TO:  Nebraska Sheriffs’ Association

FROM:  Cutshall & Nowka

RE:  2012 Final Legislative Report
      102nd Legislature, Second Session

**LB 48 – (Janssen) Adopt the Illegal Immigration Enforcement Act.** LB 48 proposes to adopt the Illegal Immigration Enforcement Act. The bill would require law enforcement officials with reasonable suspicion to check the immigration status of a person who has been lawfully stopped, detained or arrested. A person who is reasonably suspected to be unlawfully present in the U.S. would have to provide a driver’s license, state or tribal identification card or any federal, state or tribal issued identification that requires proof of lawful presence prior to issuance.

FINAL STATUS: Held in the Judiciary Committee.

**LB 60 – (Krist) Change provisions relating to compliance checks for sales of alcoholic liquor.** LB 60 specifically prohibits officers and minors from consuming alcohol while conducting a compliance check. The bill also requires the minor to be truthful in answering questions by the retailer, including the minor’s actual age. The bill would also specify that the primary source for age verification during a compliance check would be a government-issued identification as outlined elsewhere in state law. Those forms of identification include a state ID, driver’s license, military ID, alien ID card or a passport.

FINAL STATUS: Select File. Bracketed until 4-1-12.

**LB 66 – (Cornett) Change provisions relating to DNA collection.** LB 66 specifies that probation officers would be responsible for taking DNA samples from convicted felons who are placed on probation and would not enter into a prison, jail, detention facility or other institution. In any county containing a city of the metropolitan class, DNA samples shall be collected by a probation officer at a probation office. In all other counties, persons placed on probation shall have DNA samples collected by a probation officer at a probation office. An individual not placed on probation who receives a fine or a penalty of time served would have a DNA sample collected by the county sheriff. In addition, a county jail detention facility or other institution that collects the sample would not be
held financially responsible for the cost of the DNA sample kit if the court waives the cost of taking a DNA sample for any reason.

FINAL STATUS: Approved by the Governor 4-11-12.

**LB 88 – (Christensen) Provide signage requirements and duties for the Nebraska State Patrol regarding concealed handguns.** LB 88 would amend the Concealed Handgun Permit Act to provide for uniform signs and placement of such signs when a property owner desires to prohibit a permit holder from carrying a concealed handgun on his or her property as authorized in the Concealed Handgun Permit Act.

FINAL STATUS: Held in the Judiciary Committee.

**LB 113 – (Dubas) Prohibit job discrimination based upon credit history.** LB 113 prohibits job discrimination based upon credit history. The bill would make it an unlawful employment practice to fail or refuse to hire, to discharge, or to harass any individual, or otherwise to discriminate against any individual with respect to compensation, terms, condition, or privileges of employment because of the individual’s credit history or credit report.

FINAL STATUS: Held in the Judiciary Committee.

**LB 141 – (Lautenbaugh) Provide for public records that may be withheld.** LB 141 would allow the court to withhold records relating to first reports of injury for workers’ compensation claims.

FINAL STATUS: Held in the Business and Labor Committee.

**LB 182 – (Hansen) Change provisions relating to the issuance of one license plate.** LB 182 would add farm trucks and commercial motor vehicles to the list of motor vehicles that are issued one license plate rather than two.

FINAL STATUS: Held in the Business and Labor Committee.

**LB 185 – (Fulton) Provide for one vehicle license plate.** LB 185 would eliminate the front license plate requirement on motor vehicles effective January 1, 2012.

FINAL STATUS: Held in the Transportation and Telecommunications Committee.

**LB 186 – (Sullivan) Require nonpartisan ballots for county officers.** LB 186 requires nonpartisan ballots for the nomination and election of county officers.

FINAL STATUS: Held in the Government, Military and Veterans Affairs Committee.

**LB 189 – (Council) Adopt the Criminal Offender Employment Act.** LB 189 would prohibit questions about a public employment applicant’s criminal record on an initial application. The legislation would only allow a criminal record to be considered if the applicant is selected as a finalist for a job. Public employers could not bar the hiring of an applicant based solely on arrests that did not lead to convictions or certain misdemeanor convictions.

FINAL STATUS: Held in the Business and Labor Committee.

**LB 214 – (Pankonin) Require nonpartisan election of county and city officials.** LB 214 would require non-partisan ballots for the nomination and election of county and city officials.

FINAL STATUS: Held in the Government, Military and Veterans Affairs Committee.
**LB 224** – (Avery) **Change provisions relating to recall of certain political subdivision officials.** LB 224 proposes that locally elected officials may be recalled only for malfeasance in office, misfeasance in office, nonfeasance in office, or conviction of a crime involving an act of dishonesty or a false statement.

**FINAL STATUS:** Held in the Government, Military and Veterans Affairs Committee.

**LB 242** – (Hadley) **Change provisions relating to assault, assault on an officer, and offenses by a confined person.** LB 242 changes provisions relating to assault, assault on an officer and offenses by a confined person to include employees of the Department of Health and Human Services who work in a youth rehabilitation and treatment center.

**FINAL STATUS:** Held in the Judiciary Committee.

**LB 270** – (Executive Board) **Eliminate duties and positions in the Public Counsel’s office.** LB 270 repeals LB 467 (2008) that extended the jurisdiction of the Office of Public Counsel to county or municipal correctional and jail facilities, mental health and veterans institutions, regional behavioral health authorities, and community-based behavioral health services providers.

