

LEGISLATIVE BILL 396

Approved by the Governor June 2, 1997

Introduced by Dierks, 40; C. Peterson, 35; Schimek, 27; at the request of the Governor

AN ACT relating to veterans homes; to amend sections 23-107.01, 30-2627, 80-301, 80-301.02, 80-302, 80-304, 80-304.01, 80-305, 80-306, 80-307, 80-308, 80-309, 80-311, 80-312, 80-313, 80-401.02, 83-124, 83-175, 83-1,119, and 83-1,124, Reissue Revised Statutes of Nebraska, and sections 83-107.01 and 83-108, Revised Statutes Supplement, 1996; to provide for a Division of Veterans Homes; to create the Veterans Coordinating Committee; to harmonize provisions; to eliminate provisions relating to trusteeship of a fund; to repeal the original sections; and to outright repeal section 80-111, Reissue Revised Statutes of Nebraska.

Be it enacted by the people of the State of Nebraska,

Section 1. Section 23-107.01, Reissue Revised Statutes of Nebraska, is amended to read:

23-107.01. (1) Except as provided in section 80-312 18 of this act, any county board ~~shall have~~ has power to sell or lease real estate owned by the county and not required for county purposes at a fair market value regardless of the value of the property. The county board of such county shall hold an open and public hearing prior to any such sale or lease at which any interested party may appear and speak for or against the sale or lease, and raise any issue regarding the fair market value of the property as determined by the county board. Public notice of any such public hearing shall be run once each week for two consecutive weeks prior to the hearing date in any newspaper or legal publication distributed generally throughout the county.

(2) The county board shall set a date of sale, which shall be within two months of the date of public hearing pursuant to subsection (1) of this section, ~~and proceed to~~ and shall offer such real estate for sale or lease to the highest bidder.

(3) The county board shall cause to be printed and published once at least ten days prior to the sale or lease in a legal newspaper in the county, an advertisement for bids on the property to be sold or leased. The advertisement shall state the legal description and address of the real estate and that the real estate shall be sold or leased to the highest bidder.

(4) If the county board receives no bids or if the bids received are substantially lower than the fair market value, the county board may negotiate a contract for sale or lease of the real estate if such negotiated contract is in the best interests of the county.

Sec. 2. Section 30-2627, Reissue Revised Statutes of Nebraska, is amended to read:

30-2627. (a) Any competent person or a suitable institution may be appointed guardian of a person alleged to be incapacitated, except that it shall be unlawful for any agency providing residential care in an institution or community-based program, or any owner, part owner, manager, administrator, employee, or spouse of an owner, part owner, manager, administrator, or employee of any nursing home, room and board home, residential care facility, domiciliary facility, or institution engaged in the care, treatment, or housing of any person physically or mentally handicapped, infirm, or aged to be appointed guardian of any such person residing, being under care, receiving treatment, or being housed in any such home or institution within the State of Nebraska. Nothing in this subsection shall prevent the spouse, adult child, parent, or other relative of the person alleged to be incapacitated from being appointed guardian or prevent the guardian officer for one of the Nebraska veterans homes as provided in section 80-304.01 16 of this act from being appointed guardian or conservator for the person alleged to be incapacitated. It shall be unlawful for any county attorney or deputy county attorney appointed as guardian for a person alleged to be incapacitated to circumvent his or her duties or the rights of the ward pursuant to the Nebraska Mental Health Commitment Act by consenting to inpatient or outpatient psychiatric treatment over the objection of the ward.

(b) Persons who are not disqualified under subsection (a) of this section and who exhibit the ability to exercise the powers to be assigned by the court have priority for appointment as guardian in the following order:

(1) A person nominated most recently by either of the following

methods:

(1) A person nominated by the incapacitated person in a power of attorney or a durable power of attorney; or

(ii) A person nominated by an attorney in fact who is given power to nominate in a power of attorney or a durable power of attorney executed by the incapacitated person;

(2) The spouse of the incapacitated person;

(3) An adult child of the incapacitated person;

(4) A parent of the incapacitated person, including a person nominated by will or other writing signed by a deceased parent;

(5) Any relative of the incapacitated person with whom he or she has resided for more than six months prior to the filing of the petition;

(6) A person nominated by the person who is caring for him or her or paying benefits to him or her.

