

LEGISLATURE OF NEBRASKA
 ONE HUNDRED THIRD LEGISLATURE
 FIRST SESSION
LEGISLATIVE BILL 355

Introduced by Larson, 40.

Read first time January 18, 2013

Committee:

A BILL

1 FOR AN ACT relating to the age of majority; to amend sections 2-1207,
 2 8-2602, 9-255.06, 9-255.09, 9-334, 9-633, 9-646, 9-810,
 3 9-814, 9-823, 9-826, 13-317, 20-403, 21-1724, 21-1781,
 4 23-1213.01, 23-1824, 25-1601, 28-319, 28-320.01, 28-457,
 5 28-833, 29-2270, 30-2412, 30-2603, 30-3402, 30-3502,
 6 38-165, 38-1710, 38-2421, 38-3122, 42-371.01, 43-104.09,
 7 43-117.01, 43-284.02, 43-289, 43-290, 43-294, 43-504,
 8 43-2721, 43-3703, 44-7,103, 44-4053, 44-5238, 48-122.01,
 9 48-124, 49-801, 53-168.06, 53-181, 53-1,122, 60-4,120.01,
 10 60-6,157, 60-6,340, 68-1724, 71-629, 71-808, 71-824,
 11 71-20,120, 71-3405, 71-4808, 71-6039.01, 76-1494, 79-296,
 12 80-403, 81-885.13, 81-1916, 81-1936, 81-2036, 83-383, and
 13 83-388, Reissue Revised Statutes of Nebraska, and
 14 sections 25-1628, 25-21,271, 28-311.08, 28-319.01,
 15 28-416, 28-728, 28-813.01, 28-1463.04, 28-1463.05,
 16 29-401, 29-4016, 30-2209, 30-2604, 30-3902, 32-602,
 17 37-413, 37-452, 38-129, 43-245, 43-412, 43-1311.03,

1 43-2404.02, 43-2922, 53-180.05, 64-101, 68-915, 68-2002,
2 68-2004, 68-2005, 71-9105, 76-2228.01, 76-2229.01,
3 76-2230, 76-2231.01, 76-2232, 77-2704.63, 79-215, 79-267,
4 79-1003, 81-6,120, 81-1917, and 81-2026, Revised Statutes
5 Cumulative Supplement, 2012; to change the age of
6 majority from nineteen to eighteen years of age and
7 certain age requirements as prescribed; to define and
8 redefine terms; to change reporting provisions; to
9 eliminate obsolete provisions; to harmonize provisions;
10 to provide an operative date; to repeal the original
11 sections; and to outright repeal sections 44-706.01 and
12 71-826, Reissue Revised Statutes of Nebraska, and section
13 43-2101, Revised Statutes Cumulative Supplement, 2012.
14 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 2-1207, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 2-1207 (1) Within the enclosure of any racetrack where a
4 race or race meeting licensed and conducted under sections 2-1201 to
5 2-1218 is held or at a racetrack licensed to simulcast races or
6 conduct interstate simulcasting, the parimutuel method or system of
7 wagering on the results of the respective races may be used and
8 conducted by the licensee. Wagers placed through licensed teleracing
9 facilities or by approved telephonic wagering as authorized by
10 sections 2-1230 to 2-1242 shall be deemed to be wagers placed and
11 accepted within the enclosure of any racetrack. Under such system,
12 the licensee may receive wagers of money from any person present at
13 such race or racetrack receiving the simulcast race or conducting
14 interstate simulcasting or placed through a licensed teleracing
15 facility or by approved telephonic wagering by any person who may
16 legally wager on any horse in a race selected by such person to run
17 first in such race, and the person so wagering shall acquire an
18 interest in the total money so wagered on all horses in such race as
19 first winners in proportion to the amount of money wagered by him or
20 her. Such licensee shall issue to each person so wagering a
21 certificate on which shall be shown the number of the race, the
22 amount wagered, and the number or name of the horse selected by such
23 person as first winner. As each race is run, at the option of the
24 licensee, the licensee may deduct from the total sum wagered on all
25 horses as first winners not less than fifteen percent or more than

1 eighteen percent from such total sum, plus the odd cents of the
2 redistribution over the next lower multiple of ten. At the option of
3 the licensee, the licensee may deduct up to and including twenty-five
4 percent from the total sum wagered by exotic wagers as defined in
5 section 2-1208.03. The State Racing Commission may authorize other
6 levels of deduction on wagers conducted by means of interstate
7 simulcasting. The licensee shall notify the commission in writing of
8 the percentages the licensee intends to deduct during the live race
9 meet conducted by the licensee and shall notify the commission at
10 least one week in advance of any changes to such percentages the
11 licensee intends to make. The licensee shall also deduct from the
12 total sum wagered by exotic wagers, if any, the tax plus the odd
13 cents of the redistribution over the next multiple of ten as provided
14 in subsection (1) of section 2-1208.04. The balance remaining on hand
15 shall be paid out to the holders of certificates on the winning horse
16 in the proportion that the amount wagered by each certificate holder
17 bears to the total amount wagered on all horses in such race to run
18 first. The licensee may likewise receive such wagers on horses
19 selected to run second, third, or both, or in such combinations as
20 the commission may authorize, the method, procedure, and authority
21 and right of the licensee, as well as the deduction allowed to the
22 licensee, to be as specified with respect to wagers upon horses
23 selected to run first.

24 (2) At all race meets held pursuant to this section, the
25 licensee shall deduct from the total sum wagered one-third of the

1 amount over fifteen percent deducted pursuant to subsection (1) of
2 this section on wagers on horses selected to run first, second, or
3 third and one percent of all exotic wagers to be used to promote
4 agriculture and horse breeding in Nebraska and for the support and
5 preservation of horseracing pursuant to section 2-1207.01.

6 (3) No person under ~~nineteen~~eighteen years of age shall
7 be permitted to make any parimutuel wager, and there shall be no
8 wagering except under the parimutuel method outlined in this section.
9 Any person, association, or corporation who knowingly aids or abets a
10 person under ~~nineteen~~eighteen years of age in making a parimutuel
11 wager shall be guilty of a Class IV misdemeanor.

12 Sec. 2. Section 8-2602, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 8-2602 For purposes of the Credit Report Protection Act:

15 (1) Consumer reporting agency means any person which, for
16 monetary fees, for dues, or on a cooperative nonprofit basis,
17 regularly engages in whole or in part in the practice of assembling
18 or evaluating consumer credit information or other information on
19 consumers for the purpose of furnishing consumer reports to third
20 parties and which uses any means or facility of interstate commerce
21 for the purpose of preparing or furnishing consumer reports;

22 (2) File, when used in connection with information on any
23 consumer, means all of the information on that consumer recorded and
24 retained by a consumer reporting agency regardless of how the
25 information is stored;

1 (3) Minor means a person who is under ~~nineteen~~eighteen
2 years of age;

3 (4) Security freeze means a notice placed in a consumer's
4 file as provided in section 8-2603 that prohibits the consumer
5 reporting agency from releasing a credit report, or any other
6 information derived from the file, in connection with the extension
7 of credit or the opening of a new account, without the express
8 authorization of the consumer; and

9 (5) Victim of identity theft means a consumer who has a
10 copy of an official police report evidencing that the consumer has
11 alleged to be a victim of identity theft.

12 Sec. 3. Section 9-255.06, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 9-255.06 (1) An individual, partnership, limited
15 liability company, corporation, or organization which will be leasing
16 a premises to one or more organizations for the conduct of bingo and
17 which will receive more than two hundred fifty dollars per month as
18 aggregate total rent from leasing such premises for the conduct of
19 bingo shall first obtain a commercial lessor's license from the
20 department. The license shall be applied for on a form prescribed by
21 the department and shall contain:

22 (a) The name and home address of the applicant;

23 (b) If the applicant is an individual, the applicant's
24 social security number;

25 (c) If the applicant is not a resident of this state or

1 is not a corporation, the full name, business address, and home
2 address of a natural person, at least ~~nineteen~~eighteen years of age,
3 who is a resident of and living in this state designated by the
4 applicant as a resident agent for the purpose of receipt and
5 acceptance of service of process and other communications on behalf
6 of the applicant;

7 (d) A designated mailing address and legal description of
8 the premises intended to be covered by the license sought;

9 (e) The lawful capacity of the premises for public
10 assembly purposes;

11 (f) The amount of rent to be paid or other consideration
12 to be given directly or indirectly for each bingo occasion to be
13 conducted; and

14 (g) Any other information which the department deems
15 necessary.

16 (2) An application for a commercial lessor's license
17 shall be accompanied by a biennial fee of two hundred dollars for
18 each premises the applicant is seeking to lease pursuant to
19 subsection (1) of this section. A commercial lessor who desires to
20 lease more than one premises for the conduct of bingo shall file a
21 separate application and pay a separate fee for each such premises.

22 (3) The information required by this section shall be
23 kept current. The commercial lessor shall notify the department
24 within thirty days of any changes to the information contained on or
25 with the application.

1 (4) A commercial lessor who will be leasing or renting
2 bingo equipment in conjunction with his or her premises shall obtain
3 such equipment only from a licensed distributor, except that a
4 commercial lessor shall not purchase or otherwise obtain disposable
5 paper bingo cards from any source.

6 (5) A commercial lessor, the owner of a premises, and all
7 parties who lease or sublease a premises which ultimately is leased
8 to an organization for the conduct of bingo shall not be involved
9 directly with the conduct of any bingo occasion regulated by the
10 Nebraska Bingo Act which may include, but not be limited to, the
11 managing, operating, promoting, advertising, or administering of
12 bingo. Such persons shall not derive any financial gain from any
13 gaming activities regulated by Chapter 9 except as provided in
14 subsection (4) of section 9-347 if the individual is licensed as a
15 pickle card operator, if the individual is licensed as a lottery
16 operator or authorized sales outlet location pursuant to the Nebraska
17 County and City Lottery Act, or if the individual is contracted with
18 as a lottery game retailer pursuant to the State Lottery Act.

19 (6) A nonprofit organization owning its own premises
20 which in turn rents or leases its premises solely to its own
21 auxiliary shall be exempt from the licensing requirements contained
22 in this section.

23 Sec. 4. Section 9-255.09, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 9-255.09 (1) Any individual, partnership, limited

1 liability company, or corporation which desires to sell or otherwise
2 supply bingo equipment in this state to a licensed distributor shall
3 first apply for and obtain a manufacturer's license from the
4 department. Manufacturers' licenses may be renewed biennially. The
5 expiration date shall be September 30 of every odd-numbered year or
6 such other date as the department may prescribe by rule and
7 regulation. An application for license renewal shall be submitted to
8 the department at least forty-five days prior to the expiration date
9 of the license. The license shall be applied for on a form prescribed
10 by the department and shall contain:

11 (a) The business name and address of the applicant and
12 the name and address of each of the applicant's separate locations
13 which manufacture or store bingo equipment and any location from
14 which the applicant distributes or promotes bingo equipment;

15 (b) The name and home address of the applicant;

16 (c) If the applicant is an individual, the applicant's
17 social security number;

18 (d) If the applicant is not a resident of this state or
19 is not a corporation, the full name, business address, and home
20 address of a natural person, at least ~~nineteen~~eighteen years of age,
21 who is a resident of and living in this state designated by the
22 applicant as a resident agent for the purpose of receipt and
23 acceptance of service of process and other communications on behalf
24 of the applicant;

25 (e) A sworn statement by the applicant or appropriate

1 officer of the applicant that the applicant will comply with all
2 provisions of the Nebraska Bingo Act and all rules and regulations
3 adopted pursuant to the act; and

4 (f) Any other information which the department deems
5 necessary.

6 (2) The application shall be accompanied by a biennial
7 license fee of three thousand fifty dollars.

8 (3) The information required by this section shall be
9 kept current. The manufacturer shall notify the department within
10 thirty days of any changes to the information contained on or with
11 the application.

12 (4) Any person licensed as a manufacturer pursuant to
13 section 9-332 may act as a manufacturer pursuant to this section
14 without filing a separate application or submitting the license fee
15 required by this section.

16 (5) A licensed manufacturer shall not hold any other type
17 of license issued pursuant to Chapter 9 except as provided in
18 sections 9-332 and 9-632.

19 (6) No manufacturer or spouse or employee of the
20 manufacturer shall participate in the conduct or operation of any
21 bingo game or occasion or any other kind of gaming activity which is
22 authorized or regulated under Chapter 9 except to the exclusive
23 extent of his or her statutory duties as a licensed manufacturer or
24 employee thereof as provided by this section and except as provided
25 in sections 9-332 and 9-632 and the State Lottery Act. No

1 manufacturer or employee or spouse of any manufacturer shall have a
2 substantial interest in another manufacturer, a distributor, a
3 manufacturer-distributor as defined in section 9-616 other than
4 itself, a licensed organization, or any other licensee regulated
5 under Chapter 9.

6 Sec. 5. Section 9-334, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 9-334 Each manufacturer selling pickle cards and pickle
9 card units in this state that is not a resident or corporation shall
10 designate a natural person who is a resident of and living in this
11 state and is ~~nineteen~~eighteen years of age or older as a resident
12 agent for the purpose of receipt and acceptance of service of process
13 and other communications on behalf of the manufacturer. The name,
14 business address where service of process and delivery of mail can be
15 made, and home address of such agent shall be filed with the
16 department.

17 Sec. 6. Section 9-633, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 9-633 Each manufacturer-distributor selling lottery
20 equipment or supplies in this state that is not a resident of this
21 state or is not a corporation shall designate a natural person who is
22 a resident of and living in this state and is ~~nineteen~~eighteen years
23 of age or older as a resident agent for the purpose of receipt and
24 acceptance of service of process and other communications on behalf
25 of the manufacturer-distributor. The name, business address where

1 service of process and delivery of mail can be made, and home address
2 of such agent shall be filed with the department.

3 Sec. 7. Section 9-646, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 9-646 (1) No person under ~~nineteen~~eighteen years of age
6 shall play or participate in any way in any lottery conducted
7 pursuant to the Nebraska County and City Lottery Act.

8 (2) A county, city, or village which authorizes the
9 conduct of a lottery shall establish by ordinance or resolution the
10 limitations, if any, on the playing of any lottery conducted by the
11 county, city, or village by any member of the governing board, a
12 governing official, or the immediate family of such member or
13 official.

14 (3) No owner or officer of a lottery operator with whom
15 the county, city, or village contracts to conduct its lottery shall
16 play any lottery conducted by such county, city, or village. An owner
17 or officer of an authorized sales outlet location for such county,
18 city, or village may be prohibited from playing any lottery conducted
19 by such county, city, or village by ordinance or resolution. No
20 employee or agent of a county, city, village, lottery operator, or
21 authorized sales outlet location shall play the lottery of the
22 county, city, or village for which he or she performs work during
23 such time as he or she is actually working at such lottery or while
24 on duty.

25 (4) No person or licensee, or employee or agent thereof,

1 shall knowingly permit an individual under ~~nineteen~~eighteen years of
2 age to play or participate in any way in any lottery conducted
3 pursuant to the Nebraska County and City Lottery Act.

4 Sec. 8. Section 9-810, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 9-810 (1) A person under ~~nineteen~~eighteen years of age
7 shall not purchase a lottery ticket. No lottery ticket shall be sold
8 to any person under ~~nineteen~~eighteen years of age. No person shall
9 purchase a lottery ticket for a person under ~~nineteen~~eighteen years
10 of age, and no person shall purchase a lottery ticket for the benefit
11 of a person under ~~nineteen~~eighteen years of age.

12 (2) No lottery ticket shall be sold and no prize shall be
13 awarded to the Tax Commissioner, the director, or any employee of the
14 division or any spouse, child, brother, sister, or parent residing as
15 a member of the same household in the principal place of abode of the
16 Tax Commissioner, the director, or any employee of the division.

17 (3) With respect to a lottery game retailer under
18 contract to sell lottery tickets whose rental payment for premises is
19 contractually computed in whole or in part on the basis of a
20 percentage of retail sales and when the computation of retail sales
21 is not explicitly defined to include the sale of lottery tickets, the
22 amount of retail sales for lottery tickets by the retailer for
23 purposes of such a computation may not exceed the amount of
24 compensation received by the retailer from the division.

25 (4) Once any prize is awarded in conformance with the

1 State Lottery Act and any rules and regulations adopted under the
2 act, the state shall have no further liability with respect to that
3 prize.

4 (5) Prior to the payment of any lottery prize in excess
5 of five hundred dollars for a winning lottery ticket presented for
6 redemption to the division, the division shall check the name and
7 social security number of the winner with a list provided by the
8 Department of Revenue of people identified as having an outstanding
9 state tax liability and a list of people certified by the Department
10 of Health and Human Services as owing a debt as defined in section
11 77-27,161. The division shall credit any such lottery prize against
12 any outstanding state tax liability owed by such winner and the
13 balance of such prize amount, if any, shall be paid to the winner by
14 the division. The division shall credit any such lottery prize
15 against any certified debt in the manner set forth in sections
16 77-27,160 to 77-27,173. If the winner has both an outstanding state
17 tax liability and a certified debt, the division shall add the
18 liability and the debt together and pay the appropriate agency or
19 person a share of the prize in the proportion that the liability or
20 debt owed to the agency or person is to the total liability and debt.

21 Sec. 9. Section 9-814, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 9-814 (1) It shall be a Class II misdemeanor for a
24 lottery game retailer to fail to separate and keep separate all money
25 received from the sale of lottery tickets less the amount, if any,

1 retained as compensation for the sale of lottery tickets and less the
2 amount, if any, paid in prizes or to fail to make available to the
3 division all records pertaining to separate accounts maintained for
4 revenue derived from the sale of lottery tickets.

5 (2) It shall be a Class II misdemeanor for any lottery
6 game retailer or his or her employee to knowingly sell a lottery
7 ticket to any person under ~~nineteen~~eighteen years of age.

8 (3) It shall be a Class IV misdemeanor for a person under
9 ~~nineteen~~eighteen years of age to knowingly purchase a lottery ticket
10 under the State Lottery Act.

11 (4) It shall be a Class I misdemeanor for any person to
12 sell lottery tickets without holding a valid contract with the
13 division to sell such tickets.

14 (5) It shall be a Class I misdemeanor for a lottery game
15 retailer to sell lottery tickets at any price other than that
16 established by the division.

17 (6) It shall be a Class I misdemeanor to release any
18 information obtained through a background investigation performed by
19 the division without the prior written consent of the subject of the
20 investigation except as provided in subdivision (3)(d) of section
21 9-808.

22 (7) It shall be a Class III felony to alter or attempt to
23 alter a lottery ticket for the purpose of defrauding a lottery game
24 conducted pursuant to the State Lottery Act.

25 (8) It shall be a Class IV felony to falsify information

1 provided to the division for purposes of applying for a contract with
2 the division or for purposes of completing a background investigation
3 pursuant to the act.

4 Sec. 10. Section 9-823, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 9-823 The Tax Commissioner shall adopt and promulgate
7 rules and regulations necessary to carry out the State Lottery Act.
8 The rules and regulations shall include provisions relating to the
9 following:

10 (1) The lottery games to be conducted subject to the
11 following conditions:

12 (a) No lottery game shall use the theme of dog racing or
13 horseracing;

14 (b) In any lottery game utilizing tickets, each ticket in
15 such game shall bear a unique number distinguishing it from every
16 other ticket in such lottery game;

17 (c) No name of an elected official shall appear on the
18 tickets of any lottery game; and

19 (d) In any instant-win game, the overall estimated odds
20 of winning some prize shall be printed on each ticket and shall also
21 be available at the office of the division at the time such lottery
22 game is offered for sale to the public;

23 (2) The retail sales price for lottery tickets;

24 (3) The types and manner of payment of prizes to be
25 awarded for winning tickets in lottery games;

1 (4) The method for determining winners, the frequency of
2 drawings, if any, or other selection of winning tickets subject to
3 the following conditions:

4 (a) No lottery game shall be based on the results of a
5 dog race, horserace, or other sports event;

6 (b) If the lottery game utilizes the drawing of winning
7 numbers, a drawing among entries, or a drawing among finalists (i)
8 the drawings shall be witnessed by an independent certified public
9 accountant, (ii) any equipment used in the drawings shall be
10 inspected by the independent certified public accountant and an
11 employee of the division or designated agent both before and after
12 the drawing, and (iii) the drawing shall be recorded on videotape
13 with an audio track; and

14 (c) Drawings in an instant-win game, other than grand
15 prize drawings or other runoff drawings, shall not be held more often
16 than weekly. Drawings or selections in an on-line game shall not be
17 held more often than daily;

18 (5) The validation and manner of payment of prizes to the
19 holders of winning tickets subject to the following conditions:

20 (a) The prize shall be given to the person who presents a
21 winning ticket, except that for awards in excess of five hundred
22 dollars, the winner shall also provide his or her social security
23 number or tax identification number;

24 (b) A prize may be given to only one person per winning
25 ticket, except that a prize shall be divided between the holders of

1 winning tickets if there is more than one winning ticket per prize;

2 (c) For the convenience of the public, the director may
3 authorize lottery game retailers to pay winners of up to five hundred
4 dollars after performing validation procedures on their premises
5 appropriate to the lottery game involved;

6 (d) No prize shall be paid to any person under ~~nineteen~~
7 eighteen years of age, and any prize resulting from a lottery ticket
8 held by a person under ~~nineteen~~eighteen years of age shall be
9 awarded to the parent or guardian or custodian of the person under
10 the Nebraska Uniform Transfers to Minors Act;

11 (e) No prize shall be paid for tickets that are stolen,
12 counterfeit, altered, fraudulent, unissued, produced or issued in
13 error, unreadable, not received or not recorded by the division by
14 acceptable deadlines, lacking in captions that confirm and agree with
15 the lottery play symbols as appropriate to the lottery game involved,
16 or not in compliance with additional specific rules and regulations
17 and public or confidential validation and security tests appropriate
18 to the particular lottery game involved;

19 (f) No particular prize in any lottery game shall be paid
20 more than once. In the event of a binding determination by the
21 director that more than one claimant is entitled to a particular
22 prize, the sole right of such claimants shall be the award to each of
23 them of an equal share in the prize; and

24 (g) After the expiration of the claim period for prizes
25 for each lottery game, the director shall make available a detailed

1 tabulation of the total number of tickets actually sold in the
2 lottery game and the total number of prizes of each prize
3 denomination that were actually claimed and paid;

4 (6) Requirements for eligibility for participation in
5 grand prize drawings or other runoff drawings, including requirements
6 for submission of evidence of eligibility;

7 (7) The locations at which tickets may be sold except
8 that no ticket may be sold at a retail liquor establishment holding a
9 license for the sale of alcoholic liquor at retail for consumption on
10 the licensed premises unless the establishment holds a Class C liquor
11 license with a sampling designation as provided in subsection (6) of
12 section 53-124;

13 (8) The method to be used in selling tickets;

14 (9) The contracting with persons as lottery game
15 retailers to sell tickets and the manner and amount of compensation
16 to be paid to such retailers;

17 (10) The form and type of marketing of informational and
18 educational material;

19 (11) Any arrangements or methods to be used in providing
20 proper security in the storage and distribution of tickets or lottery
21 games; and

22 (12) All other matters necessary or desirable for the
23 efficient and economical operation and administration of lottery
24 games and for the convenience of the purchasers of tickets and the
25 holders of winning tickets.

1 Sec. 11. Section 9-826, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 9-826 A contract may be awarded to an applicant to
4 operate as a lottery game retailer only after the director finds all
5 of the following:

6 (1) The applicant is at least ~~nineteen~~eighteen years of
7 age;

8 (2) The applicant has not been convicted of a felony or
9 misdemeanor involving gambling, moral turpitude, dishonesty, or theft
10 and the applicant has not been convicted of any other felony within
11 ten years preceding the date such applicant applies for a contract;

12 (3) The applicant has not been convicted of a violation
13 of the Nebraska Bingo Act, the Nebraska County and City Lottery Act,
14 the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card Lottery
15 Act, the Nebraska Small Lottery and Raffle Act, the State Lottery
16 Act, or Chapter 28, article 11;

17 (4) The applicant has not previously had a license
18 revoked or denied under the Nebraska Bingo Act, the Nebraska County
19 and City Lottery Act, the Nebraska Lottery and Raffle Act, the
20 Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and
21 Raffle Act, the State Lottery Act, or Chapter 28, article 11;

22 (5) The applicant has not had a license or contract to
23 sell tickets for a lottery in another jurisdiction revoked by the
24 authority regulating such lottery or by a court of such jurisdiction;

25 (6) The applicant has demonstrated financial

1 responsibility, as determined in rules and regulations of the
2 division, sufficient to meet the requirements of a lottery game
3 retailer;

4 (7) All persons holding at least a ten percent ownership
5 interest in the applicant's business or activity have been disclosed;

6 (8) The applicant has been in substantial compliance with
7 Nebraska tax laws as determined by the director based on the severity
8 of any possible violation for the five years prior to applying, is
9 not delinquent in the payment of any Nebraska taxes at the time of
10 application, and is in compliance with Nebraska tax laws at the time
11 of application; and

12 (9) The applicant has not knowingly made a false
13 statement of material fact to the director.

14 For purposes of this section, applicant shall include the
15 entity seeking the contract and every sole proprietor, partner in a
16 partnership, member in a limited liability company, officer of a
17 corporation, shareholder owning in the aggregate ten percent or more
18 of the stock of a corporation, and governing officer of an
19 organization or political subdivision.

20 Sec. 12. Section 13-317, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 13-317 Any municipal corporation may contract with any
23 person and provide funds for juvenile emergency shelter care. For
24 purposes of this section:

25 (1) Juvenile emergency shelter care shall mean temporary

1 twenty-four-hour physical care and supervision in crisis situations
2 and at times when an appropriate foster care resource is not
3 available to persons under eighteen years of age; ~~or younger;~~ and

4 (2) Municipal corporation shall be as defined in section
5 13-309.

6 Sec. 13. Section 20-403, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 20-403 For purposes of the Rights of the Terminally Ill
9 Act, unless the context otherwise requires:

10 (1) Adult shall mean any person who is ~~nineteen~~eighteen
11 years of age or older or who is or has been married;

12 (2) Attending physician shall mean the physician who has
13 primary responsibility for the treatment and care of the patient;

14 (3) Declaration shall mean a writing executed in
15 accordance with the requirements of subsection (1) of section 20-404;

16 (4) Health care provider shall mean a person who is
17 licensed, certified, or otherwise authorized by the law of this state
18 to administer health care in the ordinary course of business or
19 practice of a profession;

20 (5) Life-sustaining treatment shall mean any medical
21 procedure or intervention that, when administered to a qualified
22 patient, will serve only to prolong the process of dying or maintain
23 the qualified patient in a persistent vegetative state;

24 (6) Persistent vegetative state shall mean a medical
25 condition that, to a reasonable degree of medical certainty as

1 determined in accordance with currently accepted medical standards,
2 is characterized by a total and irreversible loss of consciousness
3 and capacity for cognitive interaction with the environment and no
4 reasonable hope of improvement;

5 (7) Person shall mean an individual, corporation,
6 business trust, estate, trust, partnership, limited liability
7 company, association, joint venture, government, governmental
8 subdivision or agency, or other legal or commercial entity;

9 (8) Physician shall mean an individual licensed to
10 practice medicine in this state;

11 (9) Qualified patient shall mean an adult who has
12 executed a declaration and who has been determined by the attending
13 physician to be in a terminal condition or a persistent vegetative
14 state;

15 (10) State shall mean a state of the United States, the
16 District of Columbia, the Commonwealth of Puerto Rico, or a territory
17 or insular possession subject to the jurisdiction of the United
18 States; and

19 (11) Terminal condition shall mean an incurable and
20 irreversible condition that, without the administration of life-
21 sustaining treatment, will, in the opinion of the attending
22 physician, result in death within a relatively short time.

23 Sec. 14. Section 21-1724, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 21-1724 (1) Any nine or more individuals residing in the

1 State of Nebraska who are ~~nineteen~~eighteen years of age or older and
2 who have a common bond pursuant to section 21-1743 may apply to the
3 department on forms prescribed by the department for permission to
4 organize a credit union and to become charter members and subscribers
5 of the credit union.

6 (2) The subscribers shall execute in duplicate articles
7 of association and shall agree to the terms of the articles of
8 association. The terms shall state:

9 (a) The name, which shall include the words "credit
10 union" and shall not be the same as the name of any other credit
11 union in this state, whether or not organized under the Credit Union
12 Act, and the location where the proposed credit union will have its
13 principal place of business;

14 (b) The names and addresses of the subscribers to the
15 articles of association and the number of shares subscribed by each;

16 (c) The par value of the shares of the credit union which
17 shall be established by its board of directors. A credit union may
18 have more than one class of shares;

19 (d) The common bond of members of the credit union; and

20 (e) That the existence of the credit union shall be
21 perpetual.

22 (3) The subscribers shall prepare and adopt bylaws for
23 the governance of the credit union. The bylaws shall be consistent
24 with the Credit Union Act and shall be executed in duplicate.

25 (4) The subscribers shall select at least five qualified

1 individuals to serve on the board of directors of the credit union,
2 at least three qualified individuals to serve on the supervisory
3 committee of the credit union, and at least three qualified
4 individuals to serve on the credit committee of the credit union, if
5 any. Such individuals shall execute a signed agreement to serve in
6 these capacities until the first annual meeting or until the election
7 of their successors, whichever is later.

8 (5) The articles of association and the bylaws, both
9 executed in duplicate, shall be forwarded by the subscribers along
10 with the required fee, if any, to the director, as an application for
11 a certificate of approval.

12 (6) The director shall act upon the application within
13 one hundred twenty calendar days after receipt of the articles of
14 association and the bylaws to determine whether the articles of
15 association conform with this section and whether or not the
16 character of the applicants and the conditions existing are favorable
17 for the success of the credit union.

18 (7) The director shall notify an applicant of his or her
19 decision on the application. If the decision is favorable, the
20 director shall issue a certificate of approval to the credit union.
21 The certificate of approval shall be attached to the duplicate
22 articles of association and returned, with the duplicate bylaws, to
23 such subscribers.

24 (8) The subscribers shall file the certificate of
25 approval with the articles of association attached in the office of

1 the county clerk of the county in which the credit union is to locate
2 its principal place of business. The county clerk shall accept and
3 record the documents if they are accompanied by the proper fee and,
4 after indexing, forward to the department proper documentation that
5 the certificate of approval with the articles of association attached
6 have been properly filed and recorded. When the documents are so
7 recorded, the credit union shall be organized in accordance with the
8 Credit Union Act and may begin transacting business.

9 (9) If the director's decision on the application is
10 unfavorable, he or she shall notify the subscribers of the reasons
11 for the decision. The subscribers may then request a public hearing
12 if no such hearing was held at the time the application was submitted
13 for consideration.

14 (10) The request for a public hearing shall be made in
15 writing to the director not more than thirty calendar days after his
16 or her decision. The director, within ten calendar days after receipt
17 of a request for a hearing, shall set a date for the hearing at a
18 time and place convenient to the director and the subscribers, but no
19 longer than sixty calendar days after receipt of such request. The
20 director may request a stenographic record of the hearing.

21 Sec. 15. Section 21-1781, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 21-1781 A share account may be issued to and deposits
24 received from a member less than ~~nineteen~~eighteen years of age who
25 may withdraw funds from such account, including the dividends

1 thereon. Payments on a share account by such individual and
2 withdrawals on a share account by such individual shall be valid in
3 all respects.

4 Sec. 16. Section 23-1213.01, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 23-1213.01 The council shall, with respect to ensuring
7 quality and uniform death investigation processes throughout the
8 state, develop guidelines to promote uniform and quality death
9 investigations for county coroners. Such guidelines may include
10 guidance to the county coroner in:

- 11 (1) Determining the need for autopsies involving:
- 12 (a) Deaths of individuals ~~nineteen~~eighteen years of age
13 or older;
- 14 (b) Deaths of individuals under ~~nineteen~~eighteen years
15 of age;
- 16 (c) Sudden, unexplained infant deaths;
- 17 (d) Deaths while in custody;
- 18 (e) Deaths caused by motor vehicle collisions;
- 19 (f) Deaths by burning; and
- 20 (g) Suspicious deaths;
- 21 (2) The utilization of investigative tools and equipment;
- 22 (3) Entering the death scene;
- 23 (4) Documenting and evaluating the death scene;
- 24 (5) Documenting and evaluating the body;
- 25 (6) Establishing and recording decedent profile

1 information; and

2 (7) Completing the death scene investigation.

