 46-1121	83	81-2004.01
201	Omitted		22 46-1403	84	81-2105
202	Omitted		23 47-632	85	81-3119
203	Omitted		24 48-1,116	86	81-3432
204	Omitted		25 49-14,140	87	81-3524
205	Omitted		26 50-114.05	88	82-108.02
206	Omitted		27 50-437	89	83-913.01
207	Omitted		28 53-117.06	90	84-409
208	Omitted		29 54-857	91	84-414
209	Omitted		30 54-2428	92	84-510
210	Omitted		31 55-131	93	84-1227
211	Omitted		32 57-705	94	85-1419
212	Omitted		33 57-919	95	85-1803
213	Omitted		34 59-1608.04	96	86-127
214	Omitted		35 60-3,218	97	86-312
215	Omitted		36 60-1409	98	86-463

CROSS REFERENCE TABLE

2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement	2009 First Special Session	2010 Cumulative Supplement
	99 88-545.01		4 Omitted	8	79-1007.25
	100 88-552	LB 5	§ 1 77-3446	9	79-1007.23
	101 89-1,100		2 79-1001	10	79-1008.01
	102 Omitted		3 79-1003	11	79-1023
	103 Omitted		4 79-1005.01	12	Omitted
LB 4	§ 1 Omitted		5 79-1007.11	13	Omitted
	2 Omitted		6 79-1007.15		
	3 Omitted		7 79-1007.19		



APPENDIX

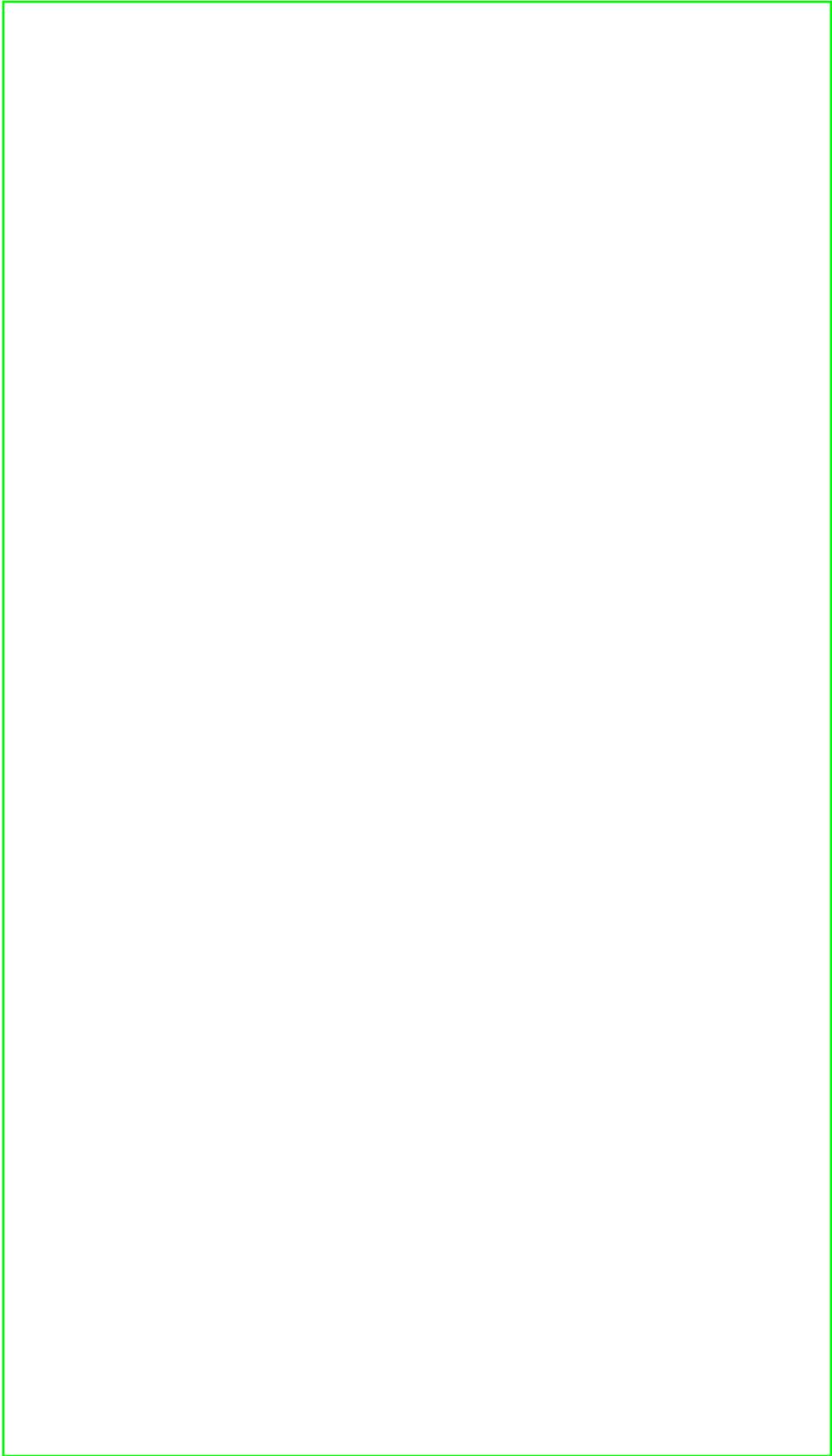
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred First Legislature
First Special Session, 2009

Showing the date each act went into effect.
Convened November 4, 2009, and adjourned November 20, 2009.

LB No.	Effective Date
1	November 21, 2009
2	November 21, 2009
3	November 21, 2009
4	November 21, 2009
5	November 21, 2009



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2010 Session Laws of Nebraska, Second Session
 Showing LB section number to statute section number

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
LB 139	§ 1	81-8,262		5	72-274		3	28-707
	2	81-8,265		6	Omitted		4	Omitted
	3	81-8,270	LB 252	§ 1	28-101		5	Omitted
	4	81-8,271.01		2	28-1005.01		6	Omitted
	5	Omitted		3	28-1006	LB 507A		Omitted
LB 147	§ 1	25-21,271		4	28-1007	LB 510	§ 1	33-157
	2	28-376		5	28-1019		2	29-2207
	3	28-718		6	Omitted		3	29-2327
	4	29-4004	LB 254	§ 1	2-2622		4	81-1835
	5	Omitted		2	2-2655		5	83-184
	6	Omitted		3	2-2656		6	83-917
LB 181	§ 1	86-101		4	2-2657		7	Omitted
	2	86-164		5	2-2658		8	Omitted
	3	Omitted		6	2-2659	LB 510A		Omitted
LB 183	§ 1	86-101		7	2-2626	LB 512	§ 1	3-303
	2	86-165		8	2-2646		2	3-304
	3	Omitted		9	Omitted		3	Omitted
LB 190	§ 1	29-2262		10	Omitted	LB 522	§ 1	35-901
	2	29-4101		11	Omitted		2	Omitted
	3	29-4102	LB 258	§ 1	53-101	LB 550	§ 1	55-101
	4	29-4103		2	53-180.05		2	55-120
	5	29-4106		3	53-181		3	55-121
	6	29-4115.01		4	Omitted		4	55-125
	7	59-1608.04	LB 261	§ 1	60-4,111.01		5	55-126
	8	Omitted		2	Omitted		6	55-135
LB 190A		Omitted	LB 279	§ 1	14-407		7	55-139.01
LB 197	§ 1	77-2716		2	15-1103		8	Omitted
	2	85-1801		3	19-923	LB 552	§ 1	45-1201
	3	85-1802		4	23-114.06		2	45-1202
	4	85-1804		5	Omitted		3	45-1203
	5	85-1807	LB 317	§ 1	84-612		4	45-1204
	6	85-1808		2	Omitted		5	45-1205
	7	85-1813	LB 325	§ 1	32-328		6	45-1206
	8	90-520		2	32-329		7	45-1207
	9	Omitted		3	32-607		8	45-1208
	10	Omitted		4	32-914.02		9	45-1209
	11	Omitted		5	32-915		10	45-1210
	12	Omitted		6	32-930		11	81-2402
LB 210	§ 1	77-27,137.02		7	32-1002		12	Omitted
	2	Omitted		8	Omitted		13	Omitted
	3	Omitted	LB 373	§ 1	18-1723	LB 563	§ 1	48-2901
	4	Omitted		2	35-1001		2	48-2902
LB 216	§ 1	Omitted		3	Omitted		3	48-2903
LB 226	§ 1	30-2604	LB 411	§ 1	81-2104		4	48-2904
	2	43-2101		2	Omitted		5	48-2905
	3	Omitted	LB 475	§ 1	23-1401		6	48-2906
	4	Omitted		2	23-3701		7	48-2907
LB 235	§ 1	72-270		3	Omitted		8	48-2908
	2	72-271		4	Omitted		9	48-2909
	3	72-272	LB 507	§ 1	68-721		10	48-2910
	4	72-273		2	28-323		11	48-2911

APPENDIX

2010		2010		2010		2010	
Session	Laws	Session	Laws	Session	Laws	Session	Laws
	Cumulative Supplement		Cumulative Supplement		Cumulative Supplement		Cumulative Supplement
	12 48-2912	LB 650	§ 1 23-186		9 68-621		
	13 48-2115		2 30-24,125		10 68-622		
	14 77-2711		3 60-101		11 68-631		
	15 77-27,119		4 60-102		12 Omitted		
	16 Omitted		5 60-121.01		13 Omitted		
LB 563A	Omitted		6 60-123	LB 689	§ 1 61-218		
LB 571	§ 1 45-1101		7 60-135.01		2 66-1345		
	2 45-1102		8 60-136		3 66-1345.01		
	3 45-1103		9 60-137		4 66-1345.02		
	4 45-1104		10 60-142.07		5 Omitted		
	5 45-1105		11 60-144	LB 690	§ 1 87-214		
	6 45-1106		12 60-148		2 87-219		
	7 45-1107		13 60-149		3 Omitted		
	8 45-335		14 60-153	LB 691	§ 1 81-885.03		
	9 45-336		15 60-154		2 81-885.10		
	10 45-1002		16 60-154.01		3 81-885.25		
	11 45-1024		17 60-164		4 81-885.29		
	12 60-1411.02		18 60-165		5 Omitted		
	13 Omitted		19 60-171	LB 695	§ 1 25-2802		
LB 579	§ 1 48-2701		20 60-301		2 Omitted		
	2 48-2702		21 60-302		3 Omitted		
	3 48-2703		22 60-337.01		4 Omitted		
	4 48-2704		23 60-339	LB 696	§ 1 13-2042		
	5 48-2705		24 60-358.01		2 13-2042.01		
	6 48-2706		25 60-3,100		3 Omitted		
	7 48-2707		26 60-3,104	LB 698	§ 1 44-32,180		
	8 48-2708		27 60-383.01		2 44-4726		
	9 48-2709		28 60-3,187		3 77-908		
	10 48-2710		29 60-3,190		4 77-912		
	11 48-2711		30 60-471		5 Omitted		
	12 44-7504		31 60-4,126		6 Omitted		
	13 44-7515		32 60-501	LB 701	§ 1 68-1804		
	14 48-115		33 60-520		2 Omitted		
	15 48-144.03		34 60-547		3 Omitted		
	16 48-145		35 60-601	LB 705	§ 1 60-3,122		
	17 48-146		36 60-605		2 60-3,123		
	18 48-151		37 60-636.01		3 60-3,124		
	19 48-443		38 60-6,379		4 Omitted		
	20 48-602		39 60-6,355	LB 706	§ 1 20-156		
	21 Omitted		40 60-6,356		2 Omitted		
	22 Omitted		41 60-6,357	LB 708	§ 1 77-202.03		
	23 Omitted		42 60-6,358		2 77-202.09		
LB 594	§ 1 28-101		43 60-6,359		3 Omitted		
	2 28-325		44 60-6,360		4 Omitted		
	3 28-326		45 60-6,361	LB 711	§ 1 79-4,108		
	4 28-327		46 60-1901		2 79-1022		
	5 28-327.06		47 Omitted		3 79-1023		
	6 28-327.07		48 Omitted		4 79-1026.01		
	7 28-327.08	LB 650A	Omitted		5 79-1027		
	8 28-327.09	LB 667	§ 1 34-101		6 79-1031.01		
	9 28-327.10		2 34-102		7 Omitted		
	10 28-327.11		3 Omitted		8 Omitted		
	11 28-327.12	LB 682	§ 1 Omitted	LB 712	§ 1 25-410		
	12 28-327.01	LB 683	§ 1 Omitted		2 25-1625		
	13 28-327.03	LB 684	§ 1 68-601		3 25-1628		
	14 28-327.04		2 68-602		4 25-2720.01		
	15 28-340		3 68-603		5 25-2803		
	16 38-2021		4 68-604		6 25-2804		
	17 Omitted		5 68-605		7 28-201		
	18 Omitted		6 68-608		8 28-502		
LB 643	§ 1 70-311		7 68-610		9 28-503		
	2 Omitted		8 68-620		10 28-504		

CROSS REFERENCE TABLE

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
	11	28-1006		5	25-21,294	LB 764	§ 1	46-715
	12	28-1012		6	25-21,295		2	46-717
	13	28-1019		7	25-21,296		3	Omitted
	14	29-818		8	29-119	LB 768	§ 1	23-2,100
	15	29-1207		9	Omitted	LB 770	§ 1	49-501.01
	16	29-1208	LB 731	§ 1	2-954		2	49-508
	17	29-2412		2	2-955		3	49-617
	18	30-2322		3	2-959		4	Omitted
	19	30-2323		4	Omitted		5	Omitted
	20	30-2325	LB 732	§ 1	25-1326	LB 771	§ 1	28-115
	21	30-2664		2	25-1327		2	28-201
	22	30-2665.01		3	25-2144		3	28-309
	23	30-2715.01		4	76-1009		4	28-929
	24	30-2715		5	77-1912		5	28-930
	25	43-512.12		6	Omitted		6	28-931
	26	43-512.15	LB 735	§ 1	86-801		7	28-931.01
	27	43-1701		2	86-802		8	28-932
	28	43-1702		3	86-803		9	28-933
	29	43-1703		4	86-804		10	28-1206
	30	43-1712.02		5	86-805		11	28-1212.01
	31	43-1717		6	86-806		12	28-1212.04
	32	43-1718.02		7	86-807		13	28-1354
	33	43-1720	LB 736	§ 1	52-2001		14	29-401
	34	43-1722		2	Omitted		15	29-901
	35	43-1723	LB 738	§ 1	76-1004		16	29-901.01
	36	43-1724		2	Omitted		17	29-1912
	37	43-1726		3	Omitted		18	43-250
	38	43-1727	LB 742	§ 1	84-713		19	Omitted
	39	43-3330	LB 743	§ 1	90-272	LB 779	§ 1	13-503
	40	47-502		2	90-273		2	13-2601
	41	49-1501		3	37-201		3	13-2604
	42	49-1562		4	37-354		4	13-2613
	43	49-807		5	Omitted		5	13-2704
	44	69-2304		6	Omitted		6	13-2706
	45	69-2308		7	Omitted		7	13-3101
	46	Omitted	LB 746	§ 1	20-504		8	13-3102
	47	Omitted		2	20-506		9	13-3103
	48	Omitted		3	Omitted		10	13-3104
	49	Omitted	LB 749	§ 1	39-1390		11	13-3105
LB 713	§ 1	79-248		2	Omitted		12	13-3106
	2	79-249	LB 751	§ 1	9-506 UCC		13	13-3107
	3	79-250		2	Omitted		14	13-3108
	4	79-252		3	Omitted		15	13-3109
	5	Omitted	LB 758	§ 1	30-2201		16	14-501.01
LB 721	§ 1	81-1108.12		2	30-2342.01		17	15-801
	2	Omitted		3	30-2476		18	77-5601
LB 722	§ 1	11-201		4	30-3839		19	Omitted
	2	72-815		5	Omitted		20	Omitted
	3	81-1017	LB 759	§ 1	21-2212		21	Omitted
	4	Omitted		2	Omitted	LB 779A		Omitted
LB 723	§ 1	86-313	LB 760	§ 1	30-3119.01	LB 780	§ 1	48-101.01
	2	Omitted		2	Omitted		2	48-151
LB 725	§ 1	60-363	LB 762	§ 1	8-113		3	48-1,110
	2	75-362		2	Omitted		4	48-1,111
	3	75-363		3	Omitted		5	Omitted
	4	Omitted	LB 763	§ 1	25-21,283	LB 787	§ 1	86-515
LB 727	§ 1	24-730		2	25-21,284		2	Omitted
	2	Omitted		3	25-21,285	LB 788	§ 1	53-103
LB 728	§ 1	25-21,290		4	25-21,286		2	53-125
	2	25-21,291		5	25-21,287		3	Omitted
	3	25-21,292		6	25-21,288	LB 789	§ 1	13-2705
	4	25-21,293		7	25-21,289		2	Omitted

APPENDIX

2010		2010		2010		2010	
Session	Laws	Session	Laws	Session	Laws	Session	Laws
	Cumulative Supplement		Cumulative Supplement		Cumulative Supplement		Cumulative Supplement
LB 791	§ 1 84-511		8 Omitted		38 60-1401.26		
	2 21-2003	LB 805	§ 1 18-1739		39 60-1401.27		
	3 Omitted		2 60-3,193.01		40 60-1401.28		
LB 792	§ 1 28-405		3 60-462.01		41 60-1401.29		
	2 Omitted		4 60-465		42 60-1401.30		
LB 797	§ 1 70-1003		5 60-484.02		43 60-1401.31		
	2 Omitted		6 60-4,129		44 60-1401.32		
LB 798	§ 1 81-1566		7 60-4,147.02		45 60-1401.33		
	2 Omitted		8 60-4,150		46 60-1401.34		
LB 799	§ 1 71-6403		9 60-4,169		47 60-1401.35		
	2 71-6404		10 60-6,123		48 60-1401.36		
	3 71-6405		11 60-6,190		49 60-1401.37		
	4 71-6406		12 75-362		50 60-1401.38		
	5 Omitted		13 75-363		51 60-1401.39		
LB 800	§ 1 24-313		14 75-364		52 60-1401.40		
	2 25-2701		15 Omitted		53 60-1401.41		
	3 25-2728	LB 806	§ 1 77-1347		54 60-1402		
	4 28-416		2 Omitted		55 60-1403		
	5 29-1816	LB 809	§ 1 29-110		56 60-1403.01		
	6 29-2258		2 Omitted		57 60-1404		
	7 29-2262.08	LB 813	§ 1 44-3802		58 60-1405		
	8 29-2262.07		2 44-3805		59 60-1406		
	9 29-2269		3 Omitted		60 60-1407		
	10 43-248.02	LB 814	§ 1 8-1111		61 60-1407.01		
	11 43-248.03		2 Omitted		62 60-1407.02		
	12 43-245	LB 816	§ 1 25-2602.01		63 60-1407.03		
	13 43-246		2 28-1316		64 60-1407.04		
	14 43-248		3 44-3526		65 60-1409		
	15 43-250		4 60-144		66 60-1411.01		
	16 43-253		5 60-164		67 60-1411.02		
	17 43-254		6 60-194		68 60-1411.03		
	18 43-254.01		7 60-373		69 60-1415		
	19 43-256		8 60-375		70 60-1415.01		
	20 43-258		9 60-380		71 60-1417.02		
	21 43-272.01		10 60-381		72 60-1420		
	22 43-278		11 60-3,116		73 60-1421		
	23 43-285		12 60-1401		74 60-1422		
	24 43-287		13 60-1401.01		75 60-1427		
	25 43-2,106.01		14 60-1401.02		76 60-1428		
	26 43-2,108.01		15 60-1401.03		77 60-1430		
	27 43-2,108.02		16 60-1401.04		78 60-1430.01		
	28 43-2,108.03		17 60-1401.05		79 60-1430.02		
	29 43-2,108.04		18 60-1401.06		80 60-1432		
	30 43-2,108.05		19 60-1401.07		81 60-1436		
	31 43-2,129		20 60-1401.08		82 60-1437		
	32 43-415		21 60-1401.09		83 60-1438		
	33 43-2404.02		22 60-1401.10		84 60-1438.01		
	34 60-4,108		23 60-1401.11		85 60-1440		
	35 79-209		24 60-1401.12		86 60-2602		
	36 79-527		25 60-1401.13		87 60-2603		
	37 79-527.01		26 60-1401.14		88 60-2604		
	38 Omitted		27 60-1401.15		89 60-2701		
	39 Omitted		28 60-1401.16		90 71-4603		
	40 Omitted		29 60-1401.17		91 Omitted		
LB 800A	Omitted		30 60-1401.18		92 Omitted		
LB 801	§ 1 87-301		31 60-1401.19	LB 817	§ 1 2-32,101		
	2 87-302		32 60-1401.20		2 18-1703		
	3 87-303		33 60-1401.21		3 28-1212.04		
	4 87-303.12		34 60-1401.22		4 69-2403		
	5 87-303.02		35 60-1401.23		5 69-2427		
	6 87-303.03		36 60-1401.24		6 69-2449		
	7 87-306		37 60-1401.25		7 69-2431		

CROSS REFERENCE TABLE

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
		8 69-2433		38	Omitted		55	53-123.15
		9 Omitted		39	Omitted		56	53-124
LB 820	§ 1	60-6,289		40	Omitted		57	53-124.01
	2	60-6,298		41	Omitted		58	53-124.11
	3	Omitted		42	Omitted		59	53-124.12
LB 821	§ 1	39-1365.01	LB 852	§ 1	32-816		60	53-124.13
	2	Omitted		2	Omitted		61	53-124.14
LB 829	§ 1	48-106		3	Omitted		62	53-125
	2	Omitted	LB 861	§ 1	2-1201		63	53-129
	3	Omitted		2	2-1219		64	53-130
LB 832	§ 1	66-1501		3	9-647		65	53-131
	2	Omitted		4	9-823		66	53-132
	3	Omitted		5	28-421		67	53-133
LB 836	§ 1	37-201		6	48-1902		68	53-134
	2	37-448		7	53-101		69	53-135
	3	37-523		8	53-103		70	53-138.01
	4	37-559		9	53-103.01		71	53-139
	5	37-472		10	53-103.02		72	53-149
	6	Omitted		11	53-103.03		73	53-164.01
LB 842	§ 1	29-1401		12	53-103.04		74	53-169.01
	2	Omitted		13	53-103.05		75	53-172
LB 844	§ 1	81-1413		14	53-103.06		76	53-177
	2	Omitted		15	53-103.07		77	53-179
LB 848	§ 1	16-707		16	53-103.08		78	53-1,104
	2	Omitted		17	53-103.09		79	53-403
LB 849	§ 1	38-1901		18	53-103.10		80	60-4,119
	2	38-1902		19	53-103.11		81	60-4,152
	3	38-1908		20	53-103.12		82	71-5730
	4	38-1908.02		21	53-103.13		83	79-267
	5	38-1918		22	53-103.14		84	Omitted
	6	38-2605		23	53-103.15		85	Omitted
	7	38-2617		24	53-103.16	LB 862	§ 1	2-3226.01
	8	38-2826		25	53-103.17		2	2-3226.05
	9	38-2841		26	53-103.18		3	46-739.01
	10	38-2850		27	53-103.19		4	Omitted
	11	38-2867		28	53-103.20	LB 864	§ 1	47-619
	12	38-2869		29	53-103.21		2	47-624
	13	68-906		30	53-103.22		3	47-624.01
	14	68-1017		31	53-103.23		4	Omitted
	15	68-1017.01		32	53-103.24	LB 865	§ 1	54-901
	16	68-1070		33	53-103.25		2	54-902
	17	70-1603		34	53-103.26		3	54-903
	18	70-1605		35	53-103.27		4	54-904
	19	71-401		36	53-103.28		5	54-905
	20	71-403		37	53-103.29		6	54-906
	21	71-408.01		38	53-103.30		7	54-907
	22	71-415		39	53-103.31		8	54-908
	23	71-516.04		40	53-103.32		9	54-909
	24	71-1559		41	53-103.33		10	54-910
	25	71-1796		42	53-103.34		11	54-911
	26	71-4604.01		43	53-103.35		12	54-912
	27	71-7447		44	53-103.36		13	28-1008
	28	71-8403		45	53-103.37		14	28-1013
	29	77-27,165		46	53-103.38		15	Omitted
	30	83-1217		47	53-103.39		16	Omitted
	31	83-1220		48	53-103.40		17	Omitted
	32	83-1221		49	53-103.41	LB 867	§ 1	53-123.15
	33	83-1222		50	53-103.42		2	53-124
	34	83-1223		51	53-122		3	53-138.01
	35	83-1224		52	53-123.11		4	Omitted
	36	75-159		53	53-123.12	LB 871	§ 1	37-413
	37	Omitted		54	53-123.13		2	Omitted

CROSS REFERENCE TABLE

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
		9 8-374		7	54-627.01		31	Omitted
		10 8-908		8	54-637	LB 933	§ 1	60-149
		11 8-918		9	54-638		2	Omitted
		12 8-1502		10	54-645	LB 934	§ 1	35-1402
		13 21-1725.01		11	Omitted		2	Omitted
		14 21-17,115	LB 910A		Omitted	LB 935	§ 1	Omitted
		15 Omitted	LB 911	§ 1	50-501		2	Omitted
		16 Omitted		2	Omitted		3	Omitted
		17 Omitted		3	Omitted		4	Omitted
		18 Omitted	LB 914	§ 1	60-696		5	Omitted
LB 891	§ 1	8-101.01		2	Omitted		6	Omitted
		2 8-117	LB 918	§ 1	77-5707		7	Omitted
		3 8-602		2	77-5715		8	Omitted
		4 Omitted		3	77-5719		9	Omitted
		5 Omitted		4	77-5725		10	Omitted
LB 892	§ 1	8-702		5	77-5735		11	Omitted
		2 45-101.04		6	Omitted		12	Omitted
		3 45-701	LB 918A		Omitted		13	Omitted
		4 45-702	LB 919	§ 1	17-301		14	Omitted
		5 45-702.01		2	Omitted		15	Omitted
		6 45-704		3	Omitted		16	Omitted
		7 45-705		4	Omitted		17	Omitted
		8 45-724	LB 924	§ 1	60-498.02		18	Omitted
		9 45-725		2	60-4,118.06		19	Omitted
		10 45-726		3	60-6,197.01		20	90-518
		11 45-728		4	60-6,197.03		21	Omitted
		12 45-730		5	60-6,211.05		22	Omitted
		13 45-733		6	Omitted		23	Omitted
		14 45-737	LB 926	§ 1	39-204		24	Omitted
		15 45-741		2	39-205		25	Omitted
		16 45-742		3	39-210		26	Omitted
		17 45-748		4	Omitted		27	Omitted
		18 45-749	LB 931	§ 1	76-2202		28	Omitted
		19 45-1002		2	76-2206		29	Omitted
		20 45-1005		3	76-2213		30	Omitted
		21 45-1018		4	76-2213.01		31	Omitted
		22 45-1033.01		5	76-2216		32	Omitted
		23 45-1033.02		6	76-2221		33	Omitted
		24 45-1068		7	76-2223		34	Omitted
		25 Omitted		8	76-2225		35	Omitted
		26 Omitted		9	76-2228		36	Omitted
LB 894	§ 1	28-101		10	76-2228.01		37	Omitted
		2 28-511.01		11	76-2229		38	Omitted
		3 28-511.03		12	76-2229.01		39	Omitted
		4 Omitted		13	76-2230		40	Omitted
LB 901	§ 1	42-364		14	76-2231.01		41	Omitted
		2 43-2923		15	76-2232		42	Omitted
		3 43-2937		16	76-2233		43	Omitted
		4 Omitted		17	76-2233.01		44	Omitted
		5 Omitted		18	76-2233.02		45	Omitted
		6 Omitted		19	76-2236		46	Omitted
LB 907	§ 1	40-102		20	76-2237		47	Omitted
		2 40-105		21	76-2238		48	Omitted
		3 Omitted		22	76-2240		49	Omitted
LB 908	§ 1	48-108		23	76-2241		50	Omitted
		2 Omitted		24	76-2249		51	Omitted
LB 910	§ 1	28-1018		25	77-5004		52	Omitted
		2 37-528		26	81-885		53	Omitted
		3 54-603		27	81-885.01		54	Omitted
		4 54-611		28	81-885.16		55	Omitted
		5 54-626		29	Omitted		56	Omitted
		6 54-627		30	Omitted		57	Omitted

APPENDIX

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
	58	Omitted		120	Omitted	LB 951	§ 1	32-101
	59	Omitted		121	Omitted		2	32-604
	60	Omitted		122	Omitted		3	32-808
	61	Omitted		123	Omitted		4	32-915
	62	Omitted		124	Omitted		5	32-939
	63	Omitted		125	Omitted		6	32-939.02
	64	Omitted		126	Omitted		7	85-903
	65	Omitted		127	Omitted		8	Omitted
	66	Omitted		128	90-519		9	Omitted
	67	Omitted		129	90-520	LB 951A		Omitted
	68	Omitted		130	Omitted	LB 956	§ 1	9-812
	69	Omitted		131	Omitted		2	9-836.01
	70	Omitted	LB 937	§ 1	32-546.01		3	85-1412
	71	Omitted		2	Omitted		4	85-1901
	72	Omitted		3	Omitted		5	85-1902
	73	Omitted	LB 937A	§ 1	90-519		6	85-1903
	74	Omitted		2	Omitted		7	85-1907
	75	Omitted		3	Omitted		8	85-1908
	76	Omitted	LB 943	§ 1	19-1825		9	85-1909
	77	Omitted		2	19-1826		10	85-1911
	78	Omitted		3	19-1848		11	85-1912
	79	Omitted		4	Omitted		12	85-1913
	80	Omitted		5	Omitted		13	85-1914
	81	Omitted	LB 945	§ 1	60-4,182		14	85-1915
	82	Omitted		2	60-601		15	85-1917
	83	Omitted		3	60-6,179.01		16	85-1918
	84	Omitted		4	Omitted		17	85-1919
	85	Omitted	LB 947	§ 1	81-1201.04		18	85-1920
	86	Omitted		2	81-1201.18		19	Omitted
	87	Omitted		3	Omitted		20	Omitted
	88	Omitted		4	Omitted		21	Omitted
	89	Omitted	LB 950	§ 1	23-2306	LB 961	§ 1	81-1201.21
	90	Omitted		2	23-2308.01		2	81-1203
	91	Omitted		3	23-2309.01		3	81-1205
	92	Omitted		4	23-2310.04		4	81-1207
	93	Omitted		5	23-2310.05		5	Omitted
	94	Omitted		6	23-2315.01	LB 965	§ 1	32-570
	95	Omitted		7	23-2319.02		2	79-1217
	96	Omitted		8	24-701.01		3	Omitted
	97	Omitted		9	24-703.01	LB 970	§ 1	23-114.01
	98	Omitted		10	24-710.07		2	Omitted
	99	Omitted		11	79-902	LB 975	§ 1	13-2610
	100	Omitted		12	79-910.01		2	Omitted
	101	Omitted		13	79-915	LB 978	§ 1	81-161
	102	Omitted		14	79-920		2	Omitted
	103	Omitted		15	79-947.01	LB 986	§ 1	2-5414
	104	Omitted		16	79-951		2	2-5416
	105	Omitted		17	79-978		3	2-5419
	106	Omitted		18	79-990		4	Omitted
	107	Omitted		19	81-2016	LB 987	§ 1	81-1212
	108	Omitted		20	81-2027.03	LB 987A	§ 1	Omitted
	109	Omitted		21	84-1307		2	90-518
	110	Omitted		22	84-1309.02		3	Omitted
	111	Omitted		23	84-1310.01		4	Omitted
	112	Omitted		24	84-1311.03	LB 993	§ 1	61-218
	113	Omitted		25	84-1314		2	Omitted
	114	Omitted		26	84-1321.01	LB 997	§ 1	14-403.01
	115	Omitted		27	84-1323.01		2	15-1102
	116	Omitted		28	84-1504		3	19-903
	117	Omitted		29	Omitted		4	23-114.02
	118	Omitted		30	Omitted		5	Omitted
	119	Omitted		31	Omitted	LB 999	§ 1	71-401