(c) When appointing a guardian, the court shall take into consideration the expressed wishes of the allegedly incapacitated person. The court, acting in the best interest of the incapacitated person, may pass over a person having priority and appoint a person having lower priority or no priority. With respect to persons having equal priority, the court shall select the person it deems best qualified to serve.

(d) In its order of appointment, unless waived by the court, the court shall require any person appointed as guardian to successfully complete within three months of such appointment a training program approved by the State Court Administrator. If the person appointed as guardian does not complete the training program, the court shall issue an order to show cause why such person should not be removed as guardian.

(e) The court may require a guardian to furnish a bond in an amount and conditioned in accordance with the provisions of sections 30-2640 and 30-2641.

Sec. 3. Section 80-304, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-304. The management of the Nebraska veterans homes shall be vested in Division of Veterans Homes is created within the Department of Health and Human Services. The Director of Health and Human Services shall appoint a director of the division who is responsible to the Director of Health and Human Services. The department shall inquire into the conduct and be responsible for the management and administration of the affairs of the same homes and the treatment of the members thereof, define the duties of the officers, fix their compensation, and make adopt and promulgate rules and regulations. The division director and the Director of Veterans' Affairs are jointly responsible for member grievance procedures, family support programs, volunteer support, policy, and internal standards. The Director of Veterans' Affairs shall have access to all confidential information relating to members' care. The Board of Inquiry and Review shall prescribe rules of admission to such homes and in accordance with the provisions and objects of section 80-301.~~

Sec. 4. Section 80-301, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-301. There shall be established and maintained by the State of Nebraska two institutions to be known as the Nebraska Veterans' Home, The Grand Island Veterans' Home, the Norfolk Veterans' Home, Nebraska, and the other to be known and named as the Thomas Fitzgerald Veterans' Home, and the Western Nebraska Veterans' Home are established. The State of Nebraska shall maintain the homes as provided in sections 3 to 20 of this act. Douglas County, Nebraska. The object of these homes shall be to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401-01 if at the time of making an application for admission to one of the homes (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years; (b) 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 (c) the applicant's income from all sources is such that such 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; (2) to 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; (3) to the surviving spouses and parents of eligible servicemen and women; as defined in subdivision (1) of this section; 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 (4) to the surviving spouses of eligible servicemen or servicewomen; as defined in subdivision (1)~~

of this section, who have since died if the surviving spouses and parents referred to in subdivision (3) or (4) of this section at the time of applying have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, are unable to earn a livelihood, and are dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution.

No one admitted to one of these homes under conditions enumerated in this section shall have a vested right to a continued residence in such home if such person ceases to meet any of the above eligibility requirements, 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 these homes. Veterans, spouses, surviving spouses, and parents admitted to one of the Nebraska veterans homes under the provisions of this section who have an income in excess of forty dollars per month, including federal pension, compensation, or social security, or have sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of their maintenance, this amount to be determined by the Board of Inquiry and Review. All money paid to the state by members of the Nebraska veterans homes in compliance with this section will be deposited in the Institutional Cash Fund for the Nebraska Veterans' Homes, which fund is hereby created. Any money in the Institutional Cash Fund for the Nebraska Veterans' Homes 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.

Sec. 5. The purpose of the Division of Veterans Homes is to provide domiciliary and nursing home care and subsistence (1) to all persons who served in the armed forces of the United States during a period of war as defined in section 80-401.01 if, at the time of making an application for admission to one of the Nebraska veterans homes, (a) the applicant has been a bona fide resident of the State of Nebraska for at least two years, (b) 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 (c) 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, (2) to 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, (3) to the surviving spouses and parents of eligible servicemen and servicewomen as defined in subdivision (1) of this section 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 (4) to the surviving spouses of eligible servicemen or servicewomen as defined in subdivision (1) of this section who have since died, if the surviving spouses and parents referred to in subdivision (3) or (4) of this section at the time of applying have been bona fide residents of the State of Nebraska for at least two years, have attained the age of fifty years, are unable to earn a livelihood, and are dependent wholly or partially upon public charities, or the type of care needed is available only at a state institution.

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.