**FINAL STATUS:** Held in the Executive Board Committee.

**LB 298** – (Christensen) **Change provisions relating to self-protection.** LB 298 changes provisions relating to self-protection or self-defense as it relates to individuals using force to defend themselves, others or their property. Specifically it removes the requirement that an individual retreat from an unlawful threat of force. LB 298 provides civil immunity to an individual who uses justified self-defense.

**FINAL STATUS:** Held in the Judiciary Committee.

**LB 302** – (Ashford) **Provide for a restructuring plan for the court system.** LB 302 would require the Supreme Court to analyze the structure of the Nebraska court system and develop a court restructuring plan using the analysis. The plan would be submitted to the Legislature prior to January 1, 2012.

**FINAL STATUS:** General File.

**LB 306** – (Larson) **Require certain entities to provide care and shelter to equine animals.** LB 306 requires any entity representing itself as a humane society or equine shelter or rescue operation that provides care for stray, abandoned, abused or neglected equines to accept and care for any equine that is presented to it by an individual or law enforcement agency. Failure to accept custody will be guilty of a Class IV misdemeanor.

**FINAL STATUS:** Held in the Agriculture Committee.

**LB 370** – (Wightman) **Eliminate provisions relating to issuance of tax deeds.** LB 370 repeals the authority of a county treasurer to issue a tax deed without a public sale of the property.

**FINAL STATUS:** Approved by the Governor 3-7-12.

**LB 415** – (Wallman) **Change provisions relating to contraband in a detention facility or providing an inmate with contraband.** LB 415 would make it a Class I misdemeanor to bring prohibited items into a detention facility, provide them to an inmate or for an inmate to possess them. The bill also would require that any items
prohibited by the detaining authority be listed on a sign that is clearly posted and visible to all persons entering the detention facility.

FINAL STATUS: Returned by the Governor without approval 2-13-12.

**LB 447 – (Fulton) Change provisions relating to vehicular pursuit.** LB 447 amends the Political Subdivisions Tort Claims Act and the State Tort Claims Act to provide that a vehicular pursuit shall be considered ended when a law enforcement officer has made a conscious decision and taken action to terminate pursuit.

FINAL STATUS: Held in the Judiciary Committee.

**LB 460 – (Ashford) Change the Sex Offender Registration Act.** LB 460 proposes a technical change to require registered sex offenders who move to notify the state patrol of their new residence, rather than their address.

FINAL STATUS: Held in the Judiciary Committee.

**LB 503 – (Pirsch) Change provisions for filling a vacancy on a ballot.** LB 503 provides consistency in filling ballot vacancies by removing the 3 day time constraint in cases of declination and allowing a vacancy to be filled by the executive committee of the vacating candidate. If such a committee does not exist or chooses not to replace the candidate, the vacancy may be filled by a mass convention of the political party.

FINAL STATUS: Approved by the Governor 2-13-12.

**LB 530 – (Council) Adopt the Employee Credit Privacy Act.** LB 530 would create the Employee Credit Privacy Act that would prohibit employers from inquiring about or using an employee’s or prospective employee’s credit history as a basis for employment, recruitment, discharge or compensation. Provides an exemption for employment for which a satisfactory credit history is a bona fide occupational requirement. The bill provides for a right of action in district court for a person who is injured by a violation of the Act, and provides that the court shall award costs and attorney’s fees to a plaintiff who prevails in such an action.

FINAL STATUS: Held in the Business and Labor Committee.

**LB 538 – (Karpisek) Change provisions relating to the disposition of seized firearms.** LB 538 provides that firearms that come into the possession of law enforcement shall be returned to their owners if:
1. The firearm has not been used in a crime;
2. Have not been altered or defaced in a manner which violates state or federal law;
3. Have a lawful use and are legally possessed; and
4. Are not subject due to a seizure through a domestic assault, arrest or dispute.

All other firearms that do not fit the identified exemption to be returned shall be disposed of by court order.

FINAL STATUS: General File. [Amended into LB 807].

**LB 545 – (Pahls) Establish a copay for medical services provided at a correctional facility.** LB 545 requires any individual who is arrested, detained, taken into custody, or incarcerated to pay a copay for all medical services sought. Any individual who is not of sufficient means to afford the copay shall not be required to pay the copay.

FINAL STATUS: Held in the Judiciary Committee.
LB 597 – (Pahls) Require consolidation of county offices. LB 597 would require that any county with a population of less than 25,000 consolidate county offices so that no more than five individuals occupy each of the possible eleven county offices. The following offices could be affected by county office consolidation under LB 597: County Assessor, County Clerk, County Highway Superintendent, County Surveyor, County Treasurer, County Zoning Administrator, Election Commissioner, Register of Deeds, and Weed Control Superintendent. The offices of Sheriff and Clerk of the District Court would not be subject to office consolidation. Also, county boards, supervisors and commissioners, would not be subject to office consolidation under LB 597.

FINAL STATUS: Held in the Government, Military and Veterans Affairs Committee.

