

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED THIRD LEGISLATURE  
 SECOND SESSION  
**LEGISLATIVE BILL 998**

Final Reading

Introduced by Karpisek, 32; Hadley, 37.

Read first time January 21, 2014

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public health and safety; to amend sections  
 2 12-1208, 38-1426, 38-1427, 60-6,209, 71-1356, 71-1373,  
 3 and 83-1,127.02, Reissue Revised Statutes of Nebraska,  
 4 sections 28-311.08, 28-367.01, 29-4003, 30-2201,  
 5 60-6,211.11, 71-605, and 71-4813, Revised Statutes  
 6 Cumulative Supplement, 2012, and sections 28-830, 28-831,  
 7 and 38-1425, Revised Statutes Supplement, 2013; to change  
 8 provisions relating to disposition of human remains,  
 9 offenses related to the person, sexual exploitation,  
 10 labor trafficking, and sex trafficking, the Sex Offender  
 11 Registration Act, and enforcement provisions regarding  
 12 driving under the influence; to harmonize provisions; to  
 13 repeal the original sections; and to declare an  
 14 emergency.

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

1                   Section 1. Section 12-1208, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   12-1208 (1) Upon notification pursuant to section  
4 12-1206, the society shall promptly assist in examining the  
5 discovered material to attempt to determine its origin and identity.

6                   (2) If the society finds that the discovered human  
7 skeletal remains or burial goods are of non-American-Indian origin  
8 with a known or unknown identity, it shall notify the county attorney  
9 of the finding. Upon receipt of the finding, the county attorney  
10 shall cause the remains and associated burial goods to be interred in  
11 consultation with the county coroner. Reburial shall be in accordance  
12 with the wishes and at the expense of any known ~~relatives~~ persons in  
13 the order listed by section ~~38-1425-8~~ of this act or, if no relatives  
14 are known, in an appropriate cemetery at the expense of the county in  
15 which the remains were discovered after a one-year scientific study  
16 period if such study period is considered necessary or desirable by  
17 the society. In no case shall any human skeletal remains that are  
18 reasonably identifiable as to familial or tribal origin be displayed  
19 by any entity which receives funding or official recognition from the  
20 state or any of its political subdivisions. In situations in which  
21 human skeletal remains or burial goods that are unidentifiable as to  
22 familial or tribal origin are clearly found to be of extremely  
23 important, irreplaceable, and intrinsic scientific value, the remains  
24 or goods may be curated by the society until the remains or goods may  
25 be reinterred as provided in this subsection without impairing their

1 scientific value.

2 (3) If the society finds that the discovered human  
3 skeletal remains or burial goods are of American Indian origin, it  
4 shall promptly notify in writing the Commission on Indian Affairs and  
5 any known ~~relatives~~ persons in the order listed in section ~~38-1425-8~~  
6 of this act or, if no relatives are known, any Indian tribes  
7 reasonably identified as tribally linked to such remains or goods in  
8 order to ascertain and follow the wishes of the relative or Indian  
9 tribe, if any, as to reburial or other disposition. Reburial by any  
10 such relative or Indian tribe shall be by and at the expense of such  
11 relative or Indian tribe. In cases in which reasonably identifiable  
12 American Indian human skeletal remains or burial goods are unclaimed  
13 by the appropriate relative or Indian tribe, the society shall notify  
14 all other Indian tribes which can reasonably be determined to have  
15 lived in Nebraska in order to ascertain and follow the wishes of the  
16 tribe as to reburial or other disposition. Reburial by any such tribe  
17 shall be by and at the expense of the tribe. If such remains or goods  
18 are unclaimed by the appropriate tribe, the remains or goods shall be  
19 reburied, as determined by the commission, by one of the four  
20 federally recognized Indian tribes in Nebraska.

21 Sec. 2. Section 28-311.08, Revised Statutes Cumulative  
22 Supplement, 2012, is amended to read:

23 28-311.08 (1) It shall be unlawful for any person to  
24 knowingly intrude upon any other person without his or her consent or  
25 knowledge in a place of solitude or seclusion.

1           (2) It shall be unlawful for any person to knowingly  
2 photograph, film, record, or live broadcast an image of the intimate  
3 area of any other person without his or her knowledge and consent  
4 when his or her intimate area would not be generally visible to the  
5 public regardless of whether such other person is located in a public  
6 or private place.

7           ~~(2)~~(3) For purposes of this section:

8           (a) Intimate area means the naked or undergarment-clad  
9 genitalia, pubic area, buttocks, or female breast of an individual;

10          ~~(a)~~(b) Intrude means either the:

11           (i) Viewing of another person in a state of undress as it  
12 is occurring; or

13           (ii) Recording by video, photographic, digital, or other  
14 electronic means of another person in a state of undress; and

15          ~~(b)~~(c) Place of solitude or seclusion means a place  
16 where a person would intend to be in a state of undress and have a  
17 reasonable expectation of privacy, including, but not limited to, any  
18 facility, public or private, used as a restroom, tanning booth,  
19 locker room, shower room, fitting room, or dressing room.

20          ~~(3)(a)~~(4)(a) Violation of this section involving an  
21 intrusion as defined in subdivision ~~(2)(a)(i)~~(3)(b)(i) of this  
22 section or violation under subsection (2) of this section is a Class  
23 I misdemeanor.

24          (b) ~~Violation~~Subsequent violation of this section  
25 involving an intrusion as defined in subdivision (3)(b)(i) of this

1 section, subsequent violation under subsection (2) of this section,  
2 or violation of this section involving an intrusion as defined in  
3 subdivision ~~(2)(a)(ii)~~ (3)(b)(ii) of this section is a Class IV  
4 felony.

5 (c) Violation of this section is a Class III felony if  
6 video or an image ~~from the intrusion recorded in violation of this~~  
7 section is distributed to another person or otherwise made public in  
8 any manner which would enable it to be viewed by another person.

9 ~~(4)~~ (5) As part of sentencing following a conviction for  
10 a violation of this section, the court shall make a finding as to the  
11 ages of the defendant and the victim at the time the offense  
12 occurred. If the defendant is found to have been nineteen years of  
13 age or older and the victim is found to have been less than eighteen  
14 years of age at such time, then the defendant shall be required to  
15 register under the Sex Offender Registration Act.

16 ~~(5)~~ (6) No person shall be prosecuted for ~~unlawful~~  
17 ~~intrusion~~ pursuant to subdivision ~~(3)(b)~~ (4)(b) or (c) of this  
18 section unless the indictment for such offense is found by a grand  
19 jury or a complaint filed before a magistrate within three years  
20 after the later of:

21 (a) The commission of the crime;

22 (b) Law enforcement's or a victim's receipt of actual or  
23 constructive notice of either the existence of a video or other  
24 electronic recording ~~of the unlawful intrusion made in violation of~~  
25 this section or the distribution of images, video, or other

1 ~~electronic recording of the unlawful intrusion; made in violation of~~  
2 this section; or

3 (c) The youngest victim of ~~the intrusion~~ a violation of  
4 this section reaching the age of twenty-one years.

5 Sec. 3. Section 28-367.01, Revised Statutes Cumulative  
6 Supplement, 2012, is amended to read:

7 28-367.01 Sexual exploitation includes, but is not  
8 limited to, ~~unlawful intrusion as described in a violation of~~ section  
9 28-311.08 and causing, allowing, permitting, inflicting, or  
10 encouraging a vulnerable adult to engage in voyeurism, in  
11 exhibitionism, in prostitution, or in the lewd, obscene, or  
12 pornographic photographing, filming, or depiction of the vulnerable  
13 adult.