3 Persons investigating infant deaths and young child
4 deaths may also refer to the recommendations adopted by the Attorney
5 General with respect to such investigations.

6 Sec. 17. Section 23-1824, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 23-1824 (1) The county coroner or coroner's physician
9 shall perform, at county expense, an autopsy on any person less than
10 ~~nineteen~~eighteen years of age who dies a sudden death, except that
11 no autopsy needs to be performed if (a) the death was caused by a
12 readily recognizable disease or the death occurred due to trauma
13 resulting from an accident and (b) the death did not occur under
14 suspicious circumstances. The Attorney General shall create, by July
15 1, 2007, guidelines for county coroners or coroner's physicians
16 regarding autopsies on persons less than ~~nineteen~~eighteen years of
17 age.

18 (2) The county coroner or coroner's physician shall
19 attempt to establish, by a reasonable degree of medical certainty,
20 the cause or causes of the death, and shall thereafter certify the
21 cause or causes of death to the county attorney. No cause of death
22 shall be certified as sudden infant death syndrome unless an autopsy,
23 a death scene investigation, and a review of the child's medical
24 history reveal no other possible cause.

25 (3) A county may request reimbursement of up to fifty

1 percent of the cost of an autopsy from the Attorney General.
2 Reimbursement requests may include, but not be limited to, costs for
3 expert witnesses and complete autopsies, including toxicology screens
4 and tissue sample tests. The Attorney General shall place an emphasis
5 on autopsies of children five years of age and younger.

6 Sec. 18. Section 25-1601, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 25-1601 (1) All citizens of the United States residing in
9 any of the counties of this state who are over the age of ~~nineteen~~
10 eighteen years, able to read, speak, and understand the English
11 language, and free from all disqualifications set forth under this
12 section and from all other legal exceptions are and shall be
13 competent persons to serve on all grand and petit juries in their
14 respective counties. Persons disqualified to serve as either grand or
15 petit jurors are: (a) Judges of any court, (b) clerks of the Supreme
16 or district courts, (c) sheriffs, (d) jailers, (e) persons, or the
17 wife or husband of any such person, who are parties to suits pending
18 in the district court of the county of his, her, or their then
19 residence for trial at that jury panel, (f) persons who have been
20 convicted of a criminal offense punishable by imprisonment in a
21 Department of Correctional Services adult correctional facility, when
22 such conviction has not been set aside or a pardon issued, and (g)
23 persons who are subject to liability for the commission of any
24 offense which by special provision of law does and shall disqualify
25 them. Persons who are husband and wife shall not be summoned as

1 jurors on the same panel. Persons who are incapable, by reason of
2 physical or mental disability, of rendering satisfactory jury service
3 shall not be qualified to serve on a jury, but a person claiming this
4 disqualification may be required to submit a physician's certificate
5 as to the disability and the certifying physician is subject to
6 inquiry by the court at its discretion. A nursing mother who requests
7 to be excused shall be excused from jury service until she is no
8 longer nursing her child, but the mother may be required to submit a
9 physician's certificate in support of her request.

10 (2) The district court or any judge thereof may exercise
11 the power of excusing any grand or petit juror or any person summoned
12 for grand or petit jury service upon a showing of undue hardship,
13 extreme inconvenience, or public necessity for such period as the
14 court deems necessary. At the conclusion of such period the person
15 shall reappear for jury service in accordance with the court's
16 direction. All excuses and the grounds for such excuses shall be
17 entered upon the record of the court and shall be considered as a
18 public record. In districts having more than one judge of the
19 district court, the court may by rule or order assign or delegate to
20 the presiding judge or any one or more judges the sole authority to
21 grant such excuses.

22 (3) No qualified prospective juror is exempt from jury
23 service, except that any person sixty-five years of age or older who
24 shall make such request to the court at the time the juror
25 qualification form is filed with the jury commissioner shall be

1 exempt from serving on grand and petit juries.

2 (4) A nursing mother shall be excused from jury service
3 until she is no longer nursing her child by making such request to
4 the court at the time the juror qualification form is filed with the
5 jury commissioner and including with the request a physician's
6 certificate in support of her request. The jury commissioner shall
7 mail the mother a notification form to be completed and returned to
8 the jury commissioner by the mother when she is no longer nursing the
9 child.

10 Sec. 19. Section 25-1628, Revised Statutes Cumulative
11 Supplement, 2012, is amended to read:

12 25-1628 (1) At least once each calendar year, the officer
13 having charge of the election records shall furnish to the jury
14 commissioner a complete list of the names, dates of birth, addresses,
15 and motor vehicle operator license numbers or state identification
16 card numbers of all registered electors ~~nineteen~~eighteen years of
17 age or older in the county. The Department of Motor Vehicles shall
18 make available to each jury commissioner each December a list in
19 magnetic, optical, digital, or other electronic format mutually
20 agreed to by the jury commissioner and the department containing the
21 names, dates of birth, addresses, and motor vehicle operator license
22 numbers or state identification card numbers of all licensed motor
23 vehicle operators and state identification card holders ~~nineteen~~
24 eighteen years of age or older in the county. The jury commissioner
25 may request such a list of licensed motor vehicle operators and state

1 identification card holders from the county treasurer if the county
2 treasurer has an automated procedure for developing such lists. If a
3 jury commissioner requests similar lists at other times from the
4 department, the cost of processing such lists shall be paid by the
5 county which the requesting jury commissioner serves.

6 (2) Upon receipt of both lists described in subsection
7 (1) of this section, the jury commissioner shall combine the separate
8 lists and attempt to reduce duplication to the best of his or her
9 ability to produce a master list. In counties having a population of
10 seven thousand inhabitants or more, the jury commissioner shall
11 produce a master list at least once each calendar year. In counties
12 having a population of three thousand inhabitants but less than seven
13 thousand inhabitants, the jury commissioner shall produce a master
14 list at least once every two calendar years. In counties having a
15 population of less than three thousand inhabitants, the jury
16 commissioner shall produce a master list at least once every five
17 calendar years.

18 (3) The proposed juror list shall be derived by selecting
19 from the master list the name of the person whose numerical order on
20 such list corresponds with the key number and each successive tenth
21 name thereafter. The jury commissioner shall certify that the
22 proposed juror list has been made in accordance with sections 25-1625
23 to 25-1637.

24 (4) Any duplication of names on a master list shall not
25 be grounds for quashing any panel pursuant to section 25-1637 or for

1 the disqualification of any juror.

2 Sec. 20. Section 25-21,271, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 25-21,271 (1) Any person desiring to change his or her
5 name shall file a petition in the district court of the county in
6 which such person may be a resident, setting forth (a) that the
7 petitioner has been a bona fide citizen of such county for at least
8 one year prior to the filing of the petition, (b) the address of the
9 petitioner, (c) the date of birth of the petitioner, (d) the cause
10 for which the change of petitioner's name is sought, and (e) the name
11 asked for.

12 (2) Notice of the filing of the petition shall be
13 published in a newspaper in the county, and if no newspaper is
14 printed in the county, then in a newspaper of general circulation
15 therein. The notice shall be published (a) once a week for four
16 consecutive weeks if the petitioner is ~~nineteen~~eighteen years of age
17 or older at the time the action is filed and (b) once a week for two
18 consecutive weeks if the petitioner is under ~~nineteen~~eighteen years
19 of age at the time the action is filed. In an action involving a
20 petitioner under ~~nineteen~~eighteen years of age who has a
21 noncustodial parent, notice of the filing of the petition shall be
22 sent by certified mail within five days after publication to the
23 noncustodial parent at the address provided to the clerk of the
24 district court pursuant to subsection (1) of section 42-364.13 for
25 the noncustodial parent if he or she has provided an address. The

1 clerk of the district court shall provide the petitioner with the
2 address upon request.

3 (3) It shall be the duty of the district court, upon
4 being duly satisfied by proof in open court of the truth of the
5 allegations set forth in the petition, that there exists proper and
6 reasonable cause for changing the name of the petitioner, and that
7 notice of the filing of the petition has been given as required by
8 this section, to order and direct a change of name of such petitioner
9 and that an order for the purpose be made in the journals of the
10 court.

11 (4) The clerk of the district court shall deliver a copy
12 by hard copy or electronic means of any name-change order issued by
13 the court pursuant to this section to the Department of Health and
14 Human Services for use pursuant to sections 28-376 and 28-718 and to
15 the sex offender registration and community notification division of
16 the Nebraska State Patrol for use pursuant to section 29-4004.

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

19 28-311.08 (1) It shall be unlawful for any person to
20 knowingly intrude upon any other person without his or her consent or
21 knowledge in a place of solitude or seclusion.

22 (2) For purposes of this section:

23 (a) Intrude means either the:

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

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

3 (b) Place of solitude or seclusion means a place where a
4 person would intend to be in a state of undress and have a reasonable
5 expectation of privacy, including, but not limited to, any facility,
6 public or private, used as a restroom, tanning booth, locker room,
7 shower room, fitting room, or dressing room.

8 (3)(a) Violation of this section involving an intrusion
9 as defined in subdivision (2)(a)(i) of this section is a Class I
10 misdemeanor.

11 (b) Violation of this section involving an intrusion as
12 defined in subdivision (2)(a)(ii) of this section is a Class IV
13 felony.

14 (c) Violation of this section is a Class III felony if
15 video or an image from the intrusion is distributed to another person
16 or otherwise made public in any manner which would enable it to be
17 viewed by another person.

18 (4) As part of sentencing following a conviction for a
19 violation of this section, the court shall make a finding as to the
20 ages of the defendant and the victim at the time the offense
21 occurred. If the defendant is found to have been ~~nineteen~~eighteen
22 years of age or older and the victim is found to have been less than
23 eighteen years of age at such time, then the defendant shall be
24 required to register under the Sex Offender Registration Act.

25 (5) No person shall be prosecuted for unlawful intrusion

1 pursuant to subdivision (3)(b) or (c) of this section unless the
2 indictment for such offense is found by a grand jury or a complaint
3 filed before a magistrate within three years after the later of:

4 (a) The commission of the crime;

5 (b) Law enforcement's or a victim's receipt of actual or
6 constructive notice of either the existence of a video or other
7 electronic recording of the unlawful intrusion or the distribution of
8 images, video, or other electronic recording of the unlawful
9 intrusion; or

10 (c) The youngest victim of the intrusion reaching the age
11 of twenty-one years.

12 Sec. 22. Section 28-319, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 28-319 (1) Any person who subjects another person to
15 sexual penetration (a) without the consent of the victim, (b) who
16 knew or should have known that the victim was mentally or physically
17 incapable of resisting or appraising the nature of his or her
18 conduct, or (c) when the actor is ~~nineteen~~eighteen years of age or
19 older and the victim is at least twelve but less than sixteen years
20 of age is guilty of sexual assault in the first degree.

21 (2) Sexual assault in the first degree is a Class II
22 felony. The sentencing judge shall consider whether the actor caused
23 serious personal injury to the victim in reaching a decision on the
24 sentence.

25 (3) Any person who is found guilty of sexual assault in

1 the first degree for a second time when the first conviction was
2 pursuant to this section or any other state or federal law with
3 essentially the same elements as this section shall be sentenced to a
4 mandatory minimum term of twenty-five years in prison.

5 Sec. 23. Section 28-319.01, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 28-319.01 (1) A person commits sexual assault of a child
8 in the first degree:

9 (a) When he or she subjects another person under twelve
10 years of age to sexual penetration and the actor is ~~at least nineteen~~
11 eighteen years of age or older; or

12 (b) When he or she subjects another person who is at
13 least twelve years of age but less than sixteen years of age to
14 sexual penetration and the actor is twenty-five years of age or
15 older.

16 (2) Sexual assault of a child in the first degree is a
17 Class IB felony with a mandatory minimum sentence of fifteen years in
18 prison for the first offense.

19 (3) Any person who is found guilty of sexual assault of a
20 child in the first degree under this section and who has previously
21 been convicted (a) under this section, (b) under section 28-319 of
22 first degree or attempted first degree sexual assault, (c) under
23 section 28-320.01 before July 14, 2006, of sexual assault of a child
24 or attempted sexual assault of a child, (d) under section 28-320.01
25 on or after July 14, 2006, of sexual assault of a child in the second

1 or third degree or attempted sexual assault of a child in the second
2 or third degree, or (e) in any other state or federal court under
3 laws with essentially the same elements as this section, section
4 28-319, or section 28-320.01 as it existed before, on, or after July
5 14, 2006, shall be guilty of a Class IB felony with a mandatory
6 minimum sentence of twenty-five years in prison.

7 (4) In any prosecution under this section, the age of the
8 actor shall be an essential element of the offense that must be
9 proved beyond a reasonable doubt.

10 Sec. 24. Section 28-320.01, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 28-320.01 (1) A person commits sexual assault of a child
13 in the second or third degree if he or she subjects another person
14 fourteen years of age or younger to sexual contact and the actor is
15 ~~at least nineteen~~ eighteen years of age or older.

16 (2) Sexual assault of a child is in the second degree if
17 the actor causes serious personal injury to the victim. Sexual
18 assault of a child in the second degree is a Class II felony for the
19 first offense.

20 (3) Sexual assault of a child is in the third degree if
21 the actor does not cause serious personal injury to the victim.
22 Sexual assault of a child in the third degree is a Class IIIA felony
23 for the first offense.

24 (4) Any person who is found guilty of second degree
25 sexual assault of a child under this section and who has previously

1 been convicted (a) under this section, (b) under section 28-319 of
2 first degree or attempted first degree sexual assault, (c) under
3 section 28-319.01 for first degree or attempted first degree sexual
4 assault of a child, or (d) in any other state or federal court under
5 laws with essentially the same elements as this section, section
6 28-319, or section 28-319.01 shall be guilty of a Class IC felony and
7 shall be sentenced to a mandatory minimum term of twenty-five years
8 in prison.

9 (5) Any person who is found guilty of third degree sexual
10 assault of a child under this section and who has previously been
11 convicted (a) under this section, (b) under section 28-319 of first
12 degree or attempted first degree sexual assault, (c) under section
13 28-319.01 for first degree or attempted first degree sexual assault
14 of a child, or (d) in any other state or federal court under laws
15 with essentially the same elements as this section, section 28-319,
16 or section 28-319.01 shall be guilty of a Class IC felony.

17 Sec. 25. Section 28-416, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 28-416 (1) Except as authorized by the Uniform Controlled
20 Substances Act, it shall be unlawful for any person knowingly or
21 intentionally: (a) To manufacture, distribute, deliver, dispense, or
22 possess with intent to manufacture, distribute, deliver, or dispense
23 a controlled substance; or (b) to create, distribute, or possess with
24 intent to distribute a counterfeit controlled substance.

25 (2) Except as provided in subsections (4), (5), (7), (8),

1 (9), and (10) of this section, any person who violates subsection (1)
2 of this section with respect to: (a) A controlled substance
3 classified in Schedule I, II, or III of section 28-405 which is an
4 exceptionally hazardous drug shall be guilty of a Class II felony;
5 (b) any other controlled substance classified in Schedule I, II, or
6 III of section 28-405 shall be guilty of a Class III felony; or (c) a
7 controlled substance classified in Schedule IV or V of section 28-405
8 shall be guilty of a Class IIIA felony.

9 (3) A person knowingly or intentionally possessing a
10 controlled substance, except marijuana or any substance containing a
11 quantifiable amount of the substances, chemicals, or compounds
12 described, defined, or delineated in subdivision (c)(35) of Schedule
13 I of section 28-405, unless such substance was obtained directly or
14 pursuant to a medical order issued by a practitioner authorized to
15 prescribe while acting in the course of his or her professional
16 practice, or except as otherwise authorized by the act, shall be
17 guilty of a Class IV felony.

18 (4)(a) Except as authorized by the Uniform Controlled
19 Substances Act, any person eighteen years of age or older who
20 knowingly or intentionally manufactures, distributes, delivers,
21 dispenses, or possesses with intent to manufacture, distribute,
22 deliver, or dispense a controlled substance or a counterfeit
23 controlled substance (i) to a person under the age of eighteen years,
24 (ii) in, on, or within one thousand feet of the real property
25 comprising a public or private elementary, vocational, or secondary

1 school, a community college, a public or private college, junior
2 college, or university, or a playground, or (iii) within one hundred
3 feet of a public or private youth center, public swimming pool, or
4 video arcade facility shall be punished by the next higher penalty
5 classification than the penalty prescribed in subsection (2), (7),
6 (8), (9), or (10) of this section, depending upon the controlled
7 substance involved, for the first violation and for a second or
8 subsequent violation shall be punished by the next higher penalty
9 classification than that prescribed for a first violation of this
10 subsection, but in no event shall such person be punished by a
11 penalty greater than a Class IB felony.

12 (b) For purposes of this subsection:

13 (i) Playground shall mean any outdoor facility, including
14 any parking lot appurtenant to the facility, intended for recreation,
15 open to the public, and with any portion containing three or more
16 apparatus intended for the recreation of children, including sliding
17 boards, swingsets, and teeterboards;

18 (ii) Video arcade facility shall mean any facility
19 legally accessible to persons under eighteen years of age, intended
20 primarily for the use of pinball and video machines for amusement,
21 and containing a minimum of ten pinball or video machines; and

22 (iii) Youth center shall mean any recreational facility
23 or gymnasium, including any parking lot appurtenant to the facility
24 or gymnasium, intended primarily for use by persons under eighteen
25 years of age which regularly provides athletic, civic, or cultural

1 activities.

2 (5)(a) Except as authorized by the Uniform Controlled
3 Substances Act, it shall be unlawful for any person eighteen years of
4 age or older to knowingly and intentionally employ, hire, use, cause,
5 persuade, coax, induce, entice, seduce, or coerce any person under
6 the age of eighteen years to manufacture, transport, distribute,
7 carry, deliver, dispense, prepare for delivery, offer for delivery,
8 or possess with intent to do the same a controlled substance or a
9 counterfeit controlled substance.

10 (b) Except as authorized by the Uniform Controlled
11 Substances Act, it shall be unlawful for any person eighteen years of
12 age or older to knowingly and intentionally employ, hire, use, cause,
13 persuade, coax, induce, entice, seduce, or coerce any person under
14 the age of eighteen years to aid and abet any person in the
15 manufacture, transportation, distribution, carrying, delivery,
16 dispensing, preparation for delivery, offering for delivery, or
17 possession with intent to do the same of a controlled substance or a
18 counterfeit controlled substance.

19 (c) Any person who violates subdivision (a) or (b) of
20 this subsection shall be punished by the next higher penalty
21 classification than the penalty prescribed in subsection (2), (7),
22 (8), (9), or (10) of this section, depending upon the controlled
23 substance involved, for the first violation and for a second or
24 subsequent violation shall be punished by the next higher penalty
25 classification than that prescribed for a first violation of this

1 subsection, but in no event shall such person be punished by a
2 penalty greater than a Class IB felony.

3 (6) It shall not be a defense to prosecution for
4 violation of subsection (4) or (5) of this section that the defendant
5 did not know the age of the person through whom the defendant
6 violated such subsection.

7 (7) Any person who violates subsection (1) of this
8 section with respect to cocaine or any mixture or substance
9 containing a detectable amount of cocaine in a quantity of:

10 (a) One hundred forty grams or more shall be guilty of a
11 Class IB felony;

12 (b) At least twenty-eight grams but less than one hundred
13 forty grams shall be guilty of a Class IC felony; or

14 (c) At least ten grams but less than twenty-eight grams
15 shall be guilty of a Class ID felony.

16 (8) Any person who violates subsection (1) of this
17 section with respect to base cocaine (crack) or any mixture or
18 substance containing a detectable amount of base cocaine in a
19 quantity of:

20 (a) One hundred forty grams or more shall be guilty of a
21 Class IB felony;

22 (b) At least twenty-eight grams but less than one hundred
23 forty grams shall be guilty of a Class IC felony; or

24 (c) At least ten grams but less than twenty-eight grams
25 shall be guilty of a Class ID felony.

1 (9) Any person who violates subsection (1) of this
2 section with respect to heroin or any mixture or substance containing
3 a detectable amount of heroin in a quantity of:

4 (a) One hundred forty grams or more shall be guilty of a
5 Class IB felony;

6 (b) At least twenty-eight grams but less than one hundred
7 forty grams shall be guilty of a Class IC felony; or

8 (c) At least ten grams but less than twenty-eight grams
9 shall be guilty of a Class ID felony.

10 (10) Any person who violates subsection (1) of this
11 section with respect to amphetamine, its salts, optical isomers, and
12 salts of its isomers, or with respect to methamphetamine, its salts,
13 optical isomers, and salts of its isomers, in a quantity of:

14 (a) One hundred forty grams or more shall be guilty of a
15 Class IB felony;

16 (b) At least twenty-eight grams but less than one hundred
17 forty grams shall be guilty of a Class IC felony; or

18 (c) At least ten grams but less than twenty-eight grams
19 shall be guilty of a Class ID felony.

20 (11) Any person knowingly or intentionally possessing
21 marijuana weighing more than one ounce but not more than one pound
22 shall be guilty of a Class III misdemeanor.

23 (12) Any person knowingly or intentionally possessing
24 marijuana weighing more than one pound shall be guilty of a Class IV
25 felony.

1 (13) Any person knowingly or intentionally possessing
2 marijuana weighing one ounce or less or any substance containing a
3 quantifiable amount of the substances, chemicals, or compounds
4 described, defined, or delineated in subdivision (c)(35) of Schedule
5 I of section 28-405 shall:

6 (a) For the first offense, be guilty of an infraction,
7 receive a citation, be fined three hundred dollars, and be assigned
8 to attend a course as prescribed in section 29-433 if the judge
9 determines that attending such course is in the best interest of the
10 individual defendant;

11 (b) For the second offense, be guilty of a Class IV
12 misdemeanor, receive a citation, and be fined four hundred dollars
13 and may be imprisoned not to exceed five days; and

14 (c) For the third and all subsequent offenses, be guilty
15 of a Class IIIA misdemeanor, receive a citation, be fined five
16 hundred dollars, and be imprisoned not to exceed seven days.

17 (14) Any person convicted of violating this section, if
18 placed on probation, shall, as a condition of probation,
19 satisfactorily attend and complete appropriate treatment and
20 counseling on drug abuse provided by a program authorized under the
21 Nebraska Behavioral Health Services Act or other licensed drug
22 treatment facility.

23 (15) Any person convicted of violating this section, if
24 sentenced to the Department of Correctional Services, shall attend
25 appropriate treatment and counseling on drug abuse.

1 (16) Any person knowingly or intentionally possessing a
2 firearm while in violation of subsection (1) of this section shall be
3 punished by the next higher penalty classification than the penalty
4 prescribed in subsection (2), (7), (8), (9), or (10) of this section,
5 but in no event shall such person be punished by a penalty greater
6 than a Class IB felony.

7 (17) A person knowingly or intentionally in possession of
8 money used or intended to be used to facilitate a violation of
9 subsection (1) of this section shall be guilty of a Class IV felony.

10 (18) In addition to the penalties provided in this
11 section:

12 (a) If the person convicted or adjudicated of violating
13 this section is under eighteen years of age ~~or younger~~ and has one or
14 more licenses or permits issued under the Motor Vehicle Operator's
15 License Act:

16 (i) For the first offense, the court may, as a part of
17 the judgment of conviction or adjudication, (A) impound any such
18 licenses or permits for thirty days and (B) require such person to
19 attend a drug education class;

20 (ii) For a second offense, the court may, as a part of
21 the judgment of conviction or adjudication, (A) impound any such
22 licenses or permits for ninety days and (B) require such person to
23 complete no fewer than twenty and no more than forty hours of
24 community service and to attend a drug education class; and

25 (iii) For a third or subsequent offense, the court may,

1 as a part of the judgment of conviction or adjudication, (A) impound
2 any such licenses or permits for twelve months and (B) require such
3 person to complete no fewer than sixty hours of community service, to
4 attend a drug education class, and to submit to a drug assessment by
5 a licensed alcohol and drug counselor; and

6 (b) If the person convicted or adjudicated of violating
7 this section is under eighteen years of age ~~or younger~~ and does not
8 have a permit or license issued under the Motor Vehicle Operator's
9 License Act:

10 (i) For the first offense, the court may, as part of the
11 judgment of conviction or adjudication, (A) prohibit such person from
12 obtaining any permit or any license pursuant to the act for which
13 such person would otherwise be eligible until thirty days after the
14 date of such order and (B) require such person to attend a drug
15 education class;

16 (ii) For a second offense, the court may, as part of the
17 judgment of conviction or adjudication, (A) prohibit such person from
18 obtaining any permit or any license pursuant to the act for which
19 such person would otherwise be eligible until ninety days after the
20 date of such order and (B) require such person to complete no fewer
21 than twenty hours and no more than forty hours of community service
22 and to attend a drug education class; and

23 (iii) For a third or subsequent offense, the court may,
24 as part of the judgment of conviction or adjudication, (A) prohibit
25 such person from obtaining any permit or any license pursuant to the

1 act for which such person would otherwise be eligible until twelve
2 months after the date of such order and (B) require such person to
3 complete no fewer than sixty hours of community service, to attend a
4 drug education class, and to submit to a drug assessment by a
5 licensed alcohol and drug counselor.

6 A copy of an abstract of the court's conviction or
7 adjudication shall be transmitted to the Director of Motor Vehicles
8 pursuant to sections 60-497.01 to 60-497.04 if a license or permit is
9 impounded or a juvenile is prohibited from obtaining a license or
10 permit under this subsection.

11 Sec. 26. Section 28-457, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 28-457 (1) For purposes of this section:

14 (a) Bodily injury has the same meaning as in section
15 28-109;

16 (b) Chemical substance means a substance intended to be
17 used as an immediate precursor or reagent in the manufacture of
18 methamphetamine or any other chemical intended to be used in the
19 manufacture of methamphetamine. Intent for purposes of this
20 subdivision may be demonstrated by the substance's use, quantity,
21 manner of storage, or proximity to other precursors or manufacturing
22 equipment;

23 (c) Child means a person under the age of ~~nineteen~~
24 eighteen years;

25 (d) Methamphetamine means methamphetamine, its salts,

1 optical isomers, and salts of its isomers;

2 (e) Paraphernalia means all equipment, products, and
3 materials of any kind which are used, intended for use, or designed
4 for use in manufacturing, injecting, ingesting, inhaling, or
5 otherwise introducing methamphetamine into the human body;

6 (f) Prescription has the same meaning as in section
7 28-401;

8 (g) Serious bodily injury has the same meaning as in
9 section 28-109; and

10 (h) Vulnerable adult has the same meaning as in section
11 28-371.

12 (2) Any person who knowingly or intentionally causes or
13 permits a child or vulnerable adult to inhale or have contact with
14 methamphetamine, a chemical substance, or paraphernalia is guilty of
15 a Class I misdemeanor. For any second or subsequent conviction under
16 this subsection, any person so offending is guilty of a Class IV
17 felony.

18 (3) Any person who knowingly or intentionally causes or
19 permits a child or vulnerable adult to ingest methamphetamine, a
20 chemical substance, or paraphernalia is guilty of a Class I
21 misdemeanor. For any second or subsequent conviction under this
22 subsection, any person so offending shall be guilty of a Class IIIA
23 felony.

24 (4) Any child or vulnerable adult who resides with a
25 person violating subsection (2) or (3) of this section shall be taken

1 into protective custody as provided in the Adult Protective Services
2 Act or the Nebraska Juvenile Code.

3 (5) Any person who violates subsection (2) or (3) of this
4 section and a child or vulnerable adult actually suffers serious
5 bodily injury by ingestion of, inhalation of, or contact with
6 methamphetamine, a chemical substance, or paraphernalia is guilty of
7 a Class IIIA felony unless the ingestion, inhalation, or contact
8 results in the death of the child or vulnerable adult, in which case
9 the person is guilty of a Class IB felony.

10 (6) It is an affirmative defense to a violation of this
11 section that the chemical substance was provided by lawful
12 prescription for the child or vulnerable adult and that it was
13 administered to the child or vulnerable adult in accordance with the
14 prescription instructions provided with the chemical substance.

15 Sec. 27. Section 28-728, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 28-728 (1) The Legislature finds that child abuse and
18 neglect are community problems requiring a coordinated response by
19 law enforcement, child advocacy centers, prosecutors, the Department
20 of Health and Human Services, and other agencies or entities designed
21 to protect children. It is the intent of the Legislature to create a
22 child abuse and neglect investigation team in each county or
23 contiguous group of counties and to create a child abuse and neglect
24 treatment team in each county or contiguous group of counties.

25 (2) Each county or contiguous group of counties will be

1 assigned by the Department of Health and Human Services to a child
2 advocacy center. The purpose of a child advocacy center is to provide
3 a child-focused location for conducting forensic interviews and
4 medical evaluations for alleged child victims of abuse and neglect
5 and for coordinating a multidisciplinary team response that supports
6 the physical, emotional, and psychological needs of children who are
7 alleged victims of abuse or neglect. Each child advocacy center shall
8 meet accreditation criteria set forth by the National Children's
9 Alliance. Nothing in this section shall prevent a child from
10 receiving treatment or other services at a child advocacy center
11 which has received or is in the process of receiving accreditation.

12 (3) Each county attorney or the county attorney
13 representing a contiguous group of counties is responsible for
14 convening the child abuse and neglect investigation team and ensuring
15 that protocols are established and implemented. A representative of
16 the child advocacy center assigned to the team shall assist the
17 county attorney in facilitating case review, developing and updating
18 protocols, and arranging training opportunities for the team. Each
19 team must have protocols which, at a minimum, shall include
20 procedures for:

21 (a) Mandatory reporting of child abuse and neglect as
22 outlined in section 28-711 to include training to professionals on
23 identification and reporting of abuse;

24 (b) Assigning roles and responsibilities between law
25 enforcement and the Department of Health and Human Services for the

1 initial response;

2 (c) Outlining how reports will be shared between law
3 enforcement and the Department of Health and Human Services under
4 section 28-713;

5 (d) Coordinating the investigative response including,
6 but not limited to:

7 (i) Defining cases that require a priority response;

8 (ii) Contacting the reporting party;

9 (iii) Arranging for a video-recorded forensic interview
10 at a child advocacy center for children who are ~~three to~~ at least
11 three years of age but less than eighteen years of age and are
12 alleged to be victims of sexual abuse or serious physical abuse or
13 neglect, have witnessed a violent crime, are found in a drug-
14 endangered environment, or have been recovered from a kidnapping;

15 (iv) Assessing the need for and arranging, when
16 indicated, a medical evaluation of the alleged child victim;

17 (v) Assessing the need for and arranging, when indicated,
18 appropriate mental health services for the alleged child victim or
19 nonoffender caregiver;

20 (vi) Conducting collateral interviews with other persons
21 with information pertinent to the investigation including other
22 potential victims;

23 (vii) Collecting, processing, and preserving physical
24 evidence including photographing the crime scene as well as any
25 physical injuries as a result of the alleged child abuse and neglect;

1 and

2 (viii) Interviewing the alleged perpetrator;

3 (e) Reducing the risk of harm to alleged child abuse and
4 neglect victims;

5 (f) Ensuring that the child is in safe surroundings,
6 including removing the perpetrator when necessary or arranging for
7 temporary custody of the child when the child is seriously endangered
8 in his or her surroundings and immediate removal appears to be
9 necessary for the child's protection as provided in section 43-248;

10 (g) Sharing of case information between team members; and

11 (h) Outlining what cases will be reviewed by the
12 investigation team including, but not limited to:

13 (i) Cases of sexual abuse, serious physical abuse and
14 neglect, drug-endangered children, and serious or ongoing domestic
15 violence;

16 (ii) Cases determined by the Department of Health and
17 Human Services to be high or very high risk for further maltreatment;

18 and

19 (iii) Any other case referred by a member of the team
20 when a system-response issue has been identified.

21 (4) Each county attorney or the county attorney
22 representing a contiguous group of counties is responsible for
23 convening the child abuse and neglect treatment team and ensuring
24 that protocols are established and implemented. A representative of
25 the child advocacy center appointed to the team shall assist the

1 county attorney in facilitating case review, developing and updating
2 protocols, and arranging training opportunities for the team. Each
3 team must have protocols which, at a minimum, shall include
4 procedures for:

5 (a) Case coordination and assistance, including the
6 location of services available within the area;

7 (b) Case staffings and the coordination, development,
8 implementation, and monitoring of treatment or safety plans
9 particularly in those cases in which ongoing services are provided by
10 the Department of Health and Human Services or a contracted agency
11 but the juvenile court is not involved;

12 (c) Reducing the risk of harm to child abuse and neglect
13 victims;

14 (d) Assisting those child abuse and neglect victims who
15 are abused and neglected by perpetrators who do not reside in their
16 homes; and

17 (e) Working with multiproblem status offenders and
18 delinquent youth.