CROSS REFERENCE TABLE

2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement	2010 Session	2010 Laws	2010 Cumulative Supplement
		2 71-465		29	77-1029		2	70-1001
		3 Omitted		30	77-1030		3	70-1001.01
		4 Omitted		31	77-1031		4	70-1013
LB 1002	§ 1	81-2509		32	77-1032		5	70-1014
		2 81-2510		33	77-1033		6	70-1014.02
		3 81-2511		34	77-1034		7	70-1014.01
		4 81-2512		35	77-1035		8	66-1901
		5 81-2513		36	18-2506		9	76-710.04
		6 81-2514		37	Omitted		10	77-105
		7 81-2515	LB 1020	§ 1	48-601		11	77-202
		8 81-2504		2	48-602		12	77-6201
		9 Omitted		3	48-627		13	77-6202
LB 1002A		Omitted		4	48-628		14	77-6203
LB 1006	§ 1	79-101		5	48-628.05		15	77-6204
		2 79-214		6	48-652		16	79-1018.01
		3 Omitted		7	Omitted		17	Omitted
LB 1010	§ 1	2-3234.02		8	Omitted		18	Omitted
		2 2-3234.03	LB 1036	§ 1	71-4824	LB 1048A		Omitted
		3 2-3234.04		2	71-4825	LB 1051	§ 1	76-545
		4 2-3234.05		3	71-4826		2	76-547
		5 2-3234.06		4	71-4827		3	76-550
		6 2-3234.07		5	71-4828		4	Omitted
		7 2-3234.08		6	71-4829		5	Omitted
		8 2-3234.09		7	71-4830	LB 1055	§ 1	48-628.02
		9 2-3234		8	71-4831		2	48-628.03
		10 Omitted		9	71-4832		3	Omitted
		11 Omitted		10	71-4833	LB 1057	§ 1	46-2,140
		12 Omitted		11	71-4834		2	46-2,141
LB 1014	§ 1	79-309.01		12	71-4835		3	46-2,137
		2 79-1018.01		13	71-4836		4	46-753
		3 79-1028.01		14	71-4837		5	Omitted
		4 79-1035		15	71-4838		6	Omitted
		5 Omitted		16	71-4839	LB 1063	§ 1	82-326
		6 Omitted		17	71-4840		2	82-329
LB 1018	§ 1	77-1001		18	71-4841		3	82-331
		2 77-1002		19	71-4842		4	Omitted
		3 77-1003		20	71-4843	LB 1065	§ 1	60-2401
		4 77-1004		21	71-4844		2	60-2401.01
		5 77-1005		22	71-4845		3	60-2403
		6 77-1006		23	23-1825		4	60-2404
		7 77-1007		24	23-1826		5	60-2405
		8 77-1008		25	23-1827		6	60-2406
		9 77-1009		26	23-1828		7	60-2407
		10 77-1010		27	23-1829		8	60-2408
		11 77-1011		28	23-1830		9	60-2409
		12 77-1012		29	23-1831		10	60-2410
		13 77-1013		30	23-1832		11	60-2411
		14 77-1014		31	60-493		12	Omitted
		15 77-1015		32	60-494	LB 1070	§ 1	32-546.01
		16 77-1016		33	60-495		2	70-651.04
		17 77-1017		34	60-2907		3	77-1736.06
		18 77-1018		35	71-531		4	77-3442
		19 77-1019		36	71-4813		5	79-527
		20 77-1020		37	71-4814		6	79-528
		21 77-1021		38	71-4816		7	79-1007.05
		22 77-1022		39	71-4822		8	79-1036
		23 77-1023		40	Omitted		9	79-1073
		24 77-1024		41	Omitted		10	79-1073.01
		25 77-1025		42	Omitted		11	79-1241.03
		26 77-1026	LB 1047	§ 1	30-2342.02		12	79-1242
		27 77-1027		2	Omitted		13	79-2104
		28 77-1028	LB 1048	§ 1	13-518		14	79-2110

APPENDIX

2010		2010		2010		2010	
Session	Laws	Session	Laws	Session	Laws	Session	Laws
	Cumulative Supplement		Cumulative Supplement		Cumulative Supplement		Cumulative Supplement
	15 79-2111		42 86-520.01		3 Omitted		
	16 79-2112		43 86-5,100		4 Omitted		
	17 79-2104.02		44 Omitted		5 Omitted		
	18 79-2115		45 Omitted	LB 1091	§ 1 Omitted		
	19 Omitted		46 Omitted	LB 1094	§ 1 25-3301		
	20 Omitted		47 Omitted		2 25-3302		
	21 Omitted		48 Omitted		3 25-3303		
LB 1071	§ 1 13-509		49 Omitted		4 25-3304		
	2 79-201	LB 1072	§ 1 13-518		5 25-3305		
	3 79-215		2 13-519		6 25-3306		
	4 79-2,136		3 77-3442		7 25-3307		
	5 79-318		4 85-1416		8 25-3308		
	6 79-4,108		5 85-1418		9 25-3309		
	7 79-776		6 85-1502		10 84-907.03		
	8 79-8,137.01		7 85-1503		11 Omitted		
	9 79-8,137.02		8 85-1511	LB 1094A	Omitted		
	10 79-8,137.03		9 85-1517	LB 1103	§ 1 28-3,102		
	11 79-8,137.04		10 90-517		2 28-3,103		
	12 79-1003		11 85-2230		3 28-3,104		
	13 79-1003.01		12 Omitted		4 28-3,105		
	14 79-1007.04		13 Omitted		5 28-3,106		
	15 79-1007.05	LB 1081	§ 1 48-3001		6 28-3,107		
	16 79-1007.23		2 48-3002		7 28-3,108		
	17 79-1013		3 48-3003		8 28-3,109		
	18 79-1014		4 48-3004		9 28-3,110		
	19 79-1022		5 48-3005		10 28-3,111		
	20 79-1023		6 48-3006		11 28-101		
	21 79-1026.01		7 48-3007		12 38-2021		
	22 79-1027		8 48-3008		13 Omitted		
	23 79-1030		9 48-3009		14 Omitted		
	24 79-1031.01		10 48-3010	LB 1106	§ 1 68-901		
	25 79-10,110		11 48-3011		2 68-907		
	26 79-1103		12 81-1201.21		3 68-908		
	27 79-1233		13 Omitted		4 68-968		
	28 79-1241.01		14 Omitted		5 68-969		
	29 79-1245	LB 1085	§ 1 25-1011		6 Omitted		
	30 79-1247		2 Omitted		7 Omitted		
	31 79-1248	LB 1087	§ 1 79-215	LB 1106A	Omitted		
	32 79-1249		2 79-1110	LB 1109	§ 1 48-2801		
	33 79-2110.01		3 79-1113		2 48-2802		
	34 85-110		4 79-1119.01		3 48-2803		
	35 85-309		5 79-1124		4 48-2804		
	36 85-1511		6 79-1125.01		5 48-2805		
	37 86-501		7 79-1142		6 81-12,105.01		
	38 86-505		8 Omitted		7 Omitted		
	39 86-506		9 Omitted		8 Omitted		
	40 86-516	LB 1090	§ 1 Omitted	LB 1109A	Omitted		
	41 86-520		2 Omitted				

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred First Legislature
Second Session, 2010

Showing the date each act went into effect.
Convened January 6, 2010, and adjourned April 14, 2010.

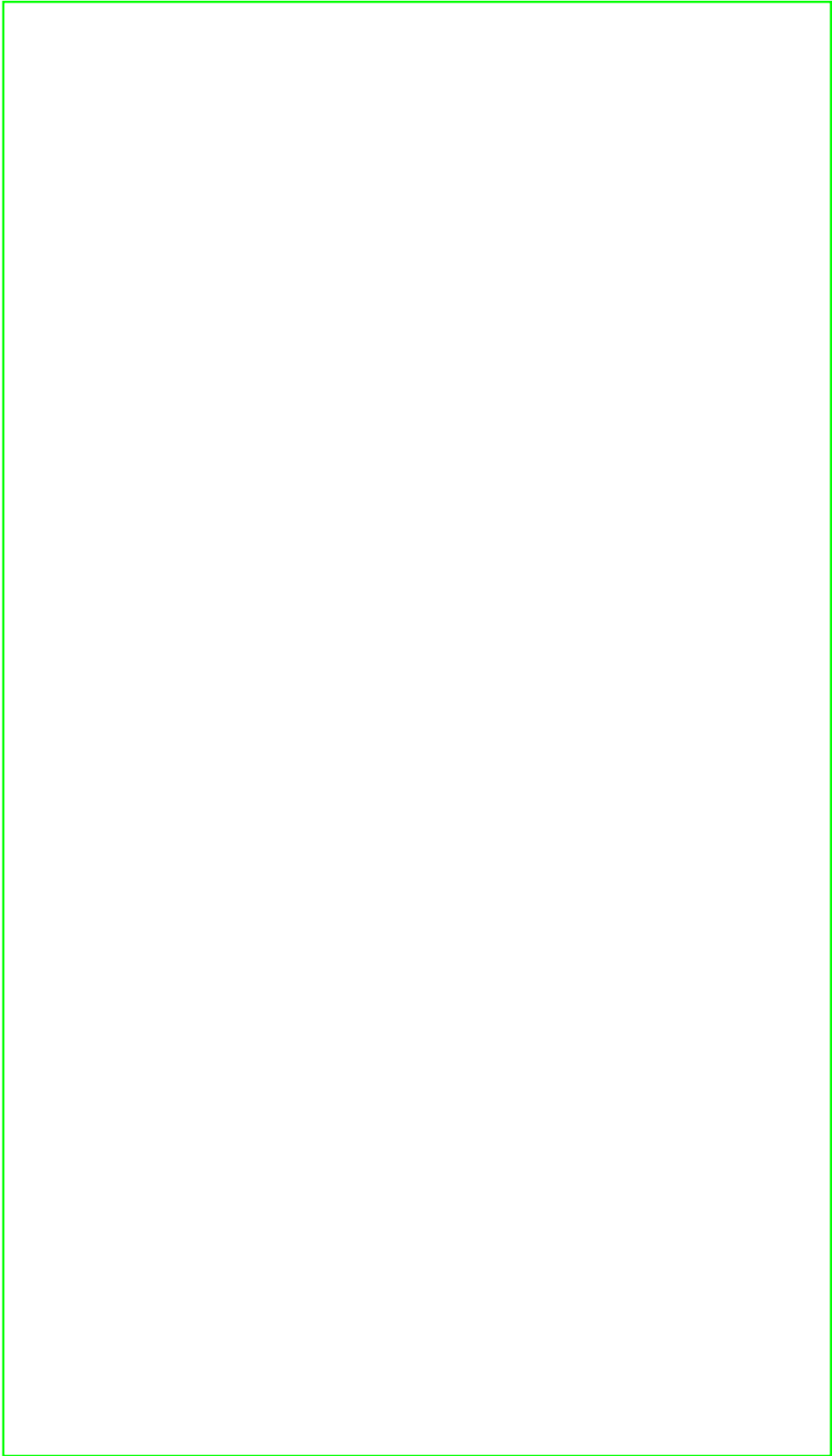
LB No.	Effective Date	LB No.	Effective Date
139	July 15, 2010	594	July 15, 2010
147	January 1, 2012	643	July 15, 2010
	(operative date)	650	January 1, 2011
181	July 15, 2010		(operative date)
183	July 15, 2010	650A	July 15, 2010
190	July 15, 2010	667	July 15, 2010
190A	July 15, 2010	682	July 15, 2010
197	July 1, 2010	683	July 15, 2010
	(operative date)	684	July 15, 2010
210	July 1, 2010	689	July 15, 2010
	(operative date)	690	July 15, 2010
216	July 15, 2010	691	July 15, 2010
226	March 4, 2010	695	July 1, 2010
235	February 12, 2010		(operative date)
252	July 15, 2010	696	July 15, 2010
254	May 1, 2010	698	March 4, 2010
	(operative date)	701	April 14, 2010
258	July 15, 2010	705	July 15, 2010
261	July 15, 2010	706	July 15, 2010
279	July 15, 2010	708	January 1, 2011
317	July 15, 2010		(operative date)
325	July 15, 2010	711	February 26, 2010
373	July 15, 2010	712	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9,
411	July 15, 2010		10, 11, 12, 13, 14, 15, 16, 17,
475	January 1, 2011		18, 19, 20, 21, 22, 24, 27, 28,
	(operative date)		29, 30, 31, 32, 33, 34, 35, 36,
507	Sections 2, 3, and 5 of this act		37, 38, 39, 40, 41, 42, 43, 44,
	become operative on July 15,		45, and 48 of this act become
	2010. The other sections of this		operative on July 15, 2010.
	act become operative on April		Section 23 of this act becomes
	14, 2010.		operative on January 1, 2011.
507A	April 14, 2010		The other sections of this act
510	July 15, 2010		become operative on April 14,
510A	July 15, 2010		2010.
512	July 15, 2010	713	July 15, 2010
522	July 15, 2010	721	July 15, 2010
550	July 15, 2010	722	July 15, 2010
552	October 1, 2010	723	July 15, 2010
	(operative date)	725	July 15, 2010
563	July 15, 2010	727	July 15, 2010
563A	July 15, 2010	728	July 15, 2010
571	July 15, 2010	731	July 15, 2010
579	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9,	732	July 15, 2010
	10, and 11 of this act become	735	July 15, 2010
	operative on January 1, 2012.	736	March 4, 2010
	The other sections of this act	738	March 4, 2010
	become operative on July 15,	742	July 15, 2010
	2010.		

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
743	March 4, 2010	872	July 15, 2010
746	July 15, 2010	873	July 15, 2010
749	July 15, 2010	877	April 14, 2010
751	March 4, 2010	879	Sections 2, 22, 23, 28, and 30 of this act become operative on April 6, 2010. Sections 1, 21, and 27 of this act become operative on July 1, 2010.
758	July 15, 2010		Sections 8, 10, 15, 16, and 26 of this act become operative on October 1, 2010. Sections 7, 11, 12, 13, 14, 24, and 29 of this act become operative on January 1, 2011. The other sections of this act become operative on July 15, 2010.
759	July 15, 2010		
760	July 15, 2010		
762	March 4, 2010		
763	July 15, 2010		
764	July 15, 2010		
768	July 15, 2010		
770	March 18, 2010		
771	July 15, 2010		
779	July 1, 2010 (operative date)		
779A	July 15, 2010		
780	July 15, 2010		
787	July 15, 2010	880	October 1, 2010 (operative date)
788	July 15, 2010	880A	July 15, 2010
789	July 15, 2010	882	October 1, 2010 (operative date)
791	July 15, 2010		
792	July 15, 2010	884	July 15, 2010
797	July 15, 2010	888	January 1, 2011 (operative date)
798	July 15, 2010	888A	July 15, 2010
799	July 15, 2010	890	Sections 1, 2, 3, 4, 5, 7, 9, 10, 11, 12, 13, and 16 of this act become operative on July 15, 2010. The other sections of this act become operative on March 4, 2010.
800	July 15, 2010		
800A	July 15, 2010		
801	July 15, 2010		
805	July 15, 2010		
806	July 15, 2010		
809	July 15, 2010		
813	July 15, 2010	891	March 4, 2010
814	July 15, 2010	892	March 4, 2010
816	March 4, 2010	894	July 15, 2010
817	July 15, 2010	901	July 1, 2010 (operative date)
820	July 15, 2010		
821	July 15, 2010	907	July 15, 2010
829	April 13, 2010	908	July 15, 2010
832	July 15, 2010	910	July 15, 2010
836	July 15, 2010	910A	July 15, 2010
842	July 15, 2010	911	March 4, 2010
844	July 15, 2010	914	July 15, 2010
848	July 15, 2010	918	July 15, 2010
849	Sections 24, 26, 36, and 40 of this act become operative on July 1, 2010. Sections 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 27, 30, 31, 32, 33, 34, 35, and 39 of this act become operative on July 15, 2010. The other sections of this act become operative on April 14, 2010.	918A	July 15, 2010
		919	April 2, 2010
		924	July 15, 2010
		926	July 15, 2010
		931	April 15, 2010
		933	July 15, 2010
		934	July 15, 2010
		935	April 2, 2010
		937	April 6, 2010
		937A	April 6, 2010
852	January 1, 2011 (operative date)	943	April 2, 2010
		945	July 15, 2010
861	July 15, 2010	947	July 15, 2010
862	July 15, 2010	950	July 1, 2010 (operative date)
864	July 15, 2010		
865	July 15, 2010	951	July 15, 2010
867	July 15, 2010	951A	July 15, 2010
871	July 15, 2010		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
956	July 1, 2010 (operative date)	1055	July 15, 2010
961	July 15, 2010	1057	April 6, 2010
965	July 15, 2010	1063	July 15, 2010
970	July 15, 2010	1065	July 15, 2010
975	July 15, 2010	1070	April 6, 2010
978	July 15, 2010	1071	Sections 1, 2, 3, 4, 6, 12, 13, 14, 15, 16, 17, 18, 23, 25, 26, 33, and 47 of this act become operative on July 15, 2010. The other sections of this act become operative on April 15, 2010.
986	July 15, 2010		
987	July 15, 2010		
987A	April 15, 2010		
993	July 15, 2010		
997	July 15, 2010		
999	April 15, 2010	1072	April 15, 2010
1002	July 15, 2010	1081	April 8, 2010
1002A	July 15, 2010	1085	July 15, 2010
1006	July 15, 2010	1087	August 1, 2010 (operative date)
1010	April 14, 2010		
1014	July 15, 2010	1090	April 2, 2010
1018	July 15, 2010	1091	July 15, 2010
1020	July 1, 2011 (operative date)	1094	July 15, 2010
		1094A	July 15, 2010
1036	January 1, 2011 (operative date)	1103	October 15, 2010 (operative date)
1047	April 13, 2010	1106	April 2, 2010
1048	July 15, 2010	1106A	July 15, 2010
1048A	July 15, 2010	1109	April 13, 2010
1051	April 2, 2010	1109A	April 13, 2010



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2011 Session Laws of Nebraska, First Session
Showing LB section number to statute section number

	2011 Session Laws	2011 Supplement		2011 Session Laws	2011 Supplement		2011 Session Laws	2011 Supplement
LB 1		Omitted		11	79-1028.04		17	81-885.24
LB 2	§ 1	2-1579		12	79-1028.02		18	Omitted
		2 46-2,141		13	79-1031.01	LB 26	§ 1	76-3101
		3 46-753		14	Omitted		2	76-3102
		4 46-1117		15	Omitted		3	76-3103
		5 46-1125	LB 19	§ 1	28-405		4	76-3104
		6 66-1519		2	28-416		5	76-3105
		7 Omitted		3	Omitted		6	76-3106
		8 Omitted		4	Omitted		7	76-3107
LB 3		Omitted	LB 20	§ 1	28-101		8	76-3108
LB 4		Omitted		2	28-401.01		9	76-3109
LB 5		Omitted		3	28-458		10	76-3110
LB 6	§ 1	24-701		4	28-459		11	76-3111
		2 Omitted		5	28-460		12	76-3112
LB 7		Omitted		6	28-461		13	76-2,120
LB 8	§ 1	79-413		7	28-462		14	Omitted
		2 79-1008.01		8	28-456.01		15	Omitted
		3 Omitted		9	60-4,111.01	LB 27	§ 1	46-236
		4 Omitted		10	Omitted		2	46-1224
LB 9	§ 1	25-212		11	Omitted		3	Omitted
		2 Omitted	LB 22	§ 1	44-8401	LB 28	§ 1	46-1117
LB 10	§ 1	50-417		2	44-8402		2	46-1123
		2 Omitted		3	44-8403		3	Omitted
LB 11	§ 1	48-631		4	44-8404	LB 29	§ 1	13-2042
		2 Omitted		5	Omitted		2	66-1519
LB 12	§ 1	28-105		6	Omitted		3	81-15,162
		2 29-2204	LB 23	§ 1	81-885.14		4	Omitted
		3 29-2520		2	81-885.19	LB 30	§ 1	81-1505
		4 29-2522		3	81-885.20		2	Omitted
		5 29-2524		4	Omitted	LB 31	§ 1	46-240.01
		6 83-1,105.01	LB 24	§ 1	81-885.49		2	Omitted
		7 Omitted		2	81-885.51	LB 32	§ 1	46-1654
LB 15	§ 1	25-1501.01		3	81-885.52		2	Omitted
LB 17	§ 1	25-1319		4	81-885.53	LB 34	§ 1	71-401
		2 25-1320		5	Omitted		2	71-466
		3 25-1321	LB 25	§ 1	76-2402		3	Omitted
		4 25-2209		2	76-2404.01	LB 35	§ 1	60-6,297
		5 33-106		3	76-2405		2	60-6,298
		6 Omitted		4	76-2407		3	Omitted
		7 Omitted		5	76-2416	LB 36	§ 1	71-3305
		8 Omitted		6	76-2417		2	Omitted
LB 18	§ 1	79-1001		7	76-2418	LB 41	§ 1	37-238
		2 79-1003		8	76-2421		2	37-327
		3 79-1007.07		9	76-2422		3	37-405
		4 79-1007.09		10	76-2422.01		4	37-407
		5 79-1008.01		11	76-2423		5	37-411
		6 79-1022		12	76-2425		6	37-420
		7 79-1022.02		13	76-2427		7	37-421
		8 79-1023		14	76-2429		8	37-421.01
		9 79-1026.01		15	76-2430		9	37-426
		10 79-1027		16	81-885.17		10	37-427

APPENDIX

2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws
		11 37-431			3 Omitted		10 Omitted
		12 37-450	LB 62	§ 1	23-1111	LB 77	§ 1 45-335
		13 37-461			2 Omitted		2 45-336
		14 37-464	LB 67	§ 1	60-6,267		3 45-1002
		15 37-483			2 60-6,268		4 45-1024
		16 37-484			3 Omitted		5 Omitted
		17 37-485	LB 68	§ 1	71-2048.01		6 Omitted
		18 37-487			2 Omitted	LB 78	§ 1 77-2387
		19 37-488	LB 70	§ 1	44-5502		2 77-2398
		20 37-489			2 44-5503		3 Omitted
		21 37-490			3 44-5504		4 Omitted
		22 37-492			4 44-5505	LB 81	§ 1 14-109
		23 37-497			5 44-5506		2 18-1214
		24 37-498			6 44-5508		3 Omitted
		25 37-4,103			7 44-5510		4 Omitted
		26 37-503			8 44-5511		5 Omitted
		27 37-512			9 44-5515		6 Omitted
		28 37-615			10 Omitted	LB 84	§ 1 39-2701
		29 37-618			11 Omitted		2 39-2702
		30 Omitted			12 Omitted		3 39-2703
		31 Omitted	LB 72	§ 1	44-3,143		4 39-2704
LB 43	§	1 76-1002			2 44-402.01		5 39-2705
		2 Omitted			3 44-710.03		6 77-27,132
LB 45	§	1 2-3256			4 44-710.04		7 Omitted
		2 81-3401			5 44-1540	LB 90	§ 1 2A-103 UCC
		3 81-3403			6 44-4803		2 9-102 UCC
		4 81-3405.01			7 44-4830.01		3 9-105 UCC
		5 81-3422.01			8 44-4862		4 9-304 UCC
		6 81-3429			9 Omitted		5 9-307 UCC
		7 81-3441	LB 73	§	1 44-4217		6 9-309 UCC
		8 81-3442			2 44-4219		7 9-311 UCC
		9 81-3443			3 44-4220.02		8 9-316 UCC
		10 81-3444			4 44-4223		9 9-317 UCC
		11 81-3445			5 44-4224		10 9-326 UCC
		12 81-3446			6 44-4225		11 9-406 UCC
		13 81-3448			7 77-918		12 9-408 UCC
		14 81-3449			8 Omitted		13 9-502 UCC
		15 81-3451			9 Omitted		14 9-503 UCC
		16 81-3452	LB 74	§	1 8-1,140		15 9-506 UCC
		17 81-3453			2 8-355		16 9-507 UCC
		18 Omitted			3 8-602		17 9-515 UCC
LB 46	§	1 71-202.01			4 8-1510		18 9-516 UCC
		2 71-208.01			5 21-17,115		19 9-518 UCC
		3 Omitted			6 Omitted		20 9-521 UCC
LB 47	§	1 86-164			7 Omitted		21 9-607 UCC
		2 Omitted			8 Omitted		22 9-801 UCC
		3 Omitted			9 Omitted		23 9-802 UCC
LB 54	§	1 18-2147			10 Omitted		24 9-803 UCC
		2 Omitted	LB 75	§	1 8-702		25 9-804 UCC
LB 56	§	1 81-2104			2 45-189		26 9-805 UCC
		2 Omitted			3 45-190		27 9-806 UCC
LB 59	§	1 13-518			4 45-742		28 9-807 UCC
		2 77-3442			5 Omitted		29 9-808 UCC
		3 81-1118.02			6 Omitted		30 9-809 UCC
		4 85-1418	LB 76	§	1 8-1101		31 Omitted
		5 85-1503			2 8-1110		32 Omitted
		6 85-1517			3 8-1111		33 Omitted
		7 85-1535			4 8-1704	LB 90A	Omitted
		8 90-517			5 8-1707	LB 94	§ 1 43-107
		9 Omitted			6 69-2103		2 43-109
		10 Omitted			7 69-2104		3 43-146.01
LB 61	§	1 28-311.08			8 69-2112		4 Omitted
		2 29-4003			9 Omitted	LB 98	§ 1 39-1307

CROSS REFERENCE TABLE

2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws
		2 66-4,100			17 Omitted	LB 157A	Omitted
		3 Omitted			18 Omitted	LB 158	§ 1 60-462
LB 100	§	1 29-122			19 Omitted		2 60-4,112
		2 29-2203			20 Omitted		3 60-4,114.01
		3 Omitted			21 Omitted		4 60-4,122
LB 105	§	1 37-1241.06	LB 152	§	1 48-120		5 Omitted
		2 37-1241.08			2 48-120.04	LB 159	§ 1 13-1101
		3 Omitted			3 Omitted		2 13-1102
LB 106	§	4 Omitted	LB 154	§	1 2-3215		3 13-1104
		1 13-320			2 Omitted		4 13-1105
		2 13-319	LB 155	§	1 13-824.01		5 13-1109
		3 Omitted			2 Omitted		6 Omitted
LB 107	§	1 2-4004	LB 156	§	1 81-1505.04		7 Omitted
		2 2-4005			2 Omitted	LB 160	§ 1 76-1507
		3 2-4006	LB 157	§	1 25-2708		2 76-1516
		4 2-4007			2 25-2911		3 76-1523
		5 Omitted			3 25-2943		4 Omitted
		6 Omitted			4 30-1601		5 Omitted
LB 108	§	1 34-103			5 30-3901	LB 162	§ 1 77-1514
LB 111	§	1 71-915			6 30-3902		2 Omitted
		2 Omitted			7 30-3903	LB 163	§ 1 18-1736
LB 112	§	1 75-302			8 30-3904		2 18-1737
		2 75-303			9 30-3905		3 18-1738
		3 75-311			10 30-3906		4 18-1738.01
		4 Omitted			11 30-3907		5 18-1738.02
		5 Omitted			12 30-3908		6 18-1739
LB 114	§	1 81-2,181			13 30-3909		7 18-1740
LB 121	§	1 35-1309			14 30-3910		8 18-1741
		2 Omitted			15 30-3911		9 18-1741.02
		3 Omitted			16 30-3912		10 18-1741.03
LB 122	§	1 90-115			17 30-3913		11 18-1741.04
		2 Omitted			18 30-3914		12 18-1742
LB 124	§	1 43-107			19 30-3915		13 23-186
		2 43-123.01			20 30-3916		14 60-151
		3 Omitted			21 30-3917		15 60-153
LB 134	§	1 49-801.01			22 30-3918		16 60-301
		2 Omitted			23 30-3919		17 60-302
		3 Omitted			24 30-3920		18 60-302.01
LB 135	§	1 37-1287			25 30-3921		19 60-331.01
		2 60-161			26 30-3922		20 60-331.02
		3 Omitted			27 30-3923		21 60-352.01
LB 137	§	1 29-3001			28 30-2201		22 60-3,113
		2 Omitted			29 30-2209		23 60-3,113.01
LB 142	§	1 32-1608			30 30-2210		24 60-3,113.02
		2 Omitted			31 30-2211		25 60-3,113.03
LB 146	§	1 18-3001			32 30-2601		26 60-3,113.04
		2 Omitted			33 30-2602.01		27 60-3,113.05
LB 151	§	1 48-125			34 30-2602.02		28 60-3,113.06
		2 48-145.01			35 30-2613		29 60-3,113.07
		3 48-153			36 30-2618		30 60-3,113.08
		4 48-155			37 30-2620		31 Omitted
		5 48-156			38 30-2626	LB 163A	Omitted
		6 48-167			39 30-2628	LB 164	§ 1 60-601
		7 48-170			40 30-2629		2 60-6,288.01
		8 48-175.01			41 30-2630.01		3 60-6,291
		9 48-177			42 30-2632		4 Omitted
		10 48-178			43 30-2640	LB 165	§ 1 86-704
		11 48-180			44 30-2647		2 Omitted
		12 48-182			45 30-2648	LB 167	§ 1 76-1221
		13 48-185			46 30-2655		2 76-1228
		14 48-191			47 Omitted		3 Omitted
		15 48-1,112			48 Omitted	LB 170	§ 1 39-2215
		16 48-1,110			49 Omitted		2 60-4,115