LB 609 – (Pirsch) Adopt the Correctional Facility Reimbursement Act. LB 609 would permit a city correctional facility, county or the state to seek reimbursement of an inmate’s incarceration costs. An inmate would be required to pay some incarceration costs if he or she has assets that would cover the lesser of 10 percent of the total cost, or 10 percent of the cost of two years’ incarceration. The amount of reimbursement could not exceed $35 per day or 90 percent of the inmate’s total assets. Failure to pay could affect an inmate’s eligibility for parole.

FINAL STATUS: Held in the Judiciary Committee.

LB 640 – (Council) Clarify that a city of the first class may negotiate with its firefighters regarding retirement benefits. LB 640 allows cities of the first class the ability to negotiate retirement benefits with fire fighter’s more than what is authorized by law.

FINAL STATUS: Held in the Business and Labor Committee.

LB 643 – (Lautenbaugh) Provide additional public records that may be withheld. LB 643 provides that initial police reports taken in the investigation of traffic accidents are an exception to the open records statute.

FINAL STATUS: Held in the Government, Military and Veterans Affairs Committee.

LB 658 – (Karpisek) Change the fee for obtaining a handgun certificate. LB 658 would increase the application fee for obtaining a handgun certificate from $5 to $10.

FINAL STATUS: Held in the Judiciary Committee.

LB 660 – (Karpisek) Create the offense of providing a bodily fluid sample containing a controlled substance. LB 660 amends the Uniform Controlled Substances Act so that any person who provides a sample of bodily fluid containing any amount of a controlled substance commits an offense punishable in the same manner as if the person otherwise possessed that substance. The bill provides an absolute affirmative defense against such charge if the person is or was legally entitled to use the controlled substance.

FINAL STATUS: Held in the Judiciary Committee.

LB 670 – (Flood) Authorize court-ordered conditions for dispositions under the Nebraska Juvenile Code. LB 670, as introduced, would have allowed additional conditions for a Juvenile Court to order a juvenile to be placed on probation. The provisions were struck from the bill and provisions from LB 814 were amended into it.

FINAL STATUS: Approved by the Governor with the Emergency Clause 4-10-12. [Amended to include LB 814].
LB 674 – (Harr) Prohibit or restrict certain electronic monitoring of employees by employers. LB 674 would prohibit or restrict certain electronic monitoring of employees by employers. This would include the use of a computer, telephone, wire, radio, camera, electromagnetic, photo electronic or photo optical systems. Employers who engaged in any type of electronic monitoring would need to give prior notice to all employees who may be affected, informing them of the types of monitoring which may occur. The notice would need to inform the employee that he/she may contact the Department of Labor if he/she believes the employer is improperly monitoring him/her. Violations of the bill by the employer would result in fines of $1,000 for the first offense and $5,000 for each second and subsequent offense. The bill would not apply to a criminal investigation.

FINAL STATUS: Held in the Business and Labor Committee.

LB 676 – (Lathrop) Change provisions relating to emergency protective custody under the Nebraska Mental Health Commitment Act. LB 676 would prohibit a law enforcement officer who has taken a person into emergency protective custody to relinquish custody of that person to a medical facility until the facility determines that it is safe to do so.

FINAL STATUS: Held in the Judiciary Committee.

LB 688 – (Smith) Require certain law enforcement officers and firefighters to work until age fifty-five to receive full benefits and prohibit elective officers from receiving retirement benefits. LB 688 provides that law enforcement officers or firefighters employed by a county, municipal county, city, village, rural fire protection district or suburban fire protection district who begin participation in a pension or retirement plan on or after January 1, 2012, would have to remain employed until age 55 in order to receive full benefits. Nothing in the bill would prohibit a person from retiring before age 55 with reduced benefits. The measure would also prohibit a person from participating or receiving any pension or retirement benefits as a result of service in an elective office that begins on or after January 1, 2012.

FINAL STATUS: Held in the Nebraska Retirement Systems Committee.

LB 689 – (Christensen) Change provisions relating to human trafficking. LB 689 amends the Nebraska Criminal Code by broadening the definition for “commercial sexual activity” and “forced labor or services” for purposes of strengthening Nebraska’s human trafficking laws. LB 689 also includes new protections for human trafficking victims (e.g., prohibits victims from being detained or jailed; requires victims be provided appropriate shelter; require victims to have access to legal assistance; requires victims be protected from additional harm).

FINAL STATUS: Held in the Judiciary Committee.

LB 721 – (Larson) Redefine the term police animal. LB 721 would redefine the term police animal to include a horse or dog owned or controlled by the State of Nebraska or any county, city, or village for the purpose of assisting a peace officer.