14 Sec. 4. Section 28-830, Revised Statutes Supplement,  
15 2013, is amended to read:

16 28-830 For purposes of sections 28-830 and 28-831, the  
17 following definitions apply:

18 (1) Actor means a person who solicits, procures, or  
19 supervises the services or labor of another person;

20 (2) Commercial sexual activity means any sex act on  
21 account of which anything of value is given, promised to, or received  
22 by any person;

23 (3) Debt bondage means inducing another person to  
24 provide:

25 (a) Commercial sexual activity in payment toward or

1 satisfaction of a real or purported debt; or

2 (b) Labor or services in payment toward or satisfaction  
3 of a real or purported debt if:

4 (i) The reasonable value of the labor or services is not  
5 applied toward the liquidation of the debt; or

6 (ii) The length of the labor or services is not limited  
7 and the nature of the labor or services is not defined;

8 ~~(3)~~ (4) Financial harm means theft by extortion as  
9 described by section 28-513;

10 ~~(4)~~ (5) Forced labor or services means labor or services  
11 that are performed or provided by another person and are obtained or  
12 maintained through:

13 (a) Inflicting or threatening to inflict serious personal  
14 injury, ~~to the other person~~ as defined by section 28-318, on another  
15 person;

16 (b) Physically restraining or threatening to physically  
17 restrain the other person;

18 (c) Abusing or threatening to abuse the legal process  
19 against another person to cause arrest or deportation for violation  
20 of federal immigration law;

21 (d) Controlling or threatening to control another  
22 person's access to a controlled substance listed in Schedule I, II or  
23 III of section 28-405;

24 (e) Exploiting another person's substantial functional  
25 impairment as defined in section 28-368 or substantial mental

1 impairment as defined in section 28-369;

2 ~~(e)~~—(f) Knowingly destroying, concealing, removing,  
3 confiscating, or possessing any actual or purported passport or other  
4 immigration document or any other actual or purported government  
5 identification document of the other person; or

6 ~~(d)~~—(g) Causing or threatening to cause financial harm to  
7 ~~the other person;~~ another person, including debt bondage;

8 ~~(5)~~—(6) Labor means work of economic or financial value;

9 ~~(6)~~—(7) Labor trafficking means knowingly recruiting,  
10 enticing, harboring, transporting, providing, or obtaining by any  
11 means or attempting to recruit, entice, harbor, transport, provide,  
12 or obtain by any means a person eighteen years of age or older  
13 intending or knowing that the person will be subjected to forced  
14 labor or services;

15 ~~(7)~~—(8) Labor trafficking of a minor means knowingly  
16 recruiting, enticing, harboring, transporting, providing, or  
17 obtaining by any means or attempting to recruit, entice, harbor,  
18 transport, provide, or obtain by any means a minor intending or  
19 knowing that the minor will be subjected to forced labor or services;

20 ~~(8)~~—(9) Maintain means, in relation to labor or services,  
21 to secure continued performance thereof, regardless of any initial  
22 agreement by the other person to perform such type of service;

23 ~~(9)~~—(10) Minor means a person younger than eighteen years  
24 of age;

25 ~~(10)~~—(11) Obtain means, in relation to labor or services,

1 to secure performance thereof;

2 ~~(11)~~(12) Services means an ongoing relationship between  
3 the actor and another person in which the person performs activities  
4 under the supervision of or for the benefit of the actor. Commercial  
5 sexual activity and sexually-explicit performances are forms of  
6 services under this section. Nothing in this subdivision shall be  
7 construed to legalize prostitution;

8 ~~(12)~~(13) Sex trafficking means knowingly recruiting,  
9 enticing, harboring, transporting, providing, or obtaining by any  
10 means or knowingly attempting to recruit, entice, harbor, transport,  
11 provide, or obtain by any means a person eighteen years of age or  
12 older for the purpose of having such person engage in commercial  
13 sexual activity, sexually explicit performance, or the production of  
14 pornography or to cause or attempt to cause a person eighteen years  
15 of age or older to engage in commercial sexual activity, sexually  
16 explicit performance, or the production of pornography;

17 ~~(13)~~(14) Sex trafficking of a minor means knowingly  
18 recruiting, enticing, harboring, transporting, providing, or  
19 obtaining by any means or knowingly attempting to recruit, entice,  
20 harbor, transport, provide, or obtain by any means a minor for the  
21 purpose of having such minor engage in commercial sexual activity,  
22 sexually explicit performance, or the production of pornography or to  
23 cause or attempt to cause a minor to engage in commercial sexual  
24 activity, sexually explicit performance, or the production of  
25 pornography;

1           ~~(14)~~(15) Sexually-explicit performance means a live or  
2 public play, dance, show, or other exhibition intended to arouse or  
3 gratify sexual desire or to appeal to prurient interests; and

4           ~~(15)~~(16) Trafficking victim means a person subjected to  
5 any act or acts prohibited by section 28-831.

6           Sec. 5. Section 28-831, Revised Statutes Supplement,  
7 2013, is amended to read:

8           28-831 (1) No person shall knowingly engage in labor  
9 trafficking or sex trafficking.

10           (2) If an actor knowingly engages in labor trafficking or  
11 sex trafficking by:

12           (a) Inflicting or threatening to inflict serious personal  
13 injury, to the other person as defined by section 28-318, on another  
14 person, the actor is guilty of a Class III felony;

15           (b) Physically restraining or threatening to physically  
16 restrain the other person, the actor is guilty of a Class III felony;

17           (c) Abusing or threatening to abuse the legal process  
18 against another person to cause arrest or deportation for violation  
19 of federal immigration law, the actor is guilty of a Class IV felony;

20           (d) Controlling or threatening to control another  
21 person's access to a controlled substance listed in Schedule I, II or  
22 III of section 28-405, the actor is guilty of a Class IV felony;

23           (e) Exploiting another person's substantial functional  
24 impairment as defined in section 28-368 or substantial mental  
25 impairment as defined in section 28-369, the actor is guilty of a

1 Class IV felony;

2           ~~(e)~~—(f) Knowingly destroying, concealing, removing,  
3 confiscating, or possessing any actual or purported passport or other  
4 immigration document, or any other actual or purported government  
5 identification document, of the other person, the actor is guilty of  
6 a Class IV felony; or

7           ~~(d)~~—(g) Causing or threatening to cause financial harm to  
8 ~~the other~~ another person, including debt bondage, the actor is guilty  
9 of a Class I misdemeanor.

10           ~~(2)~~—(3) No person shall engage in labor trafficking of a  
11 minor or sex trafficking of a minor. An actor who engages in labor  
12 trafficking of a minor or sex trafficking of a minor shall be  
13 punished as follows:

14           (a) In cases in which the actor uses overt force or the  
15 threat of force against the trafficking victim, the actor is guilty  
16 of a Class II felony;

17           (b) In cases in which the trafficking victim has not  
18 attained the age of fifteen years, the actor is guilty of a Class II  
19 felony; or

20           (c) In cases involving a trafficking victim between the  
21 ages of fifteen and eighteen years, and the actor does not use overt  
22 force or threat of force against the trafficking victim, the actor is  
23 guilty of a Class III felony.