Sec. 6. Section 80-302, Reissue Revised Statutes of Nebraska, is amended to read:

80-302. The Board of Inquiry and Review shall prescribe rules of membership in the Nebraska veterans homes in accordance with sections 3 to 20 of this act. An application for membership in a Nebraska veterans home shall be made to a county veterans service officer who shall coordinate the required financial and medical information and, if necessary, provide an opinion regarding its validity. If it is found that the applicant is unable by reason of disability or old age to earn a livelihood for himself or herself and is dependent wholly or partially upon public charities for maintenance, or the type of care needed is available only at a state institution, the county veterans service officer shall at once forward the application together with his or her finding in regard to the condition of the applicant to the Board of Inquiry and Review, whose duty it is to receive 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.

Sec. 7. Section 80-305, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-305.~~ For the purpose of determining continued eligibility of members to remain in one of the Nebraska veterans homes, and for the purpose of recommending matters of policy, rules and regulations, administration, and maintenance pertaining to the Nebraska veterans homes, ~~there is hereby established a special the~~ Board of Inquiry and Review is established. The board shall be composed of the department commander and immediate past commander of each of the recognized veterans organizations in Nebraska as defined by section 80-401.01, and the Director of the Department of Veterans' Affairs who shall serve as the permanent board secretary, of Nebraska, and the immediate past department commander of each of the recognized veterans organizations in Nebraska, as defined by section 80-401.01. If a commander or immediate past commander of any such veterans organizations is unavailable to attend a Board of Inquiry and Review meeting of the board or unable to serve for any reason, ~~then~~ the incumbent department commander of such organization may appoint some other member of his or her organization to serve on the Board of Inquiry and Review board in the absence of the department commander or the immediate past department commander, or both. Any of the veterans organizations mentioned in this section may appoint two representatives of their organization to serve on the Board of Inquiry and Review board in place of the department commander and immediate past department commander. Such representatives shall be selected in the manner and serve for such term as the veterans organization may prescribe. No salary shall be paid to any member of ~~such special the~~ board, but actual expenses of the members of the Board of Inquiry and Review board when attending regularly called meetings of that board shall be paid as provided in sections 81-1174 to 81-1177 for state employees from the administrative funds of the Department of Veterans' Affairs.

Sec. 8. Section 80-306, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-306.~~ The Board of Inquiry and Review is empowered to may check periodically on members of the Nebraska veterans homes to determine whether or not their physical or financial status has so changed since admission that they should no longer be maintained there. For the purpose ~~purposes~~ of making such determination, ~~the board shall have~~ has power to subpoena witnesses and take testimony under oath relative to the corpus of estate, financial status, and income of any member. No specified amount, either as to income or accumulated reserve, shall be arbitrarily fixed for determining the eligibility of an applicant to membership or to continuing rights of membership, but each case shall be considered solely on its merits and the evidence presented. The board shall meet at least quarterly at one of the Nebraska veterans homes, or more often upon call of the administrator of either home for the consideration of any special problem and at other times at the request of either the chairperson or secretary of the board at a site selected by the secretary after consultation with the chairperson. Recommendations of the board shall constitute authority for the administrator and the Department of Health and Human Services to deny further residence to members it finds should no longer be supported there.

Sec. 9. Section 80-307, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-307.~~ Nothing in section ~~80-305 or 80-306~~ sections 3 to 20 of this act shall be construed as limiting the authority vested with the Director of Health and Human Services to adopt and promulgate rules and regulations, not inconsistent herewith, for the administration of the Nebraska veterans homes. The director, in conjunction with the Board of Inquiry and Review, ~~is authorized and directed to make shall adopt and promulgate~~ rules and regulations authorizing all members of a home to perform such duties in the home and on the institutional grounds as the member is physically able to perform. No member shall be excused from the performance of such duty without a disability statement signed by the physician of the home.

Sec. 10. Section 80-308, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-308.~~ Nothing in sections ~~80-301 to 80-307~~ 3 to 20 of this act shall be construed to deny any person who has been properly admitted to one of the Nebraska veterans homes the privilege of paying the cost of his or her care, or any part thereof, if he or she so desires, or if it has been determined by the Board of Inquiry and Review that his or her financial status is such that he or she should no longer be maintained there at public expense.