FINAL STATUS: Approved by the Governor 4-10-12.
LB 722 – (Coash) Authorize fines or costs to be deducted from a defendant’s cash bond. LB 722 would allow courts to deduct fines or costs owed by an offender from his or her cash bond as an alternative to ordering a lump sum payment of court costs. Applies to all bonds except those encumbered by a valid lien, levy, execution or assignment on the person who posted the bond. **FINAL STATUS: Approved by the Governor 4-10-12.**

LB 734 – (Schumacher) Change provisions relating to replevin. LB 734 allows courts to set a date to return property in a replevin action that is later than the current 20 day requirement. **FINAL STATUS: Approved by the Governor 4-10-12.**

LB 748 – (Fischer) Eliminate provisions relating to denial of motor vehicle registration or operator’s license to a person with outstanding arrest warrants. LB 748 would repeal two sections of statute requiring the courts to remit a list of outstanding arrest warrants to the Department of Motor Vehicles each month. **FINAL STATUS: Held in the Transportation and Telecommunications Committee. [Amended into LB 751].**

LB 751 – (Fischer) Update state motor carrier laws with federal law, change provisions relating to enforcement of such laws, and change provisions relating to ignition interlocks. LB 751 would bring state motor carrier statutes up-to-date and change ignition interlock provisions. The bill would adopt:

1) Handicapped parking permit physical standards; 
2) The International Registration Plan for apportioned vehicles in interstate commerce; 
3) Federal rules and regulations pertaining to commercial motor vehicles and commercial driver licenses; 
4) Federal rules and regulations pertaining to hazardous materials, agricultural operations and exceptions for nonspecification packagings used in intrastate transportation; 
5) More specific language on what federal provisions the State Patrol is authorized to enforce; 
6) Expands the definition of fifth wheel trailers, park trailers, and travel trailers to be manufactured with an area of 430 square feet rather than 400 square feet; and  
7) Allow a repeat drunken driving offender using an ignition interlock permit to drive to an ignition interlock service facility. **FINAL STATUS: Approved by the Governor with the Emergency Clause 4-6-12. [Amended to include LB 718, LB 724, LB 726, LB 748 & LB 769].**

2012 Priority Bill – Transportation and Telecommunications Committee

LB 766 – (Price) Authorize the Adjutant General to make certain emergency expenditures. LB 766 allows the Adjutant General to spend up to $10,000 per event from the Governors Emergency Program in response to a hazardous material emergency without the need for a state of emergency proclamation issued by the Governor. **FINAL STATUS: Approved by the Governor 4-10-12.**

LB 775 – (Brasch) Change disclosure provisions relating to the Auditor of Public Accounts. LB 775 allows a local, state, or federal law enforcement agency in connection with an investigation and independent contractors whose expertise is utilized by the
Auditor of Public Accounts during an audit to have access to working papers and audit files prepared for a specific audit. Currently, working papers are only disclosed to a county attorney or Attorney General in connection with an investigation or to the Legislative Performance Audit Committee. The bill also provides that any independent contractor who knowingly divulges any record or document not permitted to be disclosed under law is subject to criminal penalties.

FINAL STATUS: Indefinitely Postponed 1-31-12.

**LB 785** – (Christensen) **Authorize possession of firearms as prescribed.** LB 785 would clarify the transportation and storage of firearms in vehicles in publicly accessible parking lots.

FINAL STATUS: Held in the Judiciary Committee.

**LB 787** – (McGill) **Authorize inspection and regulation of staff secure facilities by the Jail Standards Board.** LB 787 would authorize inspection and regulation of staff secure facilities by the Jail Standards Board of the Nebraska Commission on Law Enforcement.

FINAL STATUS: General File.

**LB 793** – (Lautenbaugh) **Limit frivolous civil actions filed by prisoners.** LB 793 would place restrictions on inmates with a history of filing frivolous lawsuits. Provides that any inmate who has previously filed three civil lawsuits deemed by a court to be frivolous would be prohibited from filing a civil case at the public’s expense. The inmate could continue to file civil suits at his or her personal expense. Exceptions to the rule include inmates who can prove danger of bodily harm or criminal appeals. The “three-strike” rule would apply only to lawsuits filed after the adoption of the law.

FINAL STATUS: Approved by the Governor 4-16-12.

2012 Priority Bill – Speaker Flood

**LB 797** – (Avery) **Define sexual contact to include kissing without consent.**

FINAL STATUS: Withdrawn 1-10-12.

**LB 802** – (Lautenbaugh) **Authorize carrying of concealed handguns by certain authorities within the scope of their employment.** LB 802 expands concealed carry privileges to authorized personnel, most notably county attorneys and deputy attorneys general.

FINAL STATUS: Held in the Judiciary Committee.

**LB 803** – (Lautenbaugh) **Require presentment of an operator’s license and proof of insurance to a peace officer by a driver involved in an accident and mandate impoundment of the vehicle in certain situations.** LB 803 would require a driver who has been in a reported accident to provide an operator’s license and proof of insurance to police. Failure to have a valid certificate of insurance and operators license could result in a Class II misdemeanor and immediate impoundment of the vehicle. If the driver is not the registered owner of the vehicle, he or she could be required to pay the owner restitution fees incurred for impoundment. A driver who has had prior convictions could be guilty of a Class I misdemeanor and could have his or her license revoked for up to one year.

FINAL STATUS: General File.
LB 804 – (Lautenbaugh) Change provisions relating to justification for use of force. LB 804 would provide for civil immunity to an individual engaging in acts of self-defense or defense of another for assault and battery or intentional wrongful death. FINAL STATUS: Approved by the Governor 4-11-12.
2012 Priority Bill – Senator Fulton

LB 807 – (Lautenbaugh) Change Concealed Handgun Permit Act application provisions. LB 807 clarifies that a person will be disqualified from receiving a concealed carry permit for convictions, rather than criminal charges. A hunting and fishing violation will not immediately disqualify a person unless he or she has been charged with: hunting from an aircraft, shooting from a highway, or possessing a loaded weapon on a highway. The bill also clarifies language with regard to automatic revocation of permits. A permitholder convicted of a violation that occurred on property owned by the state or any political subdivision may have his or her permit revoked. If the violation did not occur on property owned by the state or political subdivision will not have his or her permit revoked but may face revocation for any second or subsequent offense. FINAL STATUS: Approved by the Governor with the Emergency Clause 4-18-12. [Amended to include LB 538].