APPENDIX

2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws
		3 60-4,127			3 54-1,122		7 60-484.04
		4 60-2120			4 54-1,122.02		8 60-484.05
		5 60-2121			5 Omitted		9 60-484.06
		6 60-2125	LB 181A		Omitted		10 60-487
		7 60-2126	LB 191	§	1 83-1,107		11 60-4,113
		8 60-2127			2 83-1,108		12 60-4,114
		9 60-2128			3 Omitted		13 60-4,115
		10 60-2129			4 Omitted		14 60-4,117
		11 60-2130	LB 197	§	1 20-170		15 60-4,120
		12 60-2131	LB 207	§	1 90-275		16 60-4,121
		13 60-2132.01			2 37-354		17 60-4,122
		14 60-2139			3 Omitted		18 60-4,127
		15 Omitted			4 Omitted		19 60-4,144
		16 Omitted	LB 208	§	1 70-1001.01		20 60-4,149
		17 Omitted			2 70-1013		21 60-4,150
LB 176	§	1 49-14,126			3 70-1014.02		22 60-4,151
		2 49-14,140			4 70-1015		23 60-4,181
		3 Omitted			5 76-3001		24 Omitted
LB 177	§	1 43-285			6 Omitted		25 Omitted
		2 43-905	LB 210	§	1 13-2609	LB 218	§
		3 43-1301			2 13-3107		1 81-1316
		4 43-1311			3 72-258.03	LB 225	§
		5 43-1312			4 77-702		1 38-129
		6 43-1311.01			5 77-1327		2 Omitted
		7 43-1311.02			6 77-1783.01	LB 226	§
		8 43-1311.03			7 77-2704.50		1 28-101
		9 43-1318			8 77-2705.01		2 28-934
		10 68-1202			9 77-2708	LB 228	§
		11 68-1204			10 77-2709		1 81-173
		12 Omitted			11 81-8,128		2 81-190
LB 178	§	1 29-3608			12 81-1260		3 81-188
		2 60-462			13 81-15,164		4 Omitted
		3 60-462.01			14 Omitted	LB 229	§
		4 60-4,116			15 Omitted		1 61-218
		5 60-4,131			16 Omitted		2 81-15,174
		6 60-4,131.01			17 Omitted		3 81-15,175
		7 60-4,132	LB 210A		Omitted		4 61-220
		8 60-4,137	LB 211	§	1 13-324		5 61-221
		9 60-4,138			2 13-2814		6 Omitted
		10 60-4,139			3 77-2703	LB 229A	Omitted
		11 60-4,143			4 77-2703.03	LB 230	§
		12 60-4,144			5 77-2704.10		1 84-712.05
		13 60-4,144.01			6 77-2712.03	LB 234	§
		14 60-4,144.02			7 77-27,143		1 68-130
		15 60-4,145			8 Omitted	LB 235	§
		16 60-4,146			9 Omitted		2 77-3446
		17 60-4,153	LB 212	§	1 18-1739		2 79-413
		18 60-4,154			2 60-144		3 79-536
		19 60-4,171			3 60-3,193.01		4 79-1001
		20 60-2909.01			4 60-3,221		5 79-1003
		21 75-363			5 60-462.01		6 79-1003.01
		22 75-364			6 60-4,147.02		7 79-1005.01
		23 Omitted			7 75-363		8 79-1007.10
LB 178A		Omitted			8 75-364		9 79-1007.11
LB 179	§	1 28-414			9 75-393		10 79-1007.16
		2 38-2801			10 Omitted		11 79-1007.18
		3 38-2802			11 Omitted		12 79-1008.01
		4 38-2818.01	LB 215	§	1 60-462		13 79-1008.02
		5 38-2851			2 60-462.02		14 79-1009
		6 38-2854			3 60-479		15 79-1009.01
		7 Omitted			4 60-479.01		16 79-1015.01
LB 181	§	1 54-1,108			5 60-484		17 79-1017.01
		2 54-1,121			6 60-484.03		18 79-1018.01
							19 79-1023

CROSS REFERENCE TABLE

2011		2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws	Supplement	Session
		20 79-1025			2 Omitted			3 13-2702	
		21 79-1028.01	LB 278	§ 1	23-1114			4 13-2703	
		22 79-1029			2 23-2545			5 13-2704	
		23 79-1030			3 Omitted			6 13-2705	
		24 79-1103			4 Omitted			7 13-2707	
		25 Omitted	LB 279	§ 1	53-169.01			8 13-2710	
		26 Omitted			2 Omitted			9 13-3108	
		27 Omitted	LB 281	§ 1	53-186			10 77-5601	
LB 237	§ 1	71-2454			2 53-186.01			11 Omitted	
		2 71-2455			3 60-6,211.08	LB 303		Omitted	
LB 241	§ 1	60-126			4 Omitted	LB 305	§ 1	54-857	
		2 60-139	LB 284	§ 1	28-1320.02			2 54-1916	
		3 60-140			2 Omitted			3 Omitted	
		4 60-142	LB 286	§ 1	53-123.15	LB 305A		Omitted	
		5 60-344			2 Omitted	LB 308	§ 1	17-107	
		6 Omitted	LB 289	§ 1	14-3,113			2 17-208	
		7 Omitted			2 23-187			3 Omitted	
LB 243	§ 1	46-2,140			3 39-2215	LB 309	§ 1	19-2432	
		2 Omitted			4 39-2215.01			2 Omitted	
		3 Omitted			5 39-2216	LB 311	§ 1	53-1,104	
LB 248	§ 1	81-520.01			6 60-101			2 Omitted	
		2 81-520.03			7 60-119.01	LB 314	§ 1	53-183	
		3 81-520.04			8 60-123			2 Omitted	
		4 81-520.05			9 60-137	LB 315	§ 1	21-2024	
		5 Omitted			10 60-142.08			2 21-2201	
LB 252	§ 1	12-101			11 60-165			3 21-2223	
		2 77-2704.15			12 60-301			4 Omitted	
		3 Omitted			13 60-306			5 Omitted	
		4 Omitted			14 60-336.01	LB 326	§ 1	Omitted	
		5 Omitted			15 60-339			2 Omitted	
LB 254	§ 1	23-1503.01			16 60-383.02	LB 329	§ 1	72-804	
		2 23-1528			17 60-386			2 72-805	
		3 23-1510			18 60-393			3 72-806	
		4 Omitted			19 60-395			4 81-1608	
LB 257	§ 1	86-143			20 60-3,100			5 81-1609	
		2 86-144			21 60-3,113			6 81-1611	
		3 Omitted			22 60-3,187			7 81-1614	
LB 259	§ 1	37-914			23 60-3,190			8 81-1615	
		2 81-701.05			24 60-3,191			9 81-1616	
		3 74-1427			25 60-471			10 81-1620	
		4 Omitted			26 60-501			11 Omitted	
		5 Omitted			27 60-520	LB 331	§ 1	79-1316	
LB 260	§ 1	71-9101			28 60-547			2 Omitted	
		2 71-9102			29 60-601	LB 332	§ 1	72-201	
		3 71-9103			30 60-605			2 Omitted	
		4 71-9104			31 60-628.01	LB 333	§ 1	9-812	
		5 71-9105			32 60-6,380			2 79-720	
		6 71-9106			33 60-6,348			3 79-722	
		7 Omitted			34 60-6,349			4 79-760.04	
LB 261	§ 1	48-604			35 66-712			5 79-760.05	
		2 Omitted			36 66-738			6 79-8,133	
LB 264	§ 1	12-1301			37 66-1405			7 79-8,137.01	
		2 30-241			38 77-1330			8 79-8,137.05	
		3 81-176			39 Omitted			9 79-8,139	
		4 81-1108.33			40 Omitted			10 79-1012	
		5 Omitted			41 Omitted			11 79-1044	
		6 Omitted	LB 289A		Omitted			12 79-1047	
LB 265	§ 1	81-3120	LB 292	§ 1	49-14,120			13 79-1051	
		2 Omitted			2 Omitted			14 79-1108	
LB 274	§ 1	71-2421			3 Omitted			15 79-1108.02	
		2 71-2453			4 Omitted			16 79-2104.02	
		3 Omitted	LB 297	§ 1	13-2610			17 Omitted	
LB 277	§ 1	81-1255			2 13-2701			18 Omitted	

APPENDIX

	2011 Session Laws	2011 Supplement	2011 Session Laws	2011 Supplement	2011 Session Laws	2011 Supplement
		19 Omitted		4 Omitted		27 81-1120.22
LB 334	§	1 2-3815		5 Omitted		28 81-1120.23
		2 2-5003		6 Omitted		29 81-1120.29
		3 38-2620		7 Omitted		30 82-331
		4 38-2622		8 Omitted		31 85-122
		5 81-1273		9 Omitted		32 85-125
		6 81-1275		10 Omitted		33 85-192
		7 85-214		11 Omitted		34 85-1,123
		8 85-215		12 Omitted		35 9-531 UCC
		9 85-1005		13 Omitted		36 Omitted
		10 Omitted		14 Omitted		37 Omitted
		11 Omitted		15 Omitted		38 Omitted
LB 335	§	12 Omitted		16 Omitted	LB 379 §	1 66-1345
		1 14-568		17 Omitted		2 84-612
		2 15-850		18 Omitted		3 Omitted
		3 16-321.01		19 Omitted		4 Omitted
		4 17-568.02		20 Omitted	LB 380 §	1 81-188.01
		5 Omitted		21 Omitted		2 81-188.03
		6 Omitted		22 Omitted		3 81-188.05
LB 337	§	1 23-362		23 Omitted		4 Omitted
		2 39-2204		24 Omitted		5 Omitted
		3 60-1409		25 Omitted		6 Omitted
		4 66-738		26 Omitted		7 Omitted
		5 72-1255		27 Omitted	LB 382 §	1 79-958
		6 77-2608		28 Omitted		2 79-966
		7 Omitted		29 Omitted		3 79-988.01
		8 Omitted		30 Omitted		4 79-9,113
LB 342	§	1 31-409		31 Omitted		5 79-1003
		2 31-409.02		32 Omitted		6 79-1028.01
		3 Omitted		33 90-519		7 81-2017
LB 345	§	1 81-12,136		34 Omitted		8 Omitted
		2 81-12,137		35 Omitted		9 Omitted
		3 81-12,138		36 Omitted	LB 382A	Omitted
		4 81-12,139	LB 374	Omitted	LB 383 §	1 13-518
		5 81-12,140	LB 375	Omitted		2 77-3,119
		6 81-12,141	LB 376	Omitted		3 77-27,139.02
		7 81-12,142	LB 377	Omitted		4 77-27,139.03
		8 81-12,143	LB 378 §	1 Omitted		5 81-15,147
		9 13-208		2 Omitted		6 83-380
		10 Omitted		3 Omitted		7 Omitted
		11 Omitted		4 Omitted		8 Omitted
LB 345A		Omitted		5 Omitted		9 Omitted
LB 347	§	1 81-885.21		6 Omitted	LB 384 §	10 Omitted
		2 81-885.24		7 Omitted		1 49-617
		3 Omitted		8 Omitted		2 77-123
LB 360	§	1 77-105		9 Omitted		3 77-202.04
		2 77-202		10 Omitted		4 77-202.12
		3 77-27,235		11 Omitted		5 77-702
		4 77-6203		12 Omitted		6 77-1301
		5 Omitted		13 Omitted		7 77-1303
		6 Omitted		14 Omitted		8 77-1311
		7 Omitted		15 Omitted		9 77-1311.03
		8 Omitted		16 24-205		10 77-1315
		9 Omitted		17 24-227.01		11 77-1315.01
LB 366	§	1 81-15,175		18 25-2921		12 77-1317
		2 84-1409		19 29-2259.02		13 77-1318
		3 Omitted		20 29-2262.07		14 77-1502
LB 368	§	1 32-616		21 47-632		15 77-1504
		2 32-710		22 48-1,103		16 77-1504.01
		3 Omitted		23 48-622.01		17 77-1507
LB 373	§	1 Omitted		24 66-1345.04		18 77-1514
		2 Omitted		25 81-8,239.02		19 77-3519
		3 Omitted		26 81-1120.02		20 77-5001

CROSS REFERENCE TABLE

2011		2011		2011		2011		2011			
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws	Supplement	Session		
	21	77-5003		9	81-1213		35	Omitted			
	22	77-5004		10	58-702		36	Omitted			
	23	77-5005		11	58-703		37	Omitted			
	24	77-5007		12	58-706		38	Omitted			
	25	77-5008		13	58-708		39	Omitted			
	26	77-5015		14	76-903		40	Omitted			
	27	77-5015.01		15	Omitted	LB 394	§	1	2-3745		
	28	77-5015.02		16	Omitted			2	2-3746		
	29	77-5016	LB 388A		Omitted			3	2-3747		
	30	77-5017	LB 389	§	1	77-6301		4	2-3748		
	31	77-5018		2	77-6302			5	2-3749		
	32	77-5019		3	77-6303			6	Omitted		
	33	77-5022		4	77-6304			7	Omitted		
	34	77-5024.01		5	77-6305	LB 396	§	1	77-2318		
	35	77-5027		6	77-6306			2	Omitted		
	36	Omitted		7	77-6307	LB 397	§	1	48-801		
	37	Omitted		8	77-6308			2	48-801.01		
	38	Omitted		9	77-6309			3	48-802		
	39	Omitted		10	77-6310			4	48-804		
	40	Omitted		11	49-801.01			5	48-809		
	41	Omitted		12	77-2715.07			6	48-811		
LB 384A		Omitted		13	77-2717			7	48-813		
LB 385	§	1	66-1012	14	77-27,187.02			8	48-816		
		2	66-1014	15	Omitted			9	48-817		
		3	66-1015	16	Omitted			10	48-818		
		4	66-1016	17	Omitted			11	48-818.01		
		5	66-1019.01	18	Omitted			12	48-818.02		
		6	Omitted	19	Omitted			13	48-818.03		
		7	Omitted		Omitted			14	48-824		
LB 386	§	1	81-1210.01	LB 389A		§	1	29-2252	15	48-838	
		2	81-1210.02	LB 390	§	2	29-2255	16	48-839		
		3	81-1210.03			3	29-2261	17	79-852		
		4	81-1201.21			4	29-2262.07	18	79-2116		
		5	Omitted			5	29-2521.02	19	81-1369		
		6	Omitted			6	47-621	20	81-1371		
		7	Omitted			7	47-622	21	81-1372		
LB 387	§	1	81-12,152			8	47-624	22	81-1373		
		2	81-12,153			9	47-624.01	23	81-1375		
		3	81-12,154			10	47-627	24	81-1378		
		4	81-12,155			11	47-628	25	81-1379		
		5	81-12,156			12	47-629	26	81-1381		
		6	81-12,157			13	47-632	27	81-1382		
		7	81-12,158			14	47-634	28	81-1383		
		8	81-12,159			15	81-8,239.01	29	81-1384		
		9	81-12,160			16	81-1403	30	81-1385		
		10	81-12,161			17	81-1404	31	81-1386		
		11	81-12,162			18	81-1423	32	81-1387		
		12	81-12,163			19	81-1425	33	Omitted		
		13	81-12,164			20	81-1447	34	Omitted		
		14	81-12,165			21	81-1801	35	Omitted		
		15	81-12,166			22	81-1801.02	36	Omitted		
		16	81-12,167			23	81-1818	LB 399	§	1	32-618
		17	Omitted			24	81-1822			2	Omitted
		18	Omitted			25	83-1,102			3	Omitted
LB 387A		Omitted				26	83-1,107.02	LB 400	§	1	2-3225
LB 388	§	1	81-12,144			27	83-4,126			2	77-3442
		2	81-12,145			28	83-4,131			3	Omitted
		3	81-12,146			29	84-1410	LB 401	§	1	71-5905
		4	81-12,147			30	Omitted			2	Omitted
		5	81-12,148			31	Omitted	LB 404	§	1	2-5422
		6	81-12,149			32	Omitted			2	13-2709
		7	81-12,150			33	Omitted			3	58-711
		8	81-12,151			34	Omitted			4	81-1201.11

APPENDIX

	2011 Session	2011 Laws	2011 Supplement	2011 Session	2011 Laws	2011 Supplement	2011 Session	2011 Laws	2011 Supplement		
		5	81-1205			5	71-7908		11	43-2,129	
		6	81-1277			6	71-7909		12	43-412	
		7	81-12,104			7	71-7910		13	43-416	
		8	81-12,135			8	71-7911		14	43-3717	
		9	81-3605			9	71-7912		15	43-3718	
		10	Omitted			10	71-7913		16	43-3719	
		11	Omitted			11	28-435.01		17	43-3720	
LB 406	§	1	38-2001			12	38-1,126		18	43-3701	
		2	38-2026			13	38-1,127		19	79-209	
		3	38-2026.01			14	71-6736		20	79-2104	
		4	Omitted			15	71-7460.02		21	79-2104.02	
LB 407	§	1	53-101			16	Omitted		22	79-2121	
		2	53-110			17	Omitted		23	Omitted	
		3	53-123.12			18	Omitted		24	Omitted	
		4	53-124.12	LB 449	§	1	32-208		25	Omitted	
		5	53-131			2	32-305		26	Omitted	
		6	53-133			3	32-312	LB 463A		Omitted	
		7	53-177			4	32-606	LB 464	§	1	43-536
		8	53-177.01			5	32-615		2	Omitted	
		9	Omitted			6	32-616		3	Omitted	
LB 410	§	1	76-3201			7	32-811		4	Omitted	
		2	76-3202			8	32-903	LB 465	§	1	Omitted
		3	76-3203			9	32-947		2	Omitted	
		4	76-3204			10	32-948		3	Omitted	
		5	76-3205			11	32-1203	LB 468	§	1	68-909
		6	76-3206			12	32-1303		2	Omitted	
		7	76-3207			13	32-1306	LB 471	§	1	18-2708
		8	76-3208			14	Omitted		2	18-2709	
		9	76-3209	LB 453			Omitted		3	18-2714	
		10	76-3210	LB 454			Omitted		4	18-2717	
		11	76-3211	LB 455			Omitted		5	Omitted	
		12	76-3212	LB 458	§	1	57-909	LB 474	§	1	2-3228
		13	76-3213			2	Omitted		2	12-101	
		14	76-3214	LB 462	§	1	21-1931		3	14-567	
		15	76-3215			2	21-19,151		4	14-1805.01	
		16	76-3216			3	21-2028		5	14-2111	
		17	76-3217			4	21-20,173		6	15-1017	
		18	76-3218			5	67-234		7	16-1017	
		19	76-3219			6	67-455		8	16-1037	
		20	76-3220			7	84-511		9	19-3501	
		21	76-2223			8	87-208		10	23-1118	
		22	Omitted			9	87-209		11	23-3526	
		23	Omitted			10	87-210		12	71-1631.02	
LB 410A			Omitted			11	87-211		13	84-304.02	
LB 413	§	1	58-706			12	87-212		14	84-1503	
		2	Omitted			13	87-213		15	Omitted	
LB 421	§	1	37-438			14	87-214	LB 477	§	1	60-1401
		2	37-440			15	87-215		2	60-1420	
		3	Omitted			16	87-216		3	60-1424	
		4	Omitted			17	87-217		4	60-1425	
LB 423	§	1	77-1901			18	87-218		5	60-1427	
		2	77-1902			19	Omitted		6	60-1429	
		3	77-1909			20	Omitted		7	60-1436	
		4	77-1914	LB 463	§	1	28-416		8	60-1437	
		5	77-1915			2	29-2258		9	60-1438	
		6	77-1916			3	29-3921		10	60-1438.01	
		7	Omitted			4	43-286		11	Omitted	
LB 424	§	1	85-1738			5	43-286.01	LB 479	§	1	29-4306
		2	Omitted			6	43-2,108.01		2	71-9001	
LB 431	§	1	71-7904			7	43-2,108.02		3	Omitted	
		2	71-7905			8	43-2,108.03	LB 480	§	1	13-1302
		3	71-7906			9	43-2,108.04		2	13-1304	
		4	71-7907			10	43-2,108.05		3	Omitted	

CROSS REFERENCE TABLE

2011		2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws	Supplement	Supplement
LB 490	§	1 9-601		42	81-2026		5	37-919	
		2 9-603		43	81-2041		6	37-920	
		3 9-603.04		44	84-1301		7	37-921	
		4 9-607		45	84-1307		8	59-1608.04	
		5 Omitted		46	84-1309.02		9	Omitted	
LB 494	§	1 68-914		47	84-1313.02		10	Omitted	
		2 Omitted		48	84-1321.01		11	Omitted	
		3 Omitted		49	84-1322	LB 549A		Omitted	
LB 499	§	1 32-602		50	84-1501	LB 550	§	1 32-606	
		2 32-617		51	84-1503			2 Omitted	
		3 32-632		52	84-1511	LB 556	§	1 22-141.01	
		4 32-939		53	Omitted			2 22-161.01	
		5 32-941		54	Omitted			3 Omitted	
		6 32-942		55	Omitted			4 Omitted	
		7 Omitted		56	Omitted	LB 558	§	1 79-769	
LB 500	§	1 60-4,182	LB 512	§	1 28-1204.04			2 Omitted	
		2 60-6,256		2	69-2402	LB 563	§	1 90-274	
		3 Omitted		3	69-2409.01			2 37-354	
LB 502	§	1 48-1617		4	69-2433			3 Omitted	
		2 48-1623		5	71-901			4 Omitted	
		3 48-1624		6	71-903	LB 573	§	1 60-6,232	
		4 Omitted		7	71-904.01			2 81-829.36	
LB 509	§	1 4-108		8	71-963			3 81-829.67	
		2 23-2301		9	Omitted			4 Omitted	
		3 23-2302		10	Omitted	LB 575	§	1 79-2201	
		4 23-2306	LB 521	§	1 28-335			2 79-2202	
		5 23-2308		2	Omitted			3 79-2203	
		6 23-2308.01		3	Omitted			4 79-2204	
		7 23-2319.01	LB 524	§	1 9-701			5 79-2205	
		8 23-2320		2	Omitted			6 79-2206	
		9 24-701.01	LB 525	§	1 68-901			7 9-812	
		10 24-710.13		2	68-970			8 79-318	
		11 24-710		3	68-971			9 Omitted	
		12 42-1102		4	Omitted			10 Omitted	
		13 68-621	LB 525A		Omitted	LB 575A		Omitted	
		14 72-1243	LB 535	§	1 44-8501	LB 585		Omitted	
		15 79-408		2	44-8502	LB 589	§	1 13-901	
		16 79-901		3	44-8503			2 13-910	
		17 79-902		4	44-8504			3 13-928	
		18 79-903		5	44-8505			4 39-1359	
		19 79-904		6	44-8506			5 81-8,219	
		20 79-904.01		7	44-8507			6 Omitted	
		21 79-916		8	44-8508			7 Omitted	
		22 79-920		9	44-8509	LB 590	§	1 59-1520	
		23 79-926		10	44-102.01			2 59-1523	
		24 79-933.03		11	Omitted			3 69-502	
		25 79-933.05		12	Omitted			4 69-2702	
		26 79-933.06	LB 542	§	1 71-401			5 69-2703	
		27 79-941		2	71-467			6 69-2705	
		28 79-942		3	Omitted			7 69-2706	
		29 79-944	LB 543	§	1 68-1017.02			8 69-2707	
		30 79-947		2	Omitted			9 69-2707.01	
		31 79-955		3	Omitted			10 69-2708	
		32 79-947.06	LB 544	§	1 79-724			11 69-2708.01	
		33 79-978.01		2	Omitted			12 69-2709	
		34 79-987	LB 546	§	1 71-6403			13 69-2710	
		35 79-9,113		2	71-6405			14 69-2710.01	
		36 79-9,117		3	71-6406			15 69-2710.02	
		37 79-9,118		4	Omitted			16 69-2710.03	
		38 79-1003	LB 549	§	1 37-915			17 69-2711	
		39 79-1028.01		2	37-916			18 71-7606	
		40 81-2014.01		3	37-917			19 77-2601	
		41 81-2027.08		4	37-918			20 77-2602	

APPENDIX

2011		2011		2011		2011		2011	
Session	Laws	Supplement	Session	Laws	Supplement	Session	Laws	Supplement	Supplement
	21	77-2602.03		30	68-1930	LB 637A		Omitted	
	22	77-2602.05		31	Omitted	LB 641	§ 1	53-134	
	23	77-2602.06		32	Omitted			2	53-197
	24	77-2603	LB 600A		Omitted			3	Omitted
	25	77-2603.01	LB 617	§ 1	84-901.01	LB 642	§ 1	77-367	
	26	77-2604		2	84-907			2	77-5601
	27	77-2604.01		3	84-907.09			3	Omitted
	28	77-2605		4	84-910			4	Omitted
	29	77-2607		5	84-920	LB 648	§ 1	43-285	
	30	77-2608		6	Omitted			2	43-1314
	31	77-2610		7	Omitted			3	71-1902
	32	77-2612	LB 621	§ 1	90-276			4	Omitted
	33	77-2613		2	90-277	LB 665	§ 1	28-311	
	34	77-2614		3	Omitted			2	Omitted
	35	77-2615	LB 628	§ 1	23-3104			3	Omitted
	36	77-2615.01		2	23-3107	LB 667	§ 1	28-101	
	37	77-2620		3	23-3115			2	28-1254
	38	77-2622		4	13-329			3	28-306
	39	Omitted		5	Omitted			4	28-394
	40	Omitted	LB 629	§ 1	76-3301			5	29-215
LB 590A		Omitted		2	76-3302			6	29-1917
LB 591	§ 1	71-552		3	76-3303			7	29-2259.01
	2	38-178		4	76-3304			8	37-1201
	3	38-182		5	76-3305			9	37-1238.01
	4	71-448		6	76-3306			10	37-1254.01
	5	71-529		7	Omitted			11	37-1254.02
	6	71-539		8	Omitted			12	37-1254.03
	7	71-541.01	LB 637	§ 1	85-2401			13	37-1254.05
	8	71-540		2	85-2402			14	37-1254.07
	9	71-541		3	85-2403			15	37-1254.08
	10	71-542		4	85-2404			16	37-1254.09
	11	71-543		5	85-2405			17	37-1254.10
	12	71-544		6	85-2406			18	37-1254.11
	13	Omitted		7	85-2407			19	37-1254.12
LB 600	§ 1	68-1901		8	85-2408			20	37-1295
	2	68-1902		9	85-2409			21	53-180
	3	68-1903		10	85-2410			22	53-180.05
	4	68-1904		11	85-2411			23	60-497.01
	5	68-1905		12	85-2412			24	60-498.01
	6	68-1906		13	85-2413			25	60-498.02
	7	68-1907		14	85-2414			26	60-498.03
	8	68-1908		15	85-2415			27	60-498.04
	9	68-1909		16	85-2416			28	60-4,115
	10	68-1910		17	85-2417			29	60-4,118.06
	11	68-1911		18	85-2418			30	60-4,129
	12	68-1912		19	85-2419			31	60-4,164
	13	68-1913		20	85-2420			32	60-601
	14	68-1914		21	85-2421			33	60-6,197
	15	68-1915		22	9-812			34	60-6,197.02
	16	68-1916		23	38-2622			35	60-6,197.03
	17	68-1917		24	77-2704.12			36	60-6,197.05
	18	68-1918		25	79-757			37	60-6,197.09
	19	68-1919		26	79-759			38	60-6,197.10
	20	68-1920		27	85-943			39	60-6,198
	21	68-1921		28	85-961			40	60-6,211.05
	22	68-1922		29	85-1412			41	60-6,211.11
	23	68-1923		30	85-1604			42	Omitted
	24	68-1924		31	85-1620			43	Omitted
	25	68-1925		32	85-1643	LB 667A		Omitted	
	26	68-1926		33	85-2105	LB 669	§ 1	20-159	
	27	68-1927		34	Omitted			2	24-502
	28	68-1928		35	Omitted			3	24-507
	29	68-1929		36	Omitted			4	24-515

CROSS REFERENCE TABLE

2011 Session	2011 Laws	2011 Supplement	2011 Session	2011 Laws	2011 Supplement	2011 Session	2011 Laws	2011 Supplement
	5	24-337.01	LB 675	§	1	28-106	12	71-6909
	6	24-230			2	60-498.02	13	71-6908
	7	25-505.01			3	60-4,129	14	71-6910
	8	25-506.01			4	60-601	15	71-6911
	9	25-507.01			5	60-697	16	Omitted
	10	25-508.01			6	60-698	17	Omitted
	11	25-509.01			7	60-6,196.01	LB 699	§
	12	25-510.02			8	60-6,197.02	1	24-201.02
	13	25-511.02			9	60-6,197.03	2	24-201.04
	14	25-512.01			10	60-6,198	3	Omitted
	15	25-513.01			11	83-1,135	4	Omitted
	16	25-514.01			12	83-1,112.01	LB 700	§
	17	25-2221			13	Omitted	1	75-101.01
	18	25-2406			14	Omitted	2	75-101.02
	19	25-2705	LB 684	§	1	81-1201.13	3	Omitted
	20	25-2805			2	Omitted	4	Omitted
	21	29-404	LB 684A			Omitted	LB 701	§
	22	29-1603	LB 687	§	1	38-131	1	85-103.01
	23	29-2259			2	38-3301	2	85-103.02
	24	32-524			3	38-3335	3	Omitted
	25	42-361			4	Omitted	4	Omitted
	26	43-258			5	Omitted	LB 702	§
	27	Omitted	LB 690	§	1	38-2021	1	79-311
	28	Omitted			2	64-113	2	79-312
	29	Omitted			3	71-6901	3	Omitted
	30	Omitted			4	71-6902	4	Omitted
	31	Omitted			5	71-6902.01	LB 703	§
LB 673	§	1	42-371		6	71-6902.02	1	32-508
		2	43-2920		7	71-6903	2	50-1153
		3	43-2922		8	71-6904	3	50-1154
		4	43-2929.01		9	71-6905	4	Omitted
		5	43-2929		10	71-6906	5	Omitted
		6	Omitted		11	71-6907	6	Omitted
							LB 704	§
							1	32-504
							2	32-505
							3	Omitted
							4	Omitted



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred Second Legislature
First Session, 2011

Showing the date each act went into effect.
Convened January 5, 2011, and adjourned May 26, 2011.