24           ~~(3)~~—(4) Any person who benefits, financially or by  
25 receiving anything of value, from participation in a venture which

1 has, as part of the venture, an act that is in violation of this  
2 section, is guilty of a Class IV felony.

3 Sec. 6. Section 29-4003, Revised Statutes Cumulative  
4 Supplement, 2012, is amended to read:

5 29-4003 (1)(a) The Sex Offender Registration Act applies  
6 to any person who on or after January 1, 1997:

7 (i) Has ever pled guilty to, pled nolo contendere to, or  
8 been found guilty of any of the following:

9 (A) Kidnapping of a minor pursuant to section 28-313,  
10 except when the person is the parent of the minor and was not  
11 convicted of any other offense in this section;

12 (B) False imprisonment of a minor pursuant to section  
13 28-314 or 28-315;

14 (C) Sexual assault pursuant to section 28-319 or 28-320;

15 (D) Sexual assault of a child in the second or third  
16 degree pursuant to section 28-320.01;

17 (E) Sexual assault of a child in the first degree  
18 pursuant to section 28-319.01;

19 (F) Sexual abuse of a vulnerable adult pursuant to  
20 subdivision (1)(c) of section 28-386;

21 (G) Incest of a minor pursuant to section 28-703;

22 (H) Pandering of a minor pursuant to section 28-802;

23 (I) Visual depiction of sexually explicit conduct of a  
24 child pursuant to section 28-1463.03 or 28-1463.05;

25 (J) Knowingly possessing any visual depiction of sexually

1 explicit conduct which has a child as one of its participants or  
2 portrayed observers pursuant to section 28-813.01;

3 (K) Criminal child enticement pursuant to section 28-311;

4 (L) Child enticement by means of an electronic  
5 communication device pursuant to section 28-320.02;

6 (M) Debauching a minor pursuant to section 28-805; or

7 (N) Attempt, solicitation, aiding or abetting, being an  
8 accessory, or conspiracy to commit an offense listed in subdivisions  
9 (1)(a)(i)(A) through (1)(a)(i)(M) of this section;

10 (ii) Has ever pled guilty to, pled nolo contendere to, or  
11 been found guilty of any offense that is substantially equivalent to  
12 a registrable offense under subdivision (1)(a)(i) of this section by  
13 any village, town, city, state, territory, commonwealth, or other  
14 jurisdiction of the United States, by the United States Government,  
15 by court-martial or other military tribunal, or by a foreign  
16 jurisdiction, notwithstanding a procedure comparable in effect to  
17 that described under section 29-2264 or any other procedure to  
18 nullify a conviction other than by pardon;

19 (iii) Is incarcerated in a jail, a penal or correctional  
20 facility, or any other public or private institution or is under  
21 probation or parole as a result of pleading guilty to or being found  
22 guilty of a registrable offense under subdivision (1)(a)(i) or (ii)  
23 of this section prior to January 1, 1997; or

24 (iv) Enters the state and is required to register as a  
25 sex offender under the laws of another village, town, city, state,

1 territory, commonwealth, or other jurisdiction of the United States.

2 (b) In addition to the registrable offenses under  
3 subdivision (1)(a) of this section, the Sex Offender Registration Act  
4 applies to any person who on or after January 1, 2010:

5 (i)(A) Except as provided in subdivision (1)(b)(i)(B) of  
6 this section, has ever pled guilty to, pled nolo contendere to, or  
7 been found guilty of any of the following:

8 (I) Murder in the first degree pursuant to section  
9 28-303;

10 (II) Murder in the second degree pursuant to section  
11 28-304;

12 (III) Manslaughter pursuant to section 28-305;

13 (IV) Assault in the first degree pursuant to section  
14 28-308;

15 (V) Assault in the second degree pursuant to section  
16 28-309;

17 (VI) Assault in the third degree pursuant to section  
18 28-310;

19 (VII) Stalking pursuant to section 28-311.03;

20 (VIII) ~~Unlawful intrusion~~ Violation of section 28-311.08  
21 requiring registration under the act pursuant to subsection (4)-(5)  
22 of section 28-311.08;

23 (IX) Kidnapping pursuant to section 28-313;

24 (X) False imprisonment pursuant to section 28-314 or  
25 28-315;

1           (XI) Sexual abuse of an inmate or parolee in the first  
2 degree pursuant to section 28-322.02;

3           (XII) Sexual abuse of an inmate or parolee in the second  
4 degree pursuant to section 28-322.03;

5           (XIII) Sexual abuse of a protected individual pursuant to  
6 section 28-322.04;

7           (XIV) Incest pursuant to section 28-703;

8           (XV) Child abuse pursuant to subdivision (1)(d) or (e) of  
9 section 28-707;

10           (XVI) Enticement by electronic communication device  
11 pursuant to section 28-833; or

12           (XVII) Attempt, solicitation, aiding or abetting, being  
13 an accessory, or conspiracy to commit an offense listed in  
14 subdivisions (1)(b)(i)(A)(I) through (1)(b)(i)(A)(XVI) of this  
15 section.

16           (B) In order for the Sex Offender Registration Act to  
17 apply to the offenses listed in subdivisions (1)(b)(i)(A)(I), (II),  
18 (III), (IV), (V), (VI), (VII), (IX), and (X) of this section, a court  
19 shall have found that evidence of sexual penetration or sexual  
20 contact, as those terms are defined in section 28-318, was present in  
21 the record, which shall include consideration of the factual basis  
22 for a plea-based conviction and information contained in the  
23 presentence report;

24           (ii) Has ever pled guilty to, pled nolo contendere to, or  
25 been found guilty of any offense that is substantially equivalent to

1 a registrable offense under subdivision (1)(b)(i) of this section by  
2 any village, town, city, state, territory, commonwealth, or other  
3 jurisdiction of the United States, by the United States Government,  
4 by court-martial or other military tribunal, or by a foreign  
5 jurisdiction, notwithstanding a procedure comparable in effect to  
6 that described under section 29-2264 or any other procedure to  
7 nullify a conviction other than by pardon; or

8 (iii) Enters the state and is required to register as a  
9 sex offender under the laws of another village, town, city, state,  
10 territory, commonwealth, or other jurisdiction of the United States.

11 (2) A person appealing a conviction of a registrable  
12 offense under this section shall be required to comply with the act  
13 during the appeals process.

14 Sec. 7. Section 30-2201, Revised Statutes Cumulative  
15 Supplement, 2012, is amended to read:

16 30-2201 Sections 30-2201 to 30-2902, 30-3901 to 30-3923,  
17 and 30-4001 to 30-4045 and section 8 of this act shall be known and  
18 may be cited as the Nebraska Probate Code.

19 Sec. 8. (1) Except as otherwise provided by section  
20 23-1824, a person who is eighteen years of age or older and of sound  
21 mind, by testamentary disposition, by entering into a pre-need sale  
22 as defined by section 12-1102, or by affidavit as provided in  
23 subdivision (2)(a)(ii) of this section, may direct the location,  
24 manner, and conditions of disposition of his or her remains and the  
25 arrangements for funeral goods and services to be provided upon his

1 or her death.

2 (2) Except as set forth in subsection (3) of this section  
3 or in section 71-20,121, the right of disposition, including the  
4 right to control the disposition of the remains of a deceased person,  
5 the location, manner, and conditions of disposition, and the  
6 arrangements for funeral goods and services to be provided, vests in  
7 the following order if the person listed is eighteen years of age or  
8 older and is of sound mind:

9 (a)(i) A person designated by the decedent as the person  
10 with the right of disposition in an affidavit executed in accordance  
11 with subdivision (2)(a)(ii) of this section.