LB 814 – (Schilz) Include additional substances in the schedule of controlled substances under the Uniform Controlled Substances Act. LB 814 would expand the Uniform Controlled Substances Act to ban the compounds that are used to make the drug commonly known as bath salts. The penalty for possessing bath salts would be a Class IV felony and manufacturing or trafficking the drug would be a Class III felony. FINAL STATUS: General File. [Amended into LB 670].

LB 815 – (Fulton) Change penalty and statute of limitations regarding concealing the death of another person. LB 815 would increase the penalty for concealing the death of another person. The bill would increase the penalty for concealment of a person’s death from a Class I misdemeanor to a Class III felony. The concealment or an attempt to prevent discovery of human remains would be treated as a separate offense, with any additional sentences imposed to be served consecutively. The bill also would remove the statute of limitation for the offense. FINAL STATUS: Held in the Judiciary Committee.

LB 817 – (Pirsch) Change duties of the Community Corrections Division of the Nebraska Commission on Law Enforcement and Criminal Justice. LB 817 requires that each law enforcement officer attend at least twenty hours of continuing education courses in the areas of criminal justice and law enforcement during each calendar year. It also creates a central registry that will maintain training records with the Director of the Nebraska Law Enforcement Training Center. The bill would be operative on January 1, 2014. FINAL STATUS: Approved by the Governor 4-11-12. [Amended to include LB 816]. 2012 Priority Bill – Speaker Flood
**LB 821** – (Health and Human Services Committee) Create the Nebraska Children’s Commission and require legislation to create the Department of Children’s Services.

LB 821 would create a 22-member Nebraska Children’s Commission charged with creating a statewide strategic plan to reform child welfare programs and services in Nebraska. The commission would be charged with creating committees to examine foster care reimbursement rates and state policy regarding prescription of psychotropic drugs to state wards. The commission would be required to report on the strategic plan to the Legislature and the governor by December 15, 2012. The commission is terminated on June 30, 2014, unless continued by the Legislature. The bill also would authorize the commission to create a committee to examine the structure and responsibilities of the Office of Juvenile Services.

The bill establishes parameters of how law enforcement agencies and prosecuting attorneys are to cooperate with investigations conducted by the inspector general.

FINAL STATUS: Governor Approved with the Emergency Clause 4-11-12.

[Amended to include LB 837 & LB 957].

2012 Priority Bill – Health and Human Services Committee

**LB 827** – (Dubas) Require mediation for budget disputes between a county board and a county officer. LB 827 requires mediation for budget disputes between a county board and a county officer. The cost of the mediation is to be shared by the county board and the county officer.

FINAL STATUS: Held in the Government, Military and Veterans Affairs Committee.

**LB 829** – (Louden) Create alcohol impact zones. LB 829 provides for a city council, village board, or county board to apply to the Liquor Control Commission for the creation of an alcohol impact zone. The application is to include a description of the issue which is the basis for the request, the geographical description of the area, which is to be as narrowly defined as possible, and any other information the Commission may require. The commission is also required to conduct a public hearing on the application before reaching a decision on the creation of an alcohol impact zone. Also provides the Liquor Control Commission the authority to place special conditions or restrictions on a licensee having an establishment or otherwise conducting business within an alcohol impact zone.

FINAL STATUS: Held in the General Affairs Committee.

**LB 833** – (Krist) Change provisions relating to surcharges for 911 services. LB 833 allows the cap on the enhanced wireless 911 surcharge in a county containing a city of the metropolitan class to be raised to seventy cents per line per month, the same rate allowed for all other counties.

FINAL STATUS: General File.

**LB 840** – (Council) Provide powers and duties relating to inmate mail. LB 840 clarifies what correspondence shall constitute legal mail for inmates. The bill mandates the appropriate handling and delivery of legal mail and provides penalties.

FINAL STATUS: Held in the Judiciary Committee.
LB 846 – (Sullivan) Require employers to maintain employee emergency contact information. LB 846 requires all employers to maintain a primary and secondary emergency contact for all employees. If an employee is injured on the job and requires medical treatment at a medical facility, the employer would have to make a reasonable effort to contact the primary contact immediately after calling 911 or while en route to a medical facility if 911 is not called. If the primary contact cannot be reached, the secondary contact would have to be contacted.

FINAL STATUS: Held in the Business and Labor Committee.

LB 847 – (Sullivan) Change the Enhanced Wireless 911 Services Act. LB 847 changes provisions of the Enhanced Wireless 911 Services Act to allow personnel costs incurred by public safety answering points to be eligible for funding under the act.

FINAL STATUS: Held in the Transportation and Telecommunications Committee.