Sec. 11. Any veteran, spouse, surviving spouse, or parent admitted to one of the Nebraska veterans homes under section 5 of this act who has an income in excess of forty dollars per month, including federal pension,

compensation, or social security, or has sufficient assets will be required to reimburse the state monthly a reasonable amount for the expense of his or her maintenance. The amount shall be determined by the Board of Inquiry and Review. All money paid to the state by members of the Nebraska veterans homes in compliance with this section shall be remitted to the State Treasurer for credit to the Department of Health and Human Services Cash Fund.

Sec. 12. The Veterans Coordinating Committee is created. The committee shall consist of four members appointed by the Governor. One member shall be a county veterans service officer at the time of appointment, two shall be members serving on the Board of Inquiry and Review who are not county veterans service officers at the time of appointment, and one member shall be a member of the Health and Human Services System Partnership Council established in section 81-3010 who is not a state employee at the time of appointment. The initial terms of each appointment shall be as follows: One member shall be appointed for one year, one for two years, one for three years, and one for four years. After the initial terms of appointment have expired, each succeeding appointment shall be for a term of four years. Members may be removed from their appointments by the Governor at any time.

Sec. 13. The Veterans Coordinating Committee meets when necessary for the purpose of resolving conflicts between the Department of Health and Human Services and the Department of Veterans' Affairs. If the Director of Health and Human Services and the Director of Veterans' Affairs cannot resolve the conflict, the matter shall be referred to the Veterans Coordinating Committee for resolution. If the committee is unable to resolve the matter, the issue may be referred by the committee to the Governor for a final resolution.

Sec. 14. Section 83-124, Reissue Revised Statutes of Nebraska, is amended to read:

83-124. The administrator of the Nebraska Veterans' Home veterans homes shall (1) have served honorably in the armed forces of the United States during a period of war as defined in section 80-401.01 and (2) have attained the age of thirty-five, and (3) have been a resident of Nebraska for at least five years immediately preceding the date of appointment be a licensed nursing home administrator licensed under sections 71-6053 to 71-6068.

Sec. 15. Section 80-301.02, Reissue Revised Statutes of Nebraska, is amended to read:

80-301.02. The Veterans' Home Building Fund is hereby created. The fund shall include money allocated to the fund. The fund shall be used, along with matching federal funds available, for the specific purposes of adding or improving nursing facilities when needed. 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.

Sec. 16. Section 80-304.01, Reissue Revised Statutes of Nebraska, is amended to read:

80-304.01. Whenever a member of one of the Nebraska veterans homes becomes disabled because of age or otherwise to such an extent that it is impossible for the member to transact his or her personal financial business, the administrator of such home is hereby empowered to instigate may institute, in the administrator's official capacity, proceedings for the legal appointment of a guardian or conservator to take charge of and administer all funds, whether pension, compensation, or otherwise, inuring to the member. A member of the staff of each home shall be named guardian officer of that home and may be appointed guardian or conservator of members of such home. The guardian officer shall not receive fees or compensation from the member for such services. Bond for the guardian officer shall be paid by the State of Nebraska.

Sec. 17. Section 80-311, Reissue Revised Statutes of Nebraska, is amended to read:

80-311. The Legislature hereby approves and recommends to the Governor that the State of Nebraska enter into a lease agreement with Douglas County, Nebraska, relating to land and buildings located in Douglas County, Nebraska, for use as a veterans home. Such land and buildings shall include two parcels of land being part of the northwest quarter of the northwest quarter of section 11, township 15 north, range 11 east of the 6th principal meridian, Douglas County, Nebraska, and being more particularly described as follows:

(1) Commencing at the northeast corner of the northwest quarter of the northwest quarter of said section 11; thence south zero degrees two minutes thirty-six seconds for a distance of thirty-three feet to the point of beginning; thence continuing south zero degrees two minutes thirty-six seconds west for a distance of nine hundred sixty-six and seventy-five hundredths feet; thence north eighty-nine degrees fifty-seven minutes twenty-four seconds

west for a distance of two hundred fifteen and seven-tenths feet; thence south zero degrees two minutes thirty-six seconds west for a distance of twenty-nine feet; thence north eighty-nine degrees fifty-seven minutes twenty-four seconds west for a distance of four hundred ninety-nine and sixty-five hundredths feet; thence north zero degrees two minutes thirty-six seconds east for a distance of nine hundred ninety-three and seventy-five hundredths feet; thence north eighty-nine degrees fifty-three minutes one second east for a distance of seven hundred fifteen and thirty-four hundredths feet to the point of beginning, containing sixteen and nineteen hundredths acres, more or less; and