19 (5) For purposes of this section, forensic interview
20 means a video-recorded interview of an alleged child victim conducted
21 at a child advocacy center by a professional with specialized
22 training designed to elicit details about alleged incidents of abuse
23 or neglect, and such interview may result in intervention in criminal
24 or juvenile court.

25 Sec. 28. Section 28-813.01, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 28-813.01 (1) It shall be unlawful for a person to
3 knowingly possess any visual depiction of sexually explicit conduct,
4 as defined in section 28-1463.02, which has a child, as defined in
5 such section, as one of its participants or portrayed observers.

6 (2)(a) Any person who is under ~~nineteen~~eighteen years of
7 age at the time he or she violates this section shall be guilty of a
8 Class IV felony for each offense.

9 (b) Any person who is ~~nineteen~~eighteen years of age or
10 older at the time he or she violates this section shall be guilty of
11 a Class III felony for each offense.

12 (c) Any person who violates this section and has
13 previously been convicted of a violation of this section or section
14 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,
15 28-319.01, 28-320.01, 28-833, 28-1463.03, or 28-1463.05 or subsection
16 (1) or (2) of section 28-320 shall be guilty of a Class IC felony for
17 each offense.

18 (3) It shall be an affirmative defense to a charge made
19 pursuant to this section that:

20 (a) The visual depiction portrays no person other than
21 the defendant; or

22 (b)(i) The defendant was less than ~~nineteen~~eighteen
23 years of age; (ii) the visual depiction of sexually explicit conduct
24 portrays a child who is fifteen years of age or older; (iii) the
25 visual depiction was knowingly and voluntarily generated by the child

1 depicted therein; (iv) the visual depiction was knowingly and
2 voluntarily provided by the child depicted in the visual depiction;
3 (v) the visual depiction contains only one child; (vi) the defendant
4 has not provided or made available the visual depiction to another
5 person except the child depicted who originally sent the visual
6 depiction to the defendant; and (vii) the defendant did not coerce
7 the child in the visual depiction to either create or send the visual
8 depiction.

9 Sec. 29. Section 28-833, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 28-833 (1) A person commits the offense of enticement by
12 electronic communication device if he or she is ~~nineteen~~eighteen
13 years of age or over and knowingly and intentionally utilizes an
14 electronic communication device to contact a child under sixteen
15 years of age or a peace officer who is believed by such person to be
16 a child under sixteen years of age and in so doing:

17 (a) Uses or transmits any indecent, lewd, lascivious, or
18 obscene language, writing, or sound;

19 (b) Transmits or otherwise disseminates any visual
20 depiction of sexually explicit conduct as defined in section
21 28-1463.02; or

22 (c) Offers or solicits any indecent, lewd, or lascivious
23 act.

24 (2) Enticement by electronic communication device is a
25 Class IV felony.

1 (3) Enticement by electronic communication device is
2 deemed to have been committed either at the place where the
3 communication was initiated or where it was received.

4 (4) For purposes of this section, electronic
5 communication device means any device which, in its ordinary and
6 intended use, transmits by electronic means writings, sounds, visual
7 images, or data of any nature to another electronic communication
8 device.

9 Sec. 30. Section 28-1463.04, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 28-1463.04 (1) Any person who is under ~~nineteen~~eighteen
12 years of age at the time he or she violates section 28-1463.03 shall
13 be guilty of a Class III felony for each offense.

14 (2) Any person who is ~~nineteen~~eighteen years of age or
15 older at the time he or she violates section 28-1463.03 shall be
16 guilty of a Class ID felony for each offense.

17 (3) Any person who violates section 28-1463.03 and has
18 previously been convicted of a violation of section 28-1463.03 or
19 section 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315,
20 28-319, 28-319.01, 28-320.01, 28-813, 28-833, or 28-1463.05 or
21 subsection (1) or (2) of section 28-320 shall be guilty of a Class IC
22 felony for each offense.

23 Sec. 31. Section 28-1463.05, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 28-1463.05 (1) It shall be unlawful for a person to

1 knowingly possess with intent to rent, sell, deliver, distribute,
2 trade, or provide to any person any visual depiction of sexually
3 explicit conduct which has a child as one of its participants or
4 portrayed observers.

5 (2)(a) Any person who is under ~~nineteen~~eighteen years of
6 age at the time he or she violates this section shall be guilty of a
7 Class IIIA felony for each offense.

8 (b) Any person who is ~~nineteen~~eighteen years of age or
9 older at the time he or she violates this section shall be guilty of
10 a Class III felony for each offense.

11 (c) Any person who violates this section and has
12 previously been convicted of a violation of this section or section
13 28-308, 28-309, 28-310, 28-311, 28-313, 28-314, 28-315, 28-319,
14 28-319.01, 28-320.01, 28-813, 28-833, or 28-1463.03 or subsection (1)
15 or (2) of section 28-320 shall be guilty of a Class IC felony for
16 each offense.

17 Sec. 32. Section 29-401, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 29-401 Every sheriff, deputy sheriff, marshal, deputy
20 marshal, security guard, police officer, or peace officer as defined
21 in ~~subdivision (15) of~~ section 49-801 shall arrest and detain any
22 person found violating any law of this state or any legal ordinance
23 of any city or incorporated village until a legal warrant can be
24 obtained, except that (1) any such law enforcement officer taking a
25 juvenile under the age of eighteen years into his or her custody for

1 any violation herein defined shall proceed as set forth in sections
2 43-248, 43-248.01, 43-250, 43-251, 43-251.01, and 43-253 and (2) the
3 court in which the juvenile is to appear shall not accept a plea from
4 the juvenile until finding that the parents of the juvenile have been
5 notified or that reasonable efforts to notify such parents have been
6 made as provided in section 43-250.

7 Sec. 33. Section 29-2270, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 29-2270 Any individual who is less than ~~nineteen~~eighteen
10 years of age and who is subject to the supervision of a juvenile
11 probation officer or an adult probation officer pursuant to an order
12 of the district court, county court, or juvenile court shall, as a
13 condition of probation, be required to:

14 (1) Attend school to obtain vocational training or to
15 achieve an appropriate educational level as prescribed by the
16 probation officer after consultation with the school the individual
17 attends or pursuant to section 29-2272. If the individual fails to
18 attend school regularly, maintain appropriate school behavior, or
19 make satisfactory progress as determined by the probation officer
20 after consultation with the school and the individual does not meet
21 the requirements of subdivision (2) of this section, the district
22 court, county court, or juvenile court shall take appropriate action
23 to enforce, modify, or revoke its order granting probation; or

24 (2) Attend an on-the-job training program or secure and
25 maintain employment. If the individual fails to attend the program or

1 maintain employment and does not meet the requirements of subdivision
2 (1) of this section, the district court, county court, or juvenile
3 court shall take appropriate action to enforce, modify, or revoke its
4 order granting probation.

5 Sec. 34. Section 29-4016, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 29-4016 For purposes of the Sexual Predator Residency
8 Restriction Act:

9 (1) Child care facility means a facility licensed
10 pursuant to the Child Care Licensing Act;

11 (2) Political subdivision means a village, a city, a
12 county, a school district, a public power district, or any other unit
13 of local government;

14 (3) School means a public, private, denominational, or
15 parochial school which meets the requirements for accreditation or
16 approval prescribed in Chapter 79;

17 (4) Sex offender means an individual who has been
18 convicted of a crime listed in section 29-4003 and who is required to
19 register as a sex offender pursuant to the Sex Offender Registration
20 Act; and

21 (5) Sexual predator means an individual who is required
22 to register under the Sex Offender Registration Act, who has
23 committed an aggravated offense as defined in section 29-4001.01, and
24 who has victimized a person under eighteen years of age. ~~or younger.~~

25 Sec. 35. Section 30-2209, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 30-2209 Subject to additional definitions contained in
3 the subsequent articles which are applicable to specific articles or
4 parts, and unless the context otherwise requires, in the Nebraska
5 Probate Code:

6 (1) Application means a written request to the registrar
7 for an order of informal probate or appointment under part 3 of
8 Article 24.

9 (2) Beneficiary, as it relates to trust beneficiaries,
10 includes a person who has any present or future interest, vested or
11 contingent, and also includes the owner of an interest by assignment
12 or other transfer, and as it relates to a charitable trust includes
13 any person entitled to enforce the trust.

14 (3) Child includes any individual entitled to take as a
15 child under the code by intestate succession from the parent whose
16 relationship is involved and excludes any person who is only a
17 stepchild, a foster child, or a grandchild or any more remote
18 descendant.

19 (4) Claim, in respect to estates of decedents and
20 protected persons, includes liabilities of the decedent or protected
21 person whether arising in contract, in tort or otherwise, and
22 liabilities of the estate which arise at or after the death of the
23 decedent or after the appointment of a conservator, including funeral
24 expenses and expenses of administration. The term does not include
25 estate or inheritance taxes, demands or disputes regarding title of a

1 decedent or protected person to specific assets alleged to be
2 included in the estate.

3 (5) Court means the court or branch having jurisdiction
4 in matters relating to the affairs of decedents. This court in this
5 state is known as county court or, for purposes of guardianship of a
6 juvenile over which a separate juvenile court already has
7 jurisdiction, the county court or separate juvenile court.

8 (6) Conservator means a person who is appointed by a
9 court to manage the estate of a protected person.

10 (7) Devise, when used as a noun, means a testamentary
11 disposition of real or personal property and, when used as a verb,
12 means to dispose of real or personal property by will.

13 (8) Devisee means any person designated in a will to
14 receive a devise. In the case of a devise to an existing trust or
15 trustee, or to a trustee on trust described by will, the trust or
16 trustee is the devisee and the beneficiaries are not devisees.

17 (9) Disability means cause for a protective order as
18 described by section 30-2630.

19 (10) Disinterested witness to a will means any individual
20 who acts as a witness to a will and is not an interested witness to
21 such will.

22 (11) Distributee means any person who has received
23 property of a decedent from his or her personal representative other
24 than as a creditor or purchaser. A testamentary trustee is a
25 distributee only to the extent of distributed assets or increment

1 thereto remaining in his or her hands. A beneficiary of a
2 testamentary trust to whom the trustee has distributed property
3 received from a personal representative is a distributee of the
4 personal representative. For purposes of this provision, testamentary
5 trustee includes a trustee to whom assets are transferred by will, to
6 the extent of the devised assets.

7 (12) Estate includes the property of the decedent, trust,
8 or other person whose affairs are subject to the Nebraska Probate
9 Code as originally constituted and as it exists from time to time
10 during administration.

11 (13) Exempt property means that property of a decedent's
12 estate which is described in section 30-2323.

13 (14) Fiduciary includes personal representative,
14 guardian, conservator, and trustee.

15 (15) Foreign personal representative means a personal
16 representative of another jurisdiction.

17 (16) Formal proceedings mean those conducted before a
18 judge with notice to interested persons.

19 (17) Guardian means a person who has qualified as a
20 guardian of a minor or incapacitated person pursuant to testamentary
21 or court appointment, but excludes one who is merely a guardian ad
22 litem.

23 (18) Heirs mean those persons, including the surviving
24 spouse, who are entitled under the statutes of intestate succession
25 to the property of a decedent.

1 (19) Incapacitated person is as defined in section
2 30-2601.

3 (20) Informal proceedings mean those conducted without
4 notice to interested persons by an officer of the court acting as a
5 registrar for probate of a will or appointment of a personal
6 representative.

7 (21) Except for purposes of article 26 of the Nebraska
8 Probate Code, interested person includes heirs, devisees, children,
9 spouses, creditors, beneficiaries, and any others having a property
10 right in or claim against a trust estate or the estate of a decedent,
11 ward, or protected person which may be affected by the proceeding. It
12 also includes persons having priority for appointment as personal
13 representative, and other fiduciaries representing interested
14 persons. The meaning as it relates to particular persons may vary
15 from time to time and must be determined according to the particular
16 purposes of, and matter involved in, any proceeding.

17 (22) Interested witness to a will means any individual
18 who acts as a witness to a will at the date of its execution and who
19 is or would be entitled to receive any property thereunder if the
20 testator then died under the circumstances existing at the date of
21 its execution, but does not include any individual, merely because of
22 such nomination, who acts as a witness to a will by which he or she
23 is nominated as personal representative, conservator, guardian, or
24 trustee.

25 (23) Issue of a person means all his or her lineal

1 descendants of all generations, with the relationship of parent and
2 child at each generation being determined by the definitions of child
3 and parent contained in the Nebraska Probate Code.

4 (24) Lease includes an oil, gas, or other mineral lease.

5 (25) Letters include letters testamentary, letters of
6 guardianship, letters of administration, and letters of
7 conservatorship.

8 (26) Minor means an individual under ~~nineteen~~ eighteen
9 years of age, but in case any person marries under the age of
10 ~~nineteen~~ eighteen years his or her minority ends.

11 (27) Mortgage means any conveyance, agreement, or
12 arrangement in which property is used as security.

13 (28) Nonresident decedent means a decedent who was
14 domiciled in another jurisdiction at the time of his or her death.

15 (29) Notice means compliance with the requirements of
16 notice pursuant to subdivisions (a)(1) and (a)(2) of section 30-2220.

17 (30) Organization includes a corporation, government, or
18 governmental subdivision or agency, business trust, estate, trust,
19 partnership, limited liability company, or association, two or more
20 persons having a joint or common interest, or any other legal entity.

21 (31) Parent includes any person entitled to take, or who
22 would be entitled to take if the child died without a will, as a
23 parent under the Nebraska Probate Code, by intestate succession from
24 the child whose relationship is in question and excludes any person
25 who is only a stepparent, foster parent, or grandparent.

1 (32) Person means an individual, a corporation, an
2 organization, a limited liability company, or other legal entity.

3 (33) Personal representative includes executor,
4 administrator, successor personal representative, special
5 administrator, and persons who perform substantially the same
6 function under the law governing their status.

7 (34) Petition means a written request to the court for an
8 order after notice.

9 (35) Proceeding includes action at law and suit in
10 equity, but does not include a determination of inheritance tax under
11 Chapter 77, article 20, or estate tax apportionment as provided in
12 sections 77-2108 to 77-2112.

13 (36) Property includes both real and personal property or
14 any interest therein and means anything that may be the subject of
15 ownership.

16 (37) Protected person is as defined in section 30-2601.

17 (38) Protective proceeding is as defined in section
18 30-2601.

19 (39) Registrar refers to the official of the court
20 designated to perform the functions of registrar as provided in
21 section 30-2216.

22 (40) Relative or relation of a person means all persons
23 who are related to him or her by blood or legal adoption.

24 (41) Security includes any note, stock, treasury stock,
25 bond, debenture, evidence of indebtedness, certificate of interest or

1 participation in an oil, gas, or mining title or lease or in payments
2 out of production under such a title or lease, collateral-trust
3 certificate, transferable share, voting-trust certificate or, in
4 general, any interest or instrument commonly known as a security, or
5 any certificate of interest or participation, any temporary or
6 interim certificate, receipt, or certificate of deposit for, or any
7 warrant or right to subscribe to or purchase, any of the foregoing.

8 (42) Settlement, in reference to a decedent's estate,
9 includes the full process of administration, distribution, and
10 closing.

11 (43) Special administrator means a personal
12 representative as described by sections 30-2457 to 30-2461.

13 (44) State includes any state of the United States, the
14 District of Columbia, the Commonwealth of Puerto Rico, and any
15 territory or possession subject to the legislative authority of the
16 United States.

17 (45) Successor personal representative means a personal
18 representative, other than a special administrator, who is appointed
19 to succeed a previously appointed personal representative.

20 (46) Successors mean those persons, other than creditors,
21 who are entitled to property of a decedent under his or her will or
22 the Nebraska Probate Code.

23 (47) Supervised administration refers to the proceedings
24 described in Article 24, part 5.

25 (48) Testacy proceeding means a proceeding to establish a

1 will or determine intestacy.

2 (49) Testator means the maker of a will.

3 (50) Trust includes any express trust, private or
4 charitable, with additions thereto, wherever and however created. It
5 also includes a trust created or determined by judgment or decree
6 under which the trust is to be administered in the manner of an
7 express trust. Trust excludes other constructive trusts, and it
8 excludes resulting trusts, conservatorships, personal
9 representatives, trust accounts as defined in Article 27, custodial
10 arrangements pursuant to the Nebraska Uniform Transfers to Minors
11 Act, business trusts providing for certificates to be issued to
12 beneficiaries, common trust funds, voting trusts, security
13 arrangements, liquidation trusts, and trusts for the primary purpose
14 of paying debts, dividends, interest, salaries, wages, profits,
15 pensions, or employee benefits of any kind, and any arrangement under
16 which a person is nominee or escrowee for another.

17 (51) Trustee includes an original, additional, or
18 successor trustee, whether or not appointed or confirmed by court.

19 (52) Ward is as defined in section 30-2601.

20 (53) Will means any instrument, including any codicil or
21 other testamentary instrument complying with sections 30-2326 to
22 30-2338, which disposes of personal or real property, appoints a
23 personal representative, conservator, guardian, or trustee, revokes
24 or revises an earlier executed testamentary instrument, or
25 encompasses any one or more of such objects or purposes.

1 Sec. 36. Section 30-2412, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 30-2412 (a) Whether the proceedings are formal or
4 informal, persons who are not disqualified have priority for
5 appointment in the following order:

6 (1) the person with priority as determined by a probated
7 will including a person nominated by a power conferred in a will;

8 (2) the surviving spouse of the decedent who is a devisee
9 of the decedent;

10 (3) other devisees of the decedent;

11 (4) the surviving spouse of the decedent;

12 (5) other heirs of the decedent;

13 (6) forty-five days after the death of the decedent, any
14 creditor.

15 (b) An objection to an appointment can be made only in
16 formal proceedings. In case of objection the priorities stated in (a)
17 apply except that

18 (1) if the estate appears to be more than adequate to
19 meet exemptions and costs of administration but inadequate to
20 discharge anticipated unsecured claims, the court, on petition of a
21 creditor, may appoint any qualified person;

22 (2) in case of objection to appointment of a person other
23 than one whose priority is determined by will by an heir or devisee
24 appearing to have a substantial interest in the estate, the court may
25 appoint a person who is acceptable to heirs and devisees whose

1 interests in the estate appear to be worth in total more than half of
2 the probable distributable value or, in default of this accord, any
3 suitable person.

4 (c) A person entitled to letters under (2) through (5) of
5 (a) above, ~~and a person aged eighteen and over who would be entitled~~
6 ~~to letters but for his age,~~ may nominate a qualified person to act as
7 personal representative. Any person ~~aged eighteen and over~~ may
8 renounce his right to nominate or to an appointment by appropriate
9 writing filed with the court. When two or more persons share a
10 priority, those of them who do not renounce must concur in nominating
11 another to act for them, or in applying for appointment.

12 (d) Conservators of the estates of protected persons, or
13 if there is no conservator, any guardian except a guardian ad litem
14 of a minor or incapacitated person, may exercise the same right to
15 nominate, to object to another's appointment, or to participate in
16 determining the preference of a majority in interest of the heirs and
17 devisees that the protected person or ward would have if qualified
18 for appointment.

19 (e) Appointment of one who does not have priority may be
20 made only in formal proceedings except that appointment of one having
21 priority resulting from renunciation or nomination may be made in
22 informal proceedings. Before appointing one without priority, the
23 court must determine that those having priority, although given
24 notice of the proceedings, have failed to request appointment or to
25 nominate another for appointment, and that administration is

1 necessary.

2 (f) No person is qualified to serve as a personal
3 representative who is:

4 (1) under the age of ~~nineteen~~; eighteen;

5 (2) a person whom the court finds unsuitable in formal
6 proceedings.

7 (g) A personal representative appointed by a court of the
8 decedent's domicile has priority over all other persons except where
9 the decedent's will nominates different persons to be personal
10 representative in this state and in the state of domicile. The
11 domiciliary personal representative may nominate another, who shall
12 have the same priority as the domiciliary personal representative.

13 (h) This section governs priority for appointment of a
14 successor personal representative but does not apply to the selection
15 of a special administrator.

16 Sec. 37. Section 30-2603, Reissue Revised Statutes of
17 Nebraska, is amended to read:

18 30-2603 Any person under a duty to pay or deliver money
19 or personal property to a minor may perform this duty, in amounts not
20 exceeding twenty-five thousand dollars per annum, by paying or
21 delivering the money or property to:

22 (1) The minor, if he or she ~~has attained the age of~~
23 ~~eighteen years or is married~~;

24 (2) Any person having the care and custody of the minor
25 with whom the minor resides;

1 (3) A guardian of the minor; or

2 (4) A financial institution incident to a deposit in a
3 federally insured savings account in the sole name of the minor and
4 giving notice of the deposit to the minor.

5 This section does not apply if the person making payment
6 or delivery has actual knowledge that a conservator has been
7 appointed or proceedings for appointment of a conservator of the
8 estate of the minor are pending. The persons, other than the minor or
9 any financial institution under subdivision (4) of this section,
10 receiving money or property for a minor are obligated to apply the
11 money to the support and education of the minor but may not pay
12 themselves except by way of reimbursement for out-of-pocket expenses
13 for goods and services necessary for the minor's support. Any excess
14 sums shall be preserved for future support of the minor, and any
15 balance not so used and any property received for the minor must be
16 turned over to the minor when he or she attains majority. Persons who
17 pay or deliver in accordance with provisions of this section are not
18 responsible for the proper application thereof.

19 Sec. 38. Section 30-2604, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 30-2604 A parent or a guardian of a minor or
22 incapacitated person, by a properly executed power of attorney, may
23 delegate to another person, for a period not exceeding six months,
24 any of his or her powers regarding care, custody, or property of the
25 minor child or ward, except his or her power to consent to marriage

1 or adoption of a minor ward. ~~A parent or guardian of a minor who is~~
2 ~~at least eighteen years of age and who is not a ward of the state, by~~
3 ~~a properly executed power of attorney, may delegate to such minor,~~
4 ~~for a period not exceeding one year, the parent's or guardian's power~~
5 ~~to consent to such minor's own health care and medical treatment.~~

6 Sec. 39. Section 30-3402, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 30-3402 For purposes of sections 30-3401 to 30-3432:

9 (1) Adult shall mean any person who is ~~nineteen~~eighteen
10 years of age or older or who is or has been married;

11 (2) Attending physician shall mean the physician,
12 selected by or assigned to a principal, who has primary
13 responsibility for the care and treatment of such principal;

14 (3) Attorney in fact shall mean an adult properly
15 designated and authorized under sections 30-3401 to 30-3432 to make
16 health care decisions for a principal pursuant to a power of attorney
17 for health care and shall include a successor attorney in fact;

18 (4) Health care shall mean any treatment, procedure, or
19 intervention to diagnose, cure, care for, or treat the effects of
20 disease, injury, and degenerative conditions;

21 (5) Health care decision shall include consent, refusal
22 of consent, or withdrawal of consent to health care. Health care
23 decision shall not include (a) the withdrawal or withholding of
24 routine care necessary to maintain patient comfort, (b) the
25 withdrawal or withholding of the usual and typical provision of

1 nutrition and hydration, or (c) the withdrawal or withholding of
2 life-sustaining procedures or of artificially administered nutrition
3 or hydration, except as provided by sections 30-3401 to 30-3432;

4 (6) Health care provider shall mean an individual or
5 facility licensed, certified, or otherwise authorized or permitted by
6 law to administer health care in the ordinary course of business or
7 professional practice and shall include all facilities defined in the
8 Health Care Facility Licensure Act;

9 (7) Incapable shall mean the inability to understand and
10 appreciate the nature and consequences of health care decisions,
11 including the benefits of, risks of, and alternatives to any proposed
12 health care or the inability to communicate in any manner an informed
13 health care decision;

14 (8) Life-sustaining procedure shall mean any medical
15 procedure, treatment, or intervention that (a) uses mechanical or
16 other artificial means to sustain, restore, or supplant a spontaneous
17 vital function and (b) when applied to a person suffering from a
18 terminal condition or who is in a persistent vegetative state, serves
19 only to prolong the dying process. Life-sustaining procedure shall
20 not include routine care necessary to maintain patient comfort or the
21 usual and typical provision of nutrition and hydration;

22 (9) Persistent vegetative state shall mean a medical
23 condition that, to a reasonable degree of medical certainty as
24 determined in accordance with currently accepted medical standards,
25 is characterized by a total and irreversible loss of consciousness

1 and capacity for cognitive interaction with the environment and no
2 reasonable hope of improvement;

3 (10) Power of attorney for health care shall mean a power
4 of attorney executed in accordance with sections 30-3401 to 30-3432
5 which authorizes a designated attorney in fact to make health care
6 decisions for the principal when the principal is incapable;

7 (11) Principal shall mean an adult who, when competent,
8 confers upon another adult a power of attorney for health care;

9 (12) Reasonably available shall mean that a person can be
10 contacted with reasonable efforts by an attending physician or
11 another person acting on behalf of the attending physician;

12 (13) Terminal condition shall mean an incurable and
13 irreversible medical condition caused by injury, disease, or physical
14 illness which, to a reasonable degree of medical certainty, will
15 result in death regardless of the continued application of medical
16 treatment including life-sustaining procedures; and

17 (14) Usual and typical provision of nutrition and
18 hydration shall mean delivery of food and fluids orally, including by
19 cup, eating utensil, bottle, or drinking straw.

20 Sec. 40. Section 30-3502, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 30-3502 For purposes of the Nebraska Uniform Custodial
23 Trust Act:

24 (1) Adult means an individual who is at least ~~nineteen~~
25 eighteen years of age;

1 (2) Beneficiary means an individual for whom property has
2 been transferred to or held under a declaration of trust by a
3 custodial trustee for the individual's use and benefit under the act;

4 (3) Conservator means a person appointed or qualified by
5 a court to manage the estate of an individual or a person legally
6 authorized to perform substantially the same functions;

7 (4) Court means a county court of this state;

8 (5) Custodial trust property means an interest in
9 property transferred to or held under a declaration of trust by a
10 custodial trustee under the act and the income from and proceeds of
11 that interest;

12 (6) Custodial trustee means a person designated as
13 trustee of a custodial trust under the act or a substitute or
14 successor to the person designated;

15 (7) Guardian means a person appointed or qualified by a
16 court as a guardian of an individual, including a limited guardian,
17 but not a person who is only a guardian ad litem;

18 (8) Incapacitated means lacking the ability to manage
19 property and business affairs effectively by reason of mental
20 illness, mental deficiency, physical illness or disability, chronic
21 use of drugs, chronic intoxication, confinement, detention by a
22 foreign power, disappearance, minority, or other disabling cause;

23 (9) Legal representative means a personal representative
24 or conservator;

25 (10) Member of the beneficiary's family means a

1 beneficiary's spouse, descendant, stepchild, parent, stepparent,
2 grandparent, brother, sister, uncle, or aunt, whether of whole or
3 half blood or by adoption;

4 (11) Person means an individual, corporation, limited
5 liability company, or other legal entity;

6 (12) Personal representative means an executor,
7 administrator, or special administrator of a decedent's estate, a
8 person legally authorized to perform substantially the same
9 functions, or a successor to any of them;

10 (13) State means a state, territory, or possession of the
11 United States, the District of Columbia, or the Commonwealth of
12 Puerto Rico;

13 (14) Transferor means a person who creates a custodial
14 trust by transfer or declaration; and

15 (15) Trust company means a financial institution,
16 corporation, or other legal entity, authorized to act as a corporate
17 trustee in the State of Nebraska.

18 Sec. 41. Section 30-3902, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 30-3902 In the Nebraska Uniform Adult Guardianship and
21 Protective Proceedings Jurisdiction Act:

22 (1) Adult means an individual who has attained ~~nineteen~~
23 eighteen years of age;

24 (2) Conservator means a person appointed by the court to
25 administer the property of an adult, including a person appointed

1 under the Nebraska Probate Code for an adult;

2 (3) Guardian means a person appointed by the court to
3 make decisions regarding the person of an adult, including a person
4 appointed under the Nebraska Probate Code for an adult;

5 (4) Guardianship order means an order appointing a
6 guardian;

7 (5) Guardianship proceeding means a judicial proceeding
8 in which an order for the appointment of a guardian is sought or has
9 been issued;

10 (6) Incapacitated person means an adult for whom a
11 guardian has been appointed;

12 (7) Party means the respondent, petitioner, guardian,
13 conservator, or any other person allowed by the court to participate
14 in a guardianship or protective proceeding;

15 (8) Person, except in the term incapacitated person or
16 protected person, means an individual, corporation, business trust,
17 estate, trust, partnership, limited liability company, association,
18 joint venture, public corporation, government or governmental
19 subdivision, agency, or instrumentality, or any other legal or
20 commercial entity;

21 (9) Protected person means an adult for whom a protective
22 order has been issued;

23 (10) Protective order means an order appointing a
24 conservator or other order related to management of an adult's
25 property;

1 (11) Protective proceeding means a judicial proceeding in
2 which a protective order is sought or has been issued;

3 (12) Record means information that is inscribed on a
4 tangible medium or that is stored in an electronic or other medium
5 and is retrievable in perceivable form;

6 (13) Respondent means an adult for whom a protective
7 order or the appointment of a guardian is sought; and

8 (14) State means a state of the United States, the
9 District of Columbia, Puerto Rico, the United States Virgin Islands,
10 a federally recognized Indian tribe, or any territory or insular
11 possession subject to the jurisdiction of the United States.

12 Sec. 42. Section 32-602, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 32-602 (1) Any person seeking an elective office shall be
15 a registered voter at the time of filing for the office pursuant to
16 section 32-606 or 32-611.

17 (2) Any person filing for office shall meet the
18 constitutional and statutory requirements of the office for which he
19 or she is filing. If a person is filing for a partisan office, he or
20 she shall be a registered voter affiliated with the appropriate
21 political party if required pursuant to section 32-702. If the person
22 is required to sign a contract or comply with a bonding or equivalent
23 commercial insurance policy requirement prior to holding such office,
24 he or she shall be at least ~~nineteen~~eighteen years of age at the
25 time of filing for the office.

1 (3) A person shall not be eligible to file for an office
2 if he or she holds the office and his or her term of office expires
3 after the beginning of the term of office for which he or she would
4 be filing. This subsection does not apply to filing for an office to
5 represent a different district, ward, subdistrict, or subdivision of
6 the same governmental entity as the office held at the time of
7 filing.

8 (4) The governing body of the political subdivision
9 swearing in the officer shall determine whether the person meets all
10 requirements prior to swearing in the officer.

11 Sec. 43. Section 37-413, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 37-413 (1) For the purpose of establishing and
14 administering a mandatory firearm hunter education program for
15 persons twelve through twenty-nine years of age who hunt with a
16 firearm or crossbow any species of game, game birds, or game animals,
17 the commission shall provide a program of firearm hunter education
18 training leading to obtaining a certificate of successful completion
19 in the safe handling of firearms and shall locate and train volunteer
20 firearm hunter education instructors. The program shall provide a
21 training course having a minimum of (a) ten hours of classroom
22 instruction or (b) independent study on the part of the student
23 sufficient to pass an examination given by the commission followed by
24 such student's participation in a minimum of four hours of practical
25 instruction. The program shall provide instruction in the areas of

1 safe firearms use, shooting and sighting techniques, hunter ethics,
2 game identification, and conservation management. The commission
3 shall issue a firearm hunter education certificate of successful
4 completion to persons having satisfactorily completed a firearm
5 hunter education course accredited by the commission and shall print,
6 purchase, or otherwise acquire materials as necessary for effective
7 program operation. The commission shall adopt and promulgate rules
8 and regulations for carrying out and administering such programs.

9 (2) It shall be unlawful for any person twenty-nine years
10 of age or younger to hunt with a firearm or crossbow any species of
11 game, game birds, or game animals except:

12 (a) A person under the age of twelve years who is
13 accompanied by a person ~~nineteen~~eighteen years of age or older
14 having a valid hunting permit;

15 (b) A person twelve through twenty-nine years of age who
16 has on his or her person proof of successful completion of a hunter
17 education course or a firearm hunter education course issued by the
18 person's state or province of residence or by an accredited program
19 recognized by the commission; or

20 (c) A person twelve through twenty-nine years of age who
21 has on his or her person the appropriate hunting permit and an
22 apprentice hunter education exemption certificate issued by the
23 commission pursuant to subsection (3) of this section and who is
24 accompanied as described in subsection (4) of this section.