LB 860 – (Hansen) Change qualification and training requirements for truth and deception examiners. LB 860 changes the Licensing of Truth and Deception Examiners Act by reducing from 150 to 60 the number of formal voice stress analysis classroom hours that is required for an applicant applying for a truth and deception examiner’s license. Current law requires an applicant for a truth and deception examiner’s license to have completed a course of study at a training facility approved by the Secretary of State. The bill adds the National Institute for Truth Verification and the National Association of Computer Voice Stress Test Analysts as approved training facilities.

FINAL STATUS: Approved by the Governor 3-14-12.

LB 881 – (Coash) Change medical services payment provisions relating to jails and correctional facilities. LB 881 provides that the cost for medical services for those persons injured during the course of the person being apprehended, will be paid by the apprehending or arresting agency and not by the agency responsible for the operation of the institution or facility where the apprehended person is lodged.

FINAL STATUS: Approved by the Governor 4-10-12.

LB 910 – (Lautenbaugh) Define “certified traffic personnel” and authorize their use at special events. LB 910 allows for the usage of non-police personnel to be certified to direct traffic in instances of authorized recreational road usage such a parades, marathons, and similar events.

FINAL STATUS: Held in the Transportation and Telecommunications Committee.

LB 914 – (McGill) Change provisions relating to reductions in sex offender registration periods. LB 914 provides for a reduction of time on the sex offender registry, from twenty-five to ten years, for those individuals convicted for statutory rape, if that individual was twenty years old at the time of the offense and the victim was 15 years old at the time of the offense. The victim would have to demonstrate that the sexual penetration would have otherwise been consensual.

FINAL STATUS: Held in the Judiciary Committee.

LB 916 – (Nebraska Retirement Systems Committee) Change provisions relating to retirement. LB 916 would make Internal Revenue Code compliance updates for county, judge, state patrol, school and state employee retirement provisions. The bill would:

1) Allow terminated or retired plan members to rollover funds into a Roth IRA;
2) Allow a lump sum direct transfer of a death benefit into a qualified retirement plan;
3) Require employers to notify the Public Employees Retirement Board upon the termination of an employee member;
4) Allow a non-spousal beneficiary to make a direct transfer or rollover of the member’s death benefit into a qualified retirement plan;
5) Require that a retirement benefit paid in error must be returned to NPERS; and
6) Clarify that voluntary service during the 180 days following termination must be bona fide unpaid voluntary service.

FINAL STATUS: Approved by the Governor with the Emergency Clause 4-5-12.

[Amended to include LB 1036 & LB 973].

2012 Priority Bill – Nebraska Retirement Systems Committee

LB 919 – (Schilz) Change court fees, sheriff’s fees, and handgun certificate fees.
LB 919 increases the fees charged and collected by sheriffs for services they are required to provide by state law. The bill also increases court fees for Nebraska Retirement Fund for Judges and for all civil cases to be credited back to the county of the judicial district in which the case was filed.

FINAL STATUS: Held in the Judiciary Committee.

LB 930 – (Brasch) Allow operation of golf car vehicles on highways as prescribed.
LB 930 authorizes a city or county to adopt an ordinance allowing golf car vehicles upon streets or roads, but only one that is adjacent and contiguous to a golf course. The person operating the vehicle must have a valid Class O license, and the owner of the vehicle must have liability insurance. The Department of Roads may prohibit the operation of golf car vehicles on any highway under its jurisdiction.

FINAL STATUS: General File. [Amended into LB 1155].

LB 937 – (Smith) Regulate dealers in the business of buying and selling previous items. LB 937 would provide for the regulation of dealers in precious items. Precious item is defined as any item made in whole or in part of gold, silver, platinum or precious or semiprecious stones or pearls. A dealer in precious items would be required to have a permit ($100/year) issued by the local governing body and would have to conduct business from a permanent location.

FINAL STATUS: Held in the Judiciary Committee.

LB 941 – (Smith) Change restrictions on disposition of pawned and secondhand goods. LB 941 requires secondhand jewelry received or purchased to be kept by the pawnbroker, dealer in second hand goods, or junk dealer for 14 days before being eligible for re-sale. The bill would also require that secondhand jewelry shall not be destroyed, damaged, or defaced in any way for 14 days after purchase or receipt by a pawnbroker, dealer in second hand goods, or junk dealer.

FINAL STATUS: Approved by the Governor 4-10-12.

LB 948 – (Lambert) Change provisions and a penalty relating to intimidation by telephone calls. LB 948 would add electronic communication device to the definition of intimidation. The bill also would increase the penalty for intimidation from a Class III to a Class I misdemeanor.

FINAL STATUS: General File.
**LB 951 – (Harr) Provide for assault with a bodily fluid against a first responder.**

LB 951 would provide for assault with a bodily fluid against a first responder. “First responder” is defined as a volunteer or paid firefighter or a volunteer or paid individual licensed under a licensure classification and who provides immediate medical care in order to prevent death or aggravation of physiological psychological injury.

**FINAL STATUS:** Held in the Judiciary Committee.

**LB 970 – (Cornett) Terminate the inheritance tax and change income tax rates and calculation.** LB 970 provides $97.2 million reduction in individual income taxes during the next 3 years. The cuts are focused on low and middle income taxpayers and provides no reduction to the top tax rates.