(2) Commencing at the southwest corner of the northwest quarter of the northwest quarter of said section 11; thence north eighty-nine degrees fifty minutes fifty-six seconds east for a distance of one hundred sixty-eight and seventy-five hundredths feet to the point of beginning; thence north zero degrees zero minutes zero seconds east for a distance of seventy-three feet; thence north eighty-nine degrees fifty minutes fifty-six seconds east for a distance of one hundred five and fifty-three hundredths feet; thence south zero degrees zero minutes zero seconds east for a distance of seventy-three feet; thence south eighty-nine degrees fifty minutes fifty-six seconds west for a distance of one hundred five and fifty-three hundredths feet to the point of beginning, containing eighteen hundredths acre, more or less.

Sec. 18. Section 80-312, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-312-~~ Any county board may lease or sell public property to the state for use as a veterans home at such rent and under such terms and conditions as it may deem just and advisable, notwithstanding the fact that such lease or sale is at less than the fair market value of such property.

Sec. 19. Section 80-313, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-313-~~ If the state provides utility service to Douglas County in connection with the lease of land and buildings located in Douglas County, Nebraska, for use as a veterans home by the state, Douglas County shall provide the state with fair and equitable compensation for the services provided.

Sec. 20. Section 80-309, Reissue Revised Statutes of Nebraska, is amended to read:

~~80-309-~~ There is hereby established near Norfolk, Nebraska, on the site of the Norfolk Regional Center and further described as follows:

Beginning at a point located approximately one thousand nine hundred twenty feet east of, and approximately nine hundred sixty feet south of the northwest corner of section thirteen, township twenty-four north, range one west in Madison County and thence five hundred feet south along the west curb line of Service Street, thence five hundred feet west, thence five hundred feet north, thence five hundred feet east to the place of beginning; and building number twenty-three located approximately six hundred ninety feet south and three hundred ninety-five feet east of the southeast corner of the above described lot; a facility to be known as the Nebraska Norfolk Veterans' Home, ~~Annex~~, to be operated as part of the Nebraska Veterans' Home, Grand Island, Nebraska, and under the laws and regulations applicable to the Nebraska Veterans' Home as exists under sections 80-301 and 80-305.

Sec. 21. Section 80-401.02, Reissue Revised Statutes of Nebraska, is amended to read:

80-401.02. There is hereby created a department of government to be known as the Department of Veterans' Affairs. The chief administrative officer of the department shall be the director to be known as the Director of Veterans' Affairs. He or she shall be appointed by the Governor, subject to confirmation by the Legislature. No person shall be eligible to receive appointment as director unless such person has the following qualifications: (1) Resident of the State of Nebraska for at least five years immediately prior to his or her appointment; (2) citizen of the United States; and (3) served in the armed forces of the United States during the dates set forth in section 80-401.01, and honorably discharged from such service. The director shall serve until a new director to succeed him or her is appointed and has qualified. If a vacancy occurs in the office of director when the Legislature is not in session, the Governor shall make a temporary appointment until the next meeting of the Legislature, when the Governor shall present to the Legislature a recommendation for the office. The director shall receive an annual salary to be fixed by the Governor, payable in equal monthly installments. He or she shall be entitled to the necessary and actual expenses involved in the performance of his or her official duties as provided in sections 81-1174 to 81-1177, ~~for state employees.~~ He or she shall be bonded under the blanket surety bond required by section 11-201. The director shall appoint state service officers and assistants, whose appointments shall

be approved by the Veterans' Advisory Commission.

The department shall be the designated state agency to advocate on behalf of veterans.

Sec. 22. Section 83-107.01, Revised Statutes Supplement, 1996, is amended to read:

83-107.01. The official names of the state institutions under the supervision of the Department of Health and Human Services shall be as follows: (1) Beatrice State Developmental Center, (2) Lincoln Center, (3) Norfolk Regional Center, (4) Hastings Regional Center, and (5) Nebraska Grand Island Veterans' Home, (6) Norfolk Veterans' Home, (7) Thomas Fitzgerald Veterans' Home, and (8) Western Nebraska Veterans' Home.