25 (3) An apprentice hunter education exemption certificate

1 may be issued to a person twelve through twenty-nine years of age,
2 once during such person's lifetime with one renewal, upon payment of
3 a fee of five dollars and shall expire at midnight on December 31 of
4 the year for which the apprentice hunter education exemption
5 certificate is issued. The commission may adopt and promulgate rules
6 and regulations allowing for the issuance of apprentice hunter
7 education exemption certificates. All fees collected under this
8 subsection shall be remitted to the State Treasurer for credit to the
9 State Game Fund.

10 (4) For purposes of this section, accompanied means under
11 the direct supervision of a person who is: (a) ~~Nineteen~~Eighteen
12 years of age or older having a valid hunting permit. If such person
13 is ~~nineteen~~eighteen years of age or older but not older than twenty-
14 nine years of age, he or she shall have also completed the required
15 course of instruction to receive a certificate of completion for
16 firearm hunter education if hunting with a firearm or crossbow as
17 described in subdivision (2)(b) of this section or for bow hunter
18 education if hunting with a bow and arrow as described in section
19 37-414; and (b) at all times in unaided visual and verbal
20 communication of no more than two persons having an apprentice hunter
21 education exemption certificate. This subsection does not prohibit
22 the use by such person ~~nineteen~~eighteen years of age or older of
23 ordinary prescription eyeglasses or contact lenses or ordinary
24 hearing instruments.

25 Sec. 44. Section 37-452, Revised Statutes Cumulative

1 Supplement, 2012, is amended to read:

2 37-452 (1) No person shall hunt antelope, elk, mountain
3 sheep, or mountain lions unless such person is at least twelve years
4 of age, and any person who is twelve through fifteen years of age
5 shall only hunt antelope, elk, mountain sheep, or mountain lions when
6 supervised by a person ~~nineteen~~eighteen years of age or older having
7 a valid hunting permit.

8 (2) No person shall hunt deer unless such person is at
9 least ten years of age, and any person who is ten through fifteen
10 years of age shall only hunt deer when supervised by a person
11 ~~nineteen~~eighteen years of age or older having a valid hunting
12 permit.

13 (3) A person ~~nineteen~~eighteen years of age or older
14 having a valid hunting permit shall not supervise more than two
15 persons while hunting deer, antelope, elk, mountain sheep, or
16 mountain lions at the same time.

17 Sec. 45. Section 38-129, Revised Statutes Cumulative
18 Supplement, 2012, is amended to read:

19 38-129 No individual shall be issued a credential under
20 the Uniform Credentialing Act until he or she has furnished
21 satisfactory evidence to the department that he or she is of good
22 character and has attained the age of ~~nineteen~~eighteen years except
23 as otherwise specifically provided by statute, rule, or regulation. A
24 credential may only be issued to a citizen of the United States, an
25 alien lawfully admitted into the United States who is eligible for a

1 credential under the Uniform Credentialing Act, or a nonimmigrant
2 lawfully present in the United States who is eligible for a
3 credential under the Uniform Credentialing Act.

4 Sec. 46. Section 38-165, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 38-165 A public member of a board appointed under the
7 Uniform Licensing Law prior to December 1, 2008, shall remain subject
8 to the requirements of the original appointment until reappointed
9 under the Uniform Credentialing Act. At the time of appointment and
10 while serving as a board member, a public member appointed to a board
11 on or after December 1, 2008, shall:

12 (1) Have been a resident of this state for one year;

13 (2) Remain a resident of Nebraska while serving as a
14 board member;

15 (3) Have attained the age of ~~nineteen~~eighteen years;

16 (4) Represent the interests and viewpoints of the public;

17 (5) Not hold an active credential in any profession or
18 business which is subject to the Uniform Credentialing Act, issued in
19 Nebraska or in any other jurisdiction, at any time during the five
20 years prior to appointment;

21 (6) Not be eligible for appointment to a board which
22 regulates a profession or business in which that person has ever held
23 a credential;

24 (7) Not be or not have been, at any time during the year
25 prior to appointment, an employee of a member of a profession

1 credentialed by the department, of a facility credentialed pursuant
2 to the Health Care Facility Licensure Act, or of a business
3 credentialed pursuant to the Uniform Credentialing Act;

4 (8) Not be the parent, child, spouse, or household member
5 of any person presently regulated by the board to which the
6 appointment is being made;

7 (9) Have no material financial interest in the profession
8 or business regulated by such board; and

9 (10) Not be a member or employee of the legislative or
10 judicial branch of state government.

11 Sec. 47. Section 38-1710, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 38-1710 Every applicant for an initial license to
14 practice massage therapy shall (1) present satisfactory evidence that
15 he or she has attained the age of ~~nineteen~~eighteen years, (2)
16 present proof of graduation from an approved massage therapy school,
17 and (3) pass an examination prescribed by the board.

18 Sec. 48. Section 38-2421, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 38-2421 The department may issue a license to any person
21 who holds a current nursing home administrator license from another
22 jurisdiction and is at least ~~nineteen~~eighteen years old.

23 Sec. 49. Section 38-3122, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 38-3122 A person who needs to obtain the required one

1 year of supervised postdoctoral experience in psychology pursuant to
2 subdivision (2) of section 38-3114 shall obtain a provisional license
3 to practice psychology. An applicant for a provisional license to
4 practice psychology shall:

5 (1) Have a doctoral degree from an institution of higher
6 education in a program of graduate study in professional psychology
7 that meets the standards of accreditation adopted by the American
8 Psychological Association or its equivalent. If the program is not
9 accredited by the American Psychological Association, it is the
10 responsibility of the applicant to provide evidence of equivalence.
11 Any applicant from a program that does not meet such standards shall
12 present a certificate of retraining from a program of
13 respecialization that does meet such standards;

14 (2) Have completed one year of supervised professional
15 experience in an internship as provided in subdivision (2) of section
16 38-3114;

17 (3) Apply prior to beginning the year of registered
18 supervised postdoctoral experience; and

19 (4) Submit to the department:

20 (a) An official transcript showing proof of a doctoral
21 degree in psychology from an institution of higher education;

22 (b) A certified copy of the applicant's birth certificate
23 or other evidence of having attained the age of ~~nineteen~~eighteen
24 years; and

25 (c) A registration of supervisory relationship pursuant

1 to section 38-3116.

2 Sec. 50. Section 42-371.01, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 42-371.01 (1) An obligor's duty to pay child support for
5 a child terminates when (a) the child reaches ~~nineteen~~eighteen years
6 of age, (b) the child marries, (c) the child dies, or (d) the child
7 is emancipated by a court of competent jurisdiction, unless the court
8 order for child support specifically extends child support after such
9 circumstances.

10 (2) The termination of child support does not relieve the
11 obligor from the duty to pay any unpaid child support obligations
12 owed or in arrears.

13 (3) The obligor may provide written application for
14 termination of a child support order when the child being supported
15 reaches ~~nineteen~~eighteen years of age, marries, dies, or is
16 otherwise emancipated. The application shall be filed with the clerk
17 of the district court where child support was ordered. A certified
18 copy of the birth certificate, marriage license, death certificate,
19 or court order of emancipation or an abstract of marriage as defined
20 in section 71-601.01 shall accompany the application for termination
21 of the child support. The clerk of the district court shall send
22 notice of the filing of the child support termination application to
23 the last-known address of the obligee. The notice shall inform the
24 obligee that if he or she does not file a written objection within
25 thirty days after the date the notice was mailed, child support may

1 be terminated without further notice. The court shall terminate child
 2 support if no written objection has been filed within thirty days
 3 after the date the clerk's notice to the obligee was mailed, the
 4 forms and procedures have been complied with, and the court believes
 5 that a hearing on the matter is not required.

6 (4) The State Court Administrator shall develop uniform
 7 procedures and forms to be used to terminate child support.

8 Sec. 51. Section 43-104.09, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 43-104.09 In all cases of adoption of a minor child born
 11 out of wedlock, the biological mother shall complete and sign an
 12 affidavit in writing and under oath. The affidavit shall be executed
 13 by the biological mother before or at the time of execution of the
 14 consent or relinquishment and shall be attached as an exhibit to any
 15 petition to finalize the adoption. If the biological mother is under
 16 the age of ~~nineteen~~, eighteen, the affidavit may be executed by the
 17 agency or attorney representing the biological mother based upon
 18 information provided by the biological mother. The affidavit shall be
 19 in substantially the following form:

20 AFFIDAVIT OF IDENTIFICATION

21 I,, the mother of a child, state under
 22 oath or affirm as follows:

23 (1) My child was born, or is expected to be born, on
 24 the day of,, at,
 25 in the State of

1 (2) I reside at, in the City or Village
 2 of, County of, State
 3 of

4 (3) I am of the age of years, and my date of
 5 birth is

6 (4) I acknowledge that I have been asked to identify the
 7 father of my child.

8 (5) (CHOOSE ONE)

9 (5A) I know and am identifying the biological father (or
 10 possible biological fathers) as follows:

11 The name of the biological father is

12 His last-known home address is

13 His last-known work address is

14 He is years of age, or he is deceased, having
 15 died on or about the day of,
 16 at, in the State of

17 He has been adjudicated to be the biological father by
 18 the Court of county, State
 19 of, case name, docket
 20 number

21 (For other possible biological fathers, please use
 22 additional sheets of paper as needed.)

23 (5B) I am unwilling or unable to identify the biological
 24 father (or possible biological fathers). I do not wish or I am unable
 25 to name the biological father of the child for the following reasons:

1 Conception of my child occurred as a result of
2 sexual assault or incest

3 Providing notice to the biological father of
4 my child would threaten my safety or the safety of my child

5 Other reason:

6 (6) If the biological mother is unable to name the
7 biological father, the physical description of the biological father
8 (or possible biological fathers) and other information which may
9 assist in identifying him, including the city or county and state
10 where conception occurred:

11
12
13

14 (use additional sheets of paper as needed).

15 (7) Under penalty of perjury, the undersigned certifies
16 that the statements set forth in this affidavit are true and correct.

17 (8) I have read this affidavit and have had the
18 opportunity to review and question it. It was explained to me
19 by

20 I am signing it as my free and voluntary act and
21 understand the contents and the effect of signing it.

22 Dated this day of,

23 (Acknowledgment)

24

25 (Signature)

1 Sec. 52. Section 43-117.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 43-117.01 The Department of Health and Human Services may
4 make payments as needed on behalf of a ward of a child placement
5 agency with special needs after the legal completion of the child's
6 adoption as authorized by the federal adoption assistance program, 42
7 U.S.C. 673. Such payments to adoptive parents may include maintenance
8 costs, medical and surgical expenses, and other costs incidental to
9 the care of the child. Payments for maintenance and medical care
10 shall terminate on or before the child's ~~nineteenth~~eighteenth
11 birthday.

12 Sec. 53. Section 43-245, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 43-245 For purposes of the Nebraska Juvenile Code, unless
15 the context otherwise requires:

16 (1) Age of majority means ~~nineteen~~eighteen years of age;

17 (2) Approved center means a center that has applied for
18 and received approval from the Director of the Office of Dispute
19 Resolution under section 25-2909;

20 (3) Civil citation means a noncriminal notice which
21 cannot result in a criminal record and is described in section
22 43-248.02;

23 (4) Cost or costs means (a) the sum or equivalent
24 expended, paid, or charged for goods or services, or expenses
25 incurred, or (b) the contracted or negotiated price;

1 (5) Criminal street gang means a group of three or more
2 people with a common identifying name, sign, or symbol whose group
3 identity or purposes include engaging in illegal activities;

4 (6) Criminal street gang member means a person who
5 willingly or voluntarily becomes and remains a member of a criminal
6 street gang;

7 (7) Juvenile means any person under the age of eighteen;

8 (8) Juvenile court means the separate juvenile court
9 where it has been established pursuant to sections 43-2,111 to
10 43-2,127 and the county court sitting as a juvenile court in all
11 other counties. Nothing in the Nebraska Juvenile Code shall be
12 construed to deprive the district courts of their habeas corpus,
13 common-law, or chancery jurisdiction or the county courts and
14 district courts of jurisdiction of domestic relations matters as
15 defined in section 25-2740;

16 (9) Juvenile detention facility has the same meaning as
17 in section 83-4,125;

18 (10) Mediator for juvenile offender and victim mediation
19 means a person who (a) has completed at least thirty hours of
20 training in conflict resolution techniques, neutrality, agreement
21 writing, and ethics set forth in section 25-2913, (b) has an
22 additional eight hours of juvenile offender and victim mediation
23 training, and (c) meets the apprenticeship requirements set forth in
24 section 25-2913;

25 (11) Mental health facility means a treatment facility as

1 defined in section 71-914 or a government, private, or state hospital
2 which treats mental illness;

3 (12) Nonoffender means a juvenile who is subject to the
4 jurisdiction of the juvenile court for reasons other than legally
5 prohibited conduct, including, but not limited to, juveniles
6 described in subdivision (3)(a) of section 43-247;

7 (13) Nonsecure detention means detention characterized by
8 the absence of restrictive hardware, construction, and procedure.
9 Nonsecure detention services may include a range of placement and
10 supervision options, such as home detention, electronic monitoring,
11 day reporting, drug court, tracking and monitoring supervision, staff
12 secure and temporary holdover facilities, and group homes;

13 (14) Parent means one or both parents or a stepparent
14 when such stepparent is married to the custodial parent as of the
15 filing of the petition;

16 (15) Parties means the juvenile as described in section
17 43-247 and his or her parent, guardian, or custodian;

18 (16) Except in proceedings under the Nebraska Indian
19 Child Welfare Act, relative means father, mother, grandfather,
20 grandmother, brother, sister, stepfather, stepmother, stepbrother,
21 stepsister, uncle, aunt, first cousin, nephew, or niece;

22 (17) Seal a record means that a record shall not be
23 available to the public except upon the order of a court upon good
24 cause shown;

25 (18) Secure detention means detention in a highly

1 structured, residential, hardware-secured facility designed to
2 restrict a juvenile's movement;

3 (19) Status offender means a juvenile who has been
4 charged with or adjudicated for conduct which would not be a crime if
5 committed by an adult, including, but not limited to, juveniles
6 charged under subdivision (3)(b) of section 43-247 and sections
7 53-180.01 and 53-180.02; and

8 (20) Traffic offense means any nonfelonious act in
9 violation of a law or ordinance regulating vehicular or pedestrian
10 travel, whether designated a misdemeanor or a traffic infraction.

11 Sec. 54. Section 43-284.02, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 43-284.02 The Department of Health and Human Services may
14 make payments as needed on behalf of a child who has been a ward of
15 the department after the appointment of a guardian for the child.
16 Such payments to the guardian may include maintenance costs, medical
17 and surgical expenses, and other costs incidental to the care of the
18 child. All such payments shall terminate on or before the child's
19 ~~nineteenth~~ eighteenth birthday. The child under guardianship shall be
20 a child for whom the guardianship would not be possible without the
21 financial aid provided under this section.

22 The Department of Health and Human Services shall adopt
23 and promulgate rules and regulations for the administration of this
24 section.

25 Sec. 55. Section 43-289, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 43-289 In no case shall a juvenile committed under the
3 terms of the Nebraska Juvenile Code be confined after he or she
4 reaches the age of majority. The court may, when the health or
5 condition of any juvenile adjudged to be within the terms of such
6 code shall require it, cause the juvenile to be placed in a public
7 hospital or institution for treatment or special care or in an
8 accredited and suitable private hospital or institution which will
9 receive the juvenile for like purposes. Whenever any juvenile has
10 been committed to the Department of Health and Human Services, the
11 department shall follow the court's orders, if any, concerning the
12 juvenile's specific needs for treatment or special care for his or
13 her physical well-being and healthy personality. If the court finds
14 any such juvenile to be a person with mental retardation, it may,
15 upon attaching a physician's certificate and a report as to the
16 mental capacity of such person, commit such juvenile directly to an
17 authorized and appropriate state or local facility or home.

18 The marriage of any juvenile committed to a state
19 institution under the age of ~~nineteen~~eighteen years shall not make
20 such juvenile of the age of majority.

21 A juvenile committed to any such institution shall be
22 subject to the control of the superintendent thereof, and the
23 superintendent, with the advice and consent of the Department of
24 Health and Human Services, shall adopt and promulgate rules and
25 regulations for the promotion, paroling, and final discharge of

1 residents such as shall be considered mutually beneficial for the
2 institution and the residents. Upon final discharge of any resident,
3 such department shall file a certified copy of the discharge with the
4 court which committed the resident.

5 Sec. 56. Section 43-290, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 43-290 It is the purpose of this section to promote
8 parental responsibility and to provide for the most equitable use and
9 availability of public money.

10 Pursuant to the petition filed by the county attorney in
11 accordance with section 43-274, whenever the care or custody of a
12 juvenile is given by the court to someone other than his or her
13 parent, which shall include placement with a state agency, or when a
14 juvenile is given medical, psychological, or psychiatric study or
15 treatment under order of the court, the court shall make a
16 determination of support to be paid by a parent for the juvenile at
17 the same proceeding at which placement, study, or treatment is
18 determined or at a separate proceeding. Such proceeding, which may
19 occur prior to, at the same time as, or subsequent to adjudication,
20 shall be in the nature of a disposition hearing.

21 At such proceeding, after summons to the parent of the
22 time and place of hearing served as provided in sections 43-262 to
23 43-267, the court may order and decree that the parent shall pay, in
24 such manner as the court may direct, a reasonable sum that will cover
25 in whole or part the support, study, and treatment of the juvenile,

1 which amount ordered paid shall be the extent of the liability of the
2 parent. The court in making such order shall give due regard to the
3 cost of the support, study, and treatment of the juvenile, the
4 ability of the parent to pay, and the availability of money for the
5 support of the juvenile from previous judicial decrees, social
6 security benefits, veterans benefits, or other sources. Support thus
7 received by the court shall be transmitted to the person, agency, or
8 institution having financial responsibility for such support, study,
9 or treatment and, if a state agency or institution, remitted by such
10 state agency or institution quarterly to the Director of
11 Administrative Services for credit to the proper fund.

12 Whenever medical, psychological, or psychiatric study or
13 treatment is ordered by the court, whether or not the juvenile is
14 placed with someone other than his or her parent, or if such study or
15 treatment is otherwise provided as determined necessary by the
16 custodian of the juvenile, the court shall inquire as to the
17 availability of insured or uninsured health care coverage or service
18 plans which include the juvenile. The court may order the parent to
19 pay over any plan benefit sums received on coverage for the juvenile.
20 The payment of any deductible under the health care benefit plan
21 covering the juvenile shall be the responsibility of the parent. If
22 the parent willfully fails or refuses to pay the sum ordered or to
23 pay over any health care plan benefit sums received, the court may
24 proceed against him or her as for contempt, either on the court's own
25 motion or on the motion of the county attorney or authorized attorney

1 as provided in section 43-512, or execution shall issue at the
2 request of any person, agency, or institution treating or maintaining
3 such juvenile. The court may afterwards, because of a change in the
4 circumstances of the parties, revise or alter the order of payment
5 for support, study, or treatment.

6 If the juvenile has been committed to the care and
7 custody of the Department of Health and Human Services, the
8 department shall pay the costs for the support, study, or treatment
9 of the juvenile which are not otherwise paid by the juvenile's
10 parent.

11 If no provision is otherwise made by law for the support
12 or payment for the study or treatment of the juvenile, compensation
13 for the support, study, or treatment shall be paid, when approved by
14 an order of the court, out of a fund which shall be appropriated by
15 the county in which the petition is filed.

16 The juvenile court shall retain jurisdiction over a
17 parent ordered to pay support for the purpose of enforcing such
18 support order for so long as such support remains unpaid but not to
19 exceed ten years from the ~~nineteenth~~eighteenth birthday of the
20 youngest child for whom support was ordered.

21 Sec. 57. Section 43-294, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 43-294 The custodian appointed by a juvenile court shall
24 have charge of the person of the juvenile and the right to make
25 decisions affecting the person of the juvenile, including medical,

1 dental, surgical, or psychiatric treatment, except that consent to a
2 juvenile marrying or joining the armed forces of the United States
3 may be given by a custodian, other than the Department of Health and
4 Human Services, with approval of the juvenile court, or by the
5 department, as to juveniles in its custody, without further court
6 authority. The authority of a custodian appointed by a juvenile court
7 shall terminate when the individual under legal custody reaches
8 ~~nineteen~~eighteen years of age, is legally adopted, or the authority
9 is terminated by order of the juvenile court. When an adoption has
10 been granted by a court of competent jurisdiction as to any such
11 juvenile, such fact shall be reported immediately by such custodian
12 to the juvenile court. If the adoption is denied the jurisdiction
13 over the juvenile shall immediately revert to the court which
14 authorized placement of the juvenile for adoption. Any association or
15 individual receiving the care or custody of any such juvenile shall
16 be subject to visitation or inspection by the Department of Health
17 and Human Services, or any probation officer of such court or any
18 person appointed by the court for such purpose, and the court may at
19 any time require from such association or person a report or reports
20 containing such information or statements as the judge shall deem
21 proper or necessary to be fully advised as to the care, maintenance,
22 and moral and physical training of the juvenile, as well as the
23 standing and ability of such association or individual to care for
24 such juvenile. The custodian so appointed by the court shall have
25 standing as a party in that case to file any pleading or motion, to

1 be heard by the court with regard to such filings, and to be granted
2 any review or relief requested in such filings consistent with
3 Chapter 43, article 2.

4 Sec. 58. Section 43-412, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 43-412 (1) Every juvenile committed to the Office of
7 Juvenile Services pursuant to the Nebraska Juvenile Code or pursuant
8 to subsection (3) of section 29-2204 shall remain committed until he
9 or she attains the age of ~~nineteen~~eighteen or is legally discharged.

10 (2) The discharge of any juvenile pursuant to the rules
11 and regulations or upon his or her attainment of the age of ~~nineteen~~
12 eighteen shall be a complete release from all penalties incurred by
13 conviction or adjudication of the offense for which he or she was
14 committed.

15 (3) The Office of Juvenile Services shall provide the
16 committing court with written notification of the juvenile's
17 discharge within thirty days of a juvenile being discharged from the
18 care and custody of the office.

19 Sec. 59. Section 43-504, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 43-504 (1) The term dependent child shall mean a child
22 under the age of ~~nineteen~~eighteen years who is living with a
23 relative or with a caretaker who is the child's legal guardian or
24 conservator in a place of residence maintained by one or more of such
25 relatives or caretakers as his, her, or their own home, or which

1 child has been removed from the home of his or her father, mother,
2 grandfather, grandmother, brother, sister, stepfather, stepmother,
3 stepbrother, stepsister, uncle, aunt, first or second cousin, nephew,
4 or niece as a result of judicial determination to the effect that
5 continuation in the home would be contrary to the safety and welfare
6 of the child and such child has been placed in a foster family home
7 or child care institution as a result of such determination, when the
8 state or any court having jurisdiction of such child is responsible
9 for the care and placement of such child and one of the following
10 conditions exists: (a) Such child received aid from the state in or
11 for the month in which court proceedings leading to such
12 determination were initiated; (b) such child would have received
13 assistance in or for such month if application had been made
14 therefor; or (c) such child had been living with such a relative
15 specified in this subsection at any time within six months prior to
16 the month in which such proceedings were initiated and would have
17 received such aid in or for the month that such proceedings were
18 initiated if in such month the child had been living with, and
19 removed from the home of, such a relative and application had been
20 made therefor.

21 (2) In awarding aid to dependent children payments, the
22 term dependent child shall include an unborn child but only during
23 the last three months of pregnancy. A pregnant woman may be eligible
24 but only (a) if it has been medically verified that the child is
25 expected to be born in the month such payments are made or expected

1 to be born within the three-month period following such month of
2 payment and (b) if such child had been born and was living with her
3 in the month of payment, she would be eligible for aid to families
4 with dependent children. As soon as it is medically determined that
5 pregnancy exists, a pregnant woman who meets the other requirements
6 for aid to dependent children shall be eligible for medical
7 assistance.

8 (3) A physically or medically handicapped child shall
9 mean a child who, by reason of a physical defect or infirmity,
10 whether congenital or acquired by accident, injury, or disease, is or
11 may be expected to be totally or partially incapacitated for
12 education or for remunerative occupation.

13 Sec. 60. Section 43-1311.03, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 43-1311.03 (1) When a child placed in foster care turns
16 sixteen years of age or enters foster care and is at least sixteen
17 years of age, a written independent living transition proposal shall
18 be developed by the Department of Health and Human Services at the
19 direction and involvement of the child to prepare for the transition
20 from foster care to adulthood. The transition proposal shall be
21 personalized based on the child's needs. The transition proposal
22 shall include, but not be limited to, the following needs:

- 23 (a) Education;
- 24 (b) Employment services and other workforce support;
- 25 (c) Health and health care coverage;

1 (d) Financial assistance, including education on credit
2 card financing, banking, and other services;

3 (e) Housing;

4 (f) Relationship development; and

5 (g) Adult services, if the needs assessment indicates
6 that the child is reasonably likely to need or be eligible for
7 services or other support from the adult services system.

8 (2) The transition proposal shall be developed and
9 frequently reviewed by the department in collaboration with the
10 child's transition team. The transition team shall be comprised of
11 the child, the child's caseworker, the child's guardian ad litem,
12 individuals selected by the child, and individuals who have knowledge
13 of services available to the child.

14 (3) The transition proposal shall be considered a working
15 document and shall be, at the least, updated for and reviewed at
16 every permanency or review hearing by the court.

17 (4) The final transition proposal prior to the child's
18 leaving foster care shall specifically identify how the need for
19 housing will be addressed.

20 (5) If the child is interested in pursuing higher
21 education, the transition proposal shall provide for the process in
22 applying for any applicable state, federal, or private aid.

23 (6) On or before the date the child reaches ~~nineteen~~
24 eighteen years of age, the department shall provide the child a
25 certified copy of the child's birth certificate and facilitate

1 securing a federal social security card when the child is eligible
2 for such card. All fees associated with securing the certified copy
3 shall be waived by the state.

4 Sec. 61. Section 43-2404.02, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 43-2404.02 (1) There is created a separate and distinct
7 budgetary program within the commission to be known as the County
8 Juvenile Services Aid Program. Funding acquired from participation in
9 the federal act, state General Funds, and funding acquired from other
10 sources which may be used for purposes consistent with the Juvenile
11 Services Act and the federal act shall be used to aid counties in the
12 establishment and provision of community-based services for accused
13 and adjudicated juvenile offenders and to increase capacity for
14 community-based services to juveniles.

15 (2) The annual General Fund appropriation to the County
16 Juvenile Services Aid Program shall be apportioned to the counties as
17 aid in accordance with a formula established in rules and regulations
18 adopted and promulgated by the commission. The formula shall be based
19 on the total number of residents per county who are at least twelve
20 years of age ~~through~~ and less than eighteen years of age and other
21 relevant factors as determined by the commission. The commission may
22 require a local match of up to forty percent from counties receiving
23 aid under such program. Any local expenditures for community-based
24 programs for juveniles may be applied toward such match requirement.

25 (3) Funds provided to counties under the County Juvenile

1 Services Aid Program shall be used exclusively to assist counties in
2 implementation and operation of programs or services identified in
3 their comprehensive juvenile services plan, including, but not
4 limited to, programs for assessment and evaluation, prevention of
5 delinquent behavior, diversion, shelter care, intensive juvenile
6 probation services, restitution, family support services, and family
7 group conferencing. In distributing funds provided under the County
8 Juvenile Services Aid Program, counties shall prioritize programs and
9 services that will reduce the juvenile detention population. No funds
10 appropriated or distributed under the County Juvenile Services Aid
11 Program shall be used for construction of secure detention
12 facilities, secure youth treatment facilities, or secure youth
13 confinement facilities. Aid received under this section shall not be
14 used for capital construction or the lease or acquisition of
15 facilities and shall not be used to replace existing funding for
16 programs or services. Any funds not distributed to counties under
17 this subsection shall be retained by the commission to be distributed
18 on a competitive basis under the County Juvenile Services Aid
19 Program.

20 (4) Any county receiving funding under the County
21 Juvenile Services Aid Program shall file an annual report as required
22 by rules and regulations adopted and promulgated by the commission.
23 The report shall include, but not be limited to, information on the
24 total number of juveniles served, the units of service provided, a
25 listing of the county's annual juvenile justice budgeted and actual

1 expenditures, and a listing of expenditures for detention,
2 residential treatment, and nonresidential treatment.

3 (5) The commission shall report annually to the Governor
4 and the Legislature on the distribution and use of funds appropriated
5 under the County Juvenile Services Aid Program. The report submitted
6 to the Legislature shall be submitted electronically.

7 (6) The commission shall adopt and promulgate rules and
8 regulations to implement this section.

9 Sec. 62. Section 43-2721, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-2721 The custodian shall transfer in an appropriate
12 manner the custodial property to the minor or to the minor's estate
13 upon the earlier of:

14 (1) The minor's attainment of twenty-one years of age
15 with respect to custodial property transferred under section 43-2705
16 or 43-2706;

17 (2) The minor's attainment of the age of majority ~~under~~
18 ~~section 43-2101 as defined in section 49-801~~ with respect to
19 custodial property transferred under section 43-2707 or 43-2708; or

20 (3) The minor's death.