**FINAL STATUS:** Approved by the Governor 4-10-12.

2012 Priority Bill – Senator McCoy

**LB 972 – (Ashford) Transfer the youth rehabilitation and treatment centers from the Office of Juvenile Services to the Department of Correctional Services.** LB 972 would facilitate collaboration between the Office of Juvenile Services and the Department of Correctional Services in regard to operating youth rehabilitation and treatment centers. The bill authorizes DOC to provide training to OJS employees on the safety and security of youth living at YRTCs. OJS would be required to submit an annual status report to the Legislature.

**FINAL STATUS:** Approved by the Governor 4-10-12.

2012 Priority Bill – Judiciary Committee

**LB 988 – (Howard) Provide a rate of payment for certain medical services in emergency protective custody situations.** LB 988 would require that counties pay the Medicaid rate for the provision of medical services to county inmates and those in emergency protective custody.

**FINAL STATUS:** Held in the Health and Human Services Committee.

**LB 993 – (Ashford) Change provisions relating to child abuse and neglect teams and child advocacy centers.** LB 993 would require each county child advocacy center to have a location for conducting forensic interviews and medical evaluations for alleged child victims of abuse and neglect. The bill would require that each county have protocols to:

1) Outline mandatory reporting of child abuse;
2) Define the roles and responsibilities of law enforcement, child protective services and other response agencies; and
3) Ensure that coordination of these teams is occurring at all levels of community response.

The bill also would require advocacy centers to report the name and address of each team member and the number of times the team met within a calendar year to the Nebraska Commission on Law Enforcement and Criminal Justice.

**FINAL STATUS:** Approved by the Governor 4-11-12.

2012 Priority Bill – Senator Howard

**LB 1030 – (Hansen) Change provisions relating to obligations of drivers.** LB 1030 would require drivers to leave a minimum distance of three feet when passing a pedestrian, bicycle or electric assistive mobility device traveling in the same direction on
a roadway. A person who is in violation would be fined $100 to $300, depending upon the frequency of the offense in one year.

FINAL STATUS: Approved by the Governor 4-10-12.

LB 1036 – (Nordquist) Provide for a cash balance benefit election for certain county and state employees and create county and state retirement funds. LB 1036 would provide an additional opportunity for active county and state define contribution plan members to opt in to the cash balance plans between September 1 and October 21, 2012.

FINAL STATUS: Held in the Retirement Systems Committee. [Amended into LB 916].

LB 1039 – (Brasch) Change provisions relating to school bus safety requirements. LB 1039 differentiates between the yellow and red light signals, which helps clarify when a driver is required to stop when encountering a school bus. The bill also provides an avenue for a school bus to stop and unload and load children when the required 400 feet of clear vision is not possible. Proper signage must be installed indicating a school bus stop is ahead.

FINAL STATUS: Approved by the Governor 4-5-12.

2012 Priority Bill – Speaker Flood

LB 1042 – (Campbell) Authorize nurse practitioners to sign death certificates. LB 1042 allows a nurse practitioner to sign a death certificate. The bill provides for disciplinary actions to be initiated against a nurse practitioner’s license to practice when the applicant or licensee fails to comply with state law relating to the signing of death certificates.

FINAL STATUS: Approved by the Governor 4-10-12.

LB 1046 – (Harr) Change provisions relating to law enforcement certification and continuing education. LB 1046 would require law enforcement officers to take a minimum of 20 hours of criminal justice or law enforcement courses annually until they become certified. Failure to meet the requirements would result in suspension of an officer’s training diploma until his or her education is complete. An exemption would be allowed for an officer who is on active duty or if an officer can demonstrate an acceptable reason for not completing such requirements.

FINAL STATUS: General File. [Amended into LB 817].

LB 1051 – (Coash) Change registry provisions regarding adult protective services and child protection cases. LB 1051 updates the Adult Protective Services statutes to clarify “abuse” and “exploitation”. The bill also harmonizes the Adult Protective Services Central registry provisions with the Child Protective Services Central Registry.

FINAL STATUS: Approved by the Governor 4-10-12.

LB 1082 – (Karpisek) Name and change provisions of the Police Officers Retirement Act. LB 1082 increases the contribution rates for police officers and first class cities to a minimum of 6.5% beginning January 1, 2013. The rate increases to 7% beginning October 1, 2015. Each city may enact an ordinance to increase contribution rates beyond the minimum rate. Any increased rate adopted by a city becomes a mandatory contribution rate for all police officers within the city’s jurisdiction. All rates, including
increases in rates, must be matched 100% by the city. Beginning January 1, 2013, the vesting schedule is changed to a seven year vesting schedule.

FINAL STATUS: Approved by the Governor with the Emergency Clause 4-16-12.

2012 Priority Bill – Speaker Flood

**LB 1093 – (Hadley) Change provisions relating to foreclosure proceedings for delinquent real estate taxes.** LB 1093 provides that if real property is not sold at a foreclosure sale for lack of bidders the sale is to be postponed and the sheriff shall offer the property for sale again. If the property fails to sell a second time for lack of bidders and there is no land reutilization authority within the county, title may vest with the county. If the county does not accept title, the sheriff shall offer the property for sale annually. The bill also allows the sheriff to group parcels not sold for lack of bidders together for sale.

FINAL STATUS: Held in the Revenue Committee.