12 (ii) A person who is eighteen years of age or older and  
13 of sound mind wishing to convey the right of disposition to another  
14 person may execute an affidavit before a notary public in  
15 substantially the following form:

16 State of ..... }

17 County of ..... }

18 I, ....., do hereby designate .....  
19 with the right to control the disposition of my remains upon my  
20 death. I (..... have) (..... have not) attached specific directions  
21 concerning the disposition of my remains which the designee shall  
22 substantially comply with, so long as such directions are lawful and  
23 there are sufficient resources in my estate to carry out the  
24 directions. This affidavit does not constitute a durable power of  
25 attorney for health care.

1                   ..... (signature of person executing  
2 affidavit)

3                   Subscribed and sworn to before me this ..... day of the  
4 month of ..... of the year .....

5                   ..... (signature of notary public);

6                   (b) The surviving spouse of the decedent;

7                   (c) The sole surviving child of the decedent or, if there  
8 is more than one child of the decedent, the majority of the surviving  
9 children, except that less than a majority of the surviving children  
10 shall be vested with the right of disposition if they have used  
11 reasonable efforts to notify all other surviving children of their  
12 instructions regarding the right of disposition and are not aware of  
13 any opposition to those instructions on the part of a majority of the  
14 surviving children;

15                   (d) The surviving parent or parents of the decedent. If  
16 one of the surviving parents is absent, the remaining parent shall be  
17 vested with the right of disposition after reasonable efforts have  
18 been unsuccessful in locating the absent surviving parent;

19                   (e) The surviving brother or sister of the decedent or,  
20 if there is more than one sibling of the decedent, the majority of  
21 the surviving siblings, except that less than the majority of the  
22 surviving siblings shall be vested with the right of disposition if  
23 they have used reasonable efforts to notify all other surviving  
24 siblings of their instructions regarding the right of disposition and  
25 are not aware of any opposition to those instructions on the part of

1 a majority of the surviving siblings;

2 (f) The surviving grandparent of the decedent or, if  
3 there is more than one surviving grandparent, the majority of the  
4 grandparents, except that less than the majority of the surviving  
5 grandparents shall be vested with the right of disposition if they  
6 have used reasonable efforts to notify all other surviving  
7 grandparents of their instructions regarding the right of disposition  
8 and are not aware of any opposition to those instructions on the part  
9 of a majority of the surviving grandparents;

10 (g) The person in the next degree of kinship, in  
11 descending order, under the laws of descent and distribution, to  
12 inherit the estate of the decedent. If there is more than one person  
13 of the same degree, any person of that degree may exercise the right  
14 of disposition;

15 (h) The guardian of the person of the decedent at the  
16 time of the decedent's death, if one had been appointed;

17 (i) The personal representative of the estate of the  
18 decedent. The powers and duties under this section of the personal  
19 representative shall commence upon his or her appointment. Such  
20 powers and duties of the personal representative shall relate back in  
21 time to give acts by the personal representative which are beneficial  
22 to the disposition of the decedent's remains occurring prior to  
23 appointment the same effect as those occurring thereafter. Prior to  
24 appointment, the personal representative may carry out written  
25 instructions of the decedent relating to his or her body, funeral,

1 and burial arrangements. The personal representative may also ratify  
2 and accept acts regarding disposition of the decedent's remains done  
3 by others where the acts would have been proper for the personal  
4 representative;

5 (j) The State Anatomical Board or the county board of the  
6 county where the death occurred in the case of an indigent person or  
7 any other person the disposition of whose remains is a responsibility  
8 of the state or county;

9 (k) A representative as described in section 38-1426 or  
10 38-1427 that has arranged with the funeral establishment, cemetery,  
11 or crematory authority to cremate or bury a body part in the case of  
12 body parts received from the entity described in section 38-1426 or  
13 38-1427; and

14 (l) In the absence of any person listed in subdivisions  
15 (2)(a) through (k) of this section, any other person willing to  
16 assume the right of disposition, including the funeral director with  
17 custody of the body, after attesting, in writing, that a good faith  
18 effort has been made to no avail to contact the persons listed in  
19 subdivisions (2)(a) through (k) of this section.

20 (3) A person entitled under this section to the right of  
21 disposition shall forfeit that right and the right is passed on to  
22 the next qualifying person as listed in subdivisions (2)(a) through  
23 (1) of this section in the following circumstances:

24 (a) Any person charged with first or second degree murder  
25 or voluntary manslaughter in connection with the decedent's death and

1 whose charges are known to the funeral director. If the charges  
2 against such person are dismissed, or if such person is acquitted of  
3 the charges, the right of disposition is returned to such person;

4 (b) Any person who does not exercise his or her right of  
5 disposition within three days after notification of the death of the  
6 decedent or within four days after the decedent's death, whichever is  
7 earlier;

8 (c) If the person and the decedent are spouses and a  
9 petition to dissolve the marriage was pending at the time of the  
10 decedent's death; or

11 (d) If a county court pursuant to subsection (4) of this  
12 section determines that the person entitled to the right of  
13 disposition and the decedent were estranged at the time of death. For  
14 purposes of this subdivision, estranged means a physical and  
15 emotional separation from the decedent at the time of death which has  
16 existed for a period of time that clearly demonstrates an absence of  
17 due affection, trust, and regard for the decedent.

18 (4)(a) If two or more persons with the same relationship  
19 to the decedent hold the right of disposition and cannot by majority  
20 vote make a decision regarding the disposition of the decedent's  
21 remains, any of such persons or a funeral home with custody of the  
22 remains may file a petition asking the court to make a determination  
23 in the matter.

24 (b) Notwithstanding subsections (1) through (3) of this  
25 section, the county court of the county where the decedent died may

1 award the right of disposition to the person determined by the court  
2 to be the most fit and appropriate to carry out the right of  
3 disposition and may make decisions regarding the decedent's remains  
4 if those sharing the right of disposition cannot agree.

5 (c) In making a determination under this subsection, the  
6 court shall consider the following:

7 (i) The reasonableness and practicality of the proposed  
8 funeral arrangements and disposition;

9 (ii) The degree of the personal relationship between the  
10 decedent and each of the persons claiming the right of disposition;

11 (iii) The desires of the person or persons who are ready,  
12 able, and willing to pay the cost of the funeral arrangements and  
13 disposition; and

14 (iv) The convenience and needs of other families and  
15 friends wishing to pay respects.

16 (d) In the event of a dispute regarding the right of  
17 disposition, a funeral establishment, cemetery, or crematory  
18 authority is not liable for refusing to accept the remains or to  
19 inter or otherwise dispose of the remains of the decedent or complete  
20 the arrangements for the final disposition of the remains until the  
21 funeral establishment, cemetery, or crematory authority receives a  
22 court order or other written agreement signed by the parties in  
23 disagreement that decides the final disposition of the remains. If  
24 the funeral establishment, cemetery, or crematory authority retains  
25 the remains for final disposition while the parties are in

1 disagreement, the funeral establishment may embalm or refrigerate and  
2 shelter the body, or both, in order to preserve it while awaiting the  
3 final decision of the court and may add the cost of embalming or  
4 refrigeration and sheltering to the final disposition costs. If a  
5 funeral home brings an action under this subsection, the funeral  
6 establishment, cemetery, or crematory authority may add the legal  
7 fees and court costs associated with a petition under this subsection  
8 to the cost of final disposition. This subsection may not be  
9 construed to require or to impose a duty upon a funeral  
10 establishment, cemetery, or crematory authority to bring an action  
11 under this subsection.