21 Sec. 63. Section 43-2922, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 43-2922 For purposes of the Parenting Act:

24 (1) Appropriate means reflective of the developmental
25 abilities of the child taking into account any cultural traditions

1 that are within the boundaries of state and federal law;

2 (2) Approved mediation center means a mediation center
3 approved by the Office of Dispute Resolution;

4 (3) Best interests of the child means the determination
5 made taking into account the requirements stated in sections 43-2923
6 and 43-2929.01;

7 (4) Child means a minor under ~~nineteen~~eighteen years of
8 age;

9 (5) Child abuse or neglect has the same meaning as in
10 section 28-710;

11 (6) Court conciliation program means a court-based
12 conciliation program under the Conciliation Court Law;

13 (7) Custody includes legal custody and physical custody;

14 (8) Domestic intimate partner abuse means an act of abuse
15 as defined in section 42-903 and a pattern or history of abuse
16 evidenced by one or more of the following acts: Physical or sexual
17 assault, threats of physical assault or sexual assault, stalking,
18 harassment, mental cruelty, emotional abuse, intimidation, isolation,
19 economic abuse, or coercion against any current or past intimate
20 partner, or an abuser using a child to establish or maintain power
21 and control over any current or past intimate partner, and, when they
22 contribute to the coercion or intimidation of an intimate partner,
23 acts of child abuse or neglect or threats of such acts, cruel
24 mistreatment or cruel neglect of an animal as defined in section
25 28-1008, or threats of such acts, and other acts of abuse, assault,

1 or harassment, or threats of such acts against other family or
2 household members. A finding by a child protection agency shall not
3 be considered res judicata or collateral estoppel regarding an act of
4 child abuse or neglect or a threat of such act, and shall not be
5 considered by the court unless each parent is afforded the
6 opportunity to challenge any such determination;

7 (9) Economic abuse means causing or attempting to cause
8 an individual to be financially dependent by maintaining total
9 control over the individual's financial resources, including, but not
10 limited to, withholding access to money or credit cards, forbidding
11 attendance at school or employment, stealing from or defrauding of
12 money or assets, exploiting the victim's resources for personal gain
13 of the abuser, or withholding physical resources such as food,
14 clothing, necessary medications, or shelter;

15 (10) Emotional abuse means a pattern of acts, threats of
16 acts, or coercive tactics, including, but not limited to, threatening
17 or intimidating to gain compliance, destruction of the victim's
18 personal property or threats to do so, violence to an animal or
19 object in the presence of the victim as a way to instill fear,
20 yelling, screaming, name-calling, shaming, mocking, or criticizing
21 the victim, possessiveness, or isolation from friends and family.
22 Emotional abuse can be verbal or nonverbal;

23 (11) Joint legal custody means mutual authority and
24 responsibility of the parents for making mutual fundamental decisions
25 regarding the child's welfare, including choices regarding education

1 and health;

2 (12) Joint physical custody means mutual authority and
3 responsibility of the parents regarding the child's place of
4 residence and the exertion of continuous blocks of parenting time by
5 both parents over the child for significant periods of time;

6 (13) Legal custody means the authority and responsibility
7 for making fundamental decisions regarding the child's welfare,
8 including choices regarding education and health;

9 (14) Mediation means a method of nonjudicial intervention
10 in which a trained, neutral third-party mediator, who has no
11 decisionmaking authority, provides a structured process in which
12 individuals and families in conflict work through parenting and other
13 related family issues with the goal of achieving a voluntary,
14 mutually agreeable parenting plan or related resolution;

15 (15) Mediator means a mediator meeting the qualifications
16 of section 43-2938 and acting in accordance with the Parenting Act;

17 (16) Military parent means a parent who is a member of
18 the Army, Navy, Air Force, Marine Corps, Coast Guard, or Reserves of
19 the United States or the National Guard;

20 (17) Office of Dispute Resolution means the office
21 established under section 25-2904;

22 (18) Parenting functions means those aspects of the
23 relationship in which a parent or person in the parenting role makes
24 fundamental decisions and performs fundamental functions necessary
25 for the care and development of a child. Parenting functions include,

1 but are not limited to:

2 (a) Maintaining a safe, stable, consistent, and nurturing
3 relationship with the child;

4 (b) Attending to the ongoing developmental needs of the
5 child, including feeding, clothing, physical care and grooming,
6 health and medical needs, emotional stability, supervision, and
7 appropriate conflict resolution skills and engaging in other
8 activities appropriate to the healthy development of the child within
9 the social and economic circumstances of the family;

10 (c) Attending to adequate education for the child,
11 including remedial or other special education essential to the best
12 interests of the child;

13 (d) Assisting the child in maintaining a safe, positive,
14 and appropriate relationship with each parent and other family
15 members, including establishing and maintaining the authority and
16 responsibilities of each party with respect to the child and honoring
17 the parenting plan duties and responsibilities;

18 (e) Minimizing the child's exposure to harmful parental
19 conflict;

20 (f) Assisting the child in developing skills to maintain
21 safe, positive, and appropriate interpersonal relationships; and

22 (g) Exercising appropriate support for social, academic,
23 athletic, or other special interests and abilities of the child
24 within the social and economic circumstances of the family;

25 (19) Parenting plan means a plan for parenting the child

1 that takes into account parenting functions;

2 (20) Parenting time, visitation, or other access means
3 communication or time spent between the child and parent or
4 stepparent, the child and a court-appointed guardian, or the child
5 and another family member or members including stepbrothers or
6 stepsisters;

7 (21) Physical custody means authority and responsibility
8 regarding the child's place of residence and the exertion of
9 continuous parenting time for significant periods of time;

10 (22) Provisions for safety means a plan developed to
11 reduce risks of harm to children and adults who are victims of child
12 abuse or neglect, domestic intimate partner abuse, or unresolved
13 parental conflict;

14 (23) Remediation process means the method established in
15 the parenting plan which maintains the best interests of the child
16 and provides a means to identify, discuss, and attempt to resolve
17 future circumstantial changes or conflicts regarding the parenting
18 functions and which minimizes repeated litigation and utilizes
19 judicial intervention as a last resort;

20 (24) Specialized alternative dispute resolution means a
21 method of nonjudicial intervention in high conflict or domestic
22 intimate partner abuse cases in which an approved specialized
23 mediator facilitates voluntary mutual development of and agreement to
24 a structured parenting plan, provisions for safety, a transition
25 plan, or other related resolution between the parties;

1 (25) Transition plan means a plan developed to reduce
2 exposure of the child and the adult to ongoing unresolved parental
3 conflict during parenting time, visitation, or other access for the
4 exercise of parental functions; and

5 (26) Unresolved parental conflict means persistent
6 conflict in which parents are unable to resolve disputes about
7 parenting functions which has a potentially harmful impact on a
8 child.

9 Sec. 64. Section 43-3703, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 43-3703 Child means an individual under ~~nineteen~~eighteen
12 years of age.

13 Sec. 65. Section 44-7,103, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 44-7,103 (1) For purposes of this section, health benefit
16 plan means any expense-incurred individual or group sickness and
17 accident insurance policy, health maintenance organization contract,
18 subscriber contract, or self-funded employee benefit plan to the
19 extent not preempted by federal law, except for any policy or
20 contract that provides coverage only for excepted benefits as defined
21 in the federal Health Insurance Portability and Accountability Act of
22 1996, 29 U.S.C. 1191b, and regulations adopted pursuant to the act,
23 as such act and regulations existed on January 1, 2009, or any policy
24 or contract that provides coverage for a specified disease or other
25 limited-benefit coverage.

1 (2) Notwithstanding section 44-3,131, any health benefit
2 plan that provides coverage for children shall provide for continuing
3 coverage for such children as follows:

4 (a) If coverage under the health benefit plan would
5 otherwise terminate because a covered child ceases to be a dependent,
6 ceases to be a full-time student, or attains an age which exceeds the
7 specified age at which coverage ceases pursuant to the plan, the
8 health benefit plan shall provide the option to the insured to
9 continue coverage for such child through the end of the month in
10 which the child (i) marries, (ii) ceases to be a resident of the
11 state, unless the child is under ~~nineteen~~eighteen years of age or is
12 enrolled on a full-time basis in any college, university, or trade
13 school, (iii) receives coverage under another health benefit plan or
14 a self-funded employee benefit plan that is not included in the
15 definition of a health benefit plan under subsection (1) of this
16 section but provides similar coverage, or (iv) attains thirty years
17 of age; and

18 (b) The health benefit plan may require:

19 (i) A written election from the insured; and

20 (ii) An additional premium for the child. Such premium
21 shall not vary based upon the health status of the child and shall
22 not exceed the amount the health benefit plan would receive for an
23 identical individual for a single adult insured. No employer shall be
24 required to contribute to any additional premium under this
25 subdivision.

1 Sec. 66. Section 44-4053, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 44-4053 (1) A person applying for a resident insurance
4 producer license shall make application to the director on the
5 uniform application and declare under penalty of denial, suspension,
6 or revocation of the license that the statements made in the
7 application are true, correct, and complete to the best of the
8 individual's knowledge and belief. Before approving the application,
9 the director shall find that the individual:

10 (a) Is at least eighteen years of age; ~~Notwithstanding~~
11 ~~the provisions of section 43-2101, if any person is issued a license~~
12 ~~pursuant to the Insurance Producers Licensing Act, his or her~~
13 ~~minority ends;~~

14 (b) Has not committed any act that is a ground for
15 denial, suspension, or revocation set forth in section 44-4059;

16 (c) Has completed a prelicensing course of study for the
17 lines of authority for which the person has applied, as required by
18 sections 44-3909 to 44-3913;

19 (d) Has paid the fees set forth in section 44-4064; and

20 (e) Has successfully passed the examinations for the
21 lines of authority for which the person has applied.

22 (2) A business entity acting as an insurance producer is
23 required to obtain an insurance producer license. Application shall
24 be made using the uniform business entity application. Before
25 approving the application, the director shall find that:

1 (a) The business entity has paid the fees set forth in
2 section 44-4064; and

3 (b) The business entity has designated a licensed
4 producer responsible for the business entity's compliance with the
5 insurance laws, rules, and regulations of this state.

6 (3) The director may require any documents reasonably
7 necessary to verify the information contained in an application.

8 (4) Each insurer that sells, solicits, or negotiates any
9 form of limited line credit insurance shall provide to each
10 individual whose duties will include selling, soliciting, or
11 negotiating limited line credit insurance a program of instruction
12 that may be approved by the director.

13 Sec. 67. Section 44-5238, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 44-5238 Dependent shall mean a spouse, an unmarried child
16 under the age of ~~nineteen~~eighteen years, an unmarried child who is a
17 full-time student under the age of twenty-three years and who is
18 financially dependent upon the parent, and an unmarried child of any
19 age who is medically certified as disabled and dependent upon the
20 parent.

21 Sec. 68. Section 48-122.01, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 48-122.01 Compensation under section 48-122 shall be
24 payable in the amount and to the following persons subject to the
25 maximum limits specified in sections 48-122 and 48-122.03:

1 (1) If there is a widow or widower and no children of the
2 deceased, as defined in section 48-124, to such widow or widower,
3 sixty-six and two-thirds percent of the average weekly wage of the
4 deceased, during widowhood or widowerhood;

5 (2) To the widow or widower, if there is a child or
6 children living with the widow or widower, sixty percent of the
7 average weekly wage of the deceased, or fifty-five percent, if such
8 child is not or such children are not living with a widow or widower,
9 and, in addition thereto, fifteen percent for each child. When there
10 are two or more such children, the indemnity benefits payable on
11 account of such children shall be divided among such children, share
12 and share alike;

13 (3) Two years' indemnity benefits in one lump sum shall
14 be payable to a widow or widower upon remarriage;

15 (4) To the children, if there is no widow or widower,
16 sixty-six and two-thirds percent of such wage for one child, and
17 fifteen percent for each additional child, divided among such
18 children, share and share alike;

19 (5) The income benefits payable on account of any child
20 under this section shall cease when he or she dies, marries, or
21 reaches the age of ~~nineteen~~, eighteen, or when a child over such age
22 ceases to be physically or mentally incapable of self-support, or if
23 actually dependent ceases to be actually dependent, or, if enrolled
24 as a full-time student in any accredited educational institution,
25 ceases to be so enrolled or reaches the age of twenty-five. A child

1 who originally qualified as a dependent by virtue of being less than
2 ~~nineteen~~eighteen years of age may, upon reaching age ~~nineteen~~,
3 eighteen, continue to qualify if he or she satisfies the tests of
4 being physically or mentally incapable of self-support, actual
5 dependency, or enrollment in an educational institution;

6 (6) To each parent, if actually dependent, twenty-five
7 percent;

8 (7) To the brothers, sisters, grandparents, and
9 grandchildren, if actually dependent, twenty-five percent to each
10 such dependent. If there should be more than one of such dependents,
11 the total income benefits payable on account of such dependents shall
12 be divided share and share alike;

13 (8) The income benefits of each beneficiary under
14 subdivisions (6) and (7) of this section shall be paid until he or
15 she, if a parent or grandparent, dies, marries, or ceases to be
16 actually dependent, or, if a brother, sister, or grandchild, dies,
17 marries, or reaches the age of ~~nineteen~~eighteen or if over that age
18 ceases to be physically or mentally incapable of self-support, or
19 ceases to be actually dependent; and

20 (9) A person ceases to be actually dependent when his or
21 her income from all sources exclusive of workers' compensation income
22 benefits is such that, if it had existed at the time as of which the
23 original determination of actual dependency was made, it would not
24 have supported a finding of dependency. In any event, if the present
25 annual income of an actual dependent person including workers'

1 compensation income benefits at any time exceeds the total annual
2 support received by the person from the deceased employee, the
3 workers' compensation benefits shall be reduced so that the total
4 annual income is no greater than such amount of annual support
5 received from the deceased employee. In all cases, a person found to
6 be actually dependent shall be presumed to be no longer actually
7 dependent three years after each time as of which the person was
8 found to be actually dependent. This presumption may be overcome by
9 proof of continued actual dependency as defined in this subdivision
10 and section 48-124.

11 Sec. 69. Section 48-124, Reissue Revised Statutes of
12 Nebraska, is amended to read:

13 48-124 The following persons shall be conclusively
14 presumed to be dependent for support upon a deceased employee: (1) A
15 wife upon a husband with whom she is living or upon whom she is
16 actually dependent at the time of his injury or death; (2) a husband
17 upon a wife with whom he is living or upon whom he is actually
18 dependent at the time of her injury or death; and (3) a child or
19 children under the age of ~~nineteen~~eighteen years, or over such age,
20 if physically or mentally incapable of self-support, or any child
21 ~~nineteen~~eighteen years of age or over who is actually dependent, or
22 any child between ~~nineteen~~eighteen and twenty-five years of age who
23 is enrolled as a full-time student in any accredited educational
24 institution.

25 The term child shall include a posthumous child, a child

1 legally adopted or for whom adoption proceedings are pending at the
2 time of death, an actually dependent child in relation to whom the
3 deceased employee stood in the place of a parent for at least one
4 year prior to the time of death, an actually dependent stepchild, or
5 a child born out of wedlock. Child shall not include a married child
6 unless receiving substantially entire support from the employee.
7 Grandchild shall mean a child, as above defined, of a child, as above
8 defined, except that as to the latter child, the limitations as to
9 age in the above definition do not apply.

10 Brother or sister shall mean a brother or sister under
11 ~~nineteen~~eighteen years of age, or ~~nineteen~~eighteen years of age or
12 over and physically or mentally incapable of self-support, or
13 ~~nineteen~~eighteen years of age or over and actually dependent. The
14 terms brother and sister shall include stepbrothers and stepsisters,
15 half brothers and half sisters, and brothers and sisters by adoption
16 but shall not include married brothers or married sisters unless
17 receiving substantially entire support from the employee.

18 Parent shall mean a mother or father, a stepparent, a
19 parent by adoption, a parent-in-law, and any person who for more than
20 one year immediately prior to the death of the employee stood in the
21 place of a parent to him or her, if actually dependent in each case.

22 Actually dependent shall mean dependent in fact upon the
23 employee and shall refer only to a person who received more than half
24 of his or her support from the employee and whose dependency is not
25 the result of failure to make reasonable efforts to secure suitable

1 employment. When used as a noun, the word dependent shall mean any
2 person entitled to death benefits. No person shall be considered a
3 dependent, unless he or she be a member of the family of the deceased
4 employee, or bears to him or her the relation of widow, widower,
5 lineal descendant, ancestor, brother, or sister. Questions as to who
6 constitute dependents and the extent of their dependency shall
7 initially be determined as of the date of the accident to the
8 employee, and the death benefit shall be directly recoverable by and
9 payable to the dependent or dependents entitled thereto or their
10 legal guardians or trustees. No dependent of any injured employee
11 shall be deemed, during the life of such employee, a party in
12 interest to any proceeding by him or her for the enforcement or
13 collection of any claim for compensation, nor as respects the
14 compromise thereof by such employee.

15 Sec. 70. Section 49-801, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 49-801 Unless the context is shown to intend otherwise,
18 words and phrases in the statutes of Nebraska hereafter enacted are
19 used in the following sense:

20 (1) Acquire when used in connection with a grant of power
21 or property right to any person shall include the purchase, grant,
22 gift, devise, bequest, and obtaining by eminent domain;

23 (2) Action shall include any proceeding in any court of
24 this state;

25 (3) Age of majority shall mean the age at which a person

1 is considered an adult and acquires all rights and responsibilities
2 granted or imposed by statute or common law. A person attains the age
3 of majority (a) when such person reaches eighteen years of age or (b)
4 when such person gets married if he or she is under eighteen years of
5 age;

6 ~~(3)~~(4) Attorney shall mean attorney at law;

7 ~~(4)~~(5) Company shall include any corporation,
8 partnership, limited liability company, joint-stock company, joint
9 venture, or association;

10 ~~(5)~~(6) Domestic when applied to corporations shall mean
11 all those created by authority of this state;

12 ~~(6)~~(7) Federal shall refer to the United States;

13 ~~(7)~~(8) Foreign when applied to corporations shall
14 include all those created by authority other than that of this state;

15 ~~(8)~~(9) Grantee shall include every person to whom any
16 estate or interest passes in or by any conveyance;

17 ~~(9)~~(10) Grantor shall include every person from or by
18 whom any estate or interest passes in or by any conveyance;

19 ~~(10)~~(11) Inhabitant shall be construed to mean a
20 resident in the particular locality in reference to which that word
21 is used;

22 ~~(11)~~(12) Land or real estate shall include lands,
23 tenements, and hereditaments and all rights thereto and interest
24 therein other than a chattel interest;

25 ~~(12)~~(13) Magistrate shall include judge of the county

1 court and clerk magistrate;

2 (14) Minor shall mean a person under eighteen years of
3 age, but in case any person marries under the age of eighteen years,
4 his or her minority ends;

5 ~~(13)~~(15) Month shall mean calendar month;

6 ~~(14)~~(16) Oath shall include affirmation in all cases in
7 which an affirmation may be substituted for an oath;

8 ~~(15)~~(17) Peace officer shall include sheriffs, coroners,
9 jailers, marshals, police officers, state highway patrol officers,
10 members of the National Guard on active service by direction of the
11 Governor during periods of emergency, and all other persons with
12 similar authority to make arrests;

13 ~~(16)~~(18) Person shall include bodies politic and
14 corporate, societies, communities, the public generally, individuals,
15 partnerships, limited liability companies, joint-stock companies, and
16 associations;

17 ~~(17)~~(19) Personal estate shall include money, goods,
18 chattels, claims, and evidences of debt;

19 ~~(18)~~(20) Process shall mean a summons, subpoena, or
20 notice to appear issued out of a court in the course of judicial
21 proceedings;

22 ~~(19)~~(21) Service animal shall have the same meaning as
23 in 28 C.F.R. 36.104, as such regulation existed on January 1, 2008;

24 ~~(20)~~(22) State when applied to different states of the
25 United States shall be construed to extend to and include the

1 District of Columbia and the several territories organized by
2 Congress;

3 ~~(21)~~ (23) Sworn shall include affirmed in all cases in
4 which an affirmation may be substituted for an oath;

5 ~~(22)~~ (24) The United States shall include territories,
6 outlying possessions, and the District of Columbia;

7 ~~(23)~~ (25) Violate shall include failure to comply with;

8 ~~(24)~~ (26) Writ shall signify an order or citation in
9 writing issued in the name of the state out of a court or by a
10 judicial officer; and

11 ~~(25)~~ (27) Year shall mean calendar year.

12 Sec. 71. Section 53-168.06, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 53-168.06 No person shall manufacture, bottle, blend,
15 sell, barter, transport, deliver, furnish, or possess any alcoholic
16 liquor for beverage purposes except as specifically provided in the
17 Nebraska Liquor Control Act. Nothing in the act shall prevent (1) the
18 possession of alcoholic liquor legally obtained as provided in the
19 act for the personal use of the possessor and his or her family and
20 guests; (2) the making of wine, cider, or other alcoholic liquor by a
21 person from fruits, vegetables, or grains, or the product thereof, by
22 simple fermentation and without distillation, if made solely for the
23 use of the maker and his or her family and guests; (3) any duly
24 licensed practicing physician or dentist from possessing or using
25 alcoholic liquor in the strict practice of his or her profession, any

1 hospital or other institution caring for the sick and diseased
2 persons from possessing and using alcoholic liquor for the treatment
3 of bona fide patients of such hospital or other institution, or any
4 drug store employing a licensed pharmacist from possessing or using
5 alcoholic liquor in the compounding of prescriptions of licensed
6 physicians; (4) the possession and dispensation of alcoholic liquor
7 by an authorized representative of any religion on the premises of a
8 place of worship, for the purpose of conducting any bona fide
9 religious rite, ritual, or ceremony; (5) persons who are sixteen
10 years old or older from carrying alcoholic liquor from licensed
11 establishments when they are accompanied by a person not a minor; (6)
12 persons who are sixteen years old or older from handling alcoholic
13 liquor containers and alcoholic liquor in the course of their
14 employment; (7) persons who are sixteen years old or older from
15 removing and disposing of alcoholic liquor containers for the
16 convenience of the employer and customers in the course of their
17 employment; or (8) persons who are ~~nineteen~~eighteen years old or
18 older from serving or selling alcoholic liquor in the course of their
19 employment.

20 Sec. 72. Section 53-180.05, Revised Statutes Cumulative
21 Supplement, 2012, is amended to read:

22 53-180.05 (1) Except as provided in subsection (2) of
23 this section, any person who violates section 53-180 shall be guilty
24 of a Class I misdemeanor.

25 (2) Any person who knowingly and intentionally violates

1 section 53-180 shall be guilty of a Class IIIA felony and serve a
2 mandatory minimum of at least thirty days' imprisonment as part of
3 any sentence he or she receives if serious bodily injury or death to
4 any person resulted and was proximately caused by a minor's (a)
5 consumption of the alcoholic liquor provided or (b) impaired
6 condition which, in whole or in part, can be attributed to the
7 alcoholic liquor provided.

8 (3) Any person who violates any of the provisions of
9 section 53-180.01 or 53-180.03 shall be guilty of a Class III
10 misdemeanor.

11 (4) Any person ~~elder than~~ at least eighteen years of age
12 and under the age of twenty-one years violating section 53-180.02 is
13 guilty of a Class III misdemeanor.

14 (5) Any person under eighteen years of age ~~or younger~~
15 violating section 53-180.02 is guilty of a misdemeanor as provided in
16 section 53-181 and shall be punished as provided in such section.

17 (6) Any person who knowingly manufactures, creates, or
18 alters any form of identification for the purpose of sale or delivery
19 of such form of identification to a person under the age of twenty-
20 one years shall be guilty of a Class I misdemeanor. For purposes of
21 this subsection, form of identification means any card, paper, or
22 legal document that may be used to establish the age of the person
23 named thereon for the purpose of purchasing alcoholic liquor.

24 (7) When a minor is arrested for a violation of sections
25 53-180 to 53-180.02 or subsection (6) of this section, the law

1 enforcement agency employing the arresting peace officer shall make a
2 reasonable attempt to notify such minor's parent or guardian of the
3 arrest.

4 Sec. 73. Section 53-181, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 53-181 The penalty for violation of section 53-180.02 by
7 a person under eighteen years of age ~~or younger~~ shall be as follows:

8 (1) If the person convicted or adjudicated of violating
9 such section has one or more licenses or permits issued under the
10 Motor Vehicle Operator's License Act:

11 (a) For the first offense, such person is guilty of a
12 Class III misdemeanor and the court may, as a part of the judgment of
13 conviction or adjudication, impound any such licenses or permits for
14 thirty days and require such person to attend an alcohol education
15 class;

16 (b) For a second offense, such person is guilty of a
17 Class III misdemeanor and the court, as a part of the judgment of
18 conviction or adjudication, may (i) impound any such licenses or
19 permits for ninety days and (ii) require such person to complete no
20 fewer than twenty and no more than forty hours of community service
21 and to attend an alcohol education class; and

22 (c) For a third or subsequent offense, such person is
23 guilty of a Class III misdemeanor and the court, as a part of the
24 judgment of conviction or adjudication, may (i) impound any such
25 licenses or permits for twelve months and (ii) require such person to

1 complete no fewer than sixty hours of community service, to attend an
2 alcohol education class, and to submit to an alcohol assessment by a
3 licensed alcohol and drug counselor; and

4 (2) If the person convicted or adjudicated of violating
5 such section does not have a permit or license issued under the Motor
6 Vehicle Operator's License Act:

7 (a) For the first offense, such person is guilty of a
8 Class III misdemeanor and the court, as part of the judgment of
9 conviction or adjudication, may (i) prohibit such person from
10 obtaining any permit or any license pursuant to the act for which
11 such person would otherwise be eligible until thirty days after the
12 date of such order and (ii) require such person to attend an alcohol
13 education class;

14 (b) For a second offense, such person is guilty of a
15 Class III misdemeanor and the court, as part of the judgment of
16 conviction or adjudication, may (i) prohibit such person from
17 obtaining any permit or any license pursuant to the act for which
18 such person would otherwise be eligible until ninety days after the
19 date of such order and (ii) require such person to complete no fewer
20 than twenty hours and no more than forty hours of community service
21 and to attend an alcohol education class; and

22 (c) For a third or subsequent offense, such person is
23 guilty of a Class III misdemeanor and the court, as part of the
24 judgment of conviction or adjudication, may (i) prohibit such person
25 from obtaining any permit or any license pursuant to the act for

1 which such person would otherwise be eligible until twelve months
2 after the date of such order and (ii) require such person to complete
3 no fewer than sixty hours of community service, to attend an alcohol
4 education class, and to submit to an alcohol assessment by a licensed
5 alcohol and drug counselor.

6 A copy of an abstract of the court's conviction or
7 adjudication shall be transmitted to the Director of Motor Vehicles
8 pursuant to sections 60-497.01 to 60-497.04.

9 Sec. 74. Section 53-1,122, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 53-1,122 In order to further the public policy of
12 deterring minors from illegally obtaining or consuming alcoholic
13 liquor, persons under twenty-one years of age may be authorized to
14 assist duly authorized law enforcement officers to determine
15 compliance with sections 53-180 and 53-180.02. Such compliance checks
16 shall be conducted pursuant to guidelines adopted and promulgated by
17 the Nebraska State Patrol with input from the commission. ~~Unless a~~
18 ~~person is an emancipated minor at least eighteen years of age, no~~ No
19 person under twenty-one years of age shall be authorized to
20 participate or assist law enforcement officers in such compliance
21 checks without the written consent of his or her parents or legal
22 guardian.

23 Sec. 75. Section 60-4,120.01, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 60-4,120.01 (1)(a) Any person who is at least sixteen

1 years of age but less than eighteen years of age may be issued a
2 provisional operator's permit by the Department of Motor Vehicles.
3 The provisional operator's permit shall expire on the applicant's
4 eighteenth birthday.

5 (b) No provisional operator's permit shall be issued to
6 any person unless such person:

7 (i) Has possessed a valid LPD-learner's permit, LPE-
8 learner's permit, or SCP-school permit for at least a six-month
9 period beginning on the date of issuance of such person's LPD-
10 learner's permit, LPE-learner's permit, or SCP-school permit; and

11 (ii) Has not accumulated three or more points pursuant to
12 section 60-4,182 during the six-month period immediately preceding
13 the date of the application for the provisional operator's permit.

14 (c) The requirements for the provisional operator's
15 permit prescribed in subdivisions (2)(a) and (b) of this section may
16 be completed prior to the applicant's sixteenth birthday. A person
17 may apply for a provisional operator's permit and take the driving
18 test and the written examination, if required, at any time within
19 sixty days prior to his or her sixteenth birthday upon proof of age
20 in the manner provided in section 60-484.

21 (2) In order to obtain a provisional operator's permit,
22 the applicant shall present (a)(i) proof of successful completion of
23 a department-approved driver safety course which includes behind-the-
24 wheel driving specifically emphasizing (A) the effects of the
25 consumption of alcohol on a person operating a motor vehicle, (B)

1 occupant protection systems, (C) risk assessment, and (D) railroad
2 crossing safety and (ii) proof of successful completion of a written
3 examination and driving test administered by a driver safety course
4 instructor or (b) a certificate in a form prescribed by the
5 department, signed by a parent, guardian, or licensed driver at least
6 twenty-one years of age, verifying that the applicant has completed
7 fifty hours of lawful motor vehicle operation including at least ten
8 hours of motor vehicle operation between sunset and sunrise, under
9 conditions that reflect department-approved driver safety course
10 curriculum, with a parent, guardian, or adult at least twenty-one
11 years of age, who has a current Nebraska operator's license or who is
12 licensed in another state. If the applicant presents such a
13 certificate, the applicant shall be required to successfully complete
14 a driving test administered by the department. The written
15 examination shall be waived if the applicant has been issued a
16 Nebraska LPD-learner's permit or has been issued a Nebraska LPE-
17 learner's permit and such permit is valid or has been expired for no
18 more than one year. However, the department shall not waive the
19 written examination if the provisional operator's permit being
20 applied for contains a class or endorsement which is different from
21 the class or endorsement of the LPD-learner's or LPE-learner's
22 permit. Upon presentation by the applicant of a form prescribed by
23 the department showing successful completion of the driver safety
24 course, the written examination and driving test may be waived. Upon
25 presentation of the certificate, the written examination but not the

1 driving test may be waived. The examiner shall waive the written
2 examination and the driving test if the applicant has been issued a
3 school permit and such permit is valid or has expired no more than
4 one year prior to application. The written examination shall not be
5 waived if the provisional operator's permit being applied for
6 contains a class or endorsement which is different from the class or
7 endorsement of the school permit.

8 (3)(a) The holder of a provisional operator's permit
9 shall only operate a motor vehicle on the highways of this state
10 during the period beginning at 6 a.m. and ending at 12 midnight
11 except when he or she is en route to or from his or her residence to
12 his or her place of employment or a school activity. The holder of a
13 provisional operator's permit may operate a motor vehicle on the
14 highways of this state at any hour of the day or night if accompanied
15 by a parent, guardian, or adult at least twenty-one years of age, who
16 has a current Nebraska operator's license or who is licensed in
17 another state.

18 (b) The holder of a provisional operator's permit shall
19 only operate a motor vehicle on the highways of this state during the
20 first six months of holding the permit with no more than one
21 passenger who is not an immediate family member and who is under
22 ~~nineteen~~ eighteen years of age.

23 (c) The holder of a provisional operator's permit shall
24 not use any type of interactive wireless communication device while
25 operating a motor vehicle on the highways of this state.

1 (d) Enforcement of subdivisions (a), (b), and (c) of this
2 subsection shall be accomplished only as a secondary action when the
3 holder of the provisional operator's permit has been cited or charged
4 with a violation of some other law.

5 (4) The county treasurer shall collect the fee and
6 surcharge prescribed in section 60-4,115 for the issuance of each
7 provisional operator's permit.

8 Sec. 76. Section 60-6,157, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 60-6,157 (1) Except as otherwise provided in subsection
11 (3) of this section, no person shall stand in a roadway for the
12 purpose of soliciting a ride, employment, contributions, or business
13 from the occupant of any vehicle.

14 (2) No person shall stand on or in proximity to a highway
15 for the purposes of soliciting the watching or guarding of any
16 vehicle while parked or about to be parked on a highway.

17 (3)(a) Any municipality may, by ordinance, allow
18 ~~pedestrians over the age of eighteen who are at least eighteen years~~
19 of age to enter one or more roadways, except roadways that are part
20 of the state highway system, at specified times and locations and
21 approach vehicles when stopped by traffic control devices or traffic
22 control signals for the purpose of soliciting contributions which are
23 to be devoted to charitable or community betterment purposes.

24 (b) Any ordinance enacted pursuant to this subsection
25 shall be a general ordinance which shall not exclude or give

1 preference to any individual or the members of any organization,
2 association, or group. Any ordinance whose terms or provisions do not
3 strictly comply with this subsection is void.

4 Sec. 77. Section 60-6,340, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 60-6,340 (1) No person under the age of twelve years
7 shall operate a snowmobile in this state unless accompanied by a
8 parent, guardian, or other person ~~over~~ who is at least eighteen years
9 of age.

10 (2) No person over the age of twelve years and under the
11 age of sixteen years shall operate a snowmobile in this state unless
12 such person (a) holds a valid snowmobile safety certificate, (b) is
13 accompanied by a person fourteen years of age or over who holds a
14 valid snowmobile safety certificate, or (c) is accompanied by a
15 person ~~over the age of eighteen years.~~ who is at least eighteen years
16 of age.

17 (3) The operator of a snowmobile shall not be required to
18 hold an operator's license.

19 Sec. 78. Section 64-101, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 64-101 (1) The Secretary of State may appoint and
22 commission such number of persons to the office of notary public as
23 he or she deems necessary.

24 (2) There shall be one class of such appointments which
25 shall be valid in the entire state and referred to as general

1 notaries public.

2 (3) The term effective date, as used with reference to a
3 commission of a notary public, shall mean the date of the commission
4 unless the commission states when it goes into effect, in which event
5 that date shall be the effective date.

6 (4) A general commission may refer to the office as
7 notary public and shall contain a provision showing that the person
8 therein named is authorized to act as a notary public anywhere within
9 the State of Nebraska or, in lieu thereof, may contain the word
10 general or refer to the office as general notary public.

11 (5) No person shall be appointed a notary public unless
12 he or she has taken and passed a written examination on the duties
13 and obligations of a notary public as provided in section 64-101.01.

14 (6) No appointment shall be made if such applicant has
15 been convicted of (a) a felony or (b) a crime involving fraud or
16 dishonesty within the previous five years.

17 (7) No appointment shall be made until such applicant has
18 attained the age of ~~nineteen~~eighteen years nor unless such applicant
19 certifies to the Secretary of State under oath that he or she has
20 carefully read and understands the laws relating to the duties of
21 notaries public and will, if commissioned, faithfully discharge the
22 duties pertaining to the office and keep records according to law.

23 (8) No person shall be appointed a notary public unless
24 he or she resides in the State of Nebraska, except that the Secretary
25 of State may appoint and commission a person as a notary public who

1 resides in a state that borders the State of Nebraska if such person
2 is employed in or has a regular place of work or business in this
3 state and the Secretary of State has obtained evidence of an address
4 of the physical location of such employment or place of work or
5 business prior to such appointment and commission.

6 (9) Each person appointed a notary public shall hold
7 office for a term of four years from the effective date of his or her
8 commission unless sooner removed.