LB No.	Effective Date	LB No.	Effective Date
1	August 27, 2011	59	February 23, 2011
2	August 27, 2011	61	August 27, 2011
3	August 27, 2011	62	August 27, 2011
4	August 27, 2011	67	August 27, 2011
5	August 27, 2011	68	August 27, 2011
6	August 27, 2011	70	July 21, 2011
7	August 27, 2011		(operative date)
8	August 27, 2011	72	August 27, 2011
9	August 27, 2011	73	May 18, 2011
10	August 27, 2011	74	Sections 3, 8, and 9 of
11	August 27, 2011		this act become operative
12	August 27, 2011		on August 27, 2011. The
15	August 27, 2011		other sections of this act
17	January 1, 2012		become operative on
	(operative date)		February 23, 2011.
18	February 11, 2011	75	February 23, 2011
19	February 23, 2011	76	February 23, 2011
20	January 1, 2012	77	March 11, 2011
	(operative date)	78	March 11, 2011
22	January 1, 2012	81	January 1, 2011
	(operative date)		(operative date)
23	August 27, 2011	84	August 27, 2011
24	August 27, 2011	90	July 1, 2013
25	August 27, 2011		(operative date)
26	March 11, 2011	90 A	August 27, 2011
27	August 27, 2011	94	August 27, 2011
28	August 27, 2011	98	August 27, 2011
29	August 27, 2011	100	August 27, 2011
30	August 27, 2011	105	January 1, 2012
31	August 27, 2011		(operative date)
32	August 27, 2011	106	August 27, 2011
34	August 27, 2011	107	May 18, 2011
35	August 27, 2011	108	August 27, 2011
36	August 27, 2011	111	August 27, 2011
41	August 27, 2011	112	April 27, 2011
43	August 27, 2011	114	August 27, 2011
45	August 27, 2011	121	August 27, 2011
46	August 27, 2011	122	August 27, 2011
47	February 23, 2011	124	August 27, 2011
54	August 27, 2011	134	February 23, 2011
56	August 27, 2011	135	August 27, 2011

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
137	August 27, 2011	218	August 27, 2011
142	August 27, 2011	225	March 11, 2011
146	August 27, 2011	226	August 27, 2011
151	Sections 6, 8, 17, 18, and 21 of this act become operative on May 25, 2011. The other sections of this act become operative on August 27, 2011.	228	August 27, 2011
		229	May 18, 2011
		229 A	May 18, 2011
		230	August 27, 2011
		234	August 27, 2011
		235	April 27, 2011
		237	August 27, 2011
152	August 27, 2011	241	February 23, 2011
154	August 27, 2011	243	March 11, 2011
155	August 27, 2011	248	August 27, 2011
156	August 27, 2011	252	July 1, 2011
157	January 1, 2012 (operative date)		(operative date)
		254	August 27, 2011
157 A	August 27, 2011	257	August 27, 2011
158	August 27, 2011	259	August 27, 2011
159	March 17, 2011	260	July 1, 2012
160	August 27, 2011		(operative date)
162	August 27, 2011	261	August 27, 2011
163	August 27, 2011	264	March 11, 2011
163 A	August 27, 2011	265	August 27, 2011
164	August 27, 2011	274	August 27, 2011
165	August 27, 2011	277	August 27, 2011
167	August 27, 2011	278	August 27, 2011
170	January 1, 2012 (operative date)	279	August 27, 2011
		281	August 27, 2011
176	August 27, 2011	284	August 27, 2011
177	August 27, 2011	286	August 27, 2011
178	August 27, 2011	289	January 1, 2012
178 A	August 27, 2011		(operative date)
179	August 27, 2011	289 A	August 27, 2011
181	August 27, 2011	292	July 1, 2011
181 A	August 27, 2011		(operative date)
191	March 17, 2011	297	August 27, 2011
197	August 27, 2011	303	August 27, 2011
207	April 15, 2011	305	August 27, 2011
208	August 27, 2011	305 A	August 27, 2011
210	Sections 3, 4, 5, 6, 11, 14, 15, and 17 of this act become operative on August 27, 2011. The other sections of this act become operative on October 1, 2011.	308	August 27, 2011
		309	May 18, 2011
		311	August 27, 2011
		314	August 27, 2011
		315	May 18, 2011
		326	March 11, 2011
		329	August 27, 2011
210 A	August 27, 2011	331	August 27, 2011
211	October 1, 2011 (operative date)	332	August 27, 2011
		333	March 16, 2011
212	February 23, 2011	334	March 11, 2011
215	March 11, 2011	335	August 27, 2011

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
337	April 27, 2011	389	Sections 12, 13, and 16 of this act become operative for all taxable years beginning or deemed to begin on or after January 1, 2011, under the Internal Revenue Code of 1986, as amended. Sections 14, 15, 18, and 19 of this act become operative on July 1, 2011. The other sections of this act become operative on September 1, 2011.
342	August 27, 2011		
345	May 25, 2011		
345 A	May 25, 2011	389 A	May 25, 2011
347	August 27, 2011	390	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 38, and 39 of this act become operative on July 1, 2011. The other sections of this act become operative on May 27, 2011.
360	Sections 3 and 7 of this act become operative on October 1, 2011. The other sections of this act become operative on January 1, 2010.		
366	August 27, 2011		
368	August 27, 2011		
373	May 18, 2011		
374	July 1, 2011 (operative date)		
375	July 1, 2011 (operative date)		
376	July 1, 2011 (operative date)		
377	July 1, 2011 (operative date)		
378	May 18, 2011		
379	May 18, 2011		
380	July 1, 2011 (operative date)		
382	May 5, 2011	394	May 18, 2011
382 A	May 5, 2011	396	August 27, 2011
383	July 1, 2011 (operative date)	397	Sections 11, 12, 13, and 35 of this act become operative on July 1, 2012. Section 33 of this act becomes operative on August 27, 2011. The other sections of this act become operative on October 1, 2011.
384	Sections 16, 32, 33, 36, 37, 38, and 41 of this act become operative on May 12, 2011. Sections 1, 5, 20, 21, 22, 23, 27, 28, 29, 30, 31, and 40 of this act become operative on July 1, 2011. The other sections of this act become operative on August 27, 2011.	399	March 17, 2011
384 A	May 12, 2011	400	August 27, 2011
385	April 27, 2011	401	August 27, 2011
386	June 1, 2011 (operative date)	404	January 1, 2012 (operative date)
387	October 1, 2011 (operative date)	406	August 27, 2011
387 A	August 27, 2011	407	August 27, 2011
388	October 1, 2011 (operative date)	410	January 1, 2012 (operative date)
388 A	August 27, 2011	410 A	August 27, 2011
		413	August 27, 2011
		421	January 1, 2012 (operative date)
		423	August 27, 2011

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
424	August 27, 2011	573	August 27, 2011
431	April 27, 2011	575	July 1, 2012
449	August 27, 2011		(operative date)
453	August 27, 2011	575 A	August 27, 2011
454	August 27, 2011	585	May 18, 2011
455	August 27, 2011	589	May 25, 2011
458	August 27, 2011	590	Sections 23 and 39 of
462	August 27, 2011		this act become operative
463	Sections 6, 7, 8, 9, 10, 12, 13, and 25 of this act become operative on August 27, 2011. The other sections of this act become operative on May 12, 2011.		on August 27, 2011. The other sections of this act become operative on January 1, 2013.
463 A	May 12, 2011	590 A	August 27, 2011
464	July 1, 2011 (operative date)	591	August 27, 2011
465	July 1, 2011 (operative date)	600	July 1, 2011 (operative date)
468	August 27, 2011	600 A	April 29, 2011
471	August 27, 2011	617	May 25, 2011
474	August 27, 2011	621	April 15, 2011
477	August 27, 2011	628	August 27, 2011
479	August 27, 2011	629	May 27, 2011
480	August 27, 2011	637	May 5, 2011
490	August 27, 2011	637 A	May 5, 2011
494	May 19, 2011	641	August 27, 2011
499	August 27, 2011	642	May 27, 2011
500	August 27, 2011	648	August 27, 2011
502	August 27, 2011	665	May 12, 2011
509	July 1, 2011 (operative date)	667	January 1, 2012 (operative date)
512	January 1, 2012 (operative date)	667 A	August 27, 2011
521	August 27, 2011	669	Sections 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 27, 28, and 31 of this act become operative on May 27, 2011. The other sections of this act become operative on August 27, 2011.
524	August 27, 2011	673	August 27, 2011
525	August 27, 2011	675	January 1, 2012 (operative date)
525 A	August 27, 2011	684	August 27, 2011
535	January 1, 2012 (operative date)	684 A	August 27, 2011
542	August 27, 2011	687	May 19, 2011
543	April 15, 2011	690	August 27, 2011
544	August 27, 2011	699	May 27, 2011
546	August 27, 2011	700	May 27, 2011
549	May 18, 2011	701	May 27, 2011
549 A	May 18, 2011	702	May 27, 2011
550	August 27, 2011	703	May 27, 2011
556	August 27, 2011	704	May 27, 2011
558	August 27, 2011		
563	April 15, 2011		

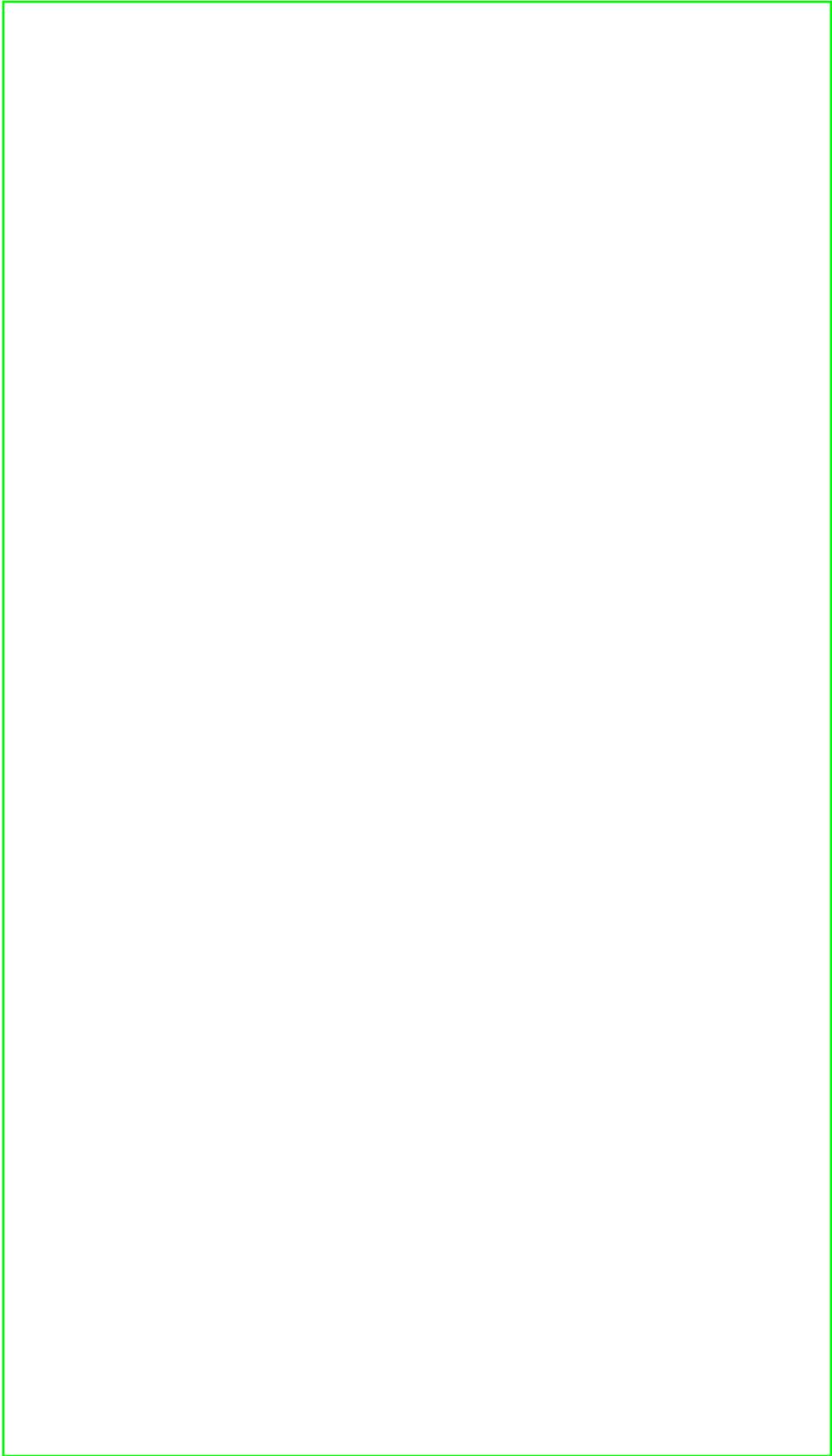
APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2011 Session Laws of Nebraska, First Special Session
Showing LB section number to statute section number

	2011 First Special Session	2012 Cumulative Supplement
LB 1	§ 1	57-1101
	2	57-1401
	3	57-1402
	4	57-1403
	5	57-1404
	6	57-1405
	7	57-1406
	8	57-1407
	9	57-1408
	10	57-1409
	11	57-1410
	12	57-1411
	13	57-1412
	14	75-109.01
	15	75-110.01
	16	75-112
	17	75-118
	18	75-128
	19	75-129
	20	75-502
	21	Omitted
	22	Omitted
	23	Omitted
LB 2		Omitted
LB 4	§ 1	57-1501
	2	57-1502
	3	57-1503
	4	73-307
	5	73-507
	6	81-1701
	7	Omitted
	8	Omitted
LB 4A		Omitted



APPENDIX

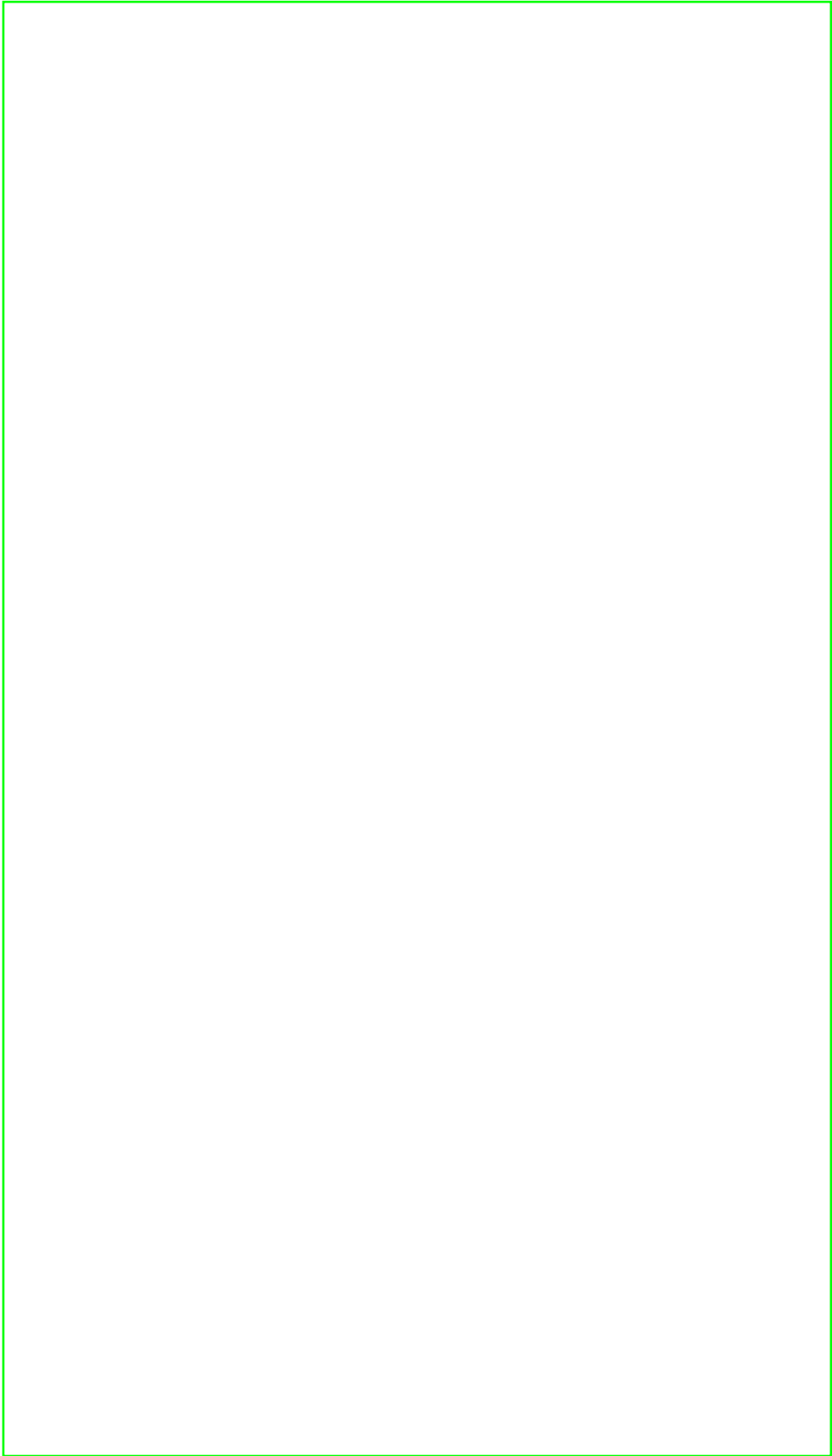
APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred Second Legislature
First Special Session, 2011

Showing the date each act went into effect.
Convened November 1, 2011, and adjourned November 22, 2011.

LB No.	Effective Date
1	November 23, 2011
2	November 23, 2011
4	November 23, 2011
4A	November 23, 2011



APPENDIX

APPENDIX

CROSS REFERENCE TABLE

2012 Session Laws of Nebraska, Second Session
Showing LB section number to statute section number

2012 Second Session		2012 Cumulative Supplement	2012 Second Session		2012 Cumulative Supplement	2012 Second Session		2012 Cumulative Supplement
LB 14	§ 1	25-529	LB 370	§ 1	77-1824		11	54-645
	2	25-531		2	77-1824.01		12	54-646
	3	25-2154		3	77-1825		13	Omitted
	4	33-109		4	77-1831		14	Omitted
	5	52-1004		5	77-1832	LB 446	§ 1	79-1217
	6	60-169		6	77-1833		2	79-1225
	7	77-3903		7	77-1834		3	79-1241.03
	8	Omitted		8	77-1835		4	79-1242
	9	Omitted		9	77-1837		5	Omitted
	10	Omitted		10	77-1837.01	LB 459	§ 1	13-405
LB 40	§ 1	77-2704.12		11	Omitted		2	Omitted
	2	Omitted	LB 391	§ 1	37-201	LB 470	§ 1	16-251
	3	Omitted		2	37-202		2	51-211
	4	Omitted		3	37-206.01		3	Omitted
LB 42	§ 1	18-132		4	37-207.01	LB 473	§ 1	23-3801
	2	18-1915		5	37-215.01		2	23-3802
	3	23-172		6	37-524.02		3	23-3803
	4	Omitted		7	37-524.03		4	23-3804
LB 66	§ 1	29-4106		8	37-524		5	23-3805
	2	29-4107		9	37-547		6	23-3806
	3	Omitted		10	37-548		7	23-3807
LB 66A		Omitted		11	37-1401		8	23-3808
LB 131	§ 1	84-612		12	37-1402		9	23-3809
	2	Omitted		13	37-1403		10	23-3810
	3	Omitted		14	37-1404		11	81-2,236
LB 209	§ 1	77-2711		15	37-1405		12	Omitted
	2	77-27,144		16	37-1406	LB 498	§ 1	46-683.01
	3	Omitted		17	Omitted		2	Omitted
LB 209A		Omitted		18	Omitted	LB 503	§ 1	32-623
LB 216	§ 1	60-301	LB 398	§ 1	23-1307		2	32-627
	2	60-3,100		2	64-101		3	Omitted
	3	60-3,104		3	64-104	LB 507	§ 1	68-1708
	4	60-3,135.01		4	64-105.01		2	68-1735
	5	Omitted		5	64-107		3	68-1735.01
	6	Omitted		6	64-113		4	68-1735.02
LB 216A		Omitted		7	64-119		5	68-1735.03
LB 269	§ 1	45-901		8	Omitted		6	68-1735.04
	2	45-910		9	Omitted		7	Omitted
	3	45-927	LB 426	§ 1	13-2706	LB 526	§ 1	46-294
	4	45-930		2	13-3108		2	Omitted
	5	Omitted		3	Omitted		3	Omitted
LB 310	§ 1	28-311.09	LB 427	§ 1	54-625	LB 536	§ 1	76-3401
	2	42-903		2	54-626		2	76-3402
	3	42-924		3	54-627		3	76-3403
	4	42-925		4	54-630		4	76-3404
	5	42-926		5	54-637		5	76-3405
	6	Omitted		6	54-640		6	76-3406
LB 357	§ 1	77-27,142		7	54-641		7	76-3407
	2	77-27,142.01		8	54-641.01		8	76-3408
	3	77-27,142.02		9	54-641.02		9	76-3409
	4	Omitted		10	54-641.03		10	76-3410

APPENDIX

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement
	11	76-3411	LB 670 § 1	28-405	17 84-1209
	12	76-3412	2	Omitted	18 84-1212
	13	76-3413	3	Omitted	19 84-1213
	14	76-3414	LB 677 § 1	28-929	20 84-1214
	15	76-3415	2	28-930	21 84-1214.01
	16	76-3416	3	28-931	22 84-1215
	17	76-3417	4	28-929.01	23 84-1216
	18	76-3418	5	28-929.02	24 84-1217
	19	76-3419	6	Omitted	25 84-1218
	20	76-3420	LB 686 § 1	38-3321	26 84-1219
	21	76-3421	2	Omitted	27 84-1222
	22	76-3422	LB 705 § 1	Omitted	28 84-1224
	23	76-3423	LB 706 § 1	Omitted	29 84-1225
	24	30-2352	LB 707 § 1	Omitted	30 84-1227
	25	30-2354	LB 708 § 1	Omitted	31 9-523 UCC
	26	76-201	LB 709 § 1	23-114	32 Omitted
	27	76-202	2	23-114.03	33 Omitted
	28	76-203	3	23-114.05	LB 721 § 1 28-906
	29	76-214	4	Omitted	2 28-1008
	30	76-215	5	Omitted	3 Omitted
	31	76-2,126	LB 710 § 1	85-122	LB 722 § 1 29-2206
	32	76-238	2	Omitted	2 Omitted
	33	76-246	3	Omitted	LB 723 § 1 71-5301
	34	76-277	LB 711 § 1	50-401.01	2 71-5304.01
	35	76-902	2	Omitted	3 Omitted
	36	Omitted	LB 714 § 1	76-2202	LB 725 § 1 49-801.01
	37	Omitted	2	76-2213.01	2 Omitted
LB 541	§ 1	68-901	3	76-2223	3 Omitted
	2	68-973	4	76-2228.01	LB 727 § 1 9-226
	3	68-974	5	76-2229.01	2 9-226.01
	4	Omitted	6	76-2230	3 9-228
	5	Omitted	7	76-2231.01	4 9-322
LB 541A		Omitted	8	76-2232	5 9-322.02
LB 576	§ 1	49-707	9	76-2236	6 9-324
	2	49-708	10	76-2241	7 9-418
	3	Omitted	11	76-2249	8 9-418.01
LB 599	§ 1	4-110	12	Omitted	9 9-420
	2	68-901	13	Omitted	10 9-620
	3	68-915	LB 715 § 1	86-101	11 9-622
	4	68-972	2	86-103	12 9-623
	5	Omitted	3	86-103.01	13 9-820
LB 599A	§ 1	Omitted	4	86-135	14 57-706
	2	Omitted	5	86-136	15 57-1206
	3	90-536	6	86-137	16 66-486
	4	Omitted	7	86-138	17 66-488
	5	Omitted	8	Omitted	18 66-489.02
LB 612	§ 1	25-228	LB 719 § 1	44-113	19 66-525
	2	Omitted	2	50-114.03	20 66-6,110
LB 633	§ 1	79-1022	3	52-1313.01	21 66-6,113
	2	79-1022.02	4	60-3,161	22 66-712
	3	79-1023	5	77-2705.04	23 66-721
	4	79-1027	6	84-712	24 66-722
	5	79-1031.01	7	84-1201	25 66-738
	6	79-10,110	8	84-1202	26 66-1521
	7	79-10,110.01	9	84-1204	27 76-908
	8	Omitted	10	84-1205	28 77-377.01
	9	Omitted	11	84-1205.01	29 77-3,116
LB 646	§ 1	38-1207	12	84-1205.02	30 77-612
	2	48-101.01	13	84-1205.03	31 77-802
	3	71-8215	14	84-1205.05	32 77-1375
	4	Omitted	15	84-1206	33 77-1780
	5	Omitted	16	84-1207	34 77-2701

CROSS REFERENCE TABLE

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	
	35	77-2701.04	2	37-1283	3	Omitted
	36	77-2701.55	3	37-1284	LB 760	§ 1 81-1503
	37	77-2704.63	4	37-1285		2 Omitted
	38	77-2701.16	5	43-287	LB 761	§ 1 81-176
	39	77-2704.10	6	60-105		2 81-1108.33
	40	77-2705.03	7	60-154		3 Omitted
	41	77-2776	8	60-166		4 Omitted
	42	77-2779	9	60-168	LB 766	§ 1 81-829.42
	43	77-27,130	10	60-169		2 Omitted
	44	77-27,135	11	60-180	LB 768	§ 1 43-107
	45	77-27,150	12	60-365		2 43-109
	46	77-27,152	13	60-3,113.04		3 43-146.01
	47	77-3311	14	60-3,193.01		4 Omitted
	48	77-3906	15	60-3,198	LB 770	§ 1 81-2,147.01
	49	77-4015	16	60-3,205		2 81-2,147.03
	50	77-4016	17	60-462.01		3 Omitted
	51	77-4020	18	60-479.01	LB 771	§ 1 81-2,239
	52	77-4312	19	60-486		2 81-2,244.01
	53	Omitted	20	60-498.01		3 81-2,257
	54	Omitted	21	60-498.02		4 81-2,259
	55	Omitted	22	60-4,100		5 81-2,270
	56	Omitted	23	60-4,114		6 81-2,271
	57	Omitted	24	60-4,116		7 81-2,272.01
	58	Omitted	25	60-4,118.06		8 81-2,277
	59	Omitted	26	60-4,120		9 Omitted
LB 729	§ 1	18-2103	27	60-4,120.02		10 Omitted
	2	18-2107	28	60-4,124		11 Omitted
	3	18-2124	29	60-4,125	LB 772	§ 1 23-1114.07
	4	Omitted	30	60-4,126		2 Omitted
LB 733	§ 1	84-511	31	60-4,130.03	LB 773	§ 1 38-155
	2	Omitted	32	60-4,142		2 Omitted
LB 734	§ 1	25-1096	33	60-4,144	LB 779	§ 1 81-1008
	2	Omitted	34	60-4,146		2 81-1008.01
LB 735	§ 1	84-1411	35	60-4,147.02		3 81-1010
	2	Omitted	36	60-4,167		4 81-1011
LB 737	§ 1	43-107	37	60-4,167.01		5 81-1015
	2	Omitted	38	60-4,168		6 81-1016
LB 738	§ 1	48-122	39	60-4,170		7 81-1017
	2	Omitted	40	60-4,182		8 81-1018
LB 739	§ 1	90-278	41	60-4,184		9 81-1019
	2	37-354	42	60-507		10 81-1020
	3	Omitted	43	60-601		11 81-1021
	4	Omitted	44	60-6,179.01		12 81-1023
LB 740	§ 1	60-6,290	45	60-6,179.02		13 81-1025
	2	Omitted	46	60-6,211.05		14 81-1108.17
LB 742	§ 1	70-1014	47	66-1406.02		15 Omitted
	2	70-1014.01	48	71-4603	LB 780	§ 1 53-103.05
	3	Omitted	49	75-363		2 53-103.21
LB 743	§ 1	46-707	50	75-364		3 53-123.14
	2	Omitted	51	75-366		4 Omitted
LB 745	§ 1	18-1208	52	75-393	LB 782	§ 1 2-111
	2	14-109	53	Omitted		2 2-968
	3	15-202	54	Omitted		3 2-1588
	4	15-203	55	Omitted		4 2-15,106
	5	16-205	56	Omitted		5 2-2812
	6	17-525	57	Omitted		6 2-3226.01
	7	Omitted	58	Omitted		7 2-4245
LB 750	§ 1	77-1359	LB 751A	Omitted		8 2-5303
	2	77-1371	LB 759	§ 1	32-628	9 3-801
	3	Omitted		2	32-629	10 4-113
LB 751	§ 1	18-1739				11 9-1,101
						12 9-1,105

APPENDIX

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement
13	9-809	75	50-405	137	77-3,116
14	9-811.01	76	50-413	138	77-4110
15	11-203	77	50-417	139	77-4933
16	13-1205	78	50-1205	140	77-5204
17	13-1210	79	50-1210	141	77-5210
18	13-2114	80	50-1211	142	77-5214
19	18-2117.01	81	50-1302	143	77-5412
20	20-325	82	54-642	144	77-5542
21	20-504	83	54-857	145	77-5544
22	23-362	84	54-2428	146	77-5731
23	23-2313	85	58-246	147	77-6309
24	24-704	86	58-270	148	79-318
25	24-705	87	61-218	149	79-527.01
26	24-1205	88	66-4,144	150	79-722
27	24-1206	89	66-1336	151	79-759
28	25-1809	90	66-1345	152	79-760.03
29	25-2920	91	68-908	153	79-760.05
30	25-3309	92	68-909	154	79-8,139
31	28-429	93	68-959	155	79-909
32	29-2252	94	68-971	156	79-976
33	29-2252.01	95	68-1017.02	157	79-987
34	35-1207	96	68-1207.01	158	79-1007.07
35	37-327.01	97	68-1518	159	79-1022
36	37-352	98	69-503	160	79-1103
37	37-919	99	69-2409	161	79-1905
38	38-1216	100	69-2423	162	79-2104.02
39	39-1111	101	70-1003	163	79-2118
40	39-1365.02	102	71-219.03	164	81-106
41	39-1391	103	71-529	165	81-166
42	39-1392	104	71-707	166	81-187
43	42-930	105	71-810	167	81-638
44	43-405	106	71-816	168	81-650
45	43-512.11	107	71-825	169	81-6,116
46	43-1905	108	71-827	170	81-829.43
47	43-2404.02	109	71-830	171	81-829.47
48	43-2412	110	71-1134	172	81-829.56
49	43-3326	111	71-1628.05	173	81-830
50	43-3342.04	112	71-1628.07	174	81-8,226
51	43-3402	113	71-17,115	175	81-8,239.02
52	43-3720	114	71-1904	176	81-8,239.05
53	44-113	115	71-2516	177	81-8,251
54	44-4225	116	71-3407	178	81-8,300
55	44-7507	117	71-4728	179	81-1107.05
56	46-1304	118	71-4741	180	81-1108.15
57	46-1305	119	71-51,103	181	81-1108.22
58	47-624	120	71-5206.01	182	81-1108.31
59	48-1,104	121	71-5210	183	81-1108.33
60	48-1,118	122	71-5322	184	81-1108.41
61	48-606	123	71-6226	185	81-1114
62	48-621	124	71-7606	186	81-1114.01
63	48-1117	125	71-7611	187	81-1114.02
64	48-1625	126	71-8313	188	81-1117
65	48-2213	127	71-8613	189	81-1120.15
66	48-2307	128	71-8804	190	81-1120.16
67	48-2909	129	72-240.26	191	81-1125.01
68	49-770	130	72-813	192	81-1201.11
69	49-904	131	72-1278	193	81-1201.13
70	49-1483	132	72-1710	194	81-12,142
71	49-1483.03	133	73-305	195	81-12,151
72	49-1488	134	76-1521	196	81-12,166
73	49-1492.01	135	77-367	197	81-1307.01
74	50-114.03	136	77-385	198	81-1360

