

# **Schedule 161**

# **COMMISSION ON PUBLIC ADVOCACY**

**May 13, 2018**

Nebraska Records Management Division  
3242 Salt Creek Circle  
Lincoln, NE 68504  
(402) 471-2559

**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

SCHEDULE

**161**

AGENCY, BOARD OR COMMISSION  
**COMMISSION ON PUBLIC ADVOCACY**

DIVISION, BUREAU OR OTHER UNIT

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

**Supersedes Edition of November 16, 2006**

**PART I – AGENCY STATEMENT:**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE

*Jeffrey A. Lichens*

TITLE *Chief Counsel / Director*

DATE

*5-2-18*

**PART II – APPROVAL OF STATE ARCHIVES:**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE

*Dayle Koutny*

DATE

*5/8/2018*

**PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:**

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE

*Deann Hauffman*

DATE

*5/11/18*

**PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE

*Jim A. Gere*

DATE

*5/13/18*

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. [https://appengine.egov.com/apps/ne/sos\\_records\\_disposition\\_report](https://appengine.egov.com/apps/ne/sos_records_disposition_report). This report establishes that the destruction was performed in your normal course of business.

### **NON-SCHEDULED RECORDS**

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

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402-471-2559**

**SCHEDULE 161  
COMMISSION ON PUBLIC ADVOCACY**

**May 13, 2018**

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes Edition of November 16, 2006

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
161-1-1	<b>APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS</b>	Appeals to the 8th Circuit. These files may include pleadings, briefs, correspondence, opinions, etc.	<b>13 years after appeal is closed, last action, or released by client request, whichever is sooner</b>	
161-1-2	<b>DEATH PENALTY CASES</b>	These files include pleadings, briefs, correspondence, etc., in all courts throughout the process of appeals once an individual is sentenced to death.	<b>Permanent, unless released by client request</b>	
161-1-3	<b>NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES</b>	Appeals to the Nebraska Supreme Court/Court of Appeals. These files may include pleadings, correspondence, briefs, opinions, etc.	<b>13 years after appeal is closed, last action, or released by client request, whichever is sooner, if conviction is less than first degree murder If conviction is first degree murder, retain permanently unless released by client request.</b>	
161-1-4	<b>U.S. SUPREME COURT APPEALS</b>	Appeals to the U.S. Supreme Court. These files may include briefs, correspondence, pleadings, opinions, etc.	<b>13 years after appeal is closed, last action, or released by client request, whichever is sooner</b>	
161-2-1	<b>BYRNE GRANT FILES</b>	All correspondence, notes, applications, quarterly reports, audit results and ledgers related to agency receipt of Byrne grant funds.	<b>QUARTERLY REPORTS AND AUDIT RESULTS:</b> 5 years, subject to review by the State Archives for possible accession <b>ALL OTHER BYRNE GRANT FILES:</b> 5 years	
161-2-5	<b>COMMISSION (RE-) APPOINTMENTS FILES</b>	All correspondence to/from Governor's Office and Commission candidates and appointees applying for re-appointment, including notification of appointment and copies of appointment certificates.	<b>3 years after final term expires.</b>	
161-2-7	<b>LEGAL AID &amp; SERVICES FUND GRANT FILES</b>	All grant applications and correspondence to/from applicants/recipients of grant awards, including quarterly activity reports and annual audits.	<b>QUARTERLY REPORTS AND ANNUAL AUDITS:</b> Dispose of after 5 years, subject to review by the State archives for possible accession <b>ALL OTHER LEGAL AID &amp; SERVICES FUND GRANT FILES:</b> Dispose of after 5 years	
161-2-8	<b>CIVIL LEGAL SERVICES FUND GRANT FILES</b>	All grant applications and correspondence to/from applicants/recipients of grant awards, including quarterly activity reports and annual audits.	<b>QUARTERLY REPORTS AND ANNUAL AUDITS:</b> Dispose of after 5 years <b>ALL OTHER CIVIL LEGAL SERVICES FUND GRANT FILES:</b> Dispose of after 5 years	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/COMMENTS
161-2-9	LEGAL EDUCATION FOR PUBLIC SERVICE AND RURAL PRACTICE LOAN REPAYMENT ASSISTANCE FUND GRANT FILES	All grant applications and correspondence to/from applicants/recipients of grant awards.	Dispose of after 3 years	
161-3-1	DNA CASE FILES	Cases before Nebraska District Courts after order of Nebraska higher courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.	13 years after appeal is closed, last action, or released by client request, whichever is sooner	
161-3-2	DRUG OFFENSE COURT CASE FILES	Cases before Nebraska District Courts after order of Nebraska higher courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.	13 years after appeal is closed, last action, or released by client request, whichever is sooner	
161-3-3	VIOLENT FELONY COURT CASE FILES	Cases before Nebraska District Courts after order of Nebraska higher courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.	13 years after appeal is closed, last action, or released by client request, whichever is sooner, if conviction is less than first degree murder If conviction is first degree murder, retain permanently unless released by client request	