9 Sec. 79. Section 68-915, Revised Statutes Cumulative
10 Supplement, 2012, is amended to read:

11 68-915 The following persons shall be eligible for
12 medical assistance:

13 (1) Dependent children as defined in section 43-504;

14 (2) Aged, blind, and disabled persons as defined in
15 sections 68-1002 to 68-1005;

16 (3) Children under ~~nineteen~~eighteen years of age who are
17 eligible under section 1905(a)(i) of the federal Social Security Act;

18 (4) Persons who are presumptively eligible as allowed
19 under sections 1920 and 1920B of the federal Social Security Act;

20 (5) Children under ~~nineteen~~eighteen years of age with a
21 family income equal to or less than two hundred percent of the Office
22 of Management and Budget income poverty guideline, as allowed under
23 Title XIX and Title XXI of the federal Social Security Act, without
24 regard to resources, and pregnant women with a family income equal to
25 or less than one hundred eighty-five percent of the Office of

1 Management and Budget income poverty guideline, as allowed under
2 Title XIX and Title XXI of the federal Social Security Act, without
3 regard to resources. Children described in this subdivision and
4 subdivision (6) of this section shall remain eligible for six
5 consecutive months from the date of initial eligibility prior to
6 redetermination of eligibility. The department may review eligibility
7 monthly thereafter pursuant to rules and regulations adopted and
8 promulgated by the department. The department may determine upon such
9 review that a child is ineligible for medical assistance if such
10 child no longer meets eligibility standards established by the
11 department;

12 (6) For purposes of Title XIX of the federal Social
13 Security Act as provided in subdivision (5) of this section, children
14 with a family income as follows:

15 (a) Equal to or less than one hundred fifty percent of
16 the Office of Management and Budget income poverty guideline with
17 eligible children one year of age or younger;

18 (b) Equal to or less than one hundred thirty-three
19 percent of the Office of Management and Budget income poverty
20 guideline with eligible children over one year of age and under six
21 years of age; or

22 (c) Equal to or less than one hundred percent of the
23 Office of Management and Budget income poverty guideline with
24 eligible children six years of age or older and less than ~~nineteen~~
25 eighteen years of age;

1 (7) Persons who are medically needy caretaker relatives
2 as allowed under 42 U.S.C. 1396d(a)(ii);

3 (8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
4 disabled persons as defined in section 68-1005 with a family income
5 of less than two hundred fifty percent of the Office of Management
6 and Budget income poverty guideline and who, but for earnings in
7 excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would
8 be considered to be receiving federal Supplemental Security Income.
9 The department shall apply for a waiver to disregard any unearned
10 income that is contingent upon a trial work period in applying the
11 Supplemental Security Income standard. Such disabled persons shall be
12 subject to payment of premiums as a percentage of family income
13 beginning at not less than two hundred percent of the Office of
14 Management and Budget income poverty guideline. Such premiums shall
15 be graduated based on family income and shall not be less than two
16 percent or more than ten percent of family income;

17 (9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii),
18 persons who:

19 (a) Have been screened for breast and cervical cancer
20 under the Centers for Disease Control and Prevention breast and
21 cervical cancer early detection program established under Title XV of
22 the federal Public Health Service Act, 42 U.S.C. 300k et seq., in
23 accordance with the requirements of section 1504 of such act, 42
24 U.S.C. 300n, and who need treatment for breast or cervical cancer,
25 including precancerous and cancerous conditions of the breast or

1 cervix;

2 (b) Are not otherwise covered under creditable coverage
3 as defined in section 2701(c) of the federal Public Health Service
4 Act, 42 U.S.C. 300gg(c);

5 (c) Have not attained sixty-five years of age; and

6 (d) Are not eligible for medical assistance under any
7 mandatory categorically needy eligibility group; and

8 (10) Persons eligible for services described in
9 subsection (3) of section 68-972.

10 Except as provided in section 68-972, eligibility shall
11 be determined under this section using an income budgetary
12 methodology that determines children's eligibility at no greater than
13 two hundred percent of the Office of Management and Budget income
14 poverty guideline and adult eligibility using adult income standards
15 no greater than the applicable categorical eligibility standards
16 established pursuant to state or federal law. The department shall
17 determine eligibility under this section pursuant to such income
18 budgetary methodology and subdivision (1)(q) of section 68-1713.

19 Sec. 80. Section 68-1724, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 68-1724 (1) Cash assistance shall be provided for a
22 period or periods of time not to exceed a total of sixty months for
23 recipient families with children subject to the following:

24 (a) If the state fails to meet the specific terms of the
25 self-sufficiency contract developed under section 68-1719, the sixty-

1 month time limit established in this section shall be extended;

2 (b) The sixty-month time period for cash assistance shall
3 begin within the first month of eligibility;

4 (c) When no longer eligible to receive cash assistance,
5 assistance shall be available to reimburse work-related child care
6 expenses even if the recipient family has not achieved economic self-
7 sufficiency. The amount of such assistance shall be based on a cost-
8 shared plan between the recipient family and the state which shall
9 provide assistance up to one hundred eighty-five percent of the
10 federal poverty level for up to twenty-four months. A recipient
11 family may be required to contribute up to twenty percent of such
12 family's gross income for child care. It is the intent of the
13 Legislature that transitional health care coverage be made available
14 on a sliding-scale basis to individuals and families with incomes up
15 to one hundred eighty-five percent of the federal poverty level if
16 other health care coverage is not available; and

17 (d) The self-sufficiency contract shall be revised and
18 cash assistance extended when there is no job available for adult
19 members of the recipient family. It is the intent of the Legislature
20 that available job shall mean a job which results in an income of at
21 least equal to the amount of cash assistance that would have been
22 available if receiving assistance minus unearned income available to
23 the recipient family.

24 The department shall develop policy guidelines to allow
25 for cash assistance to persons who have received the maximum cash

1 assistance provided by this section and who face extreme hardship
2 without additional assistance. For purposes of this section, extreme
3 hardship means a recipient family does not have adequate cash
4 resources to meet the costs of the basic needs of food, clothing, and
5 housing without continuing assistance or the child or children are at
6 risk of losing care by and residence with their parent or parents.

7 (2) Cash assistance conditions under the Welfare Reform
8 Act shall be as follows:

9 (a) Adults in recipient families shall mean individuals
10 at least ~~nineteen~~eighteen years of age living with and related to a
11 child under eighteen years of age ~~or younger~~ and shall include
12 parents, siblings, uncles, aunts, cousins, or grandparents, whether
13 the relationship is biological, adoptive, or step;

14 (b) The payment standard shall be based upon family size;

15 (c) The adults in the recipient family shall ensure that
16 the minor children regularly attend school. Education is a valuable
17 personal resource. The cash assistance provided to the recipient
18 family may be reduced when the parent or parents have failed to take
19 reasonable action to encourage the minor children of the recipient
20 family ages sixteen and under to regularly attend school. No
21 reduction of assistance shall be such as may result in extreme
22 hardship. It is the intent of the Legislature that a process be
23 developed to insure communication between the case manager, the
24 parent or parents, and the school to address issues relating to
25 school attendance;

1 (d) Two-parent families which would otherwise be eligible
2 under section 43-504 or a federally approved waiver shall receive
3 cash assistance under this section;

4 (e) For minor parents, the assistance payment shall be
5 based on the minor parent's income. If the minor parent lives with at
6 least one parent, the family's income shall be considered in
7 determining eligibility and cash assistance payment levels for the
8 minor parent. If the minor parent lives independently, support shall
9 be pursued from the parents of the minor parent. If the absent parent
10 of the minor's child is a minor, support from his or her parents
11 shall be pursued. Support from parents as allowed under this
12 subdivision shall not be pursued when the family income is less than
13 three hundred percent of the federal poverty guidelines; and

14 (f) For adults who are not biological or adoptive parents
15 or stepparents of the child or children in the family, if assistance
16 is requested for the entire family, including the adults, a self-
17 sufficiency contract shall be entered into as provided in section
18 68-1719. If assistance is requested for only the child or children in
19 such a family, such children shall be eligible after consideration of
20 the family's income and if (i) the family cooperates in pursuing
21 child support and (ii) the minor children of the family regularly
22 attend school.

23 Sec. 81. Section 68-2002, Revised Statutes Cumulative
24 Supplement, 2012, is amended to read:

25 68-2002 The purposes of the Children's Health and

1 Treatment Act are to:

2 (1) Require that the guidelines and criteria that the
3 Department of Health and Human Services utilizes to determine medical
4 necessity for services under the medical assistance program be
5 published by the department on its web site and web sites of its
6 contractors for managed care and administrative services. The
7 treating guidelines and criteria shall be referenced specifically to
8 providers when utilized as a determination of medical necessity under
9 the medical assistance program. Treating guidelines and criteria in
10 effect on July 19, 2012, shall be published on such web sites within
11 thirty days after July 19, 2012. Notice of changes to treating
12 guidelines and criteria shall be given to providers and time for
13 public comment provided at least sixty days prior to implementation
14 of such changes; and

15 (2) Require that the department collect and report on
16 authorization and denial rates for behavioral health services for
17 children under ~~nineteen~~eighteen years of age.

18 Sec. 82. Section 68-2004, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 68-2004 The department shall report electronically to the
21 Health and Human Services Committee of the Legislature on utilization
22 controls, including, but not limited to, the rates of initial service
23 authorizations, reauthorizations subsequent to initial service
24 authorizations, and denials for behavioral health services for
25 children under ~~nineteen~~eighteen years of age. ~~The first report shall~~

1 ~~be due on October 1, 2012, and shall contain such rates of initial~~
2 ~~service authorizations, reauthorizations subsequent to initial~~
3 ~~service authorizations, and denials for behavioral health services~~
4 ~~for children under nineteen years of age for the first three quarters~~
5 ~~of 2012. Thereafter, The department shall report such information on~~
6 ~~a quarterly basis on January 1, April 1, and July 1, and October 1 of~~
7 ~~each year.~~, ~~the department shall report such rates of initial~~
8 ~~service authorizations, reauthorizations subsequent to initial~~
9 ~~service authorizations, and denials for behavioral health services~~
10 ~~for children under nineteen years of age for the previous calendar~~
11 ~~quarter.~~

12 Sec. 83. Section 68-2005, Revised Statutes Cumulative
13 Supplement, 2012, is amended to read:

14 68-2005 The department shall adopt and promulgate rules
15 and regulations to carry out the Children's Health and Treatment Act.
16 On and after April 1, 2013, the department shall not apply medical
17 necessity criteria to determine medical necessity for children under
18 ~~nineteen~~eighteen years of age that have not been adopted and
19 promulgated as rules and regulations pursuant to the Administrative
20 Procedure Act.

21 Sec. 84. Section 71-629, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 71-629 A certified copy or copies of the certificate of
24 birth of any such legitimized child may be furnished upon request by
25 the department. The evidence upon which the new certificate is made

1 may be furnished upon request to a parent of such legitimized child
2 or to the legitimized child if such child is ~~nineteen~~eighteen years
3 of age or older. The evidence upon which the new certificate is made
4 shall be available for inspection by any other person only upon the
5 order of a court of competent jurisdiction, and the original
6 certificate of birth shall be available for inspection only upon the
7 order of a court of competent jurisdiction.

8 Sec. 85. Section 71-808, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 71-808 (1) A regional behavioral health authority shall
11 be established in each behavioral health region by counties acting
12 under provisions of the Interlocal Cooperation Act. Each regional
13 behavioral health authority shall be governed by a regional governing
14 board consisting of one county board member from each county in the
15 region. Board members shall serve for staggered terms of three years
16 and until their successors are appointed and qualified. Board members
17 shall serve without compensation but shall be reimbursed for their
18 actual and necessary expenses as provided in sections 81-1174 to
19 81-1177.

20 (2) The regional governing board shall appoint a regional
21 administrator who shall be responsible for the administration and
22 management of the regional behavioral health authority. Each regional
23 behavioral health authority shall encourage and facilitate the
24 involvement of consumers in all aspects of service planning and
25 delivery within the region and shall coordinate such activities with

1 the office of consumer affairs within the division. Each regional
2 behavioral health authority shall establish and utilize a regional
3 advisory committee consisting of consumers, providers, and other
4 interested parties and may establish and utilize such other task
5 forces, subcommittees, or other committees as it deems necessary and
6 appropriate to carry out its duties under this section.

7 (3) Each county in a behavioral health region shall
8 provide funding for the operation of the behavioral health authority
9 and for the provision of behavioral health services in the region.
10 The total amount of funding provided by counties under this
11 subsection shall be equal to one dollar for every three dollars from
12 the General Fund. The division shall annually certify the total
13 amount of county matching funds to be provided. At least forty
14 percent of such amount shall consist of local and county tax revenue,
15 and the remainder shall consist of other nonfederal sources. The
16 regional governing board of each behavioral health authority, in
17 consultation with all counties in the region, shall determine the
18 amount of funding to be provided by each county under this
19 subsection. Any General Funds transferred from regional centers for
20 the provision of community-based behavioral health services after
21 July 1, 2004, ~~and funds received by a regional behavioral health~~
22 ~~authority for the provision of behavioral health services to children~~
23 ~~under section 71-826~~ shall be excluded from any calculation of county
24 matching funds under this subsection.

25 Sec. 86. Section 71-824, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 71-824 No later than January 1, 2010, the department
3 shall provide post-adoption and post-guardianship case management
4 services for adoptive and guardianship families of former state wards
5 on a voluntary basis. The department shall notify adoptive parents
6 and guardians of the availability of such services and the process to
7 access such services and that such services are provided on a
8 voluntary basis. Notification shall be in writing and shall be
9 provided at the time of finalization of the adoption agreement or
10 completion of the guardianship and each six months thereafter until
11 dissolution of the adoption, until termination of the guardianship,
12 or until the former state ward attains ~~nineteen~~eighteen years of
13 age, whichever is earlier. Post-adoption and post-guardianship case
14 management services under this section shall be administered by the
15 Division of Children and Family Services and shall be evaluated. The
16 evaluation shall include, but not be limited to, the number and
17 percentage of persons receiving such services and the degree of
18 problem resolution reported by families receiving such services.

19 Sec. 87. Section 71-20,120, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 71-20,120 A hospital patient who is ~~nineteen~~eighteen
22 years of age or older or an emancipated minor may designate at any
23 time, orally or in writing, up to five individuals not legally
24 related by marriage or blood to the patient whom the patient wishes
25 to be given the same visitation privileges as an immediate family

1 member of such patient. An individual so designated shall have the
2 same visitation privileges as an immediate family member of such
3 patient. The patient may rescind the designation or designations at
4 any time, orally or in writing. Any designation or rescission made
5 under this section shall be noted on the patient's medical records at
6 such hospital. For purposes of this section, medical records means
7 the hospital's record of a patient's health history and treatment
8 rendered.

9 Sec. 88. Section 71-3405, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-3405 For purposes of sections 71-3404 to 71-3411:

12 (1) Child shall mean a person ~~from birth to~~ who is under
13 eighteen years of age;

14 (2) Investigation shall mean a review of existing records
15 and other information regarding the child from relevant agencies,
16 professionals, and providers of medical, dental, prenatal, and mental
17 health care. The records to be reviewed may include, but not be
18 limited to, medical records, coroner's reports, autopsy reports,
19 social services records, emergency and paramedic records, and law
20 enforcement reports;

21 (3) Preventable child death shall mean the death of any
22 child which reasonable medical, social, legal, psychological, or
23 educational intervention may have prevented. Preventable child death
24 shall include, but not be limited to, the death of a child from (a)
25 intentional and unintentional injuries, (b) medical misadventures,

1 including untoward results, malpractice, and foreseeable
2 complications, (c) lack of access to medical care, (d) neglect and
3 reckless conduct, including failure to supervise and failure to seek
4 medical care for various reasons, and (e) preventable premature
5 birth;

6 (4) Reasonable shall mean taking into consideration the
7 condition, circumstances, and resources available; and

8 (5) Team shall mean the State Child Death Review Team.

9 Sec. 89. Section 71-4808, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 71-4808 Any individual of sound mind and seventeen years
12 of age or more may consent to donate whole blood for the purpose of
13 injecting, transfusing, or transplanting such blood in the human
14 body. No person seventeen ~~or eighteen~~ years of age shall receive
15 compensation for any donation of whole blood without parental
16 permission or authorization.

17 Sec. 90. Section 71-6039.01, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 71-6039.01 No person shall act as a paid dining assistant
20 in a nursing home unless such person:

21 (1) Is at least sixteen years of age;

22 (2) Is able to speak and understand the English language
23 or a language understood by the nursing home resident being fed by
24 such person;

25 (3) Has successfully completed at least eight hours of

1 training as prescribed by the department for paid dining assistants;

2 (4) Has no adverse findings on the Nurse Aide Registry or
3 the Adult Protective Services Central Registry; and

4 (5) Has no adverse findings on the central register
5 created in section 28-718 if the nursing home which employs such
6 person as a paid dining assistant has at any one time more than one
7 resident under the age of ~~nineteen~~eighteen years.

8 Sec. 91. Section 71-9105, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 71-9105 (1) Any city, village, business, or nonprofit
11 organization that organizes an athletic activity in which the
12 athletes are ~~nineteen years of age or younger under eighteen years of~~
13 age and are required to pay a fee to participate in the athletic
14 activity or whose cost to participate in the athletic activity is
15 sponsored by a business or nonprofit organization shall:

16 (a) Make available training approved by the chief medical
17 officer on how to recognize the symptoms of a concussion or brain
18 injury and how to seek proper medical treatment for a concussion or
19 brain injury to all coaches; and

20 (b) Provide information on concussions and brain injuries
21 to all coaches and athletes and to a parent or guardian of each
22 athlete that shall include, but need not be limited to:

23 (i) The signs and symptoms of a concussion;

24 (ii) The risks posed by sustaining a concussion; and

25 (iii) The actions an athlete should take in response to

1 sustaining a concussion, including the notification of his or her
2 coaches.

3 (2)(a) An athlete who participates in an athletic
4 activity under subsection (1) of this section shall be removed from a
5 practice or game when he or she is reasonably suspected of having
6 sustained a concussion or brain injury in such practice or game after
7 observation by a coach or a licensed health care professional. Such
8 athlete shall not be permitted to participate in any supervised
9 athletic activities involving physical exertion, including, but not
10 limited to, practices or games, until the athlete (i) has been
11 evaluated by a licensed health care professional, (ii) has received
12 written and signed clearance to resume participation in athletic
13 activities from the licensed health care professional, and (iii) has
14 submitted the written and signed clearance to resume participation in
15 athletic activities to the city, village, business, or nonprofit
16 organization that organized the athletic activity accompanied by
17 written permission to resume participation from the athlete's parent
18 or guardian.

19 (b) If an athlete is reasonably suspected after
20 observation of having sustained a concussion or brain injury and is
21 removed from an athletic activity under subdivision (2)(a) of this
22 section, the parent or guardian of the athlete shall be notified by
23 the coach or a representative of the city, village, business, or
24 nonprofit organization that organized the athletic activity of the
25 date and approximate time of the injury suffered by the athlete, the

1 signs and symptoms of a concussion or brain injury that were
2 observed, and any actions taken to treat the athlete.

3 (c) Nothing in this subsection shall be construed to
4 require any city, village, business, or nonprofit organization to
5 provide for the presence of a licensed health care professional at
6 any practice or game.

7 (d) The signature of an individual who represents that he
8 or she is a licensed health care professional on a written clearance
9 to resume participation that is provided to a city, village,
10 business, or nonprofit organization shall be deemed to be conclusive
11 and reliable evidence that the individual who signed the clearance is
12 a licensed health care professional. The city, village, business, or
13 nonprofit organization shall not be required to determine or verify
14 the individual's qualifications.

15 Sec. 92. Section 76-1494, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 76-1494 A landlord may adopt rules or regulations,
18 however described, concerning the tenant's use and occupancy of the
19 mobile home park. The rules and regulations shall be enforceable
20 against the tenant only if they are written and if:

21 (1) Their purpose is to promote the convenience, safety,
22 or welfare of the tenants in the mobile home park, preserve the
23 landlord's property from abuse, make a fair distribution of services
24 and facilities held out for the tenants generally, or facilitate
25 reasonable mobile home park management;

1 (2) They are reasonably related to the purpose for which
2 adopted;

3 (3) They apply to all tenants in the mobile home park in
4 a fair manner;

5 (4) They are sufficiently explicit in prohibition,
6 direction, or limitation of the tenant's conduct to fairly inform him
7 or her of what must or must not be done to comply;

8 (5) They are not for the purpose of evading the
9 obligations of the landlord; and

10 (6) The prospective tenant is given a copy of any
11 existing rules and regulations before entering into the rental
12 agreement.

13 Notice of all additions, changes, deletions, or
14 amendments to the rules and regulations shall be given to all mobile
15 home tenants sixty days before they become effective. The landlord
16 may change, add, delete, or amend the rules and regulations without
17 sixty days' notice only with the written consent of at least one
18 adult resident from a minimum of sixty percent of the households in
19 the mobile home park. Adult resident shall mean a resident who has
20 achieved the age of majority, ~~as defined in section 43-2101.~~ Any rule
21 or condition of occupancy which does not conform to the requirements
22 of the Mobile Home Landlord and Tenant Act shall be unenforceable. A
23 rule or regulation adopted after the tenant enters into the rental
24 agreement shall be enforceable against the tenant only if it does not
25 conflict with or contradict the tenant's rental agreement. Nothing in

1 this section shall prohibit a landlord from adopting rules and
2 regulations applicable to new tenants only and not to persons who are
3 tenants prior to the effective date of the rules and regulations.

4 Sec. 93. Section 76-2228.01, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 76-2228.01 (1) To qualify for a credential as a trainee
7 real property appraiser, an applicant shall:

8 (a) Be at least ~~nineteen~~eighteen years of age;

9 (b) Hold a high school diploma or a certificate of high
10 school equivalency or have education acceptable to the board;

11 (c) Have successfully completed no fewer than seventy-
12 five class hours in board-approved courses of study which relate to
13 appraisal and which include completion of the fifteen-hour National
14 Uniform Standards of Professional Appraisal Practice Course as
15 approved by the Appraiser Qualifications Board as of January 1, 2012,
16 or the equivalent of the course as approved by the Real Property
17 Appraiser Board. The fifteen-hour course shall be taught by a Uniform
18 Standards of Professional Appraisal Practice Instructor who is
19 certified by the Appraiser Qualifications Board and who is a state-
20 certified appraiser in good standing. The courses of study shall be
21 conducted by an accredited, degree-awarding university, college, or
22 community college, an appraisal society, institute, or association, a
23 state or federal agency or commission, a proprietary school, or such
24 other educational provider as may be approved by the Real Property
25 Appraiser Board and shall be, at a minimum, fifteen class hours in

1 length. Each course shall include an examination pertinent to the
2 material presented. The applicant shall have completed the class
3 hours within the five-year period immediately preceding submission of
4 the application and shall have completed the fifteen-hour National
5 Uniform Standards of Professional Appraisal Practice Course within
6 the two-year period immediately preceding submission of the
7 application;

8 (d) Be subject to direct supervision by a supervising
9 appraiser or appraisers who are certified residential real property
10 appraisers or certified general real property appraisers in good
11 standing. The supervising appraiser shall be responsible for the
12 training and direct supervision of the trainee by accepting
13 responsibility for the appraisal report by signing and certifying the
14 report is in compliance with the Uniform Standards of Professional
15 Appraisal Practice, reviewing the trainee appraisal reports, and
16 personally inspecting each appraised property with the trainee as is
17 consistent with his or her scope of practice until the supervising
18 appraiser determines the trainee is competent in accordance with the
19 competency rule of the Uniform Standards of Professional Appraisal
20 Practice. The trainee shall maintain an appraisal log for each
21 supervising appraiser in accordance with standards set by rule and
22 regulation of the board; and

23 (e) Not have been convicted of any felony or, if so
24 convicted, have had his or her civil rights restored.

25 (2) To qualify for an upgraded credential, a trainee real

1 property appraiser shall satisfy at least one of the appropriate
2 requirements as follows:

3 (a) For a credential as a licensed residential real
4 property appraiser, he or she shall (i) complete seventy-five
5 additional hours of designated core curriculum education and (ii)
6 meet the experience requirements pursuant to subdivision (1)(d) of
7 section 76-2230;

8 (b) For a credential as a certified residential real
9 property appraiser, he or she shall (i) complete one hundred twenty-
10 five additional hours of designated core curriculum education, (ii)
11 meet the experience requirements pursuant to subdivision (1)(d) of
12 section 76-2231.01, and (iii) meet the postsecondary educational
13 requirements pursuant to subdivision (1)(b)(i) or (ii) of section
14 76-2231.01; or

15 (c) For a credential as a certified general real property
16 appraiser, he or she shall (i) complete two hundred twenty-five
17 additional hours of designated core curriculum education, (ii) meet
18 the experience requirements pursuant to subdivision (1)(d) of section
19 76-2232, and (iii) meet the postsecondary educational requirements
20 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

21 (3) If a trainee real property appraiser remains in the
22 classification in excess of two years, the trainee shall be required
23 in the third and successive years to successfully complete no fewer
24 than fourteen hours of instruction in courses or seminars for each
25 year of the period preceding the renewal and shall have completed the

1 seven-hour National Uniform Standards of Professional Appraisal
2 Practice Update Course, as the course existed on January 1, 2012, or
3 the equivalent of the course as approved by the Real Property
4 Appraiser Board, at a minimum of every two years. The courses of
5 study shall be conducted by an accredited, degree-awarding
6 university, college, or community college, an appraisal society,
7 institute, or association, a state or federal agency or commission, a
8 proprietary school, or such other educational provider as may be
9 approved by the board. Credit may be granted for educational
10 offerings and for participation other than as a student as approved
11 by the board.

12 (4) The application for a credential as a trainee real
13 property appraiser shall include the applicant's social security
14 number and such other information as the board may require.

15 Sec. 94. Section 76-2229.01, Revised Statutes Cumulative
16 Supplement, 2012, is amended to read:

17 76-2229.01 (1) To qualify for a credential as a
18 registered real property appraiser, an applicant shall:

19 (a) Be at least ~~nineteen~~eighteen years of age;

20 (b) Hold a high school diploma or a certificate of high
21 school equivalency or have education acceptable to the board;

22 (c) Have successfully completed no fewer than ninety
23 class hours in board-approved courses of study which relate to
24 appraisal and which include the fifteen-hour National Uniform
25 Standards of Professional Appraisal Practice Course as approved by

1 the Appraiser Qualifications Board as of January 1, 2012, or the
2 equivalent of the course as approved by the Real Property Appraiser
3 Board. The courses of study shall be conducted by an accredited,
4 degree-awarding university, college, or community college, an
5 appraisal society, institute, or association, or such other
6 educational provider as may be approved by the Real Property
7 Appraiser Board and shall be, at a minimum, fifteen class hours in
8 length. Each course of study shall include an examination pertinent
9 to the material presented;

10 (d) Within the twelve months following approval of the
11 applicant by the Real Property Appraiser Board, pass an examination
12 approved by the Appraiser Qualifications Board as of January 1, 2012,
13 and administered by a contracted testing service which demonstrates
14 that the applicant has:

15 (i) Knowledge of technical terms commonly used in or
16 related to appraisal and the writing of appraisal reports;

17 (ii) Knowledge of depreciation theories, cost estimating,
18 methods of capitalization, market data analysis, appraisal
19 mathematics, and economic concepts applicable to real estate;

20 (iii) An understanding of the basic principles of land
21 economics, appraisal processes, and problems encountered in the
22 gathering, interpreting, and processing of data involved in the
23 valuation of real property;

24 (iv) Knowledge of the appraisal of various types of and
25 interests in real property for various functions and purposes;

- 1 (v) An understanding of basic real estate law;
- 2 (vi) An understanding of the types of misconduct for
3 which disciplinary proceedings may be initiated;
- 4 (vii) An understanding of the Uniform Standards of
5 Professional Appraisal Practice;
- 6 (viii) An understanding of the recognized methods and
7 techniques necessary for the development and communication of a
8 credible appraisal; and
- 9 (ix) Knowledge of such other principles and procedures as
10 may be appropriate to produce a credible appraisal; and
- 11 (e) Not have been convicted of any felony or, if so
12 convicted, have had his or her civil rights restored.
- 13 (2) To qualify for an upgraded credential, a registered
14 real property appraiser shall satisfy at least one of the appropriate
15 requirements as follows:
- 16 (a) For a credential as a licensed residential real
17 property appraiser, he or she shall (i) complete sixty additional
18 hours of designated core curriculum education and (ii) meet the
19 experience requirements pursuant to subdivision (1)(d) of section
20 76-2230;
- 21 (b) For a credential as a certified residential real
22 property appraiser, he or she shall (i) complete one hundred ten
23 additional hours of designated core curriculum education, (ii) meet
24 the experience requirements pursuant to subdivision (1)(d) of section
25 76-2231.01, and (iii) meet the postsecondary educational requirements

1 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or

2 (c) For a credential as a certified general real property
3 appraiser, he or she shall (i) complete two hundred twenty-five
4 additional hours of designated core curriculum education, (ii) meet
5 the experience requirements pursuant to subdivision (1)(d) of section
6 76-2232, and (iii) meet the postsecondary educational requirements
7 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

8 (3) The application for registration shall include the
9 applicant's social security number and such other information as the
10 Real Property Appraiser Board may require.

11 (4) The scope of practice of a registered real property
12 appraiser shall be limited to the appraisal of noncomplex property
13 having one, two, three, or four residential units having a
14 transaction value of less than two hundred fifty thousand dollars.

15 (5) An applicant shall receive no more than three
16 successive annual renewals for credentialing as a registered real
17 property appraiser. Notwithstanding any other provision of section
18 76-2228 to the contrary, the board shall not approve any initial
19 application for credentialing as a registered real property appraiser
20 on and after January 1, 2012.

21 Sec. 95. Section 76-2230, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 76-2230 (1) To qualify for a credential as a licensed
24 residential real property appraiser, an applicant shall:

25 (a) Be at least ~~nineteen~~eighteen years of age;

1 (b) Hold a high school diploma or a certificate of high
2 school equivalency or have education acceptable to the board;

3 (c) Have successfully completed no fewer than one hundred
4 fifty class hours, which may include the class hours set forth in
5 section 76-2229.01, in board-approved courses of study which relate
6 to appraisal and which include completion of the fifteen-hour
7 National Uniform Standards of Professional Appraisal Practice Course
8 as approved by the Appraiser Qualifications Board as of January 1,
9 2012, or the equivalent of the course as approved by the Real
10 Property Appraiser Board. The fifteen-hour course shall be taught by
11 a Uniform Standards of Professional Appraisal Practice Instructor who
12 is certified by the Appraiser Qualifications Board and who is a
13 state-certified appraiser in good standing. The courses of study
14 shall be conducted by an accredited, degree-awarding university,
15 college, or community college, an appraisal society, institute, or
16 association, a state or federal agency or commission, a proprietary
17 school, or such other educational provider as may be approved by the
18 Real Property Appraiser Board and shall be, at a minimum, fifteen
19 class hours in length. Each course shall include a closed-book
20 examination pertinent to the material presented;

21 (d) Have no fewer than two thousand hours of experience
22 in any combination of the following: Fee and staff appraisal; ad
23 valorem tax appraisal; condemnation appraisal; technical review
24 appraisal; appraisal analysis; real estate consulting; highest-and-
25 best-use analysis; and feasibility analysis or study. The required

1 experience shall not be limited to the listed items but shall be
2 acceptable to the board and subject to review and determination as to
3 conformity with the Uniform Standards of Professional Appraisal
4 Practice. The experience shall have occurred during a period of no
5 fewer than twelve months. If requested, evidence acceptable to the
6 board concerning the experience shall be presented by the applicant
7 in the form of written reports or file memoranda;

8 (e) Within the twelve months following approval of the
9 applicant by the board, pass an examination approved by the Appraiser
10 Qualifications Board as of January 1, 2012, and administered by a
11 contracted testing service which demonstrates that the applicant has:

12 (i) Knowledge of technical terms commonly used in or
13 related to appraisal and the writing of appraisal reports;

14 (ii) Knowledge of depreciation theories, cost estimating,
15 methods of capitalization, market data analysis, appraisal
16 mathematics, and economic concepts applicable to real estate;

17 (iii) An understanding of the principles of land
18 economics, appraisal processes, and problems encountered in the
19 gathering, interpreting, and processing of data involved in the
20 valuation of real property;

21 (iv) Knowledge of the appraisal of various types of and
22 interests in real property for various functions and purposes;

23 (v) An understanding of basic real estate law;

24 (vi) An understanding of the types of misconduct for
25 which disciplinary proceedings may be initiated;

1 (vii) An understanding of the Uniform Standards of
2 Professional Appraisal Practice;

3 (viii) An understanding of the recognized methods and
4 techniques necessary for the development and communication of a
5 credible appraisal; and

6 (ix) Knowledge of such other principles and procedures as
7 may be appropriate to produce a credible appraisal; and

8 (f) Not have been convicted of any felony or, if so
9 convicted, have had his or her civil rights restored.