CROSS REFERENCE TABLE

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement
	199	81-1376			
	200	81-1384	2	Omitted	47 60-175
	201	81-1504.01	3	Omitted	48 60-178
	202	81-1505.04	4	Omitted	49 60-180
	203	81-15,153	LB 793 § 1	25-3401	50 60-181
	204	81-15,175	2	Omitted	51 60-184
	205	81-1606	LB 793A § 1	90-536	52 60-189
	206	81-1607	2	Omitted	53 60-371
	207	81-1637	LB 794 § 1	71-3503	54 60-372
	208	81-1833	2	Omitted	55 60-382
	209	81-1845	LB 795 § 1	80-317	56 60-384
	210	81-2004.04	2	Omitted	57 60-385
	211	81-2022	LB 799 § 1	28-201	58 60-386
	212	81-2023	2	28-707	59 60-388
	213	81-2213	3	Omitted	60 60-391
	214	81-2233	LB 800 § 1	72-258.03	61 60-395
	215	81-2408	2	Omitted	62 60-396
	216	82-333	LB 801 § 1	18-1214	63 60-397
	217	83-4,147	2	18-1738	64 60-398
	218	83-924	3	18-1738.01	65 60-3,104.01
	219	83-963	4	18-1738.02	66 60-3,109
	220	83-1209	5	18-1739	67 60-3,111
	221	84-205	6	37-1214	68 60-3,112
	222	84-304	7	37-1215	69 60-3,114
	223	84-322	8	37-1216	70 60-3,115
	224	84-602	9	37-1217	71 60-3,116
	225	84-605	10	37-1218	72 60-3,119
	226	84-702	11	37-1219	73 60-3,120
	227	84-901.01	12	37-1223	74 60-3,121
	228	84-907.06	13	37-1226	75 60-3,122.02
	229	84-910	14	37-1227	76 60-3,128
	230	84-1205.05	15	37-1278	77 60-3,140
	231	84-1219	16	37-1279	78 60-3,141
	232	84-1315	17	37-1280	79 60-3,142
	233	84-1617	18	37-1282	80 60-3,144
	234	85-1412	19	37-1283	81 60-3,147
	235	85-1413	20	37-1284	82 60-3,148
	236	85-1414	21	37-1285	83 60-3,156
	237	85-1415	22	37-1286	84 60-3,157
	238	85-1416	23	37-1287	85 60-3,158
	239	85-1429	24	37-1289	86 60-3,159
	240	85-1807	25	37-1291	87 60-3,163
	241	85-1811	26	37-1293	88 60-3,166
	242	85-2106	27	37-1296	89 60-3,186
	243	86-163	28	60-142.03	90 60-3,189
	244	86-516	29	60-144	91 60-3,190
	245	86-518	30	60-146	92 60-3,202
	246	86-530	31	60-147	93 60-3,209
	247	86-572	32	60-148	94 60-3,217
	248	86-5,100	33	60-149	95 60-1803
	249	90-309	34	60-150	96 60-1807
	250	Omitted	35	60-152	97 77-1501
	251	Omitted	36	60-153	98 77-2703
	252	Omitted	37	60-161	99 77-2708
	253	Omitted	38	60-162	100 77-3445
LB 786	§ 1	19-613	39	60-163	101 Omitted
	2	Omitted	40	60-164	102 Omitted
	3	Omitted	41	60-166	LB 804 § 1 28-1416
LB 788	§ 1	38-3214	42	60-168	2 Omitted
	2	38-3215	43	60-168.01	LB 805 § 1 28-1239.01
	3	Omitted	44	60-169	2 28-1246
LB 790	§ 1	24-503	45	60-170	3 Omitted
			46	60-173	LB 807 § 1 29-820

APPENDIX

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement			
	2	69-2433	13	43-4306	7	66-911.01		
	3	69-2435	14	43-4307	8	66-912		
	4	69-2436	15	43-4308	9	66-912.01		
	5	69-2439	16	43-4309	10	66-912.02		
	6	69-2443	17	43-4310	11	72-270		
	7	Omitted	18	43-4311	12	72-271		
	8	Omitted	19	43-4312	13	72-272		
LB 810	§ 1	44-7,105	20	43-4313	14	72-273		
LB 811	§ 1	8-1401	21	43-4314	15	72-274		
	2	Omitted	22	43-4315	16	76-3001		
LB 817	§ 1	23-1701.01	23	43-4316	17	76-3004		
	2	29-2264	24	43-4317	18	77-2704.57		
	3	47-624	25	43-4318	19	79-309.01		
	4	47-627	26	43-4319	20	79-1035		
	5	81-1401	27	43-4320	21	Omitted		
	6	81-1403	28	43-4321	22	Omitted		
	7	81-1404	29	43-4322	23	Omitted		
	8	81-1406	30	43-4323	LB 830	§ 1	77-2701	
	9	81-1412.02	31	43-4324	2	77-2701.04		
	10	81-1414	32	43-4325	3	77-2704.61		
	11	81-1414.04	33	43-4326	4	Omitted		
	12	81-1414.05	34	43-4327	5	Omitted		
	13	81-1414.07	35	43-4328	6	Omitted		
	14	81-1414.08	36	43-4329	LB 831	§ 1	38-3401	
	15	81-1414.09	37	43-4330	2	38-3402		
	16	81-1414.10	38	43-4331	3	38-3403		
	17	81-1439	39	28-711	4	38-3404		
	18	Omitted	40	73-401	5	38-3405		
	19	Omitted	41	81-8,240	6	38-3406		
	20	Omitted	42	81-8,241	7	38-3407		
	21	Omitted	43	81-8,244	8	38-3408		
	22	Omitted	44	81-8,245	9	38-3409		
	23	Omitted	45	Omitted	10	38-3410		
LB 817A		Omitted	46	Omitted	11	38-3411		
LB 819	§ 1	69-1301	LB 821A	Omitted	12	38-3412		
	2	69-1307.06	LB 822	§ 1	77-1315	13	38-3413	
	3	69-1307.07		2	Omitted	14	38-3414	
	4	69-1329	LB 823	§ 1	16-731	15	38-3415	
	5	Omitted		2	23-1601	16	38-3416	
LB 820	§ 1	43-4208		3	Omitted	17	38-3417	
	2	43-4209	LB 824	§ 1	53-101	18	38-3418	
	3	43-4210		2	53-103	19	38-3419	
	4	43-4211		3	53-103.03	20	38-3420	
	5	43-4212		4	53-103.43	21	38-3421	
	6	43-4213		5	53-103.38	22	38-3422	
	7	71-1902		6	53-160	23	38-3423	
	8	Omitted		7	53-164.01	24	38-3424	
	9	Omitted		8	Omitted	25	38-3425	
	10	Omitted		9	Omitted	26	38-101	
LB 820A		Omitted	LB 825	§ 1	81-3127	27	38-121	
LB 821	§ 1	43-4201		2	81-3128	28	38-186	
	2	43-4202		3	81-3129	29	Omitted	
	3	43-4203		4	81-3130	LB 834	§ 1	38-151
	4	43-4204		5	81-3131	2	38-157	
	5	43-4205		6	81-3132	3	71-6201	
	6	43-4206	LB 825A		Omitted	4	71-6202	
	7	43-4207	LB 828	§ 1	66-901	5	71-6203	
	8	43-4301		2	66-902	6	71-6204	
	9	43-4302		3	66-902.01	7	71-6206	
	10	43-4303		4	66-909.04	8	71-6208	
	11	43-4304		5	66-909	9	71-6208.01	
	12	43-4305		6	66-910	10	71-6210	

CROSS REFERENCE TABLE

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement
	11		9		
	12		10		7 Omitted
	13		11	LB 878	§ 1 32-206
	14		12		2 32-568
	15		13		3 32-570
	16		14		4 32-809
	17		15		5 32-811
	18		16		6 Omitted
	19		17		7 Omitted
	20	LB 860	§ 1	LB 879	§ 1 77-2320
	21		2		2 Omitted
	22		3	LB 880	§ 1 84-1201
	23	LB 861	§ 1		2 84-1203
LB 836	§ 1		2		3 84-1204
	2	LB 862	§ 1		4 84-1205.03
	3		2		5 84-1205.05
LB 841	§ 1		3		6 84-1206
	2	LB 862A			7 84-1207
	3	LB 863	§ 1		8 84-1219
LB 842	§ 1		2		9 Omitted
	2		3		10 Omitted
	3		4	LB 881	§ 1 47-703
	4	LB 865	§ 1		2 Omitted
LB 845	§ 1		2	LB 882	§ 1 44-7,104
	2		3	LB 886	§ 1 87-130
	3		4		2 87-132
	4	LB 867	§ 1		3 87-134
	5		2		4 87-210
	6		3		5 87-211
	7	LB 869	§ 1		6 Omitted
LB 849	§ 1		2	LB 887	§ 1 44-114
	2		3		2 44-154
	3		4		3 44-2120
LB 851	§ 1		5		4 44-2121
	2		6		5 44-2126
	3		7		6 44-2127
	4		8		7 44-2129
	5		9		8 44-2132
	6		10		9 44-2133
LB 852	§ 1		11		10 44-2135
	2		12		11 44-2137
	3	LB 870	§ 1		12 44-2137.01
LB 853	§ 1		2		13 44-2138
	2		3		14 44-2139
LB 854	§ 1		4		15 44-2147.01
	2		5		16 44-2702
	3		6		17 44-2703
	4		7		18 44-2704
	5	LB 871	§ 1		19 44-2719.02
	6		2		20 44-32,177
	7		3		21 44-8101
	8		4		22 44-8102
	9	LB 872	§ 1		23 44-8103
	10		2		24 44-8104
LB 858	§ 1		3		25 44-8105
	2		4		26 44-8106
	3	LB 873	§ 1		27 44-8107
	4		2		28 44-8108
	5		3		29 44-8109
	6		4		30 44-8216
	7		5		31 Omitted
	8		6		32 Omitted
					33 Omitted

APPENDIX

2012 Second Session		2012 Cumulative Supplement		2012 Second Session		2012 Cumulative Supplement	
LB 890	§ 1	21-1914	13	23-2323.02	LB 942	§ 1	21-193
	2	21-1915	14	24-701		2	Omitted
	3	Omitted	15	24-707	LB 943	§ 1	44-8601
LB 896	§ 1	60-1437	16	24-710.02		2	44-8602
	2	Omitted	17	24-710.05		3	44-8603
	3	Omitted	18	48-1401		4	44-8604
LB 897	§ 1	77-1615	19	79-902		5	Omitted
	2	Omitted	20	79-906	LB 946	§ 1	85-2231
	3	Omitted	21	79-933.01		2	85-2232
LB 898	§ 1	60-121.01	22	79-948		3	85-2233
	2	60-337.01	23	79-956		4	85-2234
	3	60-501	24	79-980		5	85-2235
	4	60-636.01	25	79-998		6	85-2236
	5	Omitted	26	79-9,104		7	85-2237
LB 899	§ 1	42-353	27	79-9,106		8	13-518
	2	42-361.01	28	81-2014		9	48-621
	3	43-2935	29	81-2026		10	77-3442
	4	Omitted	30	81-2031.03		11	81-1201.21
	5	Omitted	31	81-2032		12	85-1402
LB 902	§ 1	77-202	32	81-2041		13	85-1412
	2	77-2704.15	33	84-1301		14	85-1418
	3	Omitted	34	84-1309		15	85-1501.01
	4	Omitted	35	84-1309.02		16	85-1503
	5	Omitted	36	84-1310.01		17	85-1511
	6	Omitted	37	84-1311.03		18	85-1517
LB 904	§ 1	71-615	38	84-1312		19	85-1520
	2	Omitted	39	84-1319		20	85-1521
LB 905	§ 1	2-2301	40	84-1321.01		21	85-1535
	2	2-2302	41	84-1323		22	85-1539
	3	2-2303	42	84-1324		23	85-1540
	4	2-2306	43	84-1503		24	90-517
	5	2-2310	44	84-1505		25	Omitted
	6	2-2311	45	Omitted		26	Omitted
	7	2-2313	46	Omitted		27	Omitted
	8	2-2317	47	Omitted	LB 949	§ 1	81-3133
	9	2-2318	48	Omitted		2	81-132
	10	2-2319	LB 928	§ 1	37-201	3	81-1113
	11	Omitted		2	37-473	4	Omitted
	12	Omitted		3	37-448	5	Omitted
	13	Omitted		4	37-452	LB 949A	§ 1
LB 905A		Omitted		5	37-1501	2	Omitted
LB 907	§ 1	2-2701	6	37-1502		3	90-535
	2	2-2701.01	7	37-1503		4	Omitted
	3	2-2707	8	37-1504	LB 950	§ 1	61-218
	4	2-2709	9	37-1505		2	Omitted
	5	2-2710	10	37-1506		3	Omitted
	6	77-2704.36	11	37-1507	LB 950A		Omitted
	7	Omitted	12	37-1508	LB 959	§ 1	48-201
LB 911	§ 1	48-622.02	13	37-1509	LB 961	§ 1	68-1211
	2	Omitted	14	37-1510		2	68-1212
LB 916	§ 1	14-2111	15	Omitted		3	68-1207
	2	16-1019	16	Omitted		4	81-3116
	3	16-1038	17	Omitted		5	81-3135
	4	23-2301	18	Omitted		6	Omitted
	5	23-2308	LB 928A	Omitted		7	Omitted
	6	23-2308.01	LB 933	§ 1	79-209	LB 962	§ 1
	7	23-2309.01		2	Omitted	2	77-2715.01
	8	23-2310.05	LB 936	§ 1	23-2,100	3	Omitted
	9	23-2317		2	Omitted	LB 963	§ 1
	10	23-2319.01		3	Omitted	2	8-141
	11	23-2321	LB 941	§ 1	69-206	3	8-157
	12	23-2322		2	Omitted	4	8-183.05
							8-1,140

APPENDIX

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	
	14	71-2059	12	67-299	8	81-3708
	15	71-2061	13	67-2,100	9	81-3709
	16	71-20,104	14	67-296	10	81-3710
	17	84-1410	15	67-450	11	81-3711
	18	Omitted	16	Omitted	12	81-3712
	19	Omitted	LB 1026	§ 1 69-1317	13	81-3713
	20	Omitted		2 Omitted	14	81-3714
	21	Omitted	LB 1030	§ 1 60-6,109	15	81-3715
LB 996	§ 1	79-201		2 60-6,133	16	81-3716
	2	79-202		3 Omitted	17	81-3717
	3	Omitted	LB 1031	§ 1 9-503 UCC	18	81-3718
LB 997	§ 1	48-436		2 Omitted	19	81-3719
	2	48-437		3 Omitted	20	81-3720
	3	48-438	LB 1035	§ 1 32-610	21	81-3721
	4	60-6,298		2 32-811	22	81-3722
	5	60-6,299		3 32-1031	23	81-3723
	6	Omitted		4 Omitted	24	81-3724
LB 998	§ 1	28-726		5 Omitted	25	77-2711
	2	43-285	LB 1038	§ 1 71-2518	26	81-1201.04
	3	43-1301	LB 1039	§ 1 60-4,182	27	81-1201.07
	4	43-1302		2 60-6,175	28	81-1201.22
	5	43-1303		3 Omitted	29	Omitted
	6	43-1304	LB 1042	§ 1 38-2301	30	Omitted
	7	43-1305		2 38-2315	31	Omitted
	8	43-1307		3 38-2324	LB 1053A	§ 1 90-537
	9	43-1308		4 71-605	2	90-538
	10	43-1309		5 Omitted	3	Omitted
	11	43-1310	LB 1043	§ 1 70-655	4	Omitted
	12	43-1313		2 Omitted	5	Omitted
	13	43-1314		3 Omitted	6	Omitted
	14	43-1314.01	LB 1049	§ 1 69-401	7	Omitted
	15	43-1317		2 69-406.01	LB 1054	§ 1 44-3521
	16	43-1321		3 69-404	2	44-3526
	17	43-3001		4 69-407	3	Omitted
	18	Omitted		5 69-408	LB 1054A	Omitted
	19	Omitted		6 69-409	LB 1057	§ 1 2-3602
	20	Omitted		7 Omitted	2	2-3623
	21	Omitted	LB 1051	§ 1 28-348	3	2-3632
LB 998A	§ 1	Omitted		2 28-349	4	2-3633
	2	90-538		3 28-350	5	Omitted
	3	Omitted		4 28-351	6	Omitted
	4	Omitted		5 28-352	7	Omitted
	5	Omitted		6 28-358	LB 1057A	Omitted
	6	Omitted		7 28-361.01	LB 1058	§ 1 48-630
LB 1001	§ 1	71-6405		8 28-367.01	2	48-632
	2	Omitted		9 28-370	3	48-634
LB 1005	§ 1	35-1402		10 28-372	4	48-636
	2	35-1403		11 28-373	5	48-637
	3	35-1406		12 28-374	6	48-644
	4	35-1407		13 28-374.01	7	48-652
	5	Omitted		14 28-376	8	48-655
LB 1018	§ 1	21-2001		15 28-386	9	48-663.01
	2	21-2005		16 28-387	10	48-665
	3	21-20,128		17 28-713.01	11	48-665.01
	4	21-20,130		18 Omitted	12	48-2302
	5	21-20,194	LB 1053	§ 1 81-3701	13	Omitted
	6	21-20,195		2 81-3702	14	Omitted
	7	21-20,196		3 81-3703	15	Omitted
	8	21-20,197		4 81-3704	16	Omitted
	9	67-248.02		5 81-3705	17	Omitted
	10	67-297		6 81-3706	LB 1062	§ 1 43-118.02
	11	67-298		7 81-3707	2	43-117.03

CROSS REFERENCE TABLE

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement		
	3	43-118	2	86-902	15	30-4015	
	4	43-147	3	86-903	16	30-4016	
	5	Omitted	4	86-904	17	30-4017	
LB 1063	§ 1	68-2001	5	86-905	18	30-4018	
	2	68-2002	6	86-313	19	30-4019	
	3	68-2003	7	86-450.03	20	30-4020	
	4	68-2004	8	86-457	21	30-4021	
	5	68-2005	9	Omitted	22	30-4022	
LB 1064	§ 1	44-5510	10	Omitted	23	30-4023	
	2	Omitted	11	Omitted	24	30-4024	
LB 1072		Omitted	12	Omitted	25	30-4025	
LB 1077	§ 1	71-401	LB 1091A	Omitted	26	30-4026	
	2	71-468	LB 1097	§ 1	77-2704.12	27	30-4027
	3	Omitted		2	Omitted	28	30-4028
LB 1079	§ 1	79-1189		3	Omitted	29	30-4029
	2	79-1190	LB 1101	§ 1	77-1340	30	30-4030
	3	79-1191		2	Omitted	31	30-4031
	4	79-1192		3	Omitted	32	30-4032
	5	79-1193		4	Omitted	33	30-4033
	6	79-1194		5	Omitted	34	30-4034
	7	79-1195	LB 1104	§ 1	77-3442	35	30-4035
	8	79-1196		2	85-1517	36	30-4036
	9	9-812		3	85-1801	37	30-4037
	10	Omitted		4	85-1802	38	30-4038
	11	Omitted		5	85-1804	39	30-4039
LB 1079A		Omitted		6	85-1806	40	30-4040
LB 1080	§ 1	77-202		7	85-1807	41	30-4041
	2	77-2701		8	85-1808	42	30-4042
	3	77-2701.04		9	85-1809	43	30-4043
	4	77-2701.54		10	85-1810	44	30-4044
	5	77-2704.62		11	85-1812	45	30-4045
	6	Omitted		12	85-1814	46	30-2201
	7	Omitted		13	85-2403	47	30-3408
LB 1082	§ 1	16-1001		14	85-2405	48	Omitted
	2	16-1002		15	85-2406	49	Omitted
	3	16-1003		16	85-2408	50	Omitted
	4	16-1004		17	85-2409	LB 1114	§ 1 77-27,139.03
	5	16-1005		18	85-2412	2	Omitted
	6	16-1006		19	85-2413	3	Omitted
	7	16-1007		20	85-2414	4	Omitted
	8	16-1009		21	85-2415	LB 1115	§ 1 66-2101
	9	16-1010		22	85-2416	2	66-2102
	10	16-1012		23	85-2417	3	66-2103
	11	16-1013		24	85-2418	4	66-2104
	12	16-1014		25	Omitted	5	66-2105
	13	16-1016		26	Omitted	6	66-2106
	14	16-1017	LB 1106	§ 1	77-1374	7	66-2107
	15	16-1019		2	Omitted	8	18-2705
	16	16-1038	LB 1113	§ 1	30-4001	9	66-1801
	17	18-1723		2	30-4002	10	66-1868
	18	Omitted		3	30-4003	11	66-1808
	19	Omitted		4	30-4004	12	66-1831
LB 1083	§ 1	38-2218		5	30-4005	13	Omitted
	2	Omitted		6	30-4006	LB 1116	§ 1 81-1108.32
	3	Omitted		7	30-4007	2	Omitted
LB 1087	§ 1	66-2001		8	30-4008	LB 1118	§ 1 77-5701
LB 1087A		Omitted		9	30-4009	2	77-5703
LB 1090	§ 1	79-10,140		10	30-4010	3	77-5707.02
	2	79-10,141		11	30-4011	4	77-5705
	3	79-10,142		12	30-4012	5	77-5715
LB 1090A		Omitted		13	30-4013	6	77-5723
LB 1091	§ 1	86-901		14	30-4014	7	77-5725

APPENDIX

2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	2012 Second Session	2012 Cumulative Supplement	
	8	77-5726	7	53-134	15	60-501
	9	77-5727	8	Omitted	16	60-520
	10	77-5735	LB 1140 § 1	81-8,183.01	17	60-547
	11	Omitted	2	81-8,184	18	60-601
	12	Omitted	3	81-8,185	19	60-605
LB 1121	§ 1	31-787	4	81-8,186	20	60-622.01
	2	31-789	5	81-8,189	21	60-6,348
	3	Omitted	6	81-8,190	22	60-6,349
LB 1122	§ 1	68-912	7	81-8,191.01	23	60-6,381
	2	Omitted	8	81-8,192	24	60-6,355
	3	Omitted	9	81-8,193	25	Omitted
LB 1125	§ 1	2-3226.05	10	81-8,194	26	Omitted
	2	Omitted	11	81-8,195	27	Omitted
	3	Omitted	12	81-8,196	LB 1158 § 1	68-908
LB 1126	§ 1	13-327	13	81-8,197	2	71-831
	2	13-328	14	81-8,198	3	71-801
	3	Omitted	15	81-8,199	4	Omitted
LB 1128	§ 1	77-1101	16	81-8,200	5	Omitted
	2	77-1102	17	81-8,200.01	LB 1160 § 1	43-4401
	3	77-1103	18	81-8,200.02	2	43-4402
	4	77-1104	19	81-8,201	3	43-4403
	5	77-1105	20	81-8,202	4	43-4404
	6	77-1106	21	81-8,203	5	43-4405
	7	77-1107	22	81-8,204	6	43-4406
	8	77-1108	23	81-8,205	7	43-4407
	9	77-1109	24	81-8,206	8	43-4408
	10	77-1110	25	Omitted	9	43-4409
	11	77-1111	LB 1141 § 1	55-157	10	50-424
	12	77-1112	2	81-1170.01	11	43-296
	13	77-1113	3	Omitted	12	43-405
	14	77-1114	LB 1145 § 1	28-802	13	43-534
	15	77-1115	2	81-1430	14	68-1207.01
	16	77-1116	3	81-1431	15	71-825
	17	77-1117	4	Omitted	16	71-827
	18	77-1118	LB 1145A	Omitted	17	71-1904
	19	77-1119	LB 1148 § 1	38-2133	18	71-3407
	20	49-801.01	2	Omitted	19	81-3134
	21	77-908	LB 1155 § 1	23-187	20	Omitted
	22	77-2715.07	2	60-101	21	Omitted
	23	77-2717	3	60-102	22	Omitted
	24	77-2734.03	4	60-116.01	LB 1160A	Omitted
	25	77-3806	5	60-123	LB 1161 § 1	57-1101
	26	Omitted	6	60-135.01	2	57-1401
	27	Omitted	7	60-301	3	57-1413
LB 1128A		Omitted	8	60-302	4	57-1402
LB 1130	§ 1	53-101	9	60-329.01	5	57-1404
	2	53-123	10	60-339	6	57-1405
	3	53-123.04	11	60-358.01	7	57-1503
	4	53-123.14	12	60-471	8	Omitted
	5	53-123.16	13	60-4,108	9	Omitted
	6	53-123.17	14	60-4,110	10	Omitted
					11	Omitted

APPENDIX

APPENDIX

CROSS REFERENCE TABLE

Legislative Bills, One Hundred Second Legislature
Second Session, 2012

Showing the date each act went into effect.
Convened January 4, 2012, and adjourned April 18, 2012.

LB No.	Effective Date	LB No.	Effective Date
14	January 1, 2013 (operative date)	715	July 19, 2012
40	July 1, 2012 (operative date)	719	July 19, 2012
42	July 19, 2012	721	July 19, 2012
66	July 19, 2012	722	July 19, 2012
66A	July 19, 2012	723	July 19, 2012
131	April 3, 2012	725	March 8, 2012
209	July 19, 2012	727	Sections 17, 19, 20, 22, 24, 25, 26, 34, 35, 36, 37, 38, 55, and 58 of this act become operative on July 1, 2012.
209A	July 19, 2012		Sections 39 and 56 of this act become operative on October 1, 2012. Sections 29 and 57 of this act become operative on July 19, 2012. The other sections of this act become operative on April 12, 2012.
216	January 1, 2013 (operative date)	729	July 19, 2012
216A	July 19, 2012	733	July 19, 2012
269	July 19, 2012	734	July 19, 2012
310	July 19, 2012	735	July 19, 2012
357	July 19, 2012	737	July 19, 2012
370	July 19, 2012	738	July 19, 2012
391	April 6, 2012	739	March 15, 2012
398	July 19, 2012	740	July 19, 2012
426	July 19, 2012	742	July 19, 2012
427	October 1, 2012 (operative date)	743	July 19, 2012
446	July 19, 2012	745	July 19, 2012
459	July 19, 2012	750	July 19, 2012
470	July 19, 2012	751	Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 19, 20, 22, 23, 27, 28, 29, 30, 31, 36, 37, 39, 41, 42, 47, 48, 56, and 57 of this act become operative on July 19, 2012. Sections 24, 26, 32, and 55 of this act become operative on May 1, 2012. The other sections of this act become operative on April 7, 2012.
473	July 19, 2012	751A	April 7, 2012
498	July 19, 2012	759	July 19, 2012
503	July 19, 2012	760	July 19, 2012
507	July 19, 2012	761	April 11, 2012
526	March 15, 2012	766	July 19, 2012
536	January 1, 2013 (operative date)	768	July 19, 2012
541	April 12, 2012	770	July 19, 2012
541A	April 12, 2012	771	March 8, 2012
576	July 19, 2012	772	July 19, 2012
599	July 19, 2012	773	July 19, 2012
599A	April 19, 2012	779	July 19, 2012
612	July 19, 2012		
633	February 29, 2012		
646	March 8, 2012		
670	April 11, 2012		
677	July 19, 2012		
686	July 19, 2012		
705	July 19, 2012		
706	July 19, 2012		
707	July 19, 2012		
708	July 19, 2012		
709	July 19, 2012		
710	July 19, 2012		
711	July 19, 2012		
714	March 8, 2012		

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
780	July 19, 2012	865	July 19, 2012
782	Sections 70, 71, 72, and 251 of this act become operative on January 1, 2015. The other sections of this act become operative on July 19, 2012.	867	April 7, 2012
786	March 15, 2012	869	July 19, 2012
788	July 19, 2012	870	July 19, 2012
790	July 1, 2012 (operative date)	871	July 19, 2012
793	July 19, 2012	872	This act becomes operative for all taxable years beginning or deemed to begin on or after January 1, 2014, under the Internal Revenue Code of 1986, as amended.
793A	July 19, 2012	873	June 30, 2012 (operative date)
794	July 19, 2012	878	July 19, 2012
795	July 19, 2012	879	July 19, 2012
799	July 19, 2012	880	July 19, 2012
800	July 19, 2012	881	July 19, 2012
801	July 19, 2012	882	July 19, 2012
804	July 19, 2012	886	July 19, 2012
805	July 19, 2012	887	Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 32 of this act become operative on January 1, 2013. The other sections of this act become operative on July 19, 2012.
807	April 19, 2012	890	July 19, 2012
810	July 19, 2012	896	April 11, 2012
811	July 19, 2012	897	July 19, 2012
817	Sections 2, 3, 4, 18, and 19 of this act become operative on July 19, 2012. The other sections of this act become operative on January 1, 2014.	898	July 19, 2012
817A	January 1, 2014 (operative date)	899	July 19, 2012
819	July 19, 2012	902	Sections 2 and 5 of this act become operative on April 1, 2012. The other sections of this act become operative on April 6, 2012.
820	Sections 7 and 9 of this act become operative on July 1, 2012. The other sections of this act become operative on April 12, 2012.	904	July 19, 2012
820A	April 12, 2012	905	Sections 6 and 12 of this act become operative on October 1, 2012. The other sections of this act become operative on July 19, 2012.
821	April 12, 2012	905A	July 19, 2012
821A	April 12, 2012	907	July 19, 2012
822	July 19, 2012	911	July 19, 2012
823	July 19, 2012	916	April 7, 2012
824	April 7, 2012	928	Sections 2, 4, and 16 of this act become operative on July 19, 2012. The other sections of this act become operative on April 18, 2012.
825	July 19, 2012	928A	April 18, 2012
825A	July 19, 2012	933	July 19, 2012
828	March 8, 2012	936	April 11, 2012
830	July 1, 2012 (operative date)	941	July 19, 2012
831	July 19, 2012	942	July 19, 2012
834	July 19, 2012	943	July 19, 2012
836	March 8, 2012	946	February 14, 2012
841	March 15, 2012	949	April 10, 2012
842	July 19, 2012	949A	April 10, 2012
845	April 7, 2012	950	July 19, 2012
849	March 15, 2012	950A	April 12, 2012
851	July 19, 2012	959	July 19, 2012
852	July 19, 2012	961	April 10, 2012
853	July 19, 2012	962	July 19, 2012
854	January 1, 2013 (operative date)	963	April 7, 2012
858	July 19, 2012		
860	July 19, 2012		
861	July 19, 2012		
862	April 12, 2012		
862A	July 1, 2012 (operative date)		
863	July 19, 2012		