Sec. 23. Section 83-108, Revised Statutes Supplement, 1996, is amended to read:

83-108. The Department of Health and Human Services shall have oversight and general control of the Beatrice State Developmental Center, the Nebraska Veterans' Home, the hospitals for the mentally ill, such skilled nursing care and intermediate care facilities as may be established by the department, facilities and programs operated by the Office of Juvenile Services, and all charitable institutions.

Sec. 24. Section 83-175, Reissue Revised Statutes of Nebraska, is amended to read:

83-175. Whenever the Director of Correctional Services finds that a person committed to the department requires specialized treatment, or treatment of a kind that is not feasible to provide within the department, the director may place such person in institutions providing such treatment in another jurisdiction, and may agree to pay reimbursement therefor. A person so transferred to an out-of-state institution shall be subject to the rules and regulations of such institution concerning the custody, conduct, and discipline of its inmates, but shall remain subject to the provisions of sections 29-2401, 29-2402, 60-4,101, 83-124, 83-151, 83-152, 83-170 to 83-1,135, 83-305-03, 83-415, 83-417, 83-420, 83-465, 83-472, 83-473, 83-473-01, and 83-487 Nebraska Treatment and Corrections Act concerning his or her term, reduction of term, and release on parole.

Sec. 25. Section 83-1,119, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,119. (1) Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of his parole but that he the parolee will not attempt to leave the jurisdiction and will not place lives or property in danger, the parole officer shall submit a written report to the Board of Parole which may, on the basis of such report and such further investigation as it may deem appropriate:

(a) Dismiss the charge of violation;

(b) Determine whether the parolee violated the conditions of his or her parole;

(c) Revoke his or her parole in accordance with the provisions of sections 29-2401, 29-2402, 60-4,101, 83-124, 83-151, 83-152, 83-170 to 83-1,135, 83-305-03, 83-415, 83-417, 83-420, 83-465, 83-472, 83-473, 83-473-01, and 83-487 Nebraska Treatment and Corrections Act; or

(d) Issue a warrant for the arrest of the parolee.

(2) Whenever a parole officer has reasonable cause to believe that a parolee has violated or is about to violate a condition of his parole and that he the parolee will attempt to leave the jurisdiction or will place lives or property in danger, the parole officer shall arrest the parolee without a warrant and call on any peace officer to assist him or her in doing so.

(3) Whenever a parolee is arrested with or without a warrant, he or she shall be detained in a local jail or other detention facility. Immediately after such arrest and detention, the parole officer shall notify the Board of Parole and submit a written report of the reason for such arrest. A complete investigation shall be made by the parole administration and submitted to the parole board. After prompt consideration of such written report, the board shall order the parolee's release from detention or his continued confinement to await a final decision on the revocation of his parole.

Sec. 26. Section 83-1,124, Reissue Revised Statutes of Nebraska, is amended to read:

83-1,124. (1) A person shall be is guilty of a felony if, while on parole under the provisions of sections 29-2401, 29-2402, 60-4,101, 83-124, 83-151, 83-152, 83-170 to 83-1,135, 83-305-03, 83-415, 83-417, 83-420, 83-465, 83-472, 83-473, 83-473-01, and 83-487 Nebraska Treatment and Corrections Act, he or she violates his parole by leaving the State of Nebraska without the authority of the Board of Parole, and shall, upon conviction thereof, be punished by commitment to the Department of Correctional Services for not more

than five years.

(2) A parolee charged with a violation of this section shall be tried in Lancaster County or in the county where the parolee last resided. The state shall pay for expenses incurred in returning the parolee to the county in which the action is to be tried.

Sec. 27. Original sections 23-107.01, 30-2627, 80-301, 80-301.02, 80-302, 80-304, 80-304.01, 80-305, 80-306, 80-307, 80-308, 80-309, 80-311, 80-312, 80-313, 80-401.02, 83-124, 83-175, 83-1,119, and 83-1,124, Reissue Revised Statutes of Nebraska, and sections 83-107.01 and 83-108, Revised Statutes Supplement, 1996, are repealed.

Sec. 28. The following section is outright repealed: Section 80-111, Reissue Revised Statutes of Nebraska.