10 (2) To qualify for an upgraded credential, a licensed
11 residential real property appraiser shall satisfy at least one of the
12 appropriate requirements as follows:

13 (a) For a credential as a certified residential real
14 property appraiser, he or she shall (i) complete fifty additional
15 hours of designated core curriculum education, (ii) meet the
16 experience requirements pursuant to subdivision (1)(d) of section
17 76-2231.01, and (iii) meet the postsecondary educational requirements
18 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or

19 (b) For a credential as a certified general real property
20 appraiser, he or she shall (i) complete one hundred fifty additional
21 hours of designated core curriculum education, (ii) meet the
22 experience requirements pursuant to subdivision (1)(d) of section
23 76-2232, and (iii) meet the postsecondary educational requirements
24 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

25 (3) The scope of practice for a licensed residential real

1 property appraiser shall be limited to the appraisal of noncomplex
2 property having one, two, three, or four residential units with a
3 transaction value of less than one million dollars and complex
4 property having one, two, three, or four residential units with a
5 transaction value of less than two hundred fifty thousand dollars.

6 (4) If an applicant is applying for renewal of a
7 credential as a licensed residential real property appraiser, the
8 applicant shall have successfully completed no fewer than fourteen
9 hours of instruction in courses or seminars for each year of the two-
10 year continuing education period during which the application is
11 submitted and shall have completed the seven-hour National Uniform
12 Standards of Professional Appraisal Practice Update Course as
13 approved by the Appraiser Qualifications Board as of January 1, 2012,
14 or the equivalent of the course as approved by the Real Property
15 Appraiser Board, at a minimum of every two years. The seven-hour
16 course shall be taught by a Uniform Standards of Professional
17 Appraisal Practice Instructor who is certified by the Appraiser
18 Qualifications Board and who is a state-certified appraiser in good
19 standing. Credit toward a classroom hour requirement may be granted
20 only when the length of the educational offering is at least two
21 hours. The courses of study shall be conducted by an accredited,
22 degree-awarding university, college, or community college, an
23 appraisal society, institute, or association, a state or federal
24 agency or commission, a proprietary school, or such other educational
25 provider as may be approved by the Real Property Appraiser Board.

1 Credit may be granted for educational offerings and for participation
2 other than as a student as approved by the board.

3 (5) The application for the credential as a licensed
4 residential real property appraiser shall include the applicant's
5 social security number and such other information as the board may
6 require.

7 Sec. 96. Section 76-2231.01, Revised Statutes Cumulative
8 Supplement, 2012, is amended to read:

9 76-2231.01 (1) To qualify for a credential as a certified
10 residential real property appraiser, an applicant shall:

11 (a) Be at least ~~nineteen~~eighteen years of age;

12 (b)(i) Hold an associate degree, or higher, from an
13 accredited, degree-awarding university, college, or community
14 college; or

15 (ii) Have successfully completed, as verified by the
16 board, twenty-one semester hours of coursework or its equivalent from
17 an accredited, degree-awarding university, college, or community
18 college that shall have included English composition; principles of
19 macroeconomics or microeconomics; finance; algebra, geometry, or
20 higher mathematics; statistics; introduction to computers, including
21 word processing and spread sheets; and business or real estate law;

22 (c) Have successfully completed no fewer than two hundred
23 class hours, which may include the class hours set forth in sections
24 76-2229.01 and 76-2230, in board-approved courses of study which
25 relate to appraisal and which include completion of the fifteen-hour

1 National Uniform Standards of Professional Appraisal Practice Course
2 as approved by the Appraiser Qualifications Board as of January 1,
3 2012, or the equivalent of the course as approved by the Real
4 Property Appraiser Board. The fifteen-hour course shall be taught by
5 a Uniform Standards of Professional Appraisal Practice Instructor who
6 is certified by the Appraiser Qualifications Board and who is a
7 state-certified appraiser in good standing. The courses of study
8 shall be conducted by an accredited, degree-awarding university,
9 college, or community college, an appraisal society, institute, or
10 association, a state or federal agency or commission, a proprietary
11 school, or such other educational provider as may be approved by the
12 Real Property Appraiser Board and shall be, at a minimum, fifteen
13 class hours in length. Each course shall include a closed-book
14 examination pertinent to the material presented;

15 (d) Have no fewer than two thousand five hundred hours of
16 experience in any combination of the following: Fee and staff
17 appraisal; ad valorem tax appraisal; condemnation appraisal;
18 technical review appraisal; appraisal analysis; real estate
19 consulting; highest-and-best-use analysis; and feasibility analysis
20 or study. The required experience shall not be limited to the listed
21 items but shall be acceptable to the board and subject to review and
22 determination as to conformity with the Uniform Standards of
23 Professional Appraisal Practice. The experience shall have occurred
24 during a period of no fewer than twenty-four months. If requested,
25 evidence acceptable to the board concerning the experience shall be

1 presented by the applicant in the form of written reports or file
2 memoranda;

3 (e) Within the twelve months following approval of the
4 applicant by the board, pass an examination approved by the Appraiser
5 Qualifications Board as of January 1, 2012, and administered by a
6 contracted testing service which demonstrates that the applicant has:

7 (i) Knowledge of technical terms commonly used in or
8 related to appraisal and the writing of appraisal reports;

9 (ii) Knowledge of depreciation theories, cost estimating,
10 methods of capitalization, market data analysis, appraisal
11 mathematics, and economic concepts applicable to real estate;

12 (iii) An understanding of the principles of land
13 economics, appraisal processes, and problems encountered in the
14 gathering, interpreting, and processing of data involved in the
15 valuation of real property;

16 (iv) Knowledge of the appraisal of various types of and
17 interests in real property for various functions and purposes;

18 (v) An understanding of basic real estate law;

19 (vi) An understanding of the types of misconduct for
20 which disciplinary proceedings may be initiated;

21 (vii) An understanding of the Uniform Standards of
22 Professional Appraisal Practice;

23 (viii) An understanding of the recognized methods and
24 techniques necessary for the development and communication of a
25 credible appraisal; and

1 (ix) Knowledge of such other principles and procedures as
2 may be appropriate to produce a credible appraisal; and

3 (f) Not have been convicted of any felony or, if so
4 convicted, have had his or her civil rights restored.

5 (2) To qualify for an upgraded credential as a certified
6 general real property appraiser, a certified residential real
7 property appraiser shall satisfy the following requirements:

8 (a) Complete one hundred additional hours of designated
9 core curriculum education;

10 (b) Meet the experience requirements pursuant to
11 subdivision (1)(d) of section 76-2232; and

12 (c) Meet the postsecondary educational requirements
13 pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

14 (3) The scope of practice of a certified residential real
15 property appraiser shall be limited to the appraisal of property
16 having one, two, three, or four residential units without regard to
17 transaction value or complexity.

18 (4) If an applicant is applying for renewal of a
19 credential as a certified residential real property appraiser, the
20 applicant shall have successfully completed no fewer than fourteen
21 hours of instruction in courses or seminars for each year of the two-
22 year continuing education period during which the application is
23 submitted and shall have completed the seven-hour National Uniform
24 Standards of Professional Appraisal Practice Update Course as
25 approved by the Appraiser Qualifications Board as of January 1, 2012,

1 or the equivalent of the course as approved by the Real Property
2 Appraiser Board, at a minimum of every two years. The seven-hour
3 course shall be taught by a Uniform Standards of Professional
4 Appraisal Practice Instructor who is certified by the Appraiser
5 Qualifications Board and who is a state-certified appraiser in good
6 standing. Credit toward a classroom hour requirement may be granted
7 only if the length of the educational offering is at least two hours.
8 The courses of study shall be conducted by an accredited, degree-
9 awarding university, college, or community college, an appraisal
10 society, institute, or association, a state or federal agency or
11 commission, a proprietary school, or such other educational provider
12 as may be approved by the Real Property Appraiser Board. Credit may
13 be granted for educational offerings and for participation other than
14 as a student as approved by the board.

15 (5) The application for a credential as a certified
16 residential real property appraiser shall include the applicant's
17 social security number and such other information as the board may
18 require.

19 Sec. 97. Section 76-2232, Revised Statutes Cumulative
20 Supplement, 2012, is amended to read:

21 76-2232 (1) To qualify for a credential as a certified
22 general real property appraiser, an applicant shall:

23 (a) Be at least ~~nineteen~~eighteen years of age;

24 (b)(i) Hold a bachelor's degree, or higher, from an
25 accredited, degree-awarding university or college; or

1 (ii) Have successfully completed, as verified by the
2 board, thirty semester hours of coursework or its equivalent from an
3 accredited, degree-awarding university or college that shall have
4 included English composition; macroeconomics; microeconomics;
5 finance; algebra, geometry, or higher mathematics; statistics;
6 introduction to computers, including word processing and spread
7 sheets; business or real estate law; and two elective courses in
8 accounting, geography, agricultural economics, business management,
9 or real estate;

10 (c) Have successfully completed no fewer than three
11 hundred class hours, which may include the class hours set forth in
12 sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved
13 courses of study which relate to appraisal and which include
14 completion of the fifteen-hour National Uniform Standards of
15 Professional Appraisal Practice Course as approved by the Appraiser
16 Qualifications Board as of January 1, 2012, or the equivalent of the
17 course as approved by the Real Property Appraiser Board. The fifteen-
18 hour course shall be taught by a Uniform Standards of Professional
19 Appraisal Practice Instructor who is certified by the Appraiser
20 Qualifications Board and who is a state-certified appraiser in good
21 standing. The courses of study shall be conducted by an accredited,
22 degree-awarding university, college, or community college, an
23 appraisal society, institute, or association, a state or federal
24 agency or commission, a proprietary school, or such other educational
25 provider as may be approved by the Real Property Appraiser Board and

1 shall be, at a minimum, fifteen class hours in length. Each course
2 shall include a closed-book examination pertinent to the material
3 presented;

4 (d) Have no fewer than three thousand hours of experience
5 in any combination of the following: Fee and staff appraisal; ad
6 valorem tax appraisal; condemnation appraisal; technical review
7 appraisal; appraisal analysis; real estate consulting; highest-and-
8 best-use analysis; and feasibility analysis or study. The required
9 experience shall not be limited to the listed items but shall be
10 acceptable to the board and subject to review and determination as to
11 conformity with the Uniform Standards of Professional Appraisal
12 Practice. The experience shall have occurred during a period of no
13 fewer than thirty months. If requested, evidence acceptable to the
14 board concerning the experience shall be presented by the applicant
15 in the form of written reports or file memoranda;

16 (e) Within the twelve months following approval of the
17 applicant by the board, pass an examination approved by the Appraiser
18 Qualifications Board as of January 1, 2012, and administered by a
19 contracted testing service which demonstrates that the applicant has:

20 (i) Knowledge of technical terms commonly used in or
21 related to appraisal and the writing of appraisal reports;

22 (ii) Knowledge of depreciation theories, cost estimating,
23 methods of capitalization, market data analysis, appraisal
24 mathematics, and economic concepts applicable to real estate;

25 (iii) An understanding of the principles of land

1 economics, appraisal processes, and problems encountered in the
2 gathering, interpreting, and processing of data involved in the
3 valuation of real property;

4 (iv) Knowledge of the appraisal of various types of and
5 interests in real property for various functions and purposes;

6 (v) An understanding of basic real estate law;

7 (vi) An understanding of the types of misconduct for
8 which disciplinary proceedings may be initiated;

9 (vii) An understanding of the Uniform Standards of
10 Professional Appraisal Practice;

11 (viii) An understanding of the recognized methods and
12 techniques necessary for the development and communication of a
13 credible appraisal; and

14 (ix) Knowledge of such other principles and procedures as
15 may be appropriate to produce a credible appraisal; and

16 (f) Not have been convicted of any felony or, if so
17 convicted, have had his or her civil rights restored.

18 (2) If an applicant is applying for renewal of a
19 credential as a certified general real property appraiser, the
20 applicant shall have successfully completed no fewer than fourteen
21 hours of instruction in courses or seminars for each year of the two-
22 year continuing education period during which the application is
23 submitted and shall have completed the seven-hour National Uniform
24 Standards of Professional Appraisal Practice Update Course as
25 approved by the Appraiser Qualifications Board as of January 1, 2012,

1 or the equivalent of the course as approved by the Real Property
2 Appraiser Board, at a minimum of every two years. The seven-hour
3 course shall be taught by a Uniform Standards of Professional
4 Appraisal Practice Instructor who is certified by the Appraiser
5 Qualifications Board and who is a state-certified appraiser in good
6 standing. Credit toward a classroom hour requirement may be granted
7 only if the length of the educational offering is at least two hours.
8 The courses of study shall be conducted by an accredited, degree-
9 awarding university, college, or community college, an appraisal
10 society, institute, or association, a state or federal agency or
11 commission, a proprietary school, or such other educational provider
12 as may be approved by the Real Property Appraiser Board. Credit may
13 be granted for educational offerings and for participation other than
14 as a student as approved by the board.

15 (3) The application for a credential as a certified
16 general real property appraiser shall include the applicant's social
17 security number and such other information as the board may require.

18 Sec. 98. Section 77-2704.63, Revised Statutes Cumulative
19 Supplement, 2012, is amended to read:

20 77-2704.63 (1) Sales and use taxes shall not be imposed
21 on the gross receipts from the sale, use, or other consumption of
22 amounts charged to participate in a youth sports event, youth sports
23 league, or youth competitive educational activity by political
24 subdivisions or organizations that are exempt from income tax under
25 section 501(c)(3) of the Internal Revenue Code.

1 (2) For purposes of this section:

2 (a) Competitive educational activity means a tournament
3 or a single competition that occurs over a limited period of time
4 annually or intermittently where the participants engage in a
5 competitive educational activity;

6 (b) Sports event means a tournament or a single
7 competition that occurs over a limited period of time annually or
8 intermittently where the participants engage in a sport;

9 (c) Sports league means an organized series of sports
10 competitions taking place over several weeks or months between teams
11 or individuals that are members of the league; and

12 (d) Youth sports event, youth sports league, or youth
13 competitive educational activity means an event, league, or activity
14 that is restricted to participants who are less than ~~nineteen~~
15 eighteen years of age.

16 Sec. 99. Section 79-215, Revised Statutes Cumulative
17 Supplement, 2012, is amended to read:

18 79-215 (1) Except as otherwise provided in this section,
19 a student is a resident of the school district where he or she
20 resides and shall be admitted to any such school district upon
21 request without charge.

22 (2) A school board shall admit a student upon request
23 without charge if at least one of the student's parents resides in
24 the school district.

25 (3) A school board shall admit any homeless student upon

1 request without charge.

2 (4) A school board may allow a student whose residency in
3 the district ceases during a school year to continue attending school
4 in such district for the remainder of that school year.

5 (5) A school board may admit nonresident students to the
6 school district pursuant to a contract with the district where the
7 student is a resident and shall collect tuition pursuant to the
8 contract.

9 (6) A school board may admit nonresident students to the
10 school district pursuant to the enrollment option program as
11 authorized by sections 79-232 to 79-246, and such admission shall be
12 without charge.

13 (7) A school board of any school district that is a
14 member of a learning community shall admit nonresident students to
15 the school district pursuant to the open enrollment provisions of a
16 diversity plan in a learning community as authorized by section
17 79-2110, and such admission shall be without charge.

18 (8) A school board may admit a student who is a resident
19 of another state to the school district and collect tuition in
20 advance at a rate determined by the school board.

21 (9) When a student as a ward of the state or as a ward of
22 any court (a) has been placed in a school district other than the
23 district in which he or she resided at the time he or she became a
24 ward and such ward does not reside in a foster family home licensed
25 or approved by the Department of Health and Human Services or a

1 foster home maintained or used pursuant to section 83-108.04 or (b)
2 has been placed in any institution which maintains a special
3 education program which has been approved by the State Department of
4 Education and such institution is not owned or operated by the
5 district in which he or she resided at the time he or she became a
6 ward, the cost of his or her education and the required
7 transportation costs associated with the student's education shall be
8 paid by the state, but not in advance, to the receiving school
9 district or approved institution under rules and regulations
10 prescribed by the Department of Health and Human Services and the
11 student shall remain a resident of the district in which he or she
12 resided at the time he or she became a ward. Any student who is a
13 ward of the state or a ward of any court who resides in a foster
14 family home licensed or approved by the Department of Health and
15 Human Services or a foster home maintained or used pursuant to
16 section 83-108.04 shall be deemed a resident of the district in which
17 he or she resided at the time he or she became a foster child, unless
18 it is determined under section 43-1311 or 43-1312 that he or she will
19 not attend such district in which case he or she shall be deemed a
20 resident of the district in which the foster family home or foster
21 home is located.

22 (10)(a) When a student is not a ward of the state or a
23 ward of any court and is residing in a residential setting located in
24 Nebraska for reasons other than to receive an education and the
25 residential setting is operated by a service provider which is

1 certified or licensed by the Department of Health and Human Services
2 or is enrolled in the medical assistance program established pursuant
3 to the Medical Assistance Act and Title XIX or XXI of the federal
4 Social Security Act, as amended, the student shall remain a resident
5 of the district in which he or she resided immediately prior to
6 residing in such residential setting. The resident district for a
7 student who is not a ward of the state or a ward of any court does
8 not change when the student moves from one residential setting to
9 another.

10 (b) If a student is residing in a residential setting as
11 described in subdivision (10)(a) of this section and such residential
12 setting does not maintain an interim-program school as defined in
13 section 79-1119.01 or an approved or accredited school, the resident
14 school district shall contract with the district in which such
15 residential setting is located for the provision of all educational
16 services, including all special education services and support
17 services as defined in section 79-1125.01, unless a parent or
18 guardian and the resident school district agree that an appropriate
19 education will be provided by the resident school district while the
20 student is residing in such residential setting. If the resident
21 school district is required to contract, the district in which such
22 residential setting is located shall contract with the resident
23 district and provide all educational services, including all special
24 education services, to the student. If the two districts cannot agree
25 on the amount of the contract, the State Department of Education

1 shall determine the amount to be paid by the resident district to the
2 district in which such residential setting is located based on the
3 needs of the student, approved special education rates, the
4 department's general experience with special education budgets, and
5 the cost per student in the district in which such residential
6 setting is located. Once the contract has been entered into, all
7 legal responsibility for special education and related services shall
8 be transferred to the school district in which the residential
9 setting is located.

10 (c) If a student is residing in a residential setting as
11 described in subdivision (10)(a) of this section and such residential
12 setting maintains an interim-program school as defined in section
13 79-1119.01 or an approved or accredited school, the department shall
14 reimburse such residential setting for the provision of all
15 educational services, including all special education services and
16 support services, with the amount of payment for all educational
17 services determined pursuant to the average per pupil cost of the
18 service agency as defined in section 79-1116. The resident school
19 district shall retain responsibility for such student's
20 individualized education plan, if any. The educational services may
21 be provided through (i) such interim-program school or approved or
22 accredited school, (ii) a contract between the residential setting
23 and the school district in which such residential setting is located,
24 (iii) a contract between the residential setting and another service
25 agency as defined in section 79-1124, or (iv) a combination of such

1 educational service providers.

2 (d) If a school district pays a school district in which
3 a residential setting is located for educational services provided
4 pursuant to subdivision (10)(b) of this section and it is later
5 determined that a different school district was the resident school
6 district for such student at the time such educational services were
7 provided, the school district that was later determined to be the
8 resident school district shall reimburse the school district that
9 initially paid for the educational services one hundred ten percent
10 of the amount paid.

11 (e) A student residing in a residential setting described
12 in this subsection shall be defined as a student with a handicap
13 pursuant to Article VII, section 11, of the Constitution of Nebraska,
14 and as such the state and any political subdivision may contract with
15 institutions not wholly owned or controlled by the state or any
16 political subdivision to provide the educational services to the
17 student if such educational services are nonsectarian in nature.

18 (11) In the case of any individual under eighteen years
19 of age ~~or younger~~ who is a ward of the state or any court and who is
20 placed in a county detention home established under section 43-2,110,
21 the cost of his or her education shall be paid by the state,
22 regardless of the district in which he or she resided at the time he
23 or she became a ward, to the agency or institution which: (a) Is
24 selected by the county board with jurisdiction over such detention
25 home; (b) has agreed or contracted with such county board to provide

1 educational services; and (c) has been approved by the State
2 Department of Education pursuant to rules and regulations prescribed
3 by the State Board of Education.

4 (12) No tuition shall be charged for students who may be
5 by law allowed to attend the school without charge.

6 (13) On a form prescribed by the State Department of
7 Education, an adult with legal or actual charge or control of a
8 student shall provide the name of the student, the name of the adult
9 with legal or actual charge or control of the student, the address
10 where the student is residing, and the telephone number and address
11 where the adult may generally be reached during the school day. If
12 the student is homeless or if the adult does not have a telephone
13 number and address where he or she may generally be reached during
14 the school day, those parts of the form may be left blank and a box
15 may be marked acknowledging that these are the reasons these parts of
16 the form were left blank. The adult with legal or actual charge or
17 control of the student shall also sign the form.

18 (14) The department may adopt and promulgate rules and
19 regulations to carry out the department's responsibilities under this
20 section.

21 Sec. 100. Section 79-267, Revised Statutes Cumulative
22 Supplement, 2012, is amended to read:

23 79-267 The following student conduct shall constitute
24 grounds for long-term suspension, expulsion, or mandatory
25 reassignment, subject to the procedural provisions of the Student

1 Discipline Act, when such activity occurs on school grounds, in a
2 vehicle owned, leased, or contracted by a school being used for a
3 school purpose or in a vehicle being driven for a school purpose by a
4 school employee or by his or her designee, or at a school-sponsored
5 activity or athletic event:

6 (1) Use of violence, force, coercion, threat,
7 intimidation, or similar conduct in a manner that constitutes a
8 substantial interference with school purposes;

9 (2) Willfully causing or attempting to cause substantial
10 damage to property, stealing or attempting to steal property of
11 substantial value, or repeated damage or theft involving property;

12 (3) Causing or attempting to cause personal injury to a
13 school employee, to a school volunteer, or to any student. Personal
14 injury caused by accident, self-defense, or other action undertaken
15 on the reasonable belief that it was necessary to protect some other
16 person shall not constitute a violation of this subdivision;

17 (4) Threatening or intimidating any student for the
18 purpose of or with the intent of obtaining money or anything of value
19 from such student;

20 (5) Knowingly possessing, handling, or transmitting any
21 object or material that is ordinarily or generally considered a
22 weapon;

23 (6) Engaging in the unlawful possession, selling,
24 dispensing, or use of a controlled substance or an imitation
25 controlled substance, as defined in section 28-401, a substance

1 represented to be a controlled substance, or alcoholic liquor as
2 defined in section 53-103.02 or being under the influence of a
3 controlled substance or alcoholic liquor;

4 (7) Public indecency as defined in section 28-806, except
5 that this subdivision shall apply only to students at least twelve
6 years of age but less than ~~nineteen~~eighteen years of age;

7 (8) Engaging in bullying as defined in section 79-2,137;

8 (9) Sexually assaulting or attempting to sexually assault
9 any person if a complaint has been filed by a prosecutor in a court
10 of competent jurisdiction alleging that the student has sexually
11 assaulted or attempted to sexually assault any person, including
12 sexual assaults or attempted sexual assaults which occur off school
13 grounds not at a school function, activity, or event. For purposes of
14 this subdivision, sexual assault means sexual assault in the first
15 degree as defined in section 28-319, sexual assault in the second
16 degree as defined in section 28-320, sexual assault of a child in the
17 second or third degree as defined in section 28-320.01, or sexual
18 assault of a child in the first degree as defined in section
19 28-319.01, as such sections now provide or may hereafter from time to
20 time be amended;

21 (10) Engaging in any other activity forbidden by the laws
22 of the State of Nebraska which activity constitutes a danger to other
23 students or interferes with school purposes; or

24 (11) A repeated violation of any rules and standards
25 validly established pursuant to section 79-262 if such violations

1 constitute a substantial interference with school purposes.

2 It is the intent of the Legislature that alternatives to
3 suspension or expulsion be imposed against a student who is truant,
4 tardy, or otherwise absent from required school activities.

5 Sec. 101. Section 79-296, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-296 (1) In addition to the penalties provided in the
8 Uniform Controlled Substances Act and section 79-267, any person
9 under ~~nineteen~~eighteen years of age who is a student at any public
10 elementary, secondary, or postsecondary educational institution in
11 this state who possesses, dispenses, delivers, or administers
12 anabolic steroids as defined in section 28-401 in violation of the
13 Uniform Controlled Substances Act may be prohibited from
14 participating in any extracurricular activities for not more than
15 thirty consecutive days for the first offense. For the second or any
16 subsequent offense, the student may be barred from participation in
17 such activities for any period of time the institution deems
18 appropriate pursuant to the written policy of the institution.

19 (2) Any sanction imposed pursuant to this section shall
20 be in accordance with a written policy of the institution. The
21 institution shall post the written policy in a conspicuous place and
22 shall make a copy of the policy available to any student upon
23 request.

24 Sec. 102. Section 79-1003, Revised Statutes Cumulative
25 Supplement, 2012, is amended to read:

1 79-1003 For purposes of the Tax Equity and Educational
2 Opportunities Support Act:

3 (1) Adjusted general fund operating expenditures means
4 (a) for school fiscal years 2010-11 through 2012-13, the difference
5 of the general fund operating expenditures as calculated pursuant to
6 subdivision (22) of this section increased by, or for aid calculated
7 for school fiscal year 2010-11 multiplied by, the cost growth factor
8 calculated pursuant to section 79-1007.10, minus the transportation
9 allowance, special receipts allowance, poverty allowance, limited
10 English proficiency allowance, distance education and
11 telecommunications allowance, elementary site allowance, elementary
12 class size allowance, summer school allowance, instructional time
13 allowance, teacher education allowance, and focus school and program
14 allowance, and (b) for school fiscal year 2013-14 and each school
15 fiscal year thereafter, the difference of the general fund operating
16 expenditures as calculated pursuant to subdivision (22) of this
17 section increased by the cost growth factor calculated pursuant to
18 section 79-1007.10, minus the transportation allowance, special
19 receipts allowance, poverty allowance, limited English proficiency
20 allowance, distance education and telecommunications allowance,
21 elementary site allowance, summer school allowance, instructional
22 time allowance, teacher education allowance, and focus school and
23 program allowance;

24 (2) Adjusted valuation means the assessed valuation of
25 taxable property of each local system in the state, adjusted pursuant

1 to the adjustment factors described in section 79-1016. Adjusted
2 valuation means the adjusted valuation for the property tax year
3 ending during the school fiscal year immediately preceding the school
4 fiscal year in which the aid based upon that value is to be paid. For
5 purposes of determining the local effort rate yield pursuant to
6 section 79-1015.01, adjusted valuation does not include the value of
7 any property which a court, by a final judgment from which no appeal
8 is taken, has declared to be nontaxable or exempt from taxation;

9 (3) Allocated income tax funds means the amount of
10 assistance paid to a local system pursuant to section 79-1005.01 as
11 adjusted by the minimum levy adjustment pursuant to section
12 79-1008.02;

13 (4) Average daily membership means the average daily
14 membership for grades kindergarten through twelve attributable to the
15 local system, as provided in each district's annual statistical
16 summary, and includes the proportionate share of students enrolled in
17 a public school instructional program on less than a full-time basis;

18 (5) Base fiscal year means the first school fiscal year
19 following the school fiscal year in which the reorganization or
20 unification occurred;

21 (6) Board means the school board of each school district;

22 (7) Categorical funds means funds limited to a specific
23 purpose by federal or state law, including, but not limited to, Title
24 I funds, Title VI funds, federal vocational education funds, federal
25 school lunch funds, Indian education funds, Head Start funds, and

1 funds from the Education Innovation Fund. Categorical funds does not
2 include funds received pursuant to section 79-1028.02 or 79-1028.04;

3 (8) Consolidate means to voluntarily reduce the number of
4 school districts providing education to a grade group and does not
5 include dissolution pursuant to section 79-498;

6 (9) Converted contract means an expired contract that was
7 in effect for at least fifteen school years beginning prior to school
8 year 2012-13 for the education of students in a nonresident district
9 in exchange for tuition from the resident district when the
10 expiration of such contract results in the nonresident district
11 educating students, who would have been covered by the contract if
12 the contract were still in effect, as option students pursuant to the
13 enrollment option program established in section 79-234;

14 (10) Converted contract option student means a student
15 who will be an option student pursuant to the enrollment option
16 program established in section 79-234 for the school fiscal year for
17 which aid is being calculated and who would have been covered by a
18 converted contract if the contract were still in effect and such
19 school fiscal year is the first school fiscal year for which such
20 contract is not in effect;

21 (11) Department means the State Department of Education;

22 (12) District means any Class I, II, III, IV, V, or VI
23 school district and, beginning with the calculation of state aid for
24 school fiscal year 2011-12 and each school fiscal year thereafter, a
25 unified system as defined in section 79-4,108;

1 (13) Ensuing school fiscal year means the school fiscal
2 year following the current school fiscal year;

3 (14) Equalization aid means the amount of assistance
4 calculated to be paid to a local system pursuant to sections
5 79-1007.11 to 79-1007.23, 79-1007.25, 79-1008.01 to 79-1022,
6 79-1022.02, 79-1028.02, and 79-1028.04;

7 (15) Fall membership means the total membership in
8 kindergarten through grade twelve attributable to the local system as
9 reported on the fall school district membership reports for each
10 district pursuant to section 79-528;

11 (16) Fiscal year means the state fiscal year which is the
12 period from July 1 to the following June 30;

13 (17) Formula students means:

14 (a) For state aid certified pursuant to section 79-1022,
15 the sum of the product of fall membership from the school fiscal year
16 immediately preceding the school fiscal year in which the aid is to
17 be paid multiplied by the average ratio of average daily membership
18 to fall membership for the second school fiscal year immediately
19 preceding the school fiscal year in which the aid is to be paid and
20 the prior two school fiscal years plus sixty percent of the qualified
21 early childhood education fall membership plus tuitioned students
22 from the school fiscal year immediately preceding the school fiscal
23 year in which aid is to be paid minus the product of the number of
24 students enrolled in kindergarten that is not full-day kindergarten
25 from the fall membership multiplied by 0.5; and

1 (b) For the final calculation of state aid pursuant to
2 section 79-1065, the sum of average daily membership plus sixty
3 percent of the qualified early childhood education average daily
4 membership plus tuitioned students minus the product of the number of
5 students enrolled in kindergarten that is not full-day kindergarten
6 from the average daily membership multiplied by 0.5 from the school
7 fiscal year immediately preceding the school fiscal year in which aid
8 was paid;

9 (18) Free lunch and free milk student means a student who
10 qualified for free lunches or free milk from the most recent data
11 available on November 1 of the school fiscal year immediately
12 preceding the school fiscal year in which aid is to be paid;

13 (19) Full-day kindergarten means kindergarten offered by
14 a district for at least one thousand thirty-two instructional hours;

15 (20) General fund budget of expenditures means the total
16 budget of disbursements and transfers for general fund purposes as
17 certified in the budget statement adopted pursuant to the Nebraska
18 Budget Act, except that for purposes of the limitation imposed in
19 section 79-1023 and the calculation pursuant to subdivision (2) of
20 section 79-1027.01, the general fund budget of expenditures does not
21 include any special grant funds, exclusive of local matching funds,
22 received by a district;

23 (21) General fund expenditures means all expenditures
24 from the general fund;

25 (22) General fund operating expenditures means:

1 (a) For state aid calculated for school fiscal years
2 2010-11 and 2011-12, as reported on the annual financial report for
3 the second school fiscal year immediately preceding the school fiscal
4 year in which aid is to be paid, the total general fund expenditures
5 minus (i) the amount of all receipts to the general fund, to the
6 extent that such receipts are not included in local system formula
7 resources, from early childhood education tuition, summer school
8 tuition, educational entities as defined in section 79-1201.01 for
9 providing distance education courses through the Educational Service
10 Unit Coordinating Council to such educational entities, private
11 foundations, individuals, associations, charitable organizations, the
12 textbook loan program authorized by section 79-734, federal impact
13 aid, and levy override elections pursuant to section 77-3444, (ii)
14 the amount of expenditures for categorical funds, tuition paid,
15 transportation fees paid to other districts, adult education,
16 community services, redemption of the principal portion of general
17 fund debt service, retirement incentive plans authorized by section
18 79-855, and staff development assistance authorized by section
19 79-856, (iii) the amount of any transfers from the general fund to
20 any bond fund and transfers from other funds into the general fund,
21 (iv) any legal expenses in excess of fifteen-hundredths of one
22 percent of the formula need for the school fiscal year in which the
23 expenses occurred, (v) expenditures to pay for sums agreed to be paid
24 by a school district to certificated employees in exchange for a
25 voluntary termination occurring prior to July 1, 2009, and (vi)(A)

1 expenditures in school fiscal years 2009-10 through 2013-14 to pay
2 for employer contributions pursuant to subsection (2) of section
3 79-958 to the School Employees Retirement System of the State of
4 Nebraska to the extent that such expenditures exceed the employer
5 contributions under such subsection that would have been made at a
6 contribution rate of seven and thirty-five hundredths percent or (B)
7 expenditures in school fiscal years 2009-10 through 2013-14 to pay
8 for school district contributions pursuant to subdivision (1)(c)(i)
9 of section 79-9,113 to the retirement system established pursuant to
10 the Class V School Employees Retirement Act to the extent that such
11 expenditures exceed the school district contributions under such
12 subdivision that would have been made at a contribution rate of seven
13 and thirty-seven hundredths percent; and

14 (b) For state aid calculated for school fiscal years
15 2012-13 and each school fiscal year thereafter, as reported on the
16 annual financial report for the second school fiscal year immediately
17 preceding the school fiscal year in which aid is to be paid, the
18 total general fund expenditures minus (i) the amount of all receipts
19 to the general fund, to the extent that such receipts are not
20 included in local system formula resources, from early childhood
21 education tuition, summer school tuition, educational entities as
22 defined in section 79-1201.01 for providing distance education
23 courses through the Educational Service Unit Coordinating Council to
24 such educational entities, private foundations, individuals,
25 associations, charitable organizations, the textbook loan program

1 authorized by section 79-734, federal impact aid, and levy override
2 elections pursuant to section 77-3444, (ii) the amount of
3 expenditures for categorical funds, tuition paid, transportation fees
4 paid to other districts, adult education, community services,
5 redemption of the principal portion of general fund debt service,
6 retirement incentive plans authorized by section 79-855, and staff
7 development assistance authorized by section 79-856, (iii) the amount
8 of any transfers from the general fund to any bond fund and transfers
9 from other funds into the general fund, (iv) any legal expenses in
10 excess of fifteen-hundredths of one percent of the formula need for
11 the school fiscal year in which the expenses occurred, (v)
12 expenditures to pay for sums agreed to be paid by a school district
13 to certificated employees in exchange for a voluntary termination
14 occurring prior to July 1, 2009, or occurring on or after the last
15 day of the 2010-11 school year and prior to the first day of the
16 2013-14 school year, (vi)(A) expenditures in school fiscal years
17 2009-10 through 2016-17 to pay for employer contributions pursuant to
18 subsection (2) of section 79-958 to the School Employees Retirement
19 System of the State of Nebraska to the extent that such expenditures
20 exceed the employer contributions under such subsection that would
21 have been made at a contribution rate of seven and thirty-five
22 hundredths percent or (B) expenditures in school fiscal years 2009-10
23 through 2016-17 to pay for school district contributions pursuant to
24 subdivision (1)(c)(i) of section 79-9,113 to the retirement system
25 established pursuant to the Class V School Employees Retirement Act

1 to the extent that such expenditures exceed the school district
2 contributions under such subdivision that would have been made at a
3 contribution rate of seven and thirty-seven hundredths percent, and
4 (vii) any amounts paid by the district for lobbyist fees and expenses
5 reported to the Clerk of the Legislature pursuant to section 49-1483.