CROSS REFERENCE TABLE

LB No.	Effective Date	LB No.	Effective Date
965	July 19, 2012	1072	Provisions line-item vetoed by the Governor and overridden by the Legislature became effective on April 4, 2012. All other provisions became effective on April 3, 2012.
968	April 3, 2012	1077	July 19, 2012
969	Sections 8, 9, 10, and 16 of this act become operative on July 1, 2012. The other sections of this act become operative on April 3, 2012.	1079	April 7, 2012
970	July 19, 2012	1079A	April 7, 2012
972	July 19, 2012	1080	January 1, 2013 (operative date)
979	July 19, 2012	1082	April 17, 2012
983	This act becomes operative for all taxable years beginning or deemed to begin on or after January 1, 2012, under the Internal Revenue Code of 1986, as amended.	1083	April 11, 2012
985	April 6, 2012	1087	July 19, 2012
985A	April 6, 2012	1087A	July 19, 2012
993	July 19, 2012	1090	July 19, 2012
993A	July 19, 2012	1090A	July 19, 2012
995	April 6, 2012	1091	Sections 1, 2, 3, 4, 5, 9, and 10 of this act become operative on July 19, 2012. The other sections of this act become operative on January 1, 2013.
996	July 19, 2012	1091A	July 19, 2012
997	July 19, 2012	1097	October 1, 2012 (operative date)
998	July 1, 2012 (operative date)	1101	Sections 1, 2, 3, and 5 of this act become operative on April 11, 2012. The other section of this act becomes operative on July 1, 2013.
998A	July 1, 2012 (operative date)	1104	July 19, 2012
1001	July 19, 2012	1106	July 19, 2012
1005	July 19, 2012	1113	January 1, 2013 (operative date)
1018	July 19, 2012	1114	July 1, 2012 (operative date)
1026	July 19, 2012	1115	July 19, 2012
1030	July 19, 2012	1116	July 19, 2012
1031	July 1, 2013 (operative date)	1118	March 8, 2012
1035	July 19, 2012	1121	July 19, 2012
1038	July 19, 2012	1122	April 11, 2012
1039	July 19, 2012	1125	April 18, 2012
1042	July 19, 2012	1126	July 19, 2012
1043	March 8, 2012	1128	This act is operative for all taxable years beginning or deemed to begin on or after January 1, 2012, under the Internal Revenue Code of 1986, as amended.
1049	July 19, 2012	1128A	July 19, 2012
1051	July 19, 2012	1130	July 19, 2012
1053	July 1, 2012 (operative date)	1140	July 19, 2012
1053A	July 1, 2012 (operative date)	1141	July 19, 2012
1054	July 19, 2012	1145	July 19, 2012
1054A	July 19, 2012	1145A	July 19, 2012
1057	Sections 2 and 6 of this act become operative on October 1, 2012. The other sections of this act become operative on July 19, 2012.	1148	July 19, 2012
1057A	July 19, 2012	1155	Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, and 27 of this act become operative on January 1, 2013. The other sections of this act become operative on July 19,
1058	Sections 1, 6, 7, 8, 10, 11, and 14 of this act become operative on January 1, 2013. Sections 2, 3, 4, 5, 12, 13, 15, and 17 of this act become operative on October 1, 2012. Sections 9 and 16 of this act become operative on October 1, 2013.		
1062	July 19, 2012		
1063	July 19, 2012		
1064	July 19, 2012		

APPENDIX

LB No.	Effective Date	LB No.	Effective Date
	2012.		
1158	April 12, 2012		
1160	Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 21 of this act become operative on July 19, 2012. The other sections of this act become operative on April 12, 2012.		
1160A	April 12, 2012		
1161	April 18, 2012		

APPENDIX

APPENDIX
SCHEDULES OF LIFE EXPECTANCIES

EXPECTANCY TABLES

EXPECTANCY OF LIFE FROM 10 TO 95 YEARS

Age	Actuaries'	American	1941 Commissioners
10	48.36	48.72	55.47
11	47.68	48.08	54.58
12	47.01	47.45	53.68
13	46.33	46.80	52.78
14	45.64	46.16	51.89
15	44.96	45.50	50.99
16	44.27	44.85	50.10
17	43.58	44.19	49.21
18	42.88	43.53	48.32
19	42.19	42.87	47.43
20	41.49	42.20	46.54
21	40.70	41.53	45.66
22	40.09	40.85	44.77
23	39.39	40.17	43.88
24	38.68	39.49	43.00
25	37.98	38.81	42.12
26	37.27	38.12	41.24
27	36.56	37.43	40.36
28	35.86	36.73	39.49
29	35.15	36.03	38.61
30	34.43	35.33	37.74
31	33.72	34.63	36.88
32	33.01	33.92	36.01
33	32.30	33.21	35.15
34	31.58	32.50	34.29
35	30.87	31.78	33.44
36	30.15	31.07	32.59
37	29.44	30.35	31.75
38	28.72	29.62	30.91
39	28.00	28.90	30.08
40	27.28	28.18	29.25
41	26.56	27.45	28.43
42	25.84	26.72	27.62
43	25.12	26.00	26.81
44	24.40	25.27	26.01
45	23.69	24.54	25.21
46	22.97	23.81	24.43
47	22.27	23.08	23.65
48	21.56	22.36	22.88
49	20.87	21.63	22.12
50	20.18	20.91	21.37
51	19.50	20.20	20.64
52	18.82	19.49	19.91
53	18.16	18.79	19.19

APPENDIX

Age	Actuaries'	American	1941 Commissioners
54	17.50	18.09	18.48
55	16.86	17.40	17.78
56	16.22	16.72	17.10
57	15.59	16.05	16.43
58	14.97	15.39	15.77
59	14.37	14.74	15.13
60	13.77	14.10	14.50
61	13.18	13.47	13.88
62	12.61	12.86	13.27
63	12.05	12.26	12.69
64	11.51	11.67	12.11
65	10.97	11.10	11.55
66	10.46	10.54	11.01
67	9.96	10.00	10.48
68	9.47	9.47	9.97
69	9.00	8.97	9.47
70	8.54	8.48	8.99
71	8.10	8.00	8.52
72	7.67	7.55	8.08
73	7.26	7.11	7.64
74	6.86	6.68	7.23
75	6.48	6.27	6.82
76	6.11	5.88	6.44
77	5.76	5.49	6.07
78	5.42	5.11	5.72
79	5.09	4.74	5.38
80	4.78	4.39	5.06
81	4.48	4.05	4.75
82	4.18	3.71	4.46
83	3.90	3.39	4.18
84	3.63	3.08	3.91
85	3.36	2.77	3.66
86	3.10	2.47	3.42
87	2.84	2.18	3.19
88	2.59	1.91	2.98
89	2.35	1.66	2.77
90	2.11	1.42	2.58
91	1.89	1.19	2.39
92	1.67	.98	2.21
93	1.47	.80	2.03
94	1.28	.64	1.84
95	1.12	.50	1.63

APPENDIX

COMMISSIONERS

1958

STANDARD ORDINARY MORTALITY TABLE

Complete Expectation of Life

Age	Years	Age	Years	Age	Years	Age	Years
0	68.30	25	45.82	50	23.63	75	7.81
1	67.78	26	44.90	51	22.82	76	7.39
2	66.90	27	43.99	52	22.03	77	6.98
3	66.00	28	43.08	53	21.25	78	6.59
4	65.10	29	42.16	54	20.47	79	6.21
5	64.19	30	41.25	55	19.71	80	5.85
6	63.27	31	40.34	56	18.97	81	5.51
7	62.35	32	39.43	57	18.23	82	5.19
8	61.43	33	38.51	58	17.51	83	4.89
9	60.51	34	37.60	59	16.81	84	4.60
10	59.58	35	36.69	60	16.12	85	4.32
11	58.65	36	35.78	61	15.44	86	4.06
12	57.72	37	34.88	62	14.78	87	3.80
13	56.80	38	33.97	63	14.14	88	3.55
14	55.87	39	33.07	64	13.51	89	3.31
15	54.95	40	32.18	65	12.90	90	3.06
16	54.03	41	31.39	66	12.31	91	2.82
17	53.11	42	30.41	67	11.73	92	2.58
18	52.19	43	29.54	68	11.17	93	2.33
19	51.28	44	28.67	69	10.64	94	2.07
20	50.37	45	27.81	70	10.12	95	1.80
21	49.46	46	26.95	71	9.63	96	1.51
22	48.55	47	26.11	72	9.15	97	1.18
23	47.64	48	25.27	73	8.69	98	.83
24	46.73	49	24.45	74	8.24	99	.50

APPENDIX

COMMISSIONERS

1980

STANDARD ORDINARY MORTALITY TABLE

Complete Expectation of Life

<u>Age</u>	<u>Male</u> <u>Expectancy</u>	<u>Female</u> <u>Expectancy</u>	<u>Age</u>	<u>Male</u> <u>Expectancy</u>	<u>Female</u> <u>Expectancy</u>	<u>Age</u>	<u>Male</u> <u>Expectancy</u>	<u>Female</u> <u>Expectancy</u>
0	70.48	75.44	34	39.08	43.44	67	12.46	15.47
1	69.67	74.58	35	38.16	42.51	68	11.85	14.75
2	68.74	73.64	36	37.24	41.58	69	11.26	14.03
3	67.81	72.70	37	36.32	40.66	70	10.68	13.32
4	66.87	71.76	38	35.41	39.74	71	10.12	12.63
5	65.93	70.81	39	34.51	38.82	72	9.58	11.95
6	64.99	69.86	40	33.61	37.91	73	9.06	11.28
7	64.04	68.91	41	32.71	37.01	74	8.56	10.64
8	63.09	67.96	42	31.82	36.11	75	8.08	10.02
9	62.14	67.01	43	30.94	35.21	76	7.63	9.42
10	61.19	66.05	44	30.06	34.33	77	7.19	8.84
11	60.23	65.10	45	29.19	33.44	78	6.78	8.29
12	59.28	64.14	46	28.33	32.56	79	6.38	7.75
13	58.33	63.19	47	27.47	31.69	80	6.00	7.24
14	57.40	62.24	48	26.62	30.82	81	5.63	6.74
15	56.47	61.29	49	25.78	29.96	82	5.27	6.27
16	55.55	60.34	50	24.94	29.10	83	4.94	5.82
17	54.63	59.40	51	24.11	28.25	84	4.63	5.40
18	53.73	58.46	52	23.30	27.40	85	4.33	5.00
19	52.82	57.51	53	22.49	26.56	86	4.06	4.63
20	51.92	56.57	54	21.69	25.73	87	3.80	4.28
21	51.02	55.63	55	20.90	24.90	88	3.55	3.94
22	50.12	54.69	56	20.13	24.08	89	3.31	3.63
23	49.21	53.75	57	19.37	23.27	90	3.07	3.32
24	48.30	52.81	58	18.62	22.46	91	2.83	3.02
25	47.39	51.87	59	17.88	21.65	92	2.59	2.72
26	46.47	50.93	60	17.15	20.85	93	2.33	2.41
27	45.55	49.99	61	16.43	20.05	94	2.05	2.10
28	44.62	49.05	62	15.73	19.26	95	1.74	1.77
29	43.70	48.12	63	15.04	18.47	96	1.41	1.43
30	42.77	47.18	64	14.37	17.70	97	1.08	1.08
31	41.85	46.24	65	13.72	16.95	98	.75	.76
32	40.92	45.31	66	13.08	16.20	99	.50	.50
33	40.00	44.38						

NE Statutes 2012 Cumulative Supplement Index

A

ABORTION

Genetic counselor, abortion counseling or referral, treatment, 38-3424

ACKNOWLEDGMENTS

Power of attorney, 30-4005, 30-4019, 30-4020, *See also* POWER OF ATTORNEY ACT, NEBRASKA UNIFORM

ACTS, NAMES OF

Black-Tailed Prairie Dog Management Act, 23-3801
Children's Health and Treatment Act, 68-2001
Community College Aid Act, 85-2231
Genetic Counseling Practice Act, 38-3401
Insured Homeowners Protection Act, 44-8601
Interstate Branching and Merger Act, 8-2101
Major Oil Pipeline Siting Act, 57-1401
Nebraska Uniform Power of Attorney Act, 30-4001
Nebraska Uniform Real Property Transfer on Death Act, 76-3401
Nebraska Visitors Development Act, 81-3701
New Markets Job Growth Investment Act, 77-1101
Office of Inspector General of Nebraska Child Welfare Act, 43-4301
Police Officers Retirement Act, 16-1001
Prepaid Wireless Surcharge Act, 86-901
Professional Landscape Architects Act, 81-8,183.01

ADMINISTRATIVE SERVICES, DEPARTMENT OF

Funds,

World Day on the Mall Cash Fund, 81-1327

Personnel division,

World Day on the Mall Cash Fund, 81-1327

Reports,

To the Legislature, electronic, requirements, 50-114.03

Transportation services bureau,

State vehicles, duties, 81-1011 to 81-1025, *See also* STATE GOVERNMENT

ADOPTION

Assistance,

Special needs children, Assistance payments, Adoption assistance agreement, 43-118.02
Terminate, when, 43-117.01, 43-117.03

ADULT PROTECTIVE SERVICES ACT

Alleged abuse, neglect, or exploitation,

Decision regarding entry into registry, 28-374.01
Notice, contents, 28-374.01
Right to amend or expunge, 28-374.01

Investigations, 28-373, 28-374

Report of abuse, neglect, or exploitation,

Failure to make, 28-384
Required, when, 28-372
Summary, 28-379
Toll-free number, 28-372

AERONAUTICS DEPARTMENT ACT, STATE

Reports,

To the Legislature, electronic, requirements, 50-114.03

AGRICULTURAL LANDS

Zoning regulations, 23-114 to 23-114.05

AGRICULTURAL MACHINERY AND EQUIPMENT

Tractor tests,

Claims, limitations of action, 2-2701, 2-2710
Repurchase of tractor required, when, 2-2701
Sales and use tax exemption, eligibility, 2-2701

NE Statutes 2012 Cumulative Supplement Index

AGRICULTURE, DEPARTMENT OF
Reports to the Legislature,
electronic, requirements, 50-
114.03

ALIENS

Public assistance benefits,
verification of lawful
presence, required, when,
Unborn children have no
immigration status, 4-110

ANIMALS

Damage control,
County programs,
Prairie dogs, *See* BLACK-TAILED
PRAIRIE DOG MANAGEMENT
ACT; 23-3801

Legal status as personal
property, political
subdivision cannot change,
13-405

Prairie dogs,
County management program,
See BLACK-TAILED PRAIRIE DOG
MANAGEMENT ACT; 23-3801

ANNUITY CONTRACTS

Purchase, exchange, or replace,
recommendations, regulation
of, *See* PROTECTION IN ANNUITY
TRANSACTIONS ACT, NEBRASKA;
44-8101

APPEALS AND REVIEWS

Residential Mortgage Licensing
Act, department orders, 45-
742.01, 45-744, 45-745

APPROPRIATIONS

Specific, 90-535 to 90-538

ARCHITECTS

Licensure,
Landscape architects, *See*
PROFESSIONAL LANDSCAPE
ARCHITECTS ACT; 81-8,183.01

ASSAULT AND BATTERY

Civil action, justification defense
available, 28-1416

Health care professional, assault
on,
Definitions, 28-929.01
First degree, 28-929

Hospital or health clinic, sign
required, 28-929.02
Second degree, 28-930
Third degree, 28-931

ASSESSMENT AND EQUALIZATION

Public property,
Leased public lands,
improvements on,
Change of ownership, filing
required, 77-1374

ASSISTANCE FOR CERTAIN CHILDREN

Department of Health and Human
Services,
Collect data, annual report, 43-
516, 43-517

ATHLETICS

Boxing,
State Athletic Commissioner, this
heading

Mixed martial arts,
State Athletic Commissioner, this
heading

State Athletic Commissioner,
duties, *See also* STATE ATHLETIC
COMMISSIONER
Athletic Advisory Committee, hear
appeals, 81-8,139.01
Definition, mixed martial arts, 81-
8,131
Matches and exhibitions,
Amateur mixed martial arts, 81-
8,129
Exceptions, 81-8,129
Licensee,
Bond required, 81-8,132
Gross receipts tax
Amounts, 81-8,135
Failure to pay, effect, 81-
8,141
Reports
Contents, 81-8,135
Failure to make, 81-8,141
Licenses,
Amateur mixed martial arts, 81-
8,130
Contestants, 81-8,133.01
Compensation, when
payable, 81-8,138
Fake contests, effect, 81-
8,138

NE Statutes 2012 Cumulative Supplement Index

ATHLETICS –Cont'd

- State Athletic Commissioner, duties –Cont'd**
 - Fees, 81-8,130, 81-8,130.01, 81-8,133, 81-8,133.01
 - Professional matches, promoters, 81-8,130.01
 - Qualified physicians, managers, matchmakers, judges, 81-8,133.01
 - Referees, duties, 81-8,133
 - Required, when, 81-8,129, 81-8,133.01
 - Revocation or suspension, grounds, 81-8,137
 - Timekeepers, 81-8,133.01
 - Professional: mixed martial arts, wrestling, boxing, sparring, 81-8,129
 - Rules governing, 81-8,134
 - Tickets, sale, 81-8,136
 - Rules and regulations, 81-8,139
 - Violations, penalty, 81-8,142
- Wrestling,**
 - State Athletic Commissioner, this heading*
- Youth athletics,**
 - Sports event or league, sales tax exemption, 77-2704.63

ATTACHMENT

- Deferred compensation, generally exempt, exception,** 48-1401, 84-1505
- Retirement funds, generally exempt, exception,**
 - Counties, 23-2322
 - Firefighters, cities of the first class, 16-1038
 - Judges, 24-710.02
 - Metropolitan utilities district, 14-2111
 - Police, cities of the first class, 16-1019
 - Schools, 79-948, 79-9,104
 - State, 84-1324
 - State Patrol, 81-2032

ATTORNEY'S FEES, STATUTORY AUTHORIZATION

- Power of attorney, actions involving,** 30-4017, 30-4020

B

BANKING AND FINANCE, DEPARTMENT OF

- Duties,**
 - Interstate Branching and Merger Act, 8-2101
- Reports to the Legislature, electronic, requirements,** 50-114.03

BANKS AND BANKING

- Acquisitions,**
 - Of branch banks, Interstate, *See* INTERSTATE BRANCHING AND MERGER ACT; 8-2101
- Branch banks,**
 - Interstate, *See* INTERSTATE BRANCHING AND MERGER ACT; 8-2101

BEHAVIORAL HEALTH SERVICES ACT, NEBRASKA

- Behavioral health services,**
 - Contracts and agreements for, requirements, 71-831
 - Financial eligibility of consumers, 71-806, 71-809
 - Schedules of fees and copays, 71-806, 71-809

BICYCLES

- Traffic regulations,**
 - Vehicle duties when overtaking or passing, 60-6,133

BIDS AND BIDDING

- State and state agencies,**
 - Commission, Nebraska Tourism, advertising contracts, award, 81-3713

BLACK-TAILED PRAIRIE DOG MANAGEMENT ACT

- See generally* ANIMALS
- Act, how cited,** 23-3801
- Colonies, landowner or controller, duty to manage,** 23-3804
- Definitions,** 23-3802
- Land of the state or a political subdivision, payment of management costs,** 23-3810

NE Statutes 2012 Cumulative Supplement Index

BLACK-TAILED PRAIRIE DOG MANAGEMENT ACT –Cont'd

- Management program, county board,**
 - Adoption,
 - Adverse impacts finding, 23-3803
 - General notice of, 23-3806
 - Discontinuance, unpaid assessments, how treated, 23-3803
 - Fund, black-tailed prairie dog management, 23-3809
 - Powers, 23-3803, 23-3805
 - Entry on land authorized, 23-3808
- Notice for management of colonies,**
 - Failure to comply, costs, lien, penalty, 23-3806
 - Protest, hearing, 23-3807
 - Individual, form, 23-3806

BOARD OF EDUCATION, STATE **Reports to Legislature,** **electronic, requirements, 50-114.03**

BOARDS **Natural Gas Fuel Board, 66-2001**

BOATS **Aquatic invasive species,** **conveyance inspection,** **refusal, penalty, 37-524.02**

BONDS **Visitor attractions, financing, 81-3720, See also VISITORS** **DEVELOPMENT ACT, NEBRASKA**

BUSINESS CORPORATION ACT **Conversion,** - Articles of conversion, contents, 21-20,196 - Board adopts plan, 21-20,195 - Effect, 21-20,197 - Plan, contents, 21-20,194 - Shareholder approval, 21-20,195

C

CANCER **Health insurance, treatment coverage,** **Includes orally administered**

anticancer medication, 44-7,104

CHILD ABUSE

- Child abuse and neglect teams,** 28-728 to 28-731
- Child welfare system, See** CHILDREN AND MINORS
- Office of Inspector General of Nebraska Child Welfare, duties,** 43-4318, 43-4331
- Sexual assault of a child,**
 - Civil action by victim, when, 25-228
- Teams,**
 - Child abuse and neglect investigation, 28-728 to 28-731
 - Child abuse and neglect treatment, 28-728 to 28-731

CHILD PLACEMENT AGENCY **Review by Foster Care Review Office, See FOSTER CARE REVIEW ACT; 43-1301**

CHILDHOOD LEAD POISONING PREVENTION ACT **Lead poisoning prevention program, 71-2518**

CHILDREN AND MINORS **Child welfare system,** - Case management, - Caseload requirements, case plan, 68-1207, 68-1207.01 - Legislative findings and declarations, 68-1211 - Pilot project, 68-1212 - State ward, case manager, duties, 68-1212 - Department reports, contents, 43-4406, 43-4408 - Evaluation, independent, 43-4409 - Information system, child welfare, 43-4401 to 43-4404 - Nebraska Children's Commission, 43-4202, *See also* COMMISSION, NEBRASKA CHILDREN'S - Office of Inspector General of Nebraska Child Welfare, *See* OFFICE OF INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE ACT; 43-4301

NE Statutes 2012 Cumulative Supplement Index

CHILDREN AND MINORS –Cont'd

Child welfare system –Cont'd

- Report of department's implementation of recommendations, 50-424
- Service areas, annual survey, reports, 43-4407
- Statewide automated child welfare information system, 43-4404, 43-4405

Depositions, videotape,

- Child advocacy center forensic interview, 28-728

Diseases,

- Lead poisoning prevention program, 71-2518

Health care,

- Medicaid, medical assistance program,
 - Children, medical necessity for services and treatment guidelines, *See* CHILDREN'S HEALTH AND TREATMENT ACT; 68-2001

Motor vehicles,

- Licenses and permits, holders not eligible for ignition interlock permits, 120.02, 43-287, 60-4, 60-498.01, 60-4,124, 60-4,125, 60-4,126

CHILDREN'S COMMISSION, NEBRASKA

See generally STATE GOVERNMENT

Commission, Nebraska Children's,

- Committees created, 43-4203
- Consultant, 43-4202
- Created, 43-4202
- Duties, 43-4202 to 43-4207
- Facilitated conferencing, 43-4203
- Intent, 43-4201
- Meetings, 43-4202
- Members, 43-4202
- Programs and services, analysis of, 43-4205
- Reports, 43-4207
- Service areas, 43-4203
- Statewide strategic plan, 43-4204
- Terminates, when, 43-4202

Committees,

- Foster Care Reimbursement Rate Committee,
 - Commission, powers, 43-4212
 - Created, powers, 43-4212
 - Duties, 43-4212

- Foster parents, additional stipend, 43-4213

- Legislative findings, 43-4211

- Reports, contents, 43-4212

- Title IV-E Demonstration Project Committee,

- Commission, powers, 43-4208

- Created, powers, 43-4208

- Implementation plan, 43-4208

Department of Health and Human Services,

- Cooperate with commission, 43-4206

- Demonstration project,

- Apply for waiver, 43-4210

- Duties, 43-4208

- Report, 43-4209

- Powers and duties, 43-4205, 43-4208, 43-4212

CHILDREN'S HEALTH AND TREATMENT ACT

See generally HEALTH CARE

Act,

- How cited, 68-2001

- Purposes, 68-2002

Behavioral health services, authorization and denial rates, 68-2002

Definitions, 68-2003

Medicaid, services for children, report, contents, 68-2004

Medical necessity determination criteria, published, 68-2002

Rules and regulations, 68-2005

Treating guidelines criteria, published, 68-2002

CITIES OF THE FIRST CLASS

Animals, legal status as personal property, political subdivision cannot change, 13-405

Occupation tax,

- Authorized,

- New tax or increased rate,
procedure, 18-1208

Ordinances,

- Golf car vehicles, street use,
regulation, 60-6,381

Retirement,

- Police, *See* POLICE OFFICERS
RETIREMENT ACT; 16-1001

Taxation,

- Retirement and pensions, 16-1019

NE Statutes 2012 Cumulative Supplement Index

CITIES OF THE METROPOLITAN CLASS

Animals, legal status as personal property, political subdivision cannot change,
13-405

Occupation tax,
Authorized,
New tax or increased rate, 18-1208

Ordinances,
Golf car vehicles, street use, regulation, 60-6,381

CITIES OF THE PRIMARY CLASS

Animals, legal status as personal property, political subdivision cannot change,
13-405

Occupation tax,
Authorized,
New tax or increased rate, procedure, 18-1208

Ordinances,
Golf car vehicles, street use, regulation, 60-6,381

CITIES OF THE SECOND CLASS

Animals, legal status as personal property, political subdivision cannot change,
13-405

Occupation tax,
Authorized,
New tax or increased rate, procedure, 18-1208

Ordinances,
Golf car vehicles, street use, regulation, 60-6,381

CITY MANAGER PLAN OF MUNICIPAL GOVERNMENT

City council,
Members,
Qualifications, 19-613, 19-613.01

CIVIC AND COMMUNITY CENTER FINANCING ACT

Fund, Civic and Community Center Financing,
Transfers from, when, 13-2704
Grants to municipalities,
Eligibility, 13-2706

CIVIL PROCEDURE

Justification defense, when available, 28-1416, See also
JUSTIFICATION DEFENSE

CLASS V SCHOOL EMPLOYEES RETIREMENT ACT

Death of member,
Military service death, additional benefit, 79-9,106

Exempt from legal process, exceptions, 79-9,104

COMMERCIAL CODE, UNIFORM

Secured transactions,
Collections,
Attorney's fees, UCC 9-607

COMMERCIAL DOG AND CAT OPERATOR INSPECTION ACT Breeder,

Commercial dog breeder,
Breeding dog, microchip, identification, 54-641.03

Duties,
Health care and records, 54-641.02
Provide exercise, exceptions, 54-641.01

Commercial dog or cat breeder,
Duties, 54-640

License,
Denial, grounds, 54-630

COMMISSIONS

Nebraska Children's Commission,
43-4202, *See also* CHILDREN'S COMMISSION, NEBRASKA

Nebraska Tourism Commission,
81-3710

COMMITTEES

Foster Care Advisory Committee,
43-1302

Foster Care Reimbursement Rate Committee, 43-4212

Nebraska Children's Commission (unnamed committees authorized), 43-4203

Nebraska Community College Student Performance and Occupational Education Grant Committee, 85-1539

Tax Rate Review Committee, 77-2715.01

NE Statutes 2012 Cumulative Supplement Index

COMMITTEES –*Cont'd*

Title IV-E Demonstration Project
Committee, 43-4208
Visitors committee, 81-3717

COMMON LAW

Employer, job reference
immunity, effect, 48-201
Real estate,
Transfer on death deed,
applicability, 76-3403

COMMUNITY COLLEGE AID ACT

See *generally* POSTSECONDARY
EDUCATION

Act,

How cited, 85-2231
Intent, 85-2233

Community college area, annual
report, 85-2236

Coordinating Commission for
Postsecondary Education,

Certify aid, 85-2233
Rules and regulations, 85-2237

Definitions, 85-2232

Fund, Community College Aid, 85-
2235

State aid,

Allocation of aid, formula, 85-2234
Procedures and conditions, 85-
2233

COMMUNITY COLLEGES

Committee, Nebraska Community
College Student Performance
and Occupational Education
Grant, 85-1539

Funds,

Capital improvement and bond
sinking fund,
Authorized, 85-1515
Tax levy, 85-1517

Nebraska Community College
Student Performance and
Occupational Education
Grant, 85-1540

State aid, See COMMUNITY COLLEGE
AID ACT; 85-2231

Grants, Nebraska Community
College Student Performance
and Occupational Education
Grant Fund,
85-1540

COMMUNITY DEVELOPMENT

Low-income community capital or
equity investment, tax credit
incentives for, See NEW
MARKETS JOB GROWTH
INVESTMENT ACT; 77-1101

COMPUTERS

Data center, tax incentives to
encourage businesses, 77-
202, 77-2704.62

CONSUMERS

Annuity contracts, regulation of
purchase, exchange, or
replacement

recommendations, See

PROTECTION IN ANNUITY
TRANSACTIONS ACT, NEBRASKA;
44-8101

CONTRACTORS

Home repair contract paid from
insurance proceeds, See
INSURED HOMEOWNERS
PROTECTION ACT; 44-8601

CONVEYANCES

Death, transfer upon,

Filings required, 76-214, 76-2,126
Nontestamentary,

Filing of death certificate
required, when, 76-2,126

Transfer on death deed, See
REAL PROPERTY TRANSFER
ON DEATH ACT, NEBRASKA
UNIFORM; 76-3401

Testamentary, See WILLS

Statement filing with register of
deeds, 76-214, 76-215, 76-
2,126

COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION ACT

Commission, duties,

Community College Aid Act, 85-
2231

CORRECTIONAL FACILITIES AND INMATES

Claims of inmates,

Civil actions filed in forma
pauperis, limitation, 25-3401

NE Statutes 2012 Cumulative Supplement Index

CORRECTIONAL SERVICES, DEPARTMENT OF

Duties,

Youth Rehabilitation and
Treatment Centers,
collaboration on employee
training, 83-101

**Reports to the Legislature,
electronic, requirements, 50-
114.03**

COUNCILS

**Nebraska Invasive Species
Council, 37-1403**

COUNTIES

**Animals, legal status as personal
property, political
subdivision cannot change,
13-405**

Ordinances,

Power to adopt,
Golf car vehicles, 60-6,381

Taxation,

Lodging tax, *See* VISITORS
DEVELOPMENT ACT, NEBRASKA;
81-3701

Sales and use tax,
Visitor attractions, *See* VISITORS
DEVELOPMENT ACT,
NEBRASKA; 81-3701

**Tourism, *See* VISITORS
DEVELOPMENT ACT, NEBRASKA;
81-3701**

COUNTY ASSESSORS

**Powers and duties,
Tax list preparation, 77-1613 to 77-
1616**

COUNTY ATTORNEYS

Duties,

Child abuse and neglect,
investigation and treatment
teams, 28-728 to 28-731

**Human trafficking issues,
training, 81-1431**

COUNTY EMPLOYEES RETIREMENT ACT

Benefits,

Death benefit,
Military service death, additional
benefit, 23-2321

Exemption from legal process,
exception, 23-2322

Death benefit,

Military service death, additional
benefit, 23-2321

**Exemption from legal process,
exception, 23-2322**

Funds,

Accounting of funds, 23-2308

**Termination of employment,
Employer, duties, 23-2301**

COURT COSTS

Judgment on conviction,

Deduct from posted bond, 29-2206

COURTS

**Human trafficking issues,
training, 81-1431**

CREDENTIALING ACT, UNIFORM

**Genetic counselors, *See* GENETIC
COUNSELING PRACTICE ACT; 38-
3401**

CRIMES AND OFFENSES

Aquatic invasive species,

Conveyance inspection, refusal,
37-524.02

Introduction, 37-524

Assault and battery,

Health care professional, assault
on, 28-929 to 28-931

Athletics, regulated matches and exhibitions,

Regulations, violation, 81-8,142

Children and minors,

Investigation and treatment teams,
28-728 to 28-731

Motor vehicles,

Special interest motor vehicle
license plates, 60-3,135.01

Texting while driving,
Commercial motor vehicle, 60-
6,179.02

Real estate,

Conveyances,
Statement, failure of grantee to
file, 76-215

D

DECEDENTS' ESTATES

Financial information of the

NE Statutes 2012 Cumulative Supplement Index

DECEDENTS' ESTATES –Cont'd
Financial information of the decedent, disclosure authorized, when –Cont'd decedent, disclosure authorized, when, 8-1401