12 (e) Except to the degree it may be considered by the  
13 court under subdivision (4)(c)(iii) of this section, the fact that a  
14 person has paid or agreed to pay for all or part of the funeral  
15 arrangements and final disposition does not give that person a  
16 greater claim to the right of disposition than the person would  
17 otherwise have. The personal representative of the estate of the  
18 decedent does not, by virtue of being the personal representative,  
19 have a greater claim to the right of disposition than the personal  
20 representative would otherwise have.

21 Sec. 9. Section 38-1425, Revised Statutes Supplement,  
22 2013, is amended to read:

23 ~~38-1425 (1) Except as otherwise provided in subsection~~  
24 ~~(2) of this section or section 71-20,121, the right to control the~~  
25 ~~disposition of the remains of a deceased person, except in the case~~

1 ~~of a minor subject to section 23-1824 and unless other directions~~  
2 ~~have been given by the decedent in the form of a testamentary~~  
3 ~~disposition or a pre need contract, vests in the following persons in~~  
4 ~~the order named:~~

5 ~~(a) Any person authorized to direct the disposition of~~  
6 ~~the decedent's body pursuant to a notarized affidavit authorizing~~  
7 ~~such disposition and signed and sworn to by the decedent. Such an~~  
8 ~~affidavit shall be sufficient legal authority for authorizing~~  
9 ~~disposition without additional authorization from the decedent, the~~  
10 ~~decedent's family, or the decedent's estate. Such person shall not be~~  
11 ~~considered an attorney in fact pursuant to sections 30-3401 to~~  
12 ~~30-3432;~~

13 ~~(b) The surviving spouse of the decedent;~~

14 ~~(c) If the surviving spouse is incompetent or not~~  
15 ~~available or if there is no surviving spouse, the decedent's~~  
16 ~~surviving adult children. If there is more than one adult child, any~~  
17 ~~adult child, after confirmation in writing of the notification of all~~  
18 ~~other adult children, may direct the manner of disposition unless the~~  
19 ~~funeral establishment or crematory authority receives written~~  
20 ~~objection to the manner of disposition from another adult child;~~

21 ~~(d) The decedent's surviving parents;~~

22 ~~(e) The persons in the next degree of kinship under the~~  
23 ~~laws of descent and distribution to inherit the estate of the~~  
24 ~~decedent. If there is more than one person of the same degree, any~~  
25 ~~person of that degree may direct the manner of disposition;~~

1           ~~(f) A guardian of the person of the decedent at the time~~  
2 ~~of such person's death;~~

3           ~~(g) The personal representative of the decedent;~~

4           ~~(h) The State Anatomical Board or county board in the~~  
5 ~~case of an indigent person or any other person the disposition of~~  
6 ~~whose remains is the responsibility of the state or county; or~~

7           ~~(i) A representative of an entity described in section~~  
8 ~~38-1426 that has arranged with the funeral establishment or crematory~~  
9 ~~authority to cremate a body part in the case of body parts received~~  
10 ~~from such entity described in section 38-1426.~~

11           (1) Any person signing a funeral service agreement, a  
12 cremation authorization form, or any other authorization for  
13 disposition shall be deemed to warrant the truthfulness of any facts  
14 set forth in such agreement, form, or authorization, including the  
15 identity of the decedent whose remains are to be buried, cremated, or  
16 otherwise disposed of and the person's right of disposition. A  
17 funeral establishment, cemetery, or crematory authority shall have  
18 the right to rely on such agreement, form, or authorization and shall  
19 have the authority to carry out the instructions of the person or  
20 persons whom the funeral establishment, cemetery, or crematory  
21 authority reasonably believes holds the right of disposition. No  
22 funeral establishment, cemetery, or crematory authority shall have  
23 the responsibility to contact or to independently investigate the  
24 existence of any next-of-kin or relative of the decedent. If there is  
25 more than one person in a class equal in priority and the funeral

1 establishment, cemetery, or crematory authority has no knowledge of  
2 any objection by other members of such class, the funeral  
3 establishment, cemetery, or crematory authority shall be entitled to  
4 rely on and act according to the instructions of the first such  
5 person in the class to make funeral and disposition arrangements so  
6 long as no other person in such class provides written notice of his  
7 or her objections to the funeral establishment, cemetery, or  
8 crematory authority, as the case may be.

9 (2) The liability for the reasonable cost of the final  
10 disposition of the remains of the decedent devolves jointly and  
11 severally upon all kin of the decedent in the same degree of kindred  
12 into which the right of disposition fell and upon the estate of the  
13 decedent and, in cases where a county board has the right to control  
14 disposition of the remains under subdivision (2)(j) of section 8 of  
15 this act, upon the county in which the death occurred from funds  
16 available for such purpose.

17 ~~(2)~~(3) If the decedent died during active military  
18 service, as provided in 10 U.S.C. 1481 (a)(1) through (8), in any  
19 branch of the United States armed forces, United States reserve  
20 forces, or national guard, the person authorized by the decedent to  
21 direct disposition pursuant to section 564 of Public Law 109-163, as  
22 listed on the decedent's United States Department of Defense record  
23 of emergency data, DD Form 93, or its successor form, shall take  
24 priority over all other persons described in ~~subsection (1) of this~~  
25 section. section 8 of this act.

1           ~~(3) A funeral director, funeral establishment, crematory~~  
2 ~~authority, or crematory operator shall not be subject to criminal~~  
3 ~~prosecution or civil liability for carrying out the otherwise lawful~~  
4 ~~instructions of the person or persons described in this section if~~  
5 ~~the funeral director or crematory authority or operator reasonably~~  
6 ~~believes such person is entitled to control the final disposition of~~  
7 ~~the remains of the deceased person.~~

8           ~~(4) The liability for the reasonable cost of the final~~  
9 ~~disposition of the remains of the deceased person devolves jointly~~  
10 ~~and severally upon all kin of the decedent in the same degree of~~  
11 ~~kindred and upon the estate of the decedent and, in cases when the~~  
12 ~~county board has the right to control disposition of the remains~~  
13 ~~under subdivision (1)(h) of this section, upon the county in which~~  
14 ~~death occurred from funds available for such purpose.~~

15           Sec. 10. Section 38-1426, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           38-1426 (1) A decedent, prior to his or her death, may  
18 direct the preparation for the final disposition of his or her  
19 remains by written instructions as provided in section 38-1425 and  
20 section 8 of this act. If such instructions are in a will or other  
21 written instrument, the decedent may direct that the whole or any  
22 part of such remains be given to a teaching institution, university,  
23 college, or legally licensed hospital, to the director, or to or for  
24 the use of any nonprofit blood bank, artery bank, eye bank, or other  
25 therapeutic service operated by any agency approved by the director

1 under rules and regulations established by the director. The person  
2 or persons otherwise entitled to control the disposition of the  
3 remains under this section shall faithfully carry out the directions  
4 of the decedent.

5 (2) If such instructions are contained in a will or other  
6 written instrument, they shall be immediately carried out, regardless  
7 of the validity of the will in other respects or of the fact that the  
8 will may not be offered for or admitted to probate until a later  
9 date.

10 (3) This section shall be administered and construed to  
11 the end that such expressed instructions of any person shall be  
12 faithfully and promptly performed.