**LB 1096 – (Ashford) Prohibit entry into a motor vehicle without permission of the owner or for the purpose of committing a crime.** LB 1096 amends the criminal code to prohibit a person from entering the vehicle of another without the permission of the owner of the vehicle. A violation under this section would be a Class II misdemeanor for a first offense, a Class I misdemeanor for a second offense, and a Class IV felony for third or subsequent offenses. This bill would also provide that a conviction under this act shall be treated as a separate and distinct offense from any other offense arising out of these alleged acts.

FINAL STATUS: Held in the Judiciary Committee.

**LB 1102 – (Wightman) Change inheritance tax rates and exemption amounts.** LB 1102 would amend inheritance tax rates and exemption amounts. The bill phases in changes in the tax rate and exemption amounts for immediate relatives, remote relatives, and nonrelatives.

FINAL STATUS: Held in the Revenue Committee.

2012 Priority Bill – Senator Wightman

**LB 1107 – (Pirsch) Change provisions relating to the movement of vehicles and other property after an accident and provide immunity.** LB 1107 would provide police officers who remove a vehicle, cargo or other property that is obstructing a roadway, creating an emergency situation or endangering the public would have immunity from liability for property damage. The bill also would allow vehicle operators who are involved in an accident resulting in property damage - but not resulting in injury or death – to move their vehicle to the safest area before providing their personal information to the property owner or vehicle involved in the accident.

FINAL STATUS: Held in the Judiciary Committee.

**LB 1111 – (Flood) Change provisions relating to penalties involving operator’s license revocation.** LB 1111 changes the administration of license revocation for criminal convictions. The bill requires the Court to report the abstract of the judgment of conviction to the Department of Motor Vehicles for operator’s license revocation action. The Department would then carry out the revocation pursuant to statute.

FINAL STATUS: Held in the Judiciary Committee.
LB 1130 – (Coash) Provide for entertainment district licenses under the Nebraska Liquor Control Act. LB 1130 would authorize the creation of entertainment districts and a licensing process for those districts. An entertainment district would be designated and regulated by a local governing body via city ordinance and could be revoked if found to be a nuisance or a threat to public health, safety or welfare. Entertainment district designations would be filed with the state Liquor Control Commission (LCC).

FINAL STATUS: Approved by the Governor 4-5-12.
2012 Priority Bill – General Affairs Committee

LB 1145 – (McGill) Change and provide provisions and penalties relating to human trafficking and pandering. LB 1145 would create provisions related to human trafficking and enhance penalties for pandering. The bill would:
1) Establish a commission on human trafficking;
2) Require training for government officials on human trafficking;
3) Authorize law enforcement officials to seize property obtained due to a violation of the state human trafficking statute, which would then be subject to forfeiture; and
4) Require that the National Human Trafficking Resource Center Hotline number be posted in key establishments throughout the state.

Under the bill, forcing or enticing a person into prostitution would be a Class IV felony for a first offense. If the victim is under the age of 18, it would be a Class III felony for the first and subsequent offenses.

FINAL STATUS: Approved by the Governor 4-11-12.
2012 Priority Bill – Judiciary Committee

LB 1151 – (Lathrop) Eliminate a sunset provision under the Nebraska Workers’ Compensation Act relating to certain first responder injuries. LB 1151 would eliminate a sunset provision under the Nebraska Workers’ Compensation Act relating to mental stress/trauma first responder injuries. This bill is related to LB 780 enacted in 2010 called the “mental-mental” bill that made mental injuries unaccompanied by a physical injury eligible for workers’ compensation benefits if incurred by first responders – both volunteer and paid. The provisions of LB 780 are to sunset June 30, 2014.

FINAL STATUS: Held in the Business and Labor Committee.
2012 Priority Bill – Business and Labor Committee

LB 1155 – (Lathrop) Change penalties relating to operating a motor vehicle while under orders not to operate a motor vehicle. LB 1155 increases the penalty for a 4th or greater offense of driving with a suspended or revoked license. The bill creates a separate provision for a 4th or subsequent offense of driving with a suspended, revoked, or impounded license to be a Class I misdemeanor (max 1 year/$1000). The court is required to revoke the person’s license for 2 years. Current law treats a similar offense as a Class II misdemeanor. The bill also provides that a 4th or greater offense of driving with a suspended or revoked license shall be a violation that requires impoundment of the arrested driver’s vehicle for 10 to 30 days.

FINAL STATUS: Approved by the Governor 4-11-12.
2012 Priority Bill – Speaker Flood
**LB 1169 – (Pirsch) Require reporting of disappearance or death of a child as prescribed.** LB 1169 would require parents or guardians to report the death of a child who is 12 years or younger to authorities within 72 hours of acknowledgement of the child’s death. The bill also would require a parent or legal guardian to file a report with authorities within 72 hours of acknowledging a missing child who is 12 years or younger. A person who fails to file such reports would be guilty of a Class IV felony.

FINAL STATUS: Held in the Judiciary Committee.

**LR 28 – (Fulton) Encourage all municipal, county, and state law enforcement agencies to participate in the Secure Communities program by the year 2012.** LR 28 encourages all law enforcement agencies in Nebraska to participate in the Secure Communities program by the year 2012.

FINAL STATUS: Held in the Judiciary Committee.