DEEDS
Transfer on death deed, See REAL PROPERTY TRANSFER ON DEATH ACT, NEBRASKA UNIFORM; 76-3401

DEFERRED COMPENSATION
Exempt from execution of process,
Exception, payment of civil damages, conditions, 48-1401, 84-1505

DELAYED DEPOSIT SERVICES LICENSING ACT
Fund, Financial Literacy Cash, 45-930

DISABLED PERSONS
Disabilities,
Individuals with co-occurring intellectual disability and mental illness, access to appropriate services, report, 81-3134

DISCRIMINATION
Labor and employment,
Employer, job reference immunity, effect, 48-201

DISEASES AND INJURIES
Lead poisoning,
Children,
Lead poisoning prevention program, 71-2518

DRUNK DRIVING
Ignition interlock device and permit,
Juvenile offender, not eligible, 43-287, 60-498.01

E

ECONOMIC DEVELOPMENT
Tax incentives,
Data center businesses, 77-202, 77-2704.62

Low-income community capital or equity investment, tax credit incentives for, *See* NEW MARKETS JOB GROWTH INVESTMENT ACT; 77-1101

ECONOMIC DEVELOPMENT, DEPARTMENT OF
Reports to the Legislature, electronic, requirements, 50-114.03

EDUCATION
Bridge programs,
Definitions, 79-1190
Grant recipient,
Collect and provide data, 79-1193
Funding from available public assistance, 79-1195
Grants to establish, 79-1191
Funding from Education Innovation Fund, 9-812
Process for awarding, priority, 79-1192
Intent, 79-1189
Rules and regulations, 79-1194
Sections, terminate when, 79-1196

EDUCATION, STATE DEPARTMENT OF
Duties,
Summer food service program, 79-10,140 to 79-10,142
Reports to the Legislature, electronic, requirements, 50-114.03

EDUCATIONAL SERVICE UNITS ACT
Council, Educational Service Unit Coordinating,
Statewide projects managed by, 79-1241.03
Statewide projects,
Managed by the coordinating council, 79-1241.03
Single district educational service units, required to participate, 79-1217

ELECTION ACT
Election commissioners,
Oaths and affirmations, administer, 23-1307

NE Statutes 2012 Cumulative Supplement Index

ELECTRONIC TRANSACTIONS

- Filings or notices,**
 - Corporations,
 - Nonprofits, 21-1915
- Legislature, reports from public entity, electronic format, 50-114.03**

ELEMENTARY AND SECONDARY EDUCATION

- Funds,**
 - Financial Literacy Cash Fund, 45-930

EMERGENCY MANAGEMENT ACT

- State emergency response teams,**
 - Job protection, *See* VOLUNTEER EMERGENCY RESPONDERS JOB PROTECTION ACT; 35-1401

EMINENT DOMAIN

- Oil and gas,**
 - Pipelines,
 - Siting, *See* MAJOR OIL PIPELINE SITING ACT; 57-1401

EMPLOYMENT SECURITY LAW

- Benefits,**
 - Erroneous payment, recovery,
 - Setoff against income tax refund, 48-665
- Overpayment,
 - Failure to repay, penalty, 48-663.01
- Claims,**
 - Employer, rights, duties, 48-632
- Employer,**
 - Payments required,
 - Setoff against income tax refund, 48-655
- Programs supported,**
 - Job training, 48-622.02
 - Worker and business recruitment, 48-622.02

ENTERTAINMENT

- Taxation,**
 - Lodging tax, *See* VISITORS DEVELOPMENT ACT, NEBRASKA; 81-3701

ENVIRONMENTAL PROTECTION

- Councils,**
 - Nebraska Invasive Species Council,
 - Created, 37-1403
 - Definition, 37-1402
 - Duties, 37-1404
 - Adaptive management plan, 37-1405, 37-1406
 - Reports, 37-1406
 - Legislative findings, 37-1401
- Members, expenses, 37-1403
- Rules and regulations, 37-1403
- Subcommittees, 37-1406

EXECUTION OF JUDGMENT

- Deferred compensation, generally exempt, exception, 48-1401, 84-1505**
- Retirement funds, generally exempt, exception,**
 - Counties, 23-2322
 - Firefighters, cities of the first class, 16-1038
 - Judges, 24-710.02
 - Metropolitan utilities districts, 14-2111
 - Police, cities of the first class, 16-1019
 - Schools, 79-948, 79-9,104
 - State, 84-1324
 - State Patrol, 81-2032

EXEMPTIONS FROM EXECUTION AND BANKRUPTCY

- Deferred compensation, generally exempt, exception, 48-1401, 84-1505**
- Retirement funds, generally exempt, exception,**
 - Counties, 23-2322
 - Firefighters, cities of the first class, 16-1038
 - Judges, 24-710.02
 - Metropolitan utilities districts, 14-2111
 - Police, cities of the first class, 16-1019
 - Schools, 79-948, 79-9,104
 - State, 84-1324
 - State Patrol, 81-2032

NE Statutes 2012 Cumulative Supplement Index

F

FAIRS AND EXPOSITIONS

Parades,

- All-terrain and utility-type vehicles, use, 60-6,356
- Minibikes, use, 60-6,348
- Snowmobiles, use, 60-6,348
- Special interest motor vehicle license plate, use, 60-3,135.01

FIRE SAFETY

Cities of the first class,

- Pensions, Exempt from legal process, exceptions, 16-1038

FOOD

Food programs,

- Deer donation program, 37-1501 to 37-1510

FOSTER CARE

Foster Care Review Office, See

FOSTER CARE REVIEW ACT; 43-1301

Payment rates,

- Foster Care Reimbursement Rate Committee, 43-4212, See *also* CHILDREN'S COMMISSION, NEBRASKA
- Foster parents, additional stipend, 43-4213
- Legislative findings, 43-4211

Placements,

- Annual report, 71-1904

Review of placements, See

FOSTER CARE REVIEW ACT; 43-1301

FOSTER CARE REVIEW ACT

Boards, local foster care review,

- Duties, 43-1304, 43-1308
- Members, 43-1304, 43-1305
- Training, 43-1317

Committee, Foster Care Advisory, duties, 43-1302

Court review or hearing,

- Request for, 43-1308

Executive director, duties, 43-1302 to 43-1305

File audit case reviews, 43-1303

Fund, Foster Care Review Office Cash, 43-1321

Office, Foster Care Review,

- Duties, 43-1303, 43-1307, 43-1314.01, 43-1317

Established, 43-1302

Purpose, 43-1302

Records,

- Confidential information, court order authorized, 43-3001
- Unauthorized disclosure, penalty, 43-1310

Registry, foster care placement, 43-1303

Rules and regulations, 43-1303

- Violations, penalty, 43-1310

FRIVOLOUS ACTIONS AND PLEADINGS

Prisoners, civil actions filed in forma pauperis, limitation, 25-3401

FUNDS, NAMES OF

Community College Aid Fund, 85-2235

Financial Literacy Cash Fund, 45-930

Foster Care Review Office Cash Fund, 43-1321

Hunters Helping the Hungry Cash Fund, 37-1510

Nebraska Community College Student Performance and Occupational Education Grant Fund, 85-1540

Nebraska Statutes Cash Fund, 49-708

Nebraska Statutes Distribution Cash Fund, 49-708

Public Service Commission Pipeline Regulation Fund, 57-1411

State Colleges Sport Facilities Cash Fund, 85-329

State Visitors Promotion Cash Fund, 81-3714

World Day on the Mall Cash Fund, 81-1327

G

GAME AND PARKS COMMISSION

Property, acquisitions and conveyances, 90-272 to 90-280

Reports to the Legislature, electronic, requirements, 50-114.03

NE Statutes 2012 Cumulative Supplement Index

GAME LAW

- Aquatic invasive species,**
 - Commercial exploitation, release, importation, and exportation permits, 37-548
 - Conveyance impounded, when, 37-524.02
 - Importation or release of, restrictions, 37-524
 - Intent, 37-547
 - Rules and regulations, 37-524.03
- Boats,**
 - Impounded, when, 37-524.02
- Enforcement,**
 - Conservation officers,
 - Are law enforcement officers, 81-1401
- Funds,**
 - Hunters Helping the Hungry Cash Fund, 37-1510
- Hunting,**
 - Deer donation program, 37-1501 to 37-1510
- Permits and licenses,**
 - Hunting,
 - Mountain lions, 37-473

GARNISHMENT

- Deferred compensation, generally exempt, exception, 48-1401, 84-1505**
- Retirement funds, generally exempt, exception,**
 - Counties, 23-2322
 - Firefighters, cities of the first class, 16-1038
 - Judges, 24-710.02
 - Metropolitan utilities districts, 14-2111
 - Police, cities of the first class, 16-1019
 - Schools, 79-948, 79-9,104
 - State, 84-1324
 - State Patrol, 81-2032

GENETIC COUNSELING PRACTICE ACT

- See generally* PROFESSIONS AND OCCUPATIONS
- Abortion counseling or referral, treatment, 38-3424**
- Act,**
 - How cited, 38-3401
 - How construed, 38-3424
- Definitions, 38-3402 to 38-3414**

- Directory of genetic counselors, 38-3425**
- Genetic counselor,**
 - Fees, 38-3423
 - Licensure, *See also* CREDENTIALING ACT, UNIFORM; 38-101
 - Applicant,
 - Certification required, 38-3418
 - Grandfather requirements, 38-3419
 - Provisional, conditions, 38-3420
 - Reciprocity, 38-3419
 - Required, 38-3416, 38-3421
 - Scope of practice, 38-3415
 - Use of title, 38-3421
 - Persons exempt, 38-3417
 - Rules and regulations, 38-3422

GENETIC TESTING

- Genetic counselors, *See* GENETIC COUNSELING PRACTICE ACT; 38-3401**
- Laboratories,**
 - Biochips used in conducting genotyping, sales tax exempt, 77-2704.61

GOLF CAR VEHICLES

- See generally* MOTOR VEHICLES
- Certificate of title, not required, 60-123**
- City, village, or county, street or road operation and regulation authorized, restrictions, 23-187, 60-6,381**
- Class O operator's license, required, 60-471, 60-6,381**
- Liability insurance coverage required, 60-6,381**
- Motor vehicle registration, exempt, 60-339**
- Proof of financial responsibility, exempt, 60-501**

GRAND JURIES

- Jurors,**
 - Fees and mileage, 33-138
 - Waiver of payment authorized, 33-138

NE Statutes 2012 Cumulative Supplement Index

GROUND WATER MANAGEMENT AND PROTECTION ACT, NEBRASKA

Natural resources districts,
Powers,
Assess fee for variance costs, 46-707

H

HAZARDOUS MATERIALS

Schools, removal from, funding,
79-10,110, 79-10,110.01

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Divisions and offices,
Division of Children and Family Services,
Expenditure reports, contents, 81-132, 81-3133
Lead agency in certain service areas, reinstatement prohibited, 81-3135
Separate budget program, 81-3133
Strategic plan, key goals, benchmarks, 81-1113, 81-3133

Duties,
Children's Health and Treatment Act, 68-2001
Lead poisoning prevention program, 71-2518
Reports to the Legislature, electronic, requirements, 50-114.03

HEALTH AND HUMAN SERVICES, OFFICE OF JUVENILE SERVICES ACT

Office of Juvenile Services,
Administrative duties, 83-101
Treatment programs, services, and systems for juveniles,
Pilot project, Nebraska Juvenile Service Delivery Project, 43-4101
Youth rehabilitation and treatment centers,
Employee of,
Training, collaboration with Department of Correctional Services, 83-101

Escape, or attempt, from,
Consequences, 43-424
Juvenile assault on employee, consequences, 43-424

HEALTH CARE

Behavioral health services,
Children, authorization and denial rates under medicaid, 68-2002, *See also* CHILDREN'S HEALTH AND TREATMENT ACT
Individuals with co-occurring intellectual disability and mental illness, access to appropriate services, report, 81-3134
Health care providers,
Assault on hospital or health clinic health care professional, 28-929 to 28-931, *See also* ASSAULT AND BATTERY
Warning sign required, 28-929.02
Governmental entity, delivery of health care services, cooperative ventures authorized, powers, 71-2059

HEALTH CARE FACILITIES

Cooperative ventures, public hospitals,
Governmental entity, provision of health care services, powers, 71-2059
Membership interests and contracts, how construed, 71-2061

Counties,
Board of trustees,
Meetings, 23-3505
Membership,
County board may serve as trustees, when, 23-3502
Powers and duties, 23-3504, 23-3505

Health clinics,
Health care professional, assault on, 28-929 to 28-931, *See also* ASSAULT AND BATTERY
Warning sign required, 28-929.02
Sales and use tax exemption, 77-2704.12

Providers,
Governmental entity, delivery of health care services,

NE Statutes 2012 Cumulative Supplement Index

HEALTH CARE FACILITIES –Cont'd
cooperative ventures
authorized, powers, 71-2059

HEALTH CARE FACILITY LICENSURE ACT

Health care facilities,
Nonprofit, sales and use tax
exemption for purchases of,
77-2704.12

Hospitals,
General acute,
Patients, offer influenza and
pneumococcal vaccinations,
71-468

Intermediate care facilities,
Patients, offer influenza and
pneumococcal vaccinations,
71-468

Nursing facilities,
Patients, offer influenza and
pneumococcal vaccinations,
71-468

Skilled nursing facilities,
Patients, offer influenza and
pneumococcal vaccinations,
71-468

HEALTH CARE PLANS

Cancer treatment,
Required coverage,
Includes orally administered
anticancer medication, 44-
7,104

Dental services,
Fees charged, prohibited acts, 44-
7,105

Prescription drugs,
Cancer treatment coverage
includes orally administered
anticancer medication, 44-
7,104

Sickness and accident insurance,
Policies,
Provisions,
Fees for dental services,
prohibited acts, 44-7,105
Required, 44-7,104

HEALTH MAINTENANCE ORGANIZATION ACT

Contracts,
Fees for dental services,
prohibited acts, 44-7,105

Required provisions,
Required coverage, 44-7,104

HEALTH PROFESSIONS ACT, NEBRASKA REGULATION OF

Regulation of profession,
Application,
Contents, 71-6223
Letter of intent, 71-6223
Scope of practice, change, when,
71-6221
When authorized, 71-6221

HIGHWAYS AND ROADS

**Golf cart vehicles, street or road
use, regulation by cities,
villages, and counties,
limitations, 60-6,381**

HOSPITALS

General acute hospital,
Employee influenza vaccination
requirements, 71-467
Patients, offer influenza and
pneumococcal vaccinations,
71-468

**Governmental entity, delivery of
health care services,
cooperative ventures
authorized, powers, 71-2059**

**Health care professional, assault
on, 28-929 to 28-931, See also
ASSAULT AND BATTERY**
Warning sign required, 28-929.02

Public,
Closed sessions under Open
Meetings Act, when, 84-1410

HOTELS

**Lodging tax, See VISITORS
DEVELOPMENT ACT, NEBRASKA;
81-3701**

HOUSING

Homeowners,
Home repair contract paid from
insurance proceeds, See
INSURED HOMEOWNERS
PROTECTION ACT; 44-8601

Multiunit housing,
Counties,
Board of trustees,
Meetings, 23-3505

NE Statutes 2012 Cumulative Supplement Index

HOUSING –Cont'd

Multiunit housing –Cont'd

- Membership
- County board may serve as trustees, when, 23-3502
- Powers and duties, 23-3504, 23-3505

I

IMMUNITY

Employers,

- Job reference for employee, employer immunity, when, 48-201

Foster care review by Foster Care Review Office or local foster care review board, 43-285

IMMUNIZATIONS

Hospitals, general acute,

- Patients, offer influenza and pneumococcal vaccinations, 71-468

Intermediate care, nursing, and skilled nursing facilities, offer patients influenza and pneumococcal vaccinations, 71-468

IN FORMA PAUPERIS

- Prisoner, civil actions filed in forma pauperis, limitation, 25-3401

INCOME TAX

Corporations,

- Apportionment of income between states, 77-2734.01 to 77-2734.16
- Sales factor, how determined, 77-2734.14

Credits,

- Low-income community capital or equity investment, tax credit incentives for, See NEW MARKETS JOB GROWTH INVESTMENT ACT; 77-1101

Rates,

- Tax Rate Review Committee, 77-2715.01
- Tax rate schedules, 77-2715.02

Reports on loss of potential revenue, See TAX EXPENDITURE REPORTING ACT; 77-379

Tax rates,

- Rates,
- Brackets and rates, 77-2715.03
- Schedules, 77-2715.02
- Tax tables, 77-2715.03

INJUNCTIONS, STATUTORY AUTHORIZATION

- Landscape architect, practice without license, 81-8,204, 81-8,205

INSTALLMENT SALES ACT, NEBRASKA

Nationwide Mortgage Licensing System and Registry,

- Department, powers and duties, 45-354
- Information sharing, 45-355
- Licensees, licensed and registered through, 45-354

INSURANCE

Disability income insurance,

- Procure from nonadmitted insurer, when, 44-5510

INSURANCE, DEPARTMENT OF Reports,

- To the Legislature, electronic, requirements, 50-114.03

INSURANCE HOLDING COMPANY SYSTEM ACT

Control acquisition, merger, or divestiture of domestic insurer,

- Enterprise risk violation, effect, 44-2147.01

Domestic insurer, control acquisition, merger, or divestiture of,

- Acts prohibited, 44-2129
- Approval, hearing, 44-2127
- Director, powers, 44-2126
- Filing requirements, 44-2126

Examination,

- Director, enforcement powers, 44-2137
- Supervisory college, Director, powers, 44-2137.01
- Interstate, federal, and international regulators, 44-2137.01

NE Statutes 2012 Cumulative Supplement Index

**INSURANCE HOLDING COMPANY
SYSTEM ACT –Cont'd**

Examination –Cont'd
Sharing of information,
restrictions, 44-2138
Information and documents,
Confidentiality, 44-2138
Sharing of, restrictions, 44-2138
**Management of domestic insurer,
requirements,**
Applicability, 44-2135
Waiver, when, 44-2135
Registration of insurers,
Filings required, 44-2132
**Transactions within system,
standards and requirements,**
44-2133

**INSURED HOMEOWNERS
PROTECTION ACT**

See generally INSURANCE
Act, how cited, 44-8601
Definitions, 44-8602
**Home repair contract paid from
insurance proceeds,**
Notice, 44-8603
Right to cancel, 44-8603
Residential contractor,
Duties, 44-8603
Prohibited acts, 44-8604

**INTERSTATE BRANCHING AND
MERGER ACT**

See generally FINANCIAL
INSTITUTIONS
Act, how cited, 8-2101
**Branch closing or disposal, act,
how construed, 8-2108**
Costs of examination, 8-2107
Definitions, 8-2102
**Director, powers and duties, 8-
2107**
**Interstate merger transaction, 8-
2104, 8-2106**
**Nebraska state chartered bank,
powers, 8-2103**
Out-of-state bank, powers, 8-2104

J

JAILS

**Prisoners, civil actions filed in
forma pauperis, limitation, 25-
3401**

JUDGES RETIREMENT ACT

Benefits,
Death benefit,
Military service death, additional
benefit, 24-707
**Exemption from legal process,
exceptions, 24-710.02**
Spouse,
Death benefit,
Military service death, additional
benefit, 24-707
**Termination of employment,
Employer duties, 24-701**

**JUDICIAL RESOURCES
COMMISSION**

Report to Legislature,
Electronic, requirements, 50-
114.03

JURIES

Fees,
Claims of jurors, county warrant,
23-131
Payment for services and mileage
of juror, 23-1801, 33-138
Waiver of payment authorized,
23-1801, 33-138

JUVENILE CODE, NEBRASKA

Child abuse,
Child abuse and neglect,
investigation and treatment
teams, 28-728 to 28-731
**Disposition of adjudicated
juvenile,**
Motor vehicle operator's permit or
license,
Ignition interlock permit, not
eligible for, 43-287, 60-
498.01

JUVENILE JUSTICE SYSTEM

**Human trafficking issues,
training, 81-1431**
Services,
Delivery, pilot project, Nebraska
Juvenile Service Delivery
Project, 43-4101

L

**LABOR, DEPARTMENT OF
Duties,**

NE Statutes 2012 Cumulative Supplement Index

LABOR, DEPARTMENT OF –Cont'd **Duties –Cont'd**

Human trafficking prevention
posters, 81-1430

**Reports to the Legislature,
electronic, requirements, 50-
114.03**

LABOR AND EMPLOYMENT

Employers,

Job reference for employee,
employer immunity, when, 48-
201

Employment and training programs,

Bridge programs, 79-1189 to 79-
1196, *See also* EDUCATION

LAW ENFORCEMENT

**Human trafficking issues,
training, 81-1431**

LAW ENFORCEMENT AND CRIMINAL JUSTICE, NEBRASKA COMMISSION ON Human trafficking task force,

Department of Labor, posters, 81-
1430

Members, terms, 81-1430

Report, 81-1430

Training regarding human
trafficking issues, duties, 81-
1431

LAW ENFORCEMENT TRAINING

Training,

Applicant, conviction set aside,
effect, 29-2264

Continuing education,

Central registry, 81-1414.08

Certified reports, 81-1414.08

Failure to complete, effect, fine,
81-1414.09

Requirements, 81-1414.07

Suspended, when, 81-1414.10

LEASES AND RENTAL AGREEMENTS

Public property,

Acquiring under lease-purchase
agreement, taxation status,
77-202, 77-2704.15

LEGISLATURE

Committees,

Health and Human Services
Committee, report of
department's implementation
of recommendations for child
welfare system, 50-424

Reports,

From public entity, electronic
format, 50-114.03

Tax rate,

Tax Rate Review Committee, 77-
2715.01

LIBRARIES

Public libraries,

Governing body, duty, 51-211

LIMITED LIABILITY COMPANY ACT, NEBRASKA UNIFORM

(b) Formation and filings,

Certificate of organization,
Amendment or restatement,
Notice requirements, 21-193

Notice requirements, 21-193

Filings with Secretary of State,

Electronic transmission, 84-511

(g) Dissolution and winding up,

Notice of dissolution, 21-150

(j) Merger, conversion, and domestication,

Notice requirements, 21-193

LIMITED PARTNERSHIP ACT, NEBRASKA UNIFORM

Conversion,

Articles of conversion, 67-298

Effect, 67-299, 67-2,100

Plan, contents, 67-297

LIQUOR CONTROL ACT, NEBRASKA

Fees,

License,

Entertainment district, 53-123.17

Licenses,

Types and classifications,

Entertainment district, 53-123.17

Local governing bodies,

Liquor licenses,

Entertainment district, powers,
53-123.17

Occupation tax,

Entertainment district licensee, 53-
123.17

NE Statutes 2012 Cumulative Supplement Index

LIVESTOCK

Feed,

- Livestock forage vehicles, restrictions and exceptions, 60-6,290

LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT

Qualifying business,

- Movie and television production, additional duties, 18-2739

LOCAL OPTION REVENUE ACT

Access to state sales tax return and collection information, conditions, 77-2711, 77-27,144

Bonds, issuance, 77-27,142

Sales and use tax,

- Election, Ballot question, contents, 77-27,142.01, 77-27,142.02 Required, when, 77-27,142, 77-27,142.01 Proceeds, Use, 77-27,142 Refunds, delayed deductions, 77-27,144

Termination of tax,

- Increase terminates, when, 77-27,142

LODGING TAX

County, authority to impose, See

- VISITORS DEVELOPMENT ACT, NEBRASKA; 81-3701

M

MAJOR OIL PIPELINE SITING ACT

See generally OIL AND GAS

Act,

- Findings, 57-1403 How cited, 57-1401 Purposes, 57-1402

Commission,

- Enforcement, 75-118 Jurisdiction, 75-109.01 Powers and duties, 57-1406 to 57-1408, 57-1410 to 57-1412

Definitions, 57-1404

Documents or records, not withheld from public, 57-1413

Fund, Public Service Commission Pipeline Regulation, 57-1411

Major oil pipeline,

- Appeal, 57-1409 Application, Amended application, 57-1408 Procedure, 75-110.01 Requirements, 57-1405 Approval or denial, Considerations, 57-1407 Order, findings, 57-1408 Change to route, pipeline carrier, duties, 57-1405 Commission expenses, assess against pipeline carrier, delinquency, collection, 57-1406 Construction of, pipeline carrier, duties, 57-1405 Notice requirements, 57-1405 Public hearing and meetings, 57-1407 Fees, exemptions, 75-128
- #### Rules and regulations, 57-1410

MEDICAL ASSISTANCE ACT

Children,

- Medical necessity for services and treatment guidelines, See CHILDREN'S HEALTH AND TREATMENT ACT; 68-2001 Unborn child, prenatal care for health of, 68-972

Department, powers and duties, 76-3421

Eligibility,

- Transferor or spouse in a transfer on death deed, effect, 76-3421 Unborn child, prenatal care for health of, 68-915, 68-972

Medical assistance program,

- Administration of, See SOCIAL SERVICES Behavioral health services, Contracts and agreements for, requirements, 71-831 Included in services, 68-908 Health insurance premium assistance payment program, 68-974 Service providers, Improper payments, reimbursement or recovery, 68-973, 68-974

NE Statutes 2012 Cumulative Supplement Index

MENTAL ILLNESS

Services,

Individuals with co-occurring intellectual disability and mental illness, access to appropriate services, report, 81-3134

State hospitals for the mentally ill or regional centers,

Cost of patient care, Behavioral health services, 71-809

METROPOLITAN UTILITIES DISTRICT

Personnel,

Retirement benefits, For payment of civil damages, conditions, 14-2111

MILITARY

Property,

Military medal in unpaid safekeeping repository, unclaimed, duties, 69-1307.06, 69-1307.07

MILITARY DEPARTMENT

Reports to the Legislature, electronic, requirements, 50-114.03

MIXED MARTIAL ARTS

See ATHLETICS

MONOPOLIES AND UNFAIR TRADE

Insurance,

Merger, acquisition, or divestiture, prohibited, when, 44-2127; See also INSURANCE HOLDING COMPANY SYSTEM ACT

MOTOR FUELS

Natural gas, recommendations by Natural Gas Fuel Board, 66-2001

MOTOR VEHICLE CERTIFICATE OF TITLE ACT

Certificate of title,

Manufacturer buyback branded certificate of title, 60-175

MOTOR VEHICLE OPERATOR'S LICENSE ACT

Operator's licenses, provisions applicable only to commercial licenses,

Operating a commercial vehicle, Texting while driving, prohibited, 60-6,179.02

Revocation, suspension, or impoundment of operator's license or permit,

Provisional operator's permit, revocation, Ignition interlock permit, not eligible for, 60-4,120.02

MOTOR VEHICLE REGISTRATION ACT

County treasurers,

Appointment of agent, 60-372
Fees, 60-3,141, 60-3,142
Liability exemption, 60-371
Notice of taxes and fees, 60-3,186
Reports, 60-391
Snowmobile fee collection, 60-3,217

Fees and taxes,

License plates, Special interest motor vehicle license plates, 60-3,135.01
Nonresident owner, thirty-day license plate, 60-382

License plates,

Special interest motor vehicle license plates, 60-3,135.01

Nonresident owner,

Thirty-day license plate, 60-382

Violations, penalties,

Special interest motor vehicle license plates, 60-3,135.01

MOTOR VEHICLES

Golf car vehicles, 60-6,381, See also GOLF CAR VEHICLES

Off-road vehicles,

Golf car vehicles, 60-6,381, See also GOLF CAR VEHICLES

MOVIES

Business incentives for

production of, 18-2739, See also LOCAL OPTION MUNICIPAL ECONOMIC DEVELOPMENT ACT

NE Statutes 2012 Cumulative Supplement Index

MUNICIPAL COUNTIES

Animals, legal status as personal property, political subdivision cannot change, 13-405

N

NATURAL GAS

Board, Natural Gas Fuel,

Duties, 66-2001
Established, 66-2001
Meetings, 66-2001
Members, 66-2001
State Energy Office, administrative support, 66-2001

Cities of the first class,

Rural infrastructure development, 66-2101 to 66-2107
Local Option Municipal Economic Development Act funding, 66-2103

Cities of the second class,

Rural infrastructure development, 66-2101 to 66-2107
Local Option Municipal Economic Development Act funding, 66-2103

Jurisdictional utilities,

Rural infrastructure development, 66-1868, 66-2101 to 66-2107

Villages,

Rural infrastructure development, 66-2101 to 66-2107
Local Option Municipal Economic Development Act funding, 66-2103

NATURAL RESOURCES, DEPARTMENT OF

Reports to the Legislature, electronic, requirements, 50-114.03

NATURAL RESOURCES DISTRICTS

Recreation areas,

Property conveyed by Game and Parks Commission, operation and maintenance requirements, 90-279, 90-280

Taxation authority,

Occupation tax, uses, exemption, 2-3226.05

NEW MARKETS JOB GROWTH INVESTMENT ACT

See generally COMMUNITY DEVELOPMENT

Act, how cited, 77-1101

Definitions, 77-1102 to 77-1112

Letter ruling, issuance, effect, 77-1119

Qualified equity investment,

Ownership of earns tax credit, treatment, 77-1113, 77-1114
Qualified community development entity, certification of equity investment or debt as, procedure, 77-1116

Tax Commissioner, duties, 77-1115 to 77-1119

Tax credits, 77-1112

Earned, when, treatment, 77-1113, 77-1114

Fiscal year utilization limitation, 77-1115

Franchise tax credit, financial institutions, 77-3806

Gross premium or retaliatory tax credit, insurance companies, 44-150, 77-908

Income tax credit,
Corporations, 77-2734.03
Estates and trusts, 77-2717
Individuals, 77-2715.07

Recapture,
Cure period, 77-1118
When, 77-1117

NONPROFIT CORPORATION ACT, NEBRASKA

Notice,

General provisions, 21-1915
Electronic means authorized, 21-1915

NOTARY PUBLIC

Rules and regulations, 64-119

NURSE PRACTITIONER PRACTICE ACT

Disciplinary action, additional grounds for, 38-2324

Scope of practice includes signing of death certificates, 38-2315

NURSERIES AND NURSERY STOCK Landscape architects, *See*

NE Statutes 2012 Cumulative Supplement Index

NURSERIES AND NURSERY

STOCK –Cont'd

Landscape architects –Cont'd

PROFESSIONAL LANDSCAPE
ARCHITECTS ACT; 81-8,183.01

O

OATHS AND AFFIRMATIONS

**County clerks, power to
administer, 23-1307, 32-242**

**Election workers, power to
administer,
Election commissioners, 23-1307,
32-242**

OCCUPATION TAX

Liquor licensees, 53-123.17
**Municipalities, new tax or
increased rate, procedure, 18-
1208**