13 (4) A funeral director and embalmer, physician, or  
14 cemetery authority shall not be liable to any person or persons for  
15 carrying out such instructions of the decedent, and any teaching  
16 institution, university, college, or legally licensed hospital or the  
17 director shall not be liable to any person or persons for accepting  
18 the remains of any deceased person under a will or other written  
19 instrument as set forth in this section.

20 Sec. 11. Section 38-1427, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 38-1427 A written authorization for an autopsy given by  
23 the ~~survivor or survivors, as enumerated~~ person listed in section  
24 ~~38-1425, 8 of this act having the right to control the of~~ disposition  
25 of the remains may, subject to section 23-1824 and when not

1 inconsistent with any directions given by the decedent pursuant to  
2 section 38-1426, include authorization for the removal of any  
3 specifically named organ or organs for therapeutic or scientific  
4 purposes. Pursuant to any such written authorization, any structure  
5 or organ may be given to the director or to any other therapeutic  
6 service operated by any nonprofit agency approved by the director,  
7 including, but not limited to, a teaching institution, university,  
8 college, legally licensed hospital, nonprofit blood bank, nonprofit  
9 artery bank, nonprofit eye bank, or nationally recognized nonprofit  
10 hormone and pituitary program. The person or persons performing any  
11 autopsy shall do so within a reasonable time and without delay and  
12 shall not exceed the removal permission contained in such written  
13 authorization, and the remains shall not be significantly altered in  
14 external appearance nor shall any portion thereof be removed for  
15 purposes other than those expressly permitted in this section.

16           Sec. 12. Section 60-6,209, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           60-6,209 (1) Any person whose operator's license has been  
19 revoked pursuant to a conviction for a violation of sections  
20 60-6,196, 60-6,197, and 60-6,199 to 60-6,204 for a third or  
21 subsequent time for a period of fifteen years may apply to the  
22 Department of Motor Vehicles not more often than once per calendar  
23 year, on forms prescribed by the department, requesting the  
24 department to make a recommendation to the Board of Pardons for  
25 reinstatement of his or her eligibility for an operator's license.

1 Upon receipt of the application and a nonrefundable application fee  
2 of one hundred dollars, the Director of Motor Vehicles shall review  
3 the application ~~if such person has served at least seven years of~~  
4 ~~such revocation~~ and make a recommendation for reinstatement or for  
5 denial of reinstatement. The department may recommend reinstatement  
6 if such person shows the following:

7 (a) Such person has completed a state-certified substance  
8 abuse program and is recovering or such person has substantially  
9 recovered from the dependency on or tendency to abuse alcohol or  
10 drugs;

11 (b) Such person has not been convicted, since the date of  
12 the revocation order, of any subsequent violations of section  
13 60-6,196 or 60-6,197 or any comparable city or village ordinance and  
14 the applicant has not, since the date of the revocation order,  
15 submitted to a chemical test under section 60-6,197 that indicated an  
16 alcohol concentration in violation of section 60-6,196 or refused to  
17 submit to a chemical test under section 60-6,197;

18 (c) Such person has not been convicted, since the date of  
19 the revocation order, of driving while under suspension, revocation,  
20 or impoundment under section 60-4,109;

21 (d) Such person has abstained from the consumption of  
22 alcoholic beverages and the consumption of drugs except at the  
23 direction of a licensed physician or pursuant to a valid  
24 prescription; ~~and~~

25 (e) Such person's operator's license is not currently

1 subject to suspension or revocation for any other reason; and -

2 (f) Such person has agreed that, if the Board of Pardons  
3 reinstates such person's eligibility to apply for an ignition  
4 interlock permit, such person must provide proof, to the satisfaction  
5 of the department, that an ignition interlock device has been  
6 installed and is maintained on one or more motor vehicles such person  
7 operates for the duration of the original fifteen-year revocation  
8 period and such person must operate only motor vehicles so equipped  
9 for the duration of the original fifteen-year revocation period.

10 (2) In addition, the department may require other  
11 evidence from such person to show that restoring such person's  
12 privilege to drive will not present a danger to the health and safety  
13 of other persons using the highways.

14 (3) Upon review of the application, the director shall  
15 make the recommendation to the Board of Pardons in writing and shall  
16 briefly state the reasons for the recommendations. The recommendation  
17 shall include the original application and other evidence submitted  
18 by such person. The recommendation shall also include any record of  
19 any other applications such person has previously filed under this  
20 section.

21 (4) The department shall adopt and promulgate rules and  
22 regulations to govern the procedures for making a recommendation to  
23 the Board of Pardons. Such rules and regulations shall include the  
24 requirement that the treatment programs and counselors who provide  
25 information about such person to the department must be certified or

1 licensed by the state.

2 (5) If the Board of Pardons reinstates such person's  
3 eligibility for an operator's license or an ignition interlock permit  
4 or orders a reprieve of such person's motor vehicle operator's  
5 license revocation, such reinstatement or reprieve may be conditioned  
6 for the duration of the original revocation period on such person's  
7 continued recovery and, if such person is a holder of an ignition  
8 interlock permit, shall be conditioned for the duration of the  
9 original revocation period on such person's operation of only motor  
10 vehicles equipped with an ignition interlock device. If such person  
11 is convicted of any subsequent violation of section 60-6,196 or  
12 60-6,197, the reinstatement of the person's eligibility for an  
13 operator's license shall be withdrawn and such person's operator's  
14 license will be revoked by the Department of Motor Vehicles for the  
15 time remaining under the original revocation, independent of any  
16 sentence imposed by the court, after thirty days' written notice to  
17 the person by first-class mail at his or her last-known mailing  
18 address as shown by the records of the department.

19 (6) If the Board of Pardons reinstates a person's  
20 eligibility for an operator's license or an ignition interlock permit  
21 or orders a reprieve of such person's motor vehicle operator's  
22 license revocation, the board shall notify the Department of Motor  
23 Vehicles of the reinstatement or reprieve. Such person may apply for  
24 an operator's license upon payment of a fee of one hundred twenty-  
25 five dollars and the filing of proof of financial responsibility. The

1 fees paid pursuant to this section shall be collected by the  
2 department and remitted to the State Treasurer. The State Treasurer  
3 shall credit seventy-five dollars of each fee to the General Fund and  
4 fifty dollars of each fee to the Department of Motor Vehicles Cash  
5 Fund.

6 Sec. 13. Section 60-6,211.11, Revised Statutes Cumulative  
7 Supplement, 2012, is amended to read:

8 60-6,211.11 (1) ~~Any~~ Except as provided in subsection (2)  
9 of this section, any person who ordered by a court or the Department  
10 of Motor Vehicles to operate only motor vehicles equipped with an  
11 ignition interlock device is guilty of a Class I misdemeanor if he or  
12 she (a) tampers with or circumvents and then operates a motor vehicle  
13 equipped with an ignition interlock device installed under a the  
14 court order or Department of Motor Vehicles order while the order is  
15 in effect or who (b) operates a motor vehicle which is not equipped  
16 with an ignition interlock device in violation of a the court order  
17 or Department of Motor Vehicles order, shall be guilty of a Class IV  
18 felony.