OFFICE OF INSPECTOR GENERAL OF NEBRASKA CHILD WELFARE ACT

See generally STATE OFFICERS AND
EMPLOYEES

Act, how cited, 43-4301

**Complaints to office,
Form, 43-4320**
Investigation of, priority and
selection, 43-4320, 43-4330

**Cooperation with office,
Failure to, effect, 43-4322**
When required, 43-4318, 43-4321

Definitions, 43-4303 to 43-4316

Duties, 43-4318

Employees, 43-4317

**Inspector General,
Appointment, term, 43-4317**
Certification, 43-4317
Child abuse, duty to report, 28-711
Powers, 43-4323

Intent, 43-4302

**Investigations,
Access to information, records,
and personnel, 43-4319, 43-
4324**
Department, provide direct
computer access, 43-4326
Criteria, 43-4319, 43-4320
Reports,
Confidentiality, powers, 43-4325
Credentialing issue, how treated,
43-4328

Inspector General's report, 43-
4327

Director written response, 43-
4328

Office report, 43-4325
Summary of, contents, 43-4331
Statement of record integrity, 43-
4324

Summary of, contents, 43-4331
Work product, no court review, 43-
4329

**Law enforcement agencies,
cooperation, 43-4318**

**Office of Inspector General of
Nebraska Child Welfare,
created, 43-4317**

**Prosecuting attorneys,
cooperation, 43-4318**

Purpose, 43-4317

Subpoena power, 43-4323, 43-4324

OIL AND GAS

**Pipelines,
Oil pipeline projects,
Definitions, 57-1502**
Department powers, 57-1503
Evaluation or review, carrier
reimburse cost, 57-1503
Findings, 57-1501
Governor, approve or reject
route, effect, 57-1503
Siting, *See* MAJOR OIL PIPELINE
SITING ACT; 57-1401

OIL PIPELINE RECLAMATION ACT

**Act,
Intent, 76-3303**
**Pipeline carrier,
Reclamation actions,
Standards, 76-3308**
Time-frame, 76-3307

**Reclamation,
Minimum standards, 76-3306 to
76-3308**

OMBUDSMAN

**Powers and duties,
Appoint Inspector General of
Nebraska Child Welfare, 81-
8,244**
Office of Inspector General of
Nebraska Child Welfare, *See*
OFFICE OF INSPECTOR GENERAL
OF NEBRASKA CHILD WELFARE
ACT; 43-4301

NE Statutes 2012 Cumulative Supplement Index

P

PARKS

Natural resources district,
property conveyed by Game
and Parks Commission,
operation and maintenance
requirements, 90-279, 90-280

PAROLE AND PROBATION

Juvenile,
Pilot project, Nebraska Juvenile
Service Delivery Project, 43-
4101

PAWNBROKERS

Property received or purchased,
restrictions on disposition,
69-206

PEACE OFFICERS

Human trafficking issues,
training, 81-1431

PERFORMANCE REVIEW

Elementary and secondary public
schools, 79-760.06

PERSONAL PROPERTY

Animals, legal status as personal
property, political
subdivision cannot change,
13-405

PERSONAL PROPERTY TAX

Exemptions,
Economic development incentives,
Data center businesses, 77-202
Reports on loss of potential
revenue, See TAX EXPENDITURE
REPORTING ACT; 77-379

POLICE

Cities of the first class,
Pensions, See POLICE OFFICERS
RETIREMENT ACT; 16-1001

POLICE OFFICERS RETIREMENT ACT

See generally RETIREMENT AND
PENSIONS

Act,

Applicable to cities of the first
class, 16-1001
How cited, 16-1001

Committee, retirement,
Duties, 16-1017, 16-1019
Established, 16-1014
Members, 16-1015

Contributions, 16-1004
City contribution, 16-1006
Employee contribution, 16-1005

Date of retirement, 16-1008

Death, disability, presumption, 18-
1723

Death benefits, 16-1009, 16-1010

Definitions, 16-1002

Disability benefits, 16-1011, 16-
1012

Employee, transfer between
political subdivisions, effect,
13-2401

Exempt from legal process,
exception, 16-1019

Federal tax treatment, 16-1005, 16-
1019

Fund, Police Officers Retirement
System, 16-1004

Pensions,

Annuity options, 16-1007
Authorized, 16-1001
Lump-sum payment options, 16-
1007

Prior service, how treated, 16-1003

Reports required, 16-1017, 19-3501

Retirement options, 16-1008

Retirement system,

Funding, 16-1004
Investments, contracts authorized,
16-1016
Separate investment accounts, 16-
1004

Separate investment accounts, 16-
1004

Tax levy, 16-1019

Termination of employment,
Transfer of benefits, 16-1018
Vesting of benefits, 16-1013

POPULAR NAMES

HEART Act benefits, additional
death benefit for military
service death, 23-2321, 24-
707, 79-956, 79-9,106, 81-
2026, 84-1323

POSTSECONDARY EDUCATION

Bridge programs, 79-1189 to 79-
1196, See also EDUCATION

NE Statutes 2012 Cumulative Supplement Index

POSTSECONDARY INSTITUTION ACT

Postsecondary institutions,
Authorization to operate,
Change in ownership of
institution, effect, 85-2415
Denial,
Judicial review, 85-2417
Right to hearing, 85-2417
Listing of such institutions, 85-
2405
Not transferable, 85-2415
On a continuing basis,
Granted, when, 85-2412
Request for, 85-2412, 85-2416
Recurrent authorization to
operate,
Application, 85-2405, 85-2412
Form, contents, 85-2413
Minimum standards, 85-2406
New campus, public hearing,
85-2412
Renewal, 85-2405, 85-2412,
85-2416
Suspension or revocations,
procedure, hearing, 85-
2414
Required, 85-2408
Tuition, fees, and loans, no more
than annual commitment
allowed, 85-2409
Reporting requirements by
campus location, 85-2405

POWER OF ATTORNEY

**Durable power of attorney, form
and powers, See POWER OF
ATTORNEY ACT, NEBRASKA
UNIFORM;** 30-4001

POWER OF ATTORNEY ACT, NEBRASKA UNIFORM

See generally LEGAL PROCEDURE
Act,
Applicability, 30-4003
Effect on existing powers of
attorney, 30-4045
How cited, 30-4001
Intent for uniform treatment, 30-
4043
Relationship to other law, 30-4021,
30-4022
Federal Electronic Signatures in
Global and National
Commerce Act, 30-4044

Remedies, not exclusive, 30-4023
Agent,
Acceptance, 30-4013
Authority,
Construction generally, 30-4026
General authority delineated, 30-
4024
Incorporation of authority, 30-
4025
Specific grants,
Delineated, 30-4027 to 30-4040
Required, when, 30-4024
Certification, optional form, 30-
4042
Coagents, 30-4011
Duties, 30-4014
Exoneration of, 30-4015
Liabilities, 30-4017
Reimbursement and
compensation, 30-4012
Relationship to court-appointed
fiduciary, 30-4008
Resignation, notice, 30-4018
Successor agents, 30-4011
Termination of authority, 30-4010

Conservator, nomination as agent, 30-4008

Definitions, 30-4002

Forms,

Agent's certification, 30-4042
Power of attorney, 30-4041

Guardian, nomination as agent, 30-4008

Judicial relief,

Attorney's fees awarded, when, 30-
4017, 30-4020
Persons authorized to seek, 30-
4016

Powers of attorney,

Acknowledged,
Liability for refusal to accept, 30-
4020
Reliance upon valid, when, 30-
4019
Durable power, unless provided
otherwise, 30-4004
Effective, when, 30-4009
Execution of, requirements, 30-
4005
Meaning and effect, 30-4007
Terminate, when, 30-4010
Validity, conditions, 30-4006

NE Statutes 2012 Cumulative Supplement Index

**POWER REVIEW BOARD,
NEBRASKA**
Reports to Legislature,
Electronic, requirements, 50-
114.03

PREGNANCY
State aid,
Prenatal services,
Health of the unborn child, 68-
972
Unborn child,
Medicaid prenatal care for health
of, 68-915, 68-972

**PREPAID WIRELESS SURCHARGE
ACT**
See generally TELEPHONES
Act, how cited, 86-901
Definitions, 86-902
Prepaid wireless surcharge,
Collection by sellers, 86-903, 86-
904
Determination, 86-903
Liability of consumer, 86-903
No other tax or fee obligation, 86-
905

PRESUMPTIONS
**Employer, job reference, good
faith presumed,** 48-201
**Natural gas, rural infrastructure
surcharge,** 66-1868
Power of attorney, signature, 30-
4005

PROBATE CODE, NEBRASKA
Power of attorney, *See* POWER OF
ATTORNEY ACT, NEBRASKA
UNIFORM; 30-4001

**PROFESSIONAL LANDSCAPE
ARCHITECTS ACT**
Act,
How cited, 81-8,183.01
Licensure,
Application, procedure, 81-8,195
to 81-8,197
Certificate of licensure,
Display required, 81-8,185
Issuance, 81-8,199
Current certificate of registration,
how treated, 81-8,185
Expiration, 81-8,200
List of those licensed, 81-8,192

Reciprocity, 81-8,201
Renewal, 81-8,200.01
Required, 81-8,185, 81-8,204, 81-
8,205
Seal, required, 81-8,198

PROFESSIONS AND OCCUPATIONS
Architects,
Landscape architects, *See*
PROFESSIONAL LANDSCAPE
ARCHITECTS ACT; 81-8,183.01
Genetic counselors, *See* GENETIC
COUNSELING PRACTICE ACT; 38-
3401
Landscape architects, *See*
PROFESSIONAL LANDSCAPE
ARCHITECTS ACT; 81-8,183.01
**Professional landscape
architects,** *See* PROFESSIONAL
LANDSCAPE ARCHITECTS ACT; 81-
8,183.01

**PROPERTY AND CASUALTY
INSURANCE**
**Home repair contract paid from
insurance proceeds,** *See*
INSURED HOMEOWNERS
PROTECTION ACT; 44-8601

PROPERTY DAMAGE
Animals,
Prairie dogs, county management
program, *See* BLACK-TAILED
PRAIRIE DOG MANAGEMENT
ACT; 23-3801
Counties,
Animal damage,
Management program, *See*
BLACK-TAILED PRAIRIE DOG
MANAGEMENT ACT; 23-3801

**PROTECTION FROM DOMESTIC
ABUSE ACT**
Protection orders,
Notice, 42-926

**PROTECTION IN ANNUITY
TRANSACTIONS ACT,
NEBRASKA**
Act,
Applicability, 44-8103, 44-8109
Insurance producer,
Duties, 44-8106, 44-8108
Prohibited acts, 44-8106

NE Statutes 2012 Cumulative Supplement Index

PROTECTION IN ANNUITY TRANSACTIONS ACT, NEBRASKA –*Cont'd*

- Insurer,
 - Duties, 44-8106, 44-8107
 - Prohibited acts, 44-8106
- Purchase, exchange, or replacement of annuity, requirements, 44-8106
- Suitability information, 44-8106
- Supervision system, 44-8106

PUBLIC DEFENDERS

- Human trafficking issues, training, 81-1431

PUBLIC FUNDS

- Deposits,
 - State and political subdivisions, interest-bearing deposits, conditions, 77-2365.02
- Investment,
 - State and political subdivisions, interest-bearing deposits, conditions, 77-2365.02

PUBLIC SERVICE COMMISSION

- Hearings,
 - Railroad carrier wire-crossing agreement, 86-164
 - Sale of exchange, 86-165

PURE FOOD ACT, NEBRASKA

- Food and food containers and linens, restrictions and requirements,
 - Potentially hazardous food, 81-2,272.01
- Food establishments, food processing plants, and salvage operations,
 - Permits, mobile food unit or pushcart, copy available, 81-2,271
- Violations, priority items, designation, 81-2,257

Q

QUALITY EDUCATION ACCOUNTABILITY ACT

- Statewide systems,
 - Assessment and reporting of, Individual school performance, 79-760.06

- Tracking individual student achievement, 79-760.05

R

RAILROADS

- Right-of-way,
 - Telecommunications wire-crossing agreement, requirements, 86-164
- Transmission lines,
 - Telecommunications wire-crossing agreement, requirements, 86-164

REAL ESTATE

- Nontestamentary transfers,
 - Transfer on death deed, 76-3407,
 - See also REAL PROPERTY TRANSFER ON DEATH ACT, NEBRASKA UNIFORM
- Solar agreements, 66-901 to 66-914, See also SOLAR ENERGY
- Wind agreements, 66-901 to 66-914, 76-3001 to 76-3004, See also WIND ENERGY

REAL PROPERTY TAX

- Exemptions,
 - Public property,
 - Lease-purchase, exempt, when, 77-202, 77-202.11
- Public property,
 - Leased public lands, improvements on,
 - Change of ownership, filing required, 77-1374
- Reports on loss of potential revenue, See TAX EXPENDITURE REPORTING ACT; 77-379

REAL PROPERTY TRANSFER ON DEATH ACT, NEBRASKA UNIFORM

- See generally REAL ESTATE Act,
 - Applicability, 76-3403
 - How cited, 76-3401
 - Nonexclusivity, 76-3404
 - Relation to federal Electronic Signatures in Global and National Commerce Act, 76-3423
 - Uniformity of construction, 76-3422

NE Statutes 2012 Cumulative Supplement Index

REAL PROPERTY TRANSFER ON DEATH ACT, NEBRASKA UNIFORM –*Cont'd*

Beneficiary,

- Homicide by, effect on conveyance, 30-2354
- Interest, 76-3416
- Liability for,
 - Creditor claims and statutory allowances, 76-3417, 76-3418
 - Medicaid reimbursement, 76-3418
- May disclaim interest, 76-3416
- Renunciation of succession, applicable to transfer on death deed, 30-2352

Definitions, 76-3402

Transfer on death deed,

- Authorized, 76-3405
- Contents, requirements, 76-3410
- Contract to make or not revoke, writing required, 76-3419
- Nontestamentary, 76-3407
- Not required: notice, delivery, acceptance, or consideration, 76-3411
- Revocation,
 - May be required to receive medicaid assistance, 76-3421
 - Only by instrument, conditions, 76-3406, 76-3413
- Signature, witnesses, form, 76-3409

Transfer on death deed property,

- Lien for inheritance tax, 76-3420
- Purchaser or lender, protections, 76-3420

Transferor,

- Capacity required, 76-3408
- Effect of deed,
 - At transferor's death, 76-3415
 - During transferor's life, 76-3414
- Filing of statement required upon death of, 76-3412

RECYCLING

Scrap metal recycling,

- Manhole cover or sewer grate, limitations, 69-406.01

REGISTER OF DEEDS

Records, preservation and

- technology needs, funding for, 33-109

REGISTRIES

Foster care placement registry, 43-1303

Law enforcement continuing education, central registry, 81-1414.08

RESIDENTIAL MORTGAGE LICENSING ACT

Act,

- Exemptions,
 - Certificate of exemption to qualified nonprofit organizations, 45-703.01

Appeals,

- Emergency order, 45-742.01

Department, powers and duties, 45-742.01

Enforcement,

- Emergency orders authorized, grounds, 45-742.01

Mortgage bankers,

- Licensure,
 - Inactive status, 45-706
 - Notice of cancellation, 45-706
 - Reactivation, 45-706

Mortgage loan originators,

- Licensure,
 - Procedure,
 - Application deemed abandoned, when, 45-729

Residential mortgage loans,

- Forms, unique identifier of licensee, use required, 45-736

RETIREMENT AND PENSIONS

Police,

- Cities of the first class, *See* POLICE OFFICERS RETIREMENT ACT; 16-1001

REVENUE, DEPARTMENT OF

Duties,

- New Markets Job Growth Investment Act, 77-1101
- Prepaid Wireless Surcharge Act, 86-901

Reports to the Legislature, electronic, requirements, 50-114.03

NE Statutes 2012 Cumulative Supplement Index

REVISOR OF STATUTES

Fund, Nebraska Statutes Cash, 49-707, 49-708

Statutes,

Proceeds, distribution, 49-707

ROADS, DEPARTMENT OF

Reports to the Legislature, electronic, requirements, 50-114.03

RULES OF THE ROAD, NEBRASKA

Bicycles,

Vehicle duties when overtaking or passing, 60-6,133

Golf car vehicles, See also GOLF CAR VEHICLES

Operation requirements, 60-6,380
Street or road operation, regulation by local political subdivisions, limitations, 60-6,380

Violations,

Handheld wireless communication device, prohibited acts, 60-6,179.02
Texting while driving, prohibited, 60-6,179.02

S

SALES AND USE TAX

County tax,

Visitor attractions, 81-3720, *See also VISITORS DEVELOPMENT ACT, NEBRASKA*

Definitions, 77-2701.04 to 77-2701.55

Exemptions,

Biochips, 77-2704.61
Data centers, 77-2704.62
Health care,
Mental health center, 77-2704.12
Public property, acquiring under lease-purchase agreement, exempt, when, 77-2704.15
Sports events, statewide, conducted by nonprofit, admission and fees, 77-2704.10
Youth sports event, youth sports league, or youth competitive educational activity, 77-2704.63

Rate,

Tax Rate Review Committee, 77-2715.01

Reports on loss of potential

revenue, See TAX EXPENDITURE REPORTING ACT; 77-379

SCHOOL BOARDS

Treasurer,

Bond or insurance,
Not filed, county treasurer powers, 23-1601

SCHOOL CURRICULUM

Career academy, establishment and operation, requirements, 79-777

Financial literacy programs, funding,

Financial Literacy Cash Fund, 45-930

SCHOOL DISTRICT BONDS

American Recovery and Reinvestment Act of 2009 purposes, 79-10,110, 79-10,110.01

Authorized, 79-10,110

Health and safety modifications, 79-10,110, 79-10,110.01

Qualified zone academy qualified capital purpose, 79-10,110, 79-10,110.01

SCHOOL DISTRICTS

Buildings, equipment, facilities,

Health and safety modifications,
Tax levy, bonds, and refunding bonds authorized, 79-10,110, 79-10,110.01

Tax levy, authorized, 79-10,110

Meals for students,

Summer food service program, grants, 79-10,140 to 79-10,142

SCHOOL EMPLOYEES

RETIREMENT ACT

Contributions,

Death of member,
Military service death, additional benefit, 79-956

Death of member,

Military service death, additional benefit, 79-956

NE Statutes 2012 Cumulative Supplement Index

SCHOOL EMPLOYEES

RETIREMENT ACT –*Cont'd*

Exempt from legal process, exception, 79-948

Termination,

Employer duties, 79-902

SCHOOL FINANCE

School lands,

Wind or solar agreements, 72-270 to 72-274

Taxation,

Health and safety modifications of buildings, tax levy, 79-10,110

Tax levy authority for certain projects and purposes, 79-10,110

SENIOR CITIZENS

Annuity contracts, regulation of purchase, exchange, or replacement

recommendations, See

PROTECTION IN ANNUITY TRANSACTIONS ACT, NEBRASKA; 44-8101

SEX OFFENDERS

Study of sex offender recidivism data, funding, 29-3921

SEXUAL ASSAULT

Statutes of limitation,

Sexual assault of a child, civil action by victim, 29-228

SIGNATURES

Legal documents,

Power of attorney, Durable, 30-4005

SOCIAL SERVICES

Administration of,

Department of Health and Human Services, duties, 68-1206, 81-3131, 81-3132

Offices and services, Community support specialists, duties, 81-3130

Contracts with community-based organizations authorized, 81-3131

In-person services, requirements, 81-3128, 81-3129

Multiple, integrated access points for in-person services required, 81-3128

Program administration, definitions, 81-3127

Children,

Caseload requirements, case plan, 68-1207, 68-1207.01

Individuals with co-occurring intellectual disability and mental illness, access to appropriate services, report, 81-3134

SOLAR ENERGY

See generally ENERGY

Definitions, 66-902 to 66-909.04

Findings, 66-901

School lands, solar agreements, 72-270 to 72-274

Solar agreements,

Enforcement, 66-912

Land right or option,

Requirements, 66-911.01

Restriction on severance from surface estate, 66-912.02, 76-3004

Manner granted, 66-910

Term,

Initial, 66-912.01

Limitation, 66-912.01

Termination, when, 66-912.01

Zoning, 66-913, 66-914

STATE AID

Community colleges, *See*

COMMUNITY COLLEGE AID ACT; 85-2231

STATE ATHLETIC COMMISSIONER

Jurisdiction, activities covered,

81-8,129 to 81-8,141, *See also* ATHLETICS

STATE COLLEGES

Funds,

State Colleges Sport Facilities

Cash Fund, 85-329

STATE EMPLOYEES RETIREMENT ACT

Death benefit, 84-1323

Military service death, additional benefit, 84-1323

NE Statutes 2012 Cumulative Supplement Index

**STATE EMPLOYEES RETIREMENT
ACT –Cont'd**

**Exemption from legal process,
exceptions, 84-1324**

Funds,

Accounting of funds, 84-1309

Termination of employment,

Employer duties, 84-1301

STATE GOVERNMENT

Contracts,

Contract for services,
requirements,

Contracts greater than fifteen
million dollars, 73-510

State vehicles,

Title, 81-1013, 81-1015, 81-1017

Transportation services bureau,
Department of Administrative
Services,

Created, 81-1008 to 81-1010

Duties, 81-1011 to 81-1025

Use by state officers and
employees, *See* STATE
OFFICERS AND EMPLOYEES

**STATE NATURAL GAS
REGULATION ACT**

Jurisdictional utilities,

Rural infrastructure development,
66-2101 to 66-2107

Act not applicable, when, 66-
2106

Certain utilities, sections not
applicable, 66-2107

Considerations, 66-2105

Powers, 66-2104

Rural infrastructure surcharge
tariff,

Commission and public
advocate limitations, 66-
1808, 66-1831

Requirements and collection,
66-1868

**STATE OFFICERS AND
EMPLOYEES**

Employees and employment,

Multicultural or diversity education
and events, 81-1327

Inspector General of Nebraska

**Child Welfare, *See* OFFICE OF
INSPECTOR GENERAL OF
NEBRASKA CHILD WELFARE ACT;
43-4301**

State vehicles, use by,

Bureau fleet vehicles,

Permanent assignment to
employee, approval
required, 81-1020

Travel reports, 81-1025

Use state fuel, 81-1019

Court vehicles, 81-1017

Definitions, 81-1011

Gasohol, use of, 66-821 to 66-824

Identification requirements,
exceptions, 81-1021, 81-1022

Violation, penalty, 81-1023

Insurance, Risk Manager, procure,
81-8,239.07

Official misconduct, 81-1023

Personal use, prohibited, 81-1024

Private, use, conditions, 81-1014

Reports, 81-1025

Rules and regulations, 81-1016

Special-use vehicles, 81-1011

Travel report, 81-1025

STATE PATROL, NEBRASKA

**Reports to the Legislature,
electronic, requirements, 50-
114.03**

**STATE PATROL RETIREMENT
ACT, NEBRASKA**

Benefits,

Death benefits,

Military service death, additional
benefit, 81-2026

**Exemption from legal process,
exception, 81-2032**

Rollovers,

Direct transfer, 81-2026

Termination of employment,

Employer duties, 81-2014

STATUTES OF LIMITATION

**Sexual assault of a child, civil
action by victim, 25-228**

**Tractor testing claims, 2-2701, 2-
2710**

STREETS

**Golf cart vehicles, street or road
use, regulation by cities,
villages, and counties,
limitations, 60-6,381**

NE Statutes 2012 Cumulative Supplement Index

STUDENTS

- Attendance,**
 - Compulsory,
 - Absenteeism, excessive,
 - County attorney involvement,
 - when, 79-509
 - Exceptions,
 - Child at least sixteen, valid withdrawal, procedure, 79-202
- Meals for students,**
 - Summer food service program, grants, 79-10,140 to 79-10,142

SUBPOENA

- Director of Insurance,**
 - Insurance Holding Company System Act, 44-2137
- Inspector General of Nebraska Child Welfare, power,** 43-4323, 43-4324

SUPREME COURT

- Funds,**
 - Nebraska Statutes Distribution Cash Fund, 49-708

SURVIVAL OF ACTIONS

- Partnerships,**
 - Conversion, 67-299
 - Merger, 67-451

T

TASK FORCES

- Human Trafficking Task Force,** 81-1430, 81-1431

TAX EQUITY AND EDUCATIONAL OPPORTUNITIES SUPPORT ACT

- Income tax receipts,**
 - Certification,
 - Null and void, when, 79-1022.02
- State aid,**
 - Certification,
 - Null and void, when, 79-1022.02

TAX SALES

- Redemption,**
 - Owner-occupied real property, 77-1824.01
 - Procedure, 77-1824 to 77-1831

- Tax deed proceedings, changes in law not retroactive,** 77-1837.01

TAXATION

- Lodging tax,** See VISITORS DEVELOPMENT ACT, NEBRASKA; 81-3701

TELECOMMUNICATIONS

- Government,**
 - Legislature, reports to, electronic, requirements, 50-114.03
- Wireless communications devices,**
 - Texting while operating motor vehicle, prohibited, 60-6,179.02

TELECOMMUNICATIONS REGULATION ACT, NEBRASKA

- Advanced telecommunications capability service, unavailable to applicant,**
 - Application denied, effect, 86-138
 - Application for service, 86-135, 86-136
 - Notice to telecommunications companies, 86-135
 - Application granted,
 - Certificate of necessity issued, 86-137
 - Local exchange area revision, 86-136, 86-137

Certificate of convenience and necessity, 86-137

Definitions, 86-164, 86-165

Exchange,

- Sale of, requirements, 86-165
- Telecommunications carrier, wire-crossing agreement with railroad carrier, requirements,** 86-164

TELEGRAPH COMPANIES

- Transmission lines,**
 - Right-of-way,
 - Railroad carrier wire-crossing agreement, requirements, 86-164

TELEPHONES

- Emergency telephone services,**
 - Prepaid wireless telecommunications service,

NE Statutes 2012 Cumulative Supplement Index

TELEPHONES –*Cont'd*

Emergency telephone services

–*Cont'd*

surcharge, *See* PREPAID

WIRELESS SURCHARGE ACT; 86-901

TELEVISION

Business incentives for production of programs and commercials, 18-2739

TOURISM

Commission, Nebraska Tourism, 81-3710, *See also* VISITORS DEVELOPMENT ACT, NEBRASKA; 81-3701

Promotion of, *See* VISITORS DEVELOPMENT ACT, NEBRASKA; 81-3701

TRADE NAMES

Registration,

Change of name or addresses, registrant duties, 87-211

TRADEMARK REGISTRATION ACT

Certificate of registration,

Change of name or addresses in, registrant duties, 87-134

U

UNCLAIMED PROPERTY ACT, UNIFORM DISPOSITION OF

Military medal in unpaid safekeeping repository, duties, 69-1307.06, 69-1307.07

UNIFORM ACTS

Power of Attorney Act, Nebraska Uniform, 30-4001

Real Property Transfer on Death Act, Nebraska Uniform, 76-3401

V

VETERANS' AFFAIRS, DEPARTMENT OF

Reports to the Legislature, electronic, requirements, 50-114.03

VICTIMS

Human trafficking issues, training of justice system, 81-1431

VILLAGES

Animals, legal status as personal property, political subdivision cannot change, 13-405

Occupation tax, Authorized, New tax or increased rate, procedure, 18-1208

Ordinances, Golf car vehicles, street use, regulation, 60-6,381

VISITORS DEVELOPMENT ACT, NEBRASKA

See generally TOURISM Act,

How cited, 81-3701

Purposes, 81-3702

Bonds, how treated, 81-3720

Commission, Nebraska Tourism, Cooperation, 81-3721

Created, 81-3710

Duties, 81-3711, 81-3713

Members, terms, 81-3710

Transition provisions, 81-3712

Contracts,

Advertising contracts, competitive bids, 81-3713

Authorized, 81-3719 to 81-3721

County powers, 81-3716 to 81-3720

Definitions, 81-3703 to 81-3709

Funds,

County funds,

County Visitors Improvement Fund, 81-3717, 81-3720

County Visitors Promotion Fund, 81-3717, 81-3723

State Visitors Promotion Cash Fund, 81-3714

Grants, use, 81-3720

Hotels, Tax Commissioner provide list, 77-2711

Rules and regulations, 81-3724

Tax,

Collection and enforcement, 81-3722, 81-3723

Lodging tax, 81-3715, 81-3716

Sales tax, use, 81-3720

Visitor attraction, grants, 81-3720

NE Statutes 2012 Cumulative Supplement Index

**VISITORS DEVELOPMENT ACT,
NEBRASKA –Cont'd**
Visitors committee, 81-3717, 81-3718

VITAL STATISTICS ACT
Death certificates,
Real estate transfer, filing
certificate with register of
deeds, when, 76-2,126

VOCATIONAL EDUCATION
Bridge programs, 79-1189 to 79-1196, *See also* EDUCATION
Career academy, establishment
and operation, requirements,
79-777

W

WEB SITES
Child welfare system, statewide
automated child welfare
information system, 43-4404,
43-4405

WELFARE REFORM ACT
Department, annual report,
contents, 68-1735.02
Self-sufficiency contract,
Applicant under twenty years of
age, approved activities, 68-1735
Applicant under twenty-four years
of age, approved activities, 68-1735.01
Funding intent and restrictions, 68-1735.01, 68-1735.03
Termination of certain sections, 68-1735.04

WILDLIFE
Animal damage control, *See also*
BLACK-TAILED PRAIRIE DOG
MANAGEMENT ACT; 23-3801

WILLS
Renunciation of succession,
Applicable to transfer on death
deed, 30-2352, *See also* REAL
PROPERTY TRANSFER ON DEATH
ACT, NEBRASKA UNIFORM; 76-3401

WIND ENERGY
School lands, wind agreements,
72-270 to 72-274
Wind agreements,
Definitions, 66-902 to 66-909.04,
76-3001
Enforcement, 66-912
Findings, 66-901
Land right or option,
Requirements, 66-911.01, 76-3003
Restriction on severance from
surface estate, 66-912.02,
76-3004
Manner granted, 66-910
Term,
Initial, 66-912.01, 76-3002
Limitation, 66-912.01, 76-3002
Termination, when, 66-912.01, 76-3002
Zoning,
Considerations, 66-913
Variance or exception, when
granted, 66-914
Wind measurement equipment,
registration with Department
of Aeronautics, 66-1901

WITNESSES
Child victim or witness,
Forensic interview, 28-728
Videotape deposition, 28-728

WRONGFUL DEATH
Action,
Justification defense available,
when, 28-1416

Z

ZONING AND PLANNING
Cities of the first class,
Jurisdiction,
Ceded from county, when, 13-327, 13-328
Cities of the second class,
Jurisdiction,
Ceded from county, when, 13-327, 13-328
Counties,
Jurisdiction,
Cede to city of first or second
class or village, when, 13-327, 13-328

NE Statutes 2012 Cumulative Supplement Index

ZONING AND PLANNING –Cont'd

Villages,

Jurisdiction,

Ceded from county, when, 13-
327, 13-328