19 (2) Any person ordered by a court or the Department of  
20 Motor Vehicles to operate only motor vehicles equipped with an  
21 ignition interlock device is guilty of a Class IV felony if he or she  
22 (a)(i) tampers with or circumvents and then operates a motor vehicle  
23 equipped with an ignition interlock device installed under the court  
24 order or Department of Motor Vehicles order while the order is in  
25 effect or (ii) operates a motor vehicle which is not equipped with an

1 ignition interlock device in violation of the court order or  
2 Department of Motor Vehicles order and (b) operates the motor vehicle  
3 as described in subdivision (a)(i) or (ii) of this subsection when he  
4 or she has a concentration of two-hundredths of one gram or more by  
5 weight of alcohol per one hundred milliliters of his or her blood or  
6 a concentration of two-hundredths of one gram or more by weight of  
7 alcohol per two hundred ten liters of his or her breath.

8           ~~(2)~~(3) Any person who otherwise operates a motor vehicle  
9 equipped with an ignition interlock device in violation of the  
10 requirements of the court order or Department of Motor Vehicles order  
11 under which the device was installed shall be guilty of a Class III  
12 misdemeanor.

13           Sec. 14. Section 71-605, Revised Statutes Cumulative  
14 Supplement, 2012, is amended to read:

15           71-605 (1) The funeral director and embalmer in charge of  
16 the funeral of any person dying in the State of Nebraska shall cause  
17 a certificate of death to be filled out with all the particulars  
18 contained in the standard form adopted and promulgated by the  
19 department. Such standard form shall include a space for veteran  
20 status and the period of service in the armed forces of the United  
21 States and a statement of the cause of death made by a person holding  
22 a valid license as a physician, physician assistant, or nurse  
23 practitioner who last attended the deceased. The standard form shall  
24 also include the deceased's social security number. Death and fetal  
25 death certificates shall be completed by the funeral directors and

1 embalmers and physicians, physician assistants, or nurse  
2 practitioners for the purpose of filing with the department and  
3 providing child support enforcement information pursuant to section  
4 43-3340.

5           (2) The physician, physician assistant, or nurse  
6 practitioner shall have the responsibility and duty to complete and  
7 sign in his or her own handwriting or by electronic means pursuant to  
8 section 71-603.01, within twenty-four hours from the time of death,  
9 that part of the certificate of death entitled medical certificate of  
10 death. In the case of a death when no person licensed as a physician,  
11 physician assistant, or nurse practitioner was in attendance, the  
12 funeral director and embalmer shall refer the case to the county  
13 attorney who shall have the responsibility and duty to complete and  
14 sign the death certificate in his or her own handwriting or by  
15 electronic means pursuant to section 71-603.01.

16           No cause of death shall be certified in the case of the  
17 sudden and unexpected death of a child between the ages of one week  
18 and three years until an autopsy is performed at county expense by a  
19 qualified pathologist pursuant to section 23-1824. The parents or  
20 guardian shall be notified of the results of the autopsy by their  
21 physician, physician assistant, nurse practitioner, community health  
22 official, or county coroner within forty-eight hours. The term sudden  
23 infant death syndrome shall be entered on the death certificate as  
24 the principal cause of death when the term is appropriately  
25 descriptive of the pathology findings and circumstances surrounding

1 the death of a child.

2           If the circumstances show it possible that death was  
3 caused by neglect, violence, or any unlawful means, the case shall be  
4 referred to the county attorney for investigation and certification.  
5 The county attorney shall, within twenty-four hours after taking  
6 charge of the case, state the cause of death as ascertained, giving  
7 as far as possible the means or instrument which produced the death.  
8 All death certificates shall show clearly the cause, disease, or  
9 sequence of causes ending in death. If the cause of death cannot be  
10 determined within the period of time stated above, the death  
11 certificate shall be filed to establish the fact of death. As soon as  
12 possible thereafter, and not more than six weeks later, supplemental  
13 information as to the cause, disease, or sequence of causes ending in  
14 death shall be filed with the department to complete the record. For  
15 all certificates stated in terms that are indefinite, insufficient,  
16 or unsatisfactory for classification, inquiry shall be made to the  
17 person completing the certificate to secure the necessary information  
18 to correct or complete the record.

19           (3) A completed death certificate shall be filed with the  
20 department within five business days after the date of death. If it  
21 is impossible to complete the certificate of death within five  
22 business days, the funeral director and embalmer shall notify the  
23 department of the reason for the delay and file the certificate as  
24 soon as possible.

25           (4) Before any dead human body may be cremated, a

1 cremation permit shall first be signed by the county attorney, or by  
2 his or her authorized representative as designated by the county  
3 attorney in writing, of the county in which the death occurred on a  
4 form prescribed and furnished by the department.

5 (5) A permit for disinterment shall be required prior to  
6 disinterment of a dead human body. The permit shall be issued by the  
7 department to a licensed funeral director and embalmer upon proper  
8 application. The request for disinterment shall be made by the ~~next~~  
9 ~~of kin of the deceased, as person~~ listed in section ~~38-1425, -8~~ of  
10 this act or a county attorney on a form furnished by the department.  
11 The application shall be signed by the funeral director and embalmer  
12 who will be directly supervising the disinterment. When the  
13 disinterment occurs, the funeral director and embalmer shall sign the  
14 permit giving the date of disinterment and file the permit with the  
15 department within ten days of the disinterment.

16 (6) When a request is made under subsection (5) of this  
17 section for the disinterment of more than one dead human body, an  
18 order from a court of competent jurisdiction shall be submitted to  
19 the department prior to the issuance of a permit for disinterment.  
20 The order shall include, but not be limited to, the number of bodies  
21 to be disinterred if that number can be ascertained, the method and  
22 details of transportation of the disinterred bodies, the place of  
23 reinterment, and the reason for disinterment. No sexton or other  
24 person in charge of a cemetery shall allow the disinterment of a body  
25 without first receiving from the department a disinterment permit

1 properly completed.

2 (7) No dead human body shall be removed from the state  
3 for final disposition without a transit permit issued by the funeral  
4 director and embalmer having charge of the body in Nebraska, except  
5 that when the death is subject to investigation, the transit permit  
6 shall not be issued by the funeral director and embalmer without  
7 authorization of the county attorney of the county in which the death  
8 occurred. No agent of any transportation company shall allow the  
9 shipment of any body without the properly completed transit permit  
10 prepared in duplicate.

11 (8) The interment, disinterment, or reinterment of a dead  
12 human body shall be performed under the direct supervision of a  
13 licensed funeral director and embalmer, except that hospital  
14 disposition may be made of the remains of a child born dead pursuant  
15 to section 71-20,121.

16 (9) All transit permits issued in accordance with the law  
17 of the place where the death occurred in a state other than Nebraska  
18 shall be signed by the funeral director and embalmer in charge of  
19 burial and forwarded to the department within five business days  
20 after the interment takes place.

21 Sec. 15. Section 71-1356, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 71-1356 For purposes of the Cremation of Human Remains  
24 Act, unless the context otherwise requires:

25 (1) Alternative container means a container in which

1 human remains are placed in a cremation chamber for cremation;

2 (2) Authorizing agent means a person vested with the  
3 right to control the disposition of human remains pursuant to section  
4 ~~38-1425~~; 8 of this act;

5 (3) Casket means a rigid container made of wood, metal,  
6 or other similar material, ornamented and lined with fabric, which is  
7 designed for the encasement of human remains;

8 (4) Cremated remains means the residue of human remains  
9 recovered after cremation and the processing of such remains by  
10 pulverization, leaving only bone fragments reduced to unidentifiable  
11 dimensions, and the unrecoverable residue of any foreign matter, such  
12 as eyeglasses, bridgework, or other similar material, that was  
13 cremated with the human remains;

14 (5) Cremated remains receipt form means a form provided  
15 by a crematory authority to an authorizing agent or his or her  
16 representative that identifies cremated remains and the person  
17 authorized to receive such remains;

18 (6) Cremation means the technical process that uses heat  
19 and evaporation to reduce human remains to bone fragments;

20 (7) Cremation chamber means the enclosed space within  
21 which a cremation takes place;

22 (8) Crematory means a building or portion of a building  
23 which contains a cremation chamber and holding facility;

24 (9) Crematory authority means the legal entity subject to  
25 licensure by the department to maintain and operate a crematory and

1 perform cremation;

2 (10) Crematory operator means a person who is responsible  
3 for the operation of a crematory;

4 (11) Delivery receipt form means a form provided by a  
5 funeral establishment to a crematory authority to document the  
6 receipt of human remains by such authority for the purpose of  
7 cremation;

8 (12) Department means the Division of Public Health of  
9 the Department of Health and Human Services;

10 (13) Director means the Director of Public Health of the  
11 Division of Public Health;

12 (14) Funeral director has the same meaning as in section  
13 71-507;

14 (15) Funeral establishment has the same meaning as in  
15 section 38-1411;

16 (16) Holding facility means the area of a crematory  
17 designated for the retention of human remains prior to cremation and  
18 includes a refrigerated facility;

19 (17) Human remains means the body of a deceased person,  
20 or a human body part, in any stage of decomposition and includes  
21 limbs or other portions of the anatomy that are removed from a person  
22 or human remains for medical purposes during treatment, surgery,  
23 biopsy, autopsy, or medical research;

24 (18) Permanent container means a receptacle made of  
25 durable material for the long-term placement of cremated remains; and

1           (19) Temporary container means a receptacle made of  
2 cardboard, plastic, or other similar material in which cremated  
3 remains are placed prior to the placement of such remains in an urn  
4 or other permanent container.

5           Sec. 16. Section 71-1373, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           71-1373 The right to authorize the cremation of human  
8 remains and the final disposition of the cremated remains, except in  
9 the case of a minor subject to section 23-1824 and unless other  
10 directions have been given by the decedent in the form of a  
11 testamentary disposition or a pre-need contract, vests pursuant to  
12 section ~~38-1425~~. 8 of this act.

13           Sec. 17. Section 71-4813, Revised Statutes Cumulative  
14 Supplement, 2012, is amended to read:

15           71-4813 (1) When an autopsy is performed by the physician  
16 authorized by the county coroner to perform such autopsy, the  
17 physician or an appropriately qualified designee with training in  
18 ophthalmologic techniques, as provided for in subsection (2) of this  
19 section, may remove eye tissue of the decedent for the purpose of  
20 transplantation. The physician may also remove the pituitary gland  
21 for the purpose of research and treatment of hypopituitary dwarfism  
22 and of other growth disorders. Removal of the eye tissue or the  
23 pituitary gland shall only take place if the:

24           (a) Autopsy was authorized by the county coroner;

25           (b) County coroner receives permission from the person

1 having control of the disposition of the decedent's remains pursuant  
2 to section ~~38-1425~~; and 8 of this act; and

3 (c) Removal of eye tissue or of the pituitary gland will  
4 not interfere with the course of any subsequent investigation or  
5 alter the decedent's post mortem facial appearance.

6 (2) An appropriately qualified designee of a physician  
7 with training in ophthalmologic techniques or a funeral director and  
8 embalmer licensed pursuant to the Funeral Directing and Embalming  
9 Practice Act upon (a) successfully completing a course in eye  
10 enucleation and (b) receiving a certificate of competence from the  
11 Department of Ophthalmology of the University of Nebraska Medical  
12 Center may enucleate the eyes of the donor.

13 (3) The removed eye tissue or pituitary gland shall be  
14 transported to the Department of Health and Human Services or any  
15 desired institution or health facility as prescribed by section  
16 38-1427.

17 Sec. 18. Section 83-1,127.02, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 83-1,127.02 (1) The Board of Pardons may, in its sole  
20 discretion, when granting a reprieve to any person who has made  
21 application pursuant to section 60-6,209, order such person to obtain  
22 an ignition interlock permit and to operate only motor vehicles  
23 equipped with an ignition interlock device approved by the Director  
24 of Motor Vehicles. The Board of Pardons may order the person to hold  
25 the ignition interlock permit and use an ignition interlock device

1 for a period of time not to exceed any period of revocation the  
2 applicant is subject to at the time the application for a license  
3 reinstatement is made.

4 (2) Any person ordered by the Board of Pardons to operate  
5 only motor vehicles equipped with such an ignition interlock device  
6 shall make application to the director for the issuance of an  
7 ignition interlock permit pursuant to section 60-4,118.06.

8 ~~(3) Any (3)(a) Except as provided in subdivision (3)(b)~~  
9 of this subsection, any such person restricted to operating a motor  
10 vehicle equipped with such an ignition interlock device ~~who is guilty~~  
11 of a Class I misdemeanor if he or she (i) operates upon the highways  
12 of this state a motor vehicle without such an ignition interlock  
13 device, who (ii) operates a motor vehicle equipped with such an  
14 ignition interlock device which has been disabled, bypassed, or  
15 altered in any way, or who (iii) operates a motor vehicle equipped  
16 with such an ignition interlock device without obtaining an ignition  
17 interlock permit. , is guilty of a Class IV felony.

18 (b) Any such person restricted to operating a motor  
19 vehicle equipped with such an ignition interlock device is guilty of  
20 a Class IV felony if he or she (i)(A) operates upon the highways of  
21 this state a motor vehicle without such an ignition interlock device,  
22 (B) operates a motor vehicle equipped with such an ignition interlock  
23 device which has been disabled, bypassed, or altered in any way, or  
24 (C) operates a motor vehicle equipped with such an ignition interlock  
25 device without obtaining an ignition interlock permit and (ii)

1 operates the motor vehicle as described in subdivision (i)(A), (B),  
2 or (C) of this subdivision when he or she has a concentration of two-  
3 hundredths of one gram or more by weight of alcohol per one hundred  
4 milliliters of his or her blood or a concentration of two-hundredths  
5 of one gram or more by weight of alcohol per two hundred ten liters  
6 of his or her breath.

7           (4) The court shall, as a part of the judgment of  
8 conviction for a violation of subdivision (3)(b) of this section,  
9 order such person not to drive any motor vehicle for any purpose for  
10 a period of fifteen years from the date ordered by the court. The  
11 court shall also order that the operator's license of such person be  
12 revoked for a like period. The revocation shall be administered upon  
13 sentencing, upon the final judgment of any appeal or review, or upon  
14 the date that any probation is revoked.

15           Sec. 19. Original sections 12-1208, 38-1426, 38-1427,  
16 60-6,209, 71-1356, 71-1373, and 83-1,127.02, Reissue Revised Statutes  
17 of Nebraska, sections 28-311.08, 28-367.01, 29-4003, 30-2201,  
18 60-6,211.11, 71-605, and 71-4813, Revised Statutes Cumulative  
19 Supplement, 2012, and sections 28-830, 28-831, and 38-1425, Revised  
20 Statutes Supplement, 2013, are repealed.

21           Sec. 20. Since an emergency exists, this act takes effect  
22 when passed and approved according to law.