6 For purposes of this subdivision (22) of this section,
7 receipts from levy override elections shall equal ninety-nine percent
8 of the difference of the total general fund levy minus a levy of one
9 dollar and five cents per one hundred dollars of taxable valuation
10 multiplied by the assessed valuation for school districts that have
11 voted pursuant to section 77-3444 to override the maximum levy
12 provided pursuant to section 77-3442;

13 (23) High school district means a school district
14 providing instruction in at least grades nine through twelve;

15 (24) Income tax liability means the amount of the
16 reported income tax liability for resident individuals pursuant to
17 the Nebraska Revenue Act of 1967 less all nonrefundable credits
18 earned and refunds made;

19 (25) Income tax receipts means the amount of income tax
20 collected pursuant to the Nebraska Revenue Act of 1967 less all
21 nonrefundable credits earned and refunds made;

22 (26) Limited English proficiency students means the
23 number of students with limited English proficiency in a district
24 from the most recent data available on November 1 of the school
25 fiscal year preceding the school fiscal year in which aid is to be

1 paid plus the difference of such students with limited English
2 proficiency minus the average number of limited English proficiency
3 students for such district, prior to such addition, for the three
4 immediately preceding school fiscal years if such difference is
5 greater than zero;

6 (27) Local system means a learning community for purposes
7 of calculation of state aid for the second full school fiscal year
8 after becoming a learning community and each school fiscal year
9 thereafter, a unified system, a Class VI district and the associated
10 Class I districts, or a Class II, III, IV, or V district and any
11 affiliated Class I districts or portions of Class I districts. The
12 membership, expenditures, and resources of Class I districts that are
13 affiliated with multiple high school districts will be attributed to
14 local systems based on the percent of the Class I valuation that is
15 affiliated with each high school district;

16 (28) Low-income child means a child under ~~nineteen~~
17 eighteen years of age living in a household having an annual adjusted
18 gross income for the second calendar year preceding the beginning of
19 the school fiscal year for which aid is being calculated equal to or
20 less than the maximum household income that would allow a student
21 from a family of four people to be a free lunch and free milk student
22 during the school fiscal year immediately preceding the school fiscal
23 year for which aid is being calculated;

24 (29) Low-income students means the number of low-income
25 children within the district multiplied by the ratio of the formula

1 students in the district divided by the total children under ~~nineteen~~
2 eighteen years of age residing in the district as derived from income
3 tax information;

4 (30) Most recently available complete data year means the
5 most recent single school fiscal year for which the annual financial
6 report, fall school district membership report, annual statistical
7 summary, Nebraska income tax liability by school district for the
8 calendar year in which the majority of the school fiscal year falls,
9 and adjusted valuation data are available;

10 (31) Poverty students means the number of low-income
11 students or the number of students who are free lunch and free milk
12 students in a district plus the difference of the number of low-
13 income students or the number of students who are free lunch and free
14 milk students in a district, whichever is greater, minus the average
15 number of poverty students for such district, prior to such addition,
16 for the three immediately preceding school fiscal years if such
17 difference is greater than zero;

18 (32) Qualified early childhood education average daily
19 membership means the product of the average daily membership for
20 school fiscal year 2006-07 and each school fiscal year thereafter of
21 students who will be eligible to attend kindergarten the following
22 school year and are enrolled in an early childhood education program
23 approved by the department pursuant to section 79-1103 for such
24 school district for such school year multiplied by the ratio of the
25 actual instructional hours of the program divided by one thousand

1 thirty-two if: (a) The program is receiving a grant pursuant to such
2 section for the third year; (b) the program has already received
3 grants pursuant to such section for three years; or (c) the program
4 has been approved pursuant to subsection (5) of section 79-1103 for
5 such school year and the two preceding school years, including any
6 such students in portions of any of such programs receiving an
7 expansion grant;

8 (33) Qualified early childhood education fall membership
9 means the product of membership on the last Friday in September 2006
10 and each year thereafter of students who will be eligible to attend
11 kindergarten the following school year and are enrolled in an early
12 childhood education program approved by the department pursuant to
13 section 79-1103 for such school district for such school year
14 multiplied by the ratio of the planned instructional hours of the
15 program divided by one thousand thirty-two if: (a) The program is
16 receiving a grant pursuant to such section for the third year; (b)
17 the program has already received grants pursuant to such section for
18 three years; or (c) the program has been approved pursuant to
19 subsection (5) of section 79-1103 for such school year and the two
20 preceding school years, including any such students in portions of
21 any of such programs receiving an expansion grant;

22 (34) Regular route transportation means the
23 transportation of students on regularly scheduled daily routes to and
24 from the attendance center;

25 (35) Reorganized district means any district involved in

1 a consolidation and currently educating students following
2 consolidation;

3 (36) School year or school fiscal year means the fiscal
4 year of a school district as defined in section 79-1091;

5 (37) Sparse local system means a local system that is not
6 a very sparse local system but which meets the following criteria:

7 (a)(i) Less than two students per square mile in the
8 county in which each high school is located, based on the school
9 district census, (ii) less than one formula student per square mile
10 in the local system, and (iii) more than ten miles between each high
11 school attendance center and the next closest high school attendance
12 center on paved roads;

13 (b)(i) Less than one and one-half formula students per
14 square mile in the local system and (ii) more than fifteen miles
15 between each high school attendance center and the next closest high
16 school attendance center on paved roads;

17 (c)(i) Less than one and one-half formula students per
18 square mile in the local system and (ii) more than two hundred
19 seventy-five square miles in the local system; or

20 (d)(i) Less than two formula students per square mile in
21 the local system and (ii) the local system includes an area equal to
22 ninety-five percent or more of the square miles in the largest county
23 in which a high school attendance center is located in the local
24 system;

25 (38) Special education means specially designed

1 kindergarten through grade twelve instruction pursuant to section
2 79-1125, and includes special education transportation;

3 (39) Special grant funds means the budgeted receipts for
4 grants, including, but not limited to, categorical funds,
5 reimbursements for wards of the court, short-term borrowings
6 including, but not limited to, registered warrants and tax
7 anticipation notes, interfund loans, insurance settlements, and
8 reimbursements to county government for previous overpayment. The
9 state board shall approve a listing of grants that qualify as special
10 grant funds;

11 (40) State aid means the amount of assistance paid to a
12 district pursuant to the Tax Equity and Educational Opportunities
13 Support Act;

14 (41) State board means the State Board of Education;

15 (42) State support means all funds provided to districts
16 by the State of Nebraska for the general fund support of elementary
17 and secondary education;

18 (43) Statewide average basic funding per formula student
19 means the statewide total basic funding for all districts divided by
20 the statewide total formula students for all districts;

21 (44) Statewide average general fund operating
22 expenditures per formula student means the statewide total general
23 fund operating expenditures for all districts divided by the
24 statewide total formula students for all districts;

25 (45) Teacher has the definition found in section 79-101;

1 (46) Temporary aid adjustment factor means (a) for school
2 fiscal years before school fiscal year 2007-08, one and one-fourth
3 percent of the sum of the local system's transportation allowance,
4 the local system's special receipts allowance, and the product of the
5 local system's adjusted formula students multiplied by the average
6 formula cost per student in the local system's cost grouping and (b)
7 for school fiscal year 2007-08, one and one-fourth percent of the sum
8 of the local system's transportation allowance, special receipts
9 allowance, and distance education and telecommunications allowance
10 and the product of the local system's adjusted formula students
11 multiplied by the average formula cost per student in the local
12 system's cost grouping;

13 (47) Tuition receipts from converted contracts means
14 tuition receipts received by a district from another district in the
15 most recently available complete data year pursuant to a converted
16 contract prior to the expiration of the contract;

17 (48) Tuitioned students means students in kindergarten
18 through grade twelve of the district whose tuition is paid by the
19 district to some other district or education agency; and

20 (49) Very sparse local system means a local system that
21 has:

22 (a)(i) Less than one-half student per square mile in each
23 county in which each high school attendance center is located based
24 on the school district census, (ii) less than one formula student per
25 square mile in the local system, and (iii) more than fifteen miles

1 between the high school attendance center and the next closest high
2 school attendance center on paved roads; or

3 (b)(i) More than four hundred fifty square miles in the
4 local system, (ii) less than one-half student per square mile in the
5 local system, and (iii) more than fifteen miles between each high
6 school attendance center and the next closest high school attendance
7 center on paved roads.

8 Sec. 103. Section 80-403, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 80-403 (1) All money disbursed through the Director of
11 Veterans' Affairs shall be expended by him or her in furnishing food,
12 shelter, fuel, wearing apparel, or medical or surgical aid or in
13 assisting with the funeral expenses of discharged veterans who come
14 within one of the classes described in subsection (2) or (3) of this
15 section.

16 (2) Such aid shall be provided upon application to
17 veterans as defined in section 80-401.03, their widows, widowers,
18 spouses, and their children age ~~eighteen~~seventeen or younger or
19 until age twenty-three if attending school full time, and at any age
20 if the child was permanently incapable of self-support at age
21 ~~eighteen~~seventeen (a) who are legal residents of this state on the
22 date of such application and (b) who may be in need of such aid.

23 (3) In cases in which an eligible veteran or widow or
24 widower dies leaving no next of kin to apply for payment of expenses
25 of last illness and burial, a recognized veterans organization or a

1 county veterans service officer may apply, on behalf of the deceased,
2 for assistance in paying such expenses. All such payments shall be
3 made by the director. There may be expended, for purposes other than
4 those set forth in this section, such sum or sums as may be
5 specifically appropriated by the Legislature for such purposes.

6 Sec. 104. Section 81-6,120, Revised Statutes Cumulative
7 Supplement, 2012, is amended to read:

8 81-6,120 (1) No individual who has been convicted of a
9 felony or of any crime involving moral turpitude, or who has been
10 charged with or indicted for a felony or crime involving moral
11 turpitude and there has been no final resolution of the prosecution
12 of the crime, shall provide transportation services under contract
13 with the Department of Health and Human Services, whether as an
14 employee or as a volunteer, for vulnerable adults as defined in
15 section 28-371 or for persons under ~~nineteen~~eighteen years of age.

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

23 (3) In addition to the national criminal history record
24 information check required in subsection (2) of this section, all
25 individuals employed to provide transportation services under

1 contract with the Department of Health and Human Services to
2 vulnerable adults or persons under ~~nineteen~~eighteen years of age
3 shall submit to a national criminal history record information check
4 every two years during the period of such employment.

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

11 (5)(a) Individuals shall authorize release of the results
12 and contents of a national criminal history record information check
13 under this section to the employer and the Department of Health and
14 Human Services as provided in this section.

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

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

24 (6) The Department of Health and Human Services may
25 develop and implement policies that provide for administrative

1 exceptions to the prohibition in subsection (1) of this section,
2 including, but not limited to, situations in which relatives of the
3 vulnerable adult or person under ~~nineteen~~eighteen years of age
4 provide transportation services for such vulnerable adult or person
5 under ~~nineteen~~eighteen years of age or situations in which the
6 circumstances of the crime or the elapsed time since the commission
7 of the crime do not warrant the prohibition. Any decision made by the
8 department regarding an administrative exception under this section
9 is discretionary and is not appealable.

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

12 Sec. 105. Section 81-885.13, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 81-885.13 (1) No broker's or salesperson's license shall
15 be issued to any person who has not attained the age of ~~nineteen~~
16 eighteen years. No broker's or salesperson's license shall be issued
17 to any person who is not a high school graduate or the holder of a
18 certificate of high school equivalency.

19 (2) Each applicant for a salesperson's license shall
20 furnish evidence that he or she has completed two courses in real
21 estate subjects, approved by the commission, composed of not less
22 than sixty class hours of study or, in lieu thereof, courses
23 delivered in a distance education format approved by the commission.

24 (3) Each applicant for a broker's license shall either
25 (a) have first served actively for two years as a licensed

1 salesperson or broker and shall furnish evidence of completion of
2 sixty class hours in addition to the hours required by subsection (2)
3 of this section in a course of study approved by the commission or,
4 in lieu thereof, courses delivered in a distance education format
5 approved by the commission, or (b) furnish a certificate that he or
6 she has passed a course of at least eighteen credit hours in subjects
7 related to real estate at an accredited university or college, or
8 completed six courses in real estate subjects composed of not less
9 than one hundred eighty class hours in a course of study approved by
10 the commission or, in lieu thereof, courses delivered in a distance
11 education format approved by the commission.

12 (4) Each applicant for a broker's license must pass a
13 written examination covering generally the matters confronting real
14 estate brokers, and each applicant for a salesperson's license must
15 pass a written examination covering generally the matters confronting
16 real estate salespersons. Such examination may be taken before the
17 commission or any person designated by the commission. Failure to
18 pass the examination shall be grounds for denial of a license without
19 further hearing. The commission may prepare and distribute to
20 licensees under the Nebraska Real Estate License Act informational
21 material deemed of assistance in the conduct of their business.

22 (5) An applicant for an original broker's or
23 salesperson's license shall be subject to fingerprinting and a check
24 of his or her criminal history record information maintained by the
25 Federal Bureau of Investigation through the Nebraska State Patrol.

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

13 (6) Courses of study, referred to in subsections (2) and
14 (3) of this section, shall include courses offered by private
15 proprietary real estate schools when such courses are prescribed by
16 the commission and are taught by instructors approved by the
17 commission. The commission shall monitor schools offering approved
18 real estate courses and for good cause shall have authority to
19 suspend or withdraw approval of such courses or instructors.

20 Sec. 106. Section 81-1916, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 81-1916 (1) Each applicant for a truth and deception
23 examiner's license to operate a polygraph instrument shall submit to
24 the Secretary of State a sworn affidavit that the applicant:

25 (a) Is at least ~~nineteen~~eighteen years of age;

1 (b) Is a citizen of the United States and a resident of
2 the State of Nebraska;

3 (c) Has not been under sentence for the commission of a
4 felony within five years prior to such application, including parole,
5 probation, or actual incarceration, and has never been convicted of a
6 felony or a misdemeanor involving moral turpitude;

7 (d) Has an academic degree at the baccalaureate level
8 from an accredited college or university, has at least four years of
9 investigative experience at the federal, state, political
10 subdivision, or private licensed investigator level immediately prior
11 to application, or has had at least four years experience
12 administering polygraph examinations;

13 (e) Has satisfactorily completed a minimum of two hundred
14 fifty classroom hours of formal polygraph instructions from an
15 institution recognized and approved by the secretary and
16 satisfactorily completed not less than one year of internship
17 training or its equivalent as approved by the secretary; and

18 (f) Has not previously had an examiner's license or its
19 equivalent refused, revoked, or suspended, or otherwise invalidated
20 for any cause which would also represent lawful grounds for revoking
21 or denying the applicant's license under sections 81-1901 to 81-1936.

22 (2) Each applicant shall also:

23 (a) Furnish the secretary with satisfactory proof that he
24 or she has had suitable experience in the personal administration of
25 polygraph examinations during his or her internship or its

1 equivalent;

2 (b) Furnish the secretary with completed fingerprint
3 cards, in duplicate, bearing the applicant's fingerprints and such
4 other identifying information or certification as to the authenticity
5 thereof as the secretary may reasonably require; and

6 (c) After satisfying all of the other requirements of
7 this section, be required to satisfactorily pass a written
8 examination regarding the polygraph, conducted by the secretary or
9 under his or her supervision, given to determine competency to
10 practice as an examiner.

11 Sec. 107. Section 81-1917, Revised Statutes Cumulative
12 Supplement, 2012, is amended to read:

13 81-1917 (1) Each applicant for a truth and deception
14 examiner's license to operate a voice stress analysis instrument
15 shall submit to the Secretary of State a sworn affidavit that the
16 applicant:

17 (a) Is at least ~~nineteen~~eighteen years of age;

18 (b) Is a citizen of the United States and a resident of
19 the State of Nebraska;

20 (c) Has not been under sentence for the commission of a
21 felony within five years prior to application, including parole,
22 probation, or actual incarceration, and has never been convicted of a
23 felony or a misdemeanor involving moral turpitude;

24 (d) Has an academic degree at the baccalaureate level
25 from an accredited college or university, has at least four years of

1 investigative experience at the federal, state, political
2 subdivision, or private licensed investigator level immediately prior
3 to application, or has had at least four years experience
4 administering voice stress examinations;

5 (e) Has satisfactorily completed a minimum of sixty
6 classroom hours of formal voice stress analysis instruction
7 recognized and approved by the secretary and has satisfactorily
8 completed at least one year of internship training or its equivalent
9 as approved by the secretary; and

10 (f) Has not previously had an examiner's license or its
11 equivalent refused or revoked, or otherwise invalidated for cause
12 duly shown which would also represent lawful grounds for revoking or
13 denying the applicant's license under the Licensing of Truth and
14 Deception Examiners Act.

15 (2) Each applicant shall also:

16 (a) Provide the secretary with proof that the applicant
17 has completed a course of study at a training facility approved
18 pursuant to subdivision (e) of subsection (1) of this section;

19 (b) Furnish the secretary with satisfactory proof that he
20 or she has had suitable experience in the personal administration of
21 voice stress analysis examinations during his or her training course;

22 (c) Furnish the secretary with completed fingerprint
23 cards, in duplicate, bearing the applicant's fingerprints and such
24 other identifying information or certification as to the authenticity
25 thereof as the secretary may reasonably require; and

1 (d) After satisfying all of the other requirements of
2 this section, be required to satisfactorily pass a written
3 examination regarding the voice stress analysis instruments,
4 conducted by the secretary or under his or her supervision, given to
5 determine competency to practice as an examiner.

6 Sec. 108. Section 81-1936, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 81-1936 An applicant who is a truth and deception
9 examiner licensed under laws of another state or territory of the
10 United States may be issued an appropriate license by the secretary
11 without examination if the secretary, in his or her discretion,
12 determines the applicant has produced satisfactory proof that:

13 (1) He or she is at least ~~nineteen~~eighteen years of age;

14 (2) He or she is of good moral character;

15 (3) The requirements for licensing of a truth and
16 deception examiner in such state or territory of the United States
17 were at the date of the applicant's licensing therein substantially
18 equivalent to the requirements of sections 81-1901 to 81-1936;

19 (4) The applicant has lawfully engaged in the
20 administration of truth and deception examinations under the laws of
21 such state or territory for at least six months prior to the
22 application for license;

23 (5) The other state or territory grants similar
24 reciprocity to the license holders of this state;

25 (6) The applicant has complied with section 81-1930; and

1 (7) The applicant has paid the required fee.

2 Sec. 109. Section 81-2026, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 81-2026 (1)(a) Any officer qualified for an annuity as
5 provided in section 81-2025 for reasons other than disability shall
6 be entitled to receive a monthly annuity for the remainder of the
7 officer's life. The annuity payments shall continue until the end of
8 the calendar month in which the officer dies. The amount of the
9 annuity shall be a percentage of the officer's final average monthly
10 compensation. For retirement on or after the fifty-fifth birthday of
11 the member or on or after the fiftieth birthday of a member who has
12 been in the employ of the state for twenty-five years, as calculated
13 in section 81-2033, the percentage shall be three percent multiplied
14 by the number of years of creditable service, as calculated in
15 section 81-2033, except that the percentage shall never be greater
16 than seventy-five percent.

17 (b) For retirement pursuant to subsection (2) of section
18 81-2025 on or after the fiftieth birthday of the member but prior to
19 the fifty-fifth birthday of the member who has been in the employ of
20 the state for less than twenty-five years, as calculated in section
21 81-2033, the annuity which would apply if the member were age fifty-
22 five at the date of retirement shall be reduced by five-ninths of one
23 percent for each month by which the early retirement date precedes
24 age fifty-five or for each month by which the early retirement date
25 precedes the date upon which the member has served for twenty-five

1 years, whichever is earlier. Any officer who has completed thirty
2 years of creditable service with the Nebraska State Patrol shall have
3 retirement benefits computed as if the officer had reached age fifty-
4 five.

5 (c) For purposes of this computation, final average
6 monthly compensation shall mean the sum of the officer's total
7 compensation during the three twelve-month periods of service as an
8 officer in which compensation was the greatest divided by thirty-six,
9 and for any officer employed on or before January 4, 1979, the
10 officer's total compensation shall include payments received for
11 unused vacation and sick leave accumulated during the final three
12 years of service.

13 (2) Any officer qualified for an annuity as provided in
14 section 81-2025 for reasons of disability shall be entitled to
15 receive a monthly annuity for the remainder of the period of
16 disablement as provided in sections 81-2028 to 81-2030. The amount of
17 the annuity shall be fifty percent of the officer's monthly
18 compensation at the date of disablement if the officer has completed
19 seventeen or fewer years of creditable service. If the officer has
20 completed more than seventeen years of creditable service, the amount
21 of the annuity shall be three percent of the final monthly
22 compensation at the date of disablement multiplied by the total years
23 of creditable service but not to exceed seventy-five percent of the
24 final average monthly compensation as defined in subsection (1) of
25 this section. The date of disablement shall be the date on which the

1 benefits as provided in section 81-2028 have been exhausted.

2 (3) Upon the death of an officer after retirement for
3 reasons other than disability, benefits shall be provided as a
4 percentage of the amount of the officer's annuity, calculated as
5 follows:

6 (a) If there is a surviving spouse but no dependent child
7 or children of the officer under ~~nineteen~~eighteen years of age, the
8 surviving spouse shall receive a benefit equal to seventy-five
9 percent of the amount of the officer's annuity for the remainder of
10 the surviving spouse's life;

11 (b) If there is a surviving spouse and the surviving
12 spouse has in his or her care a dependent child or children of the
13 officer under ~~nineteen~~eighteen years of age and there is no other
14 dependent child or children of the officer not in the care of the
15 surviving spouse under ~~nineteen~~eighteen years of age, the benefit
16 shall be equal to one hundred percent of the officer's annuity. When
17 there is no remaining dependent child of the officer under ~~nineteen~~
18 eighteen years of age, the benefit shall be seventy-five percent of
19 the amount of the officer's annuity to the surviving spouse for the
20 remainder of the surviving spouse's life;

21 (c) If there is a surviving spouse and the surviving
22 spouse has in his or her care a dependent child or children of the
23 officer under ~~nineteen~~eighteen years of age or there is another
24 dependent child or children of the officer under ~~nineteen~~eighteen
25 years of age not in the care of the surviving spouse, the benefit

1 shall be twenty-five percent of the amount of the officer's annuity
2 to the surviving spouse and seventy-five percent of the amount of the
3 officer's annuity to the dependent children of the officer under
4 ~~nineteen~~eighteen years of age to be divided equally among such
5 dependent children but in no case shall the benefit received by a
6 surviving spouse and dependent children residing with such spouse be
7 less than fifty percent of the amount of the officer's annuity. At
8 such time as any dependent child of the officer attains ~~nineteen~~
9 eighteen years of age, the benefit shall be divided equally among the
10 remaining dependent children of the officer who have not yet attained
11 ~~nineteen~~eighteen years of age. When there is no remaining dependent
12 child of the officer under ~~nineteen~~eighteen years of age, the
13 benefit shall be seventy-five percent of the amount of the officer's
14 annuity to the surviving spouse for the remainder of the surviving
15 spouse's life;

16 (d) If there is no surviving spouse and a dependent child
17 or children of the officer under ~~nineteen~~eighteen years of age, the
18 benefit shall be equal to seventy-five percent of the officer's
19 annuity to the dependent children of the officer under ~~nineteen~~
20 eighteen years of age to be divided equally among such dependent
21 children. At such time as any dependent child of the officer attains
22 ~~nineteen~~eighteen years of age, the benefit shall be divided equally
23 among the remaining dependent children of the officer who have not
24 yet attained ~~nineteen~~eighteen years of age; and

25 (e) If there is no surviving spouse or no dependent child

1 or children of the officer under ~~nineteen~~eighteen years of age, the
2 amount of benefit such officer has received under the Nebraska State
3 Patrol Retirement Act shall be computed. If such amount is less than
4 the contributions to the State Patrol Retirement Fund made by such
5 officer, plus regular interest, the difference shall be paid to the
6 officer's designated beneficiary or estate.

7 (4) Upon the death of an officer after retirement for
8 reasons of disability, benefits shall be provided as if the officer
9 had retired for reasons other than disability.

10 (5) Upon the death of an officer before retirement,
11 benefits shall be provided as if the officer had retired for reasons
12 of disability on the date of such officer's death, calculated as
13 follows:

14 (a) If there is a surviving spouse but no dependent child
15 or children of the officer under ~~nineteen~~eighteen years of age, the
16 surviving spouse shall receive a benefit equal to seventy-five
17 percent of the amount of the officer's annuity for the remainder of
18 the surviving spouse's life;

19 (b) If there is a surviving spouse and the surviving
20 spouse has in his or her care a dependent child or children of the
21 officer under ~~nineteen~~eighteen years of age and there is no other
22 dependent child or children of the officer not in the care of the
23 surviving spouse under ~~nineteen~~eighteen years of age, the benefit
24 shall be equal to one hundred percent of the officer's annuity. When
25 there is no remaining dependent child of the officer under ~~nineteen~~

1 eighteen years of age, the benefit shall be seventy-five percent of
2 the amount of the officer's annuity to the surviving spouse for the
3 remainder of the surviving spouse's life;

4 (c) If there is a surviving spouse and the surviving
5 spouse has in his or her care a dependent child or children of the
6 officer under ~~nineteen~~eighteen years of age or there is another
7 dependent child or children of the officer under ~~nineteen~~eighteen
8 years of age not in the care of the surviving spouse, the benefit
9 shall be twenty-five percent of the amount of the officer's annuity
10 to the surviving spouse and seventy-five percent of the amount of the
11 officer's annuity to the dependent children of the officer under
12 ~~nineteen~~eighteen years of age to be divided equally among such
13 dependent children but in no case shall the benefit received by a
14 surviving spouse and dependent children residing with such spouse be
15 less than fifty percent of the amount of the officer's annuity. At
16 such time as any dependent child of the officer attains ~~nineteen~~
17 eighteen years of age, the benefit shall be divided equally among the
18 remaining dependent children of the officer who have not yet attained
19 ~~nineteen~~eighteen years of age. When there is no remaining dependent
20 child of the officer under ~~nineteen~~eighteen years of age, the
21 benefit shall be seventy-five percent of the amount of the officer's
22 annuity to the surviving spouse for the remainder of the surviving
23 spouse's life;

24 (d) If there is no surviving spouse and a dependent child
25 or children of the officer under ~~nineteen~~eighteen years of age, the

1 benefit shall be equal to seventy-five percent of the officer's
2 annuity to the dependent children of the officer under ~~nineteen~~
3 eighteen years of age to be divided equally among such dependent
4 children. At such time as any dependent child of the officer attains
5 ~~nineteen~~eighteen years of age, the benefit shall be divided equally
6 among the remaining dependent children of the officer who have not
7 yet attained ~~nineteen~~eighteen years of age; and

8 (e) If no benefits are paid to a surviving spouse or
9 dependent child or children of the officer, benefits will be paid as
10 described in subsection (1) of section 81-2031.

11 (6) A lump-sum death benefit paid to the member's
12 beneficiary, other than the member's estate, that is an eligible
13 distribution may be distributed in the form of a direct transfer to a
14 retirement plan eligible to receive such transfer under the
15 provisions of the Internal Revenue Code.

16 (7) For any member whose death occurs on or after January
17 1, 2007, while performing qualified military service as defined in
18 section 414(u) of the Internal Revenue Code, the member's beneficiary
19 shall be entitled to any additional death benefit that would have
20 been provided, other than the accrual of any benefit relating to the
21 period of qualified military service. The additional death benefit
22 shall be determined as if the member had returned to employment with
23 the Nebraska State Patrol and such employment had terminated on the
24 date of the member's death.

25 (8) Any changes made to this section by Laws 2004, LB

1 1097, shall apply only to retirements, disabilities, and deaths
2 occurring on or after July 16, 2004.

3 Sec. 110. Section 81-2036, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 81-2036 After the adjustment prescribed in section
6 81-2035 is made, any annuity paid pursuant to sections 81-2014 to
7 81-2034 to any officer or surviving spouse qualified to receive such
8 payment shall be adjusted on May 27, 1989, to reflect changes in the
9 cost of living and wage levels which have occurred subsequent to the
10 date of retirement up to an annuity total amount equal to five
11 thousand nine hundred eighty dollars for a one-member family unit.
12 For each additional member of the family unit the amount shall be
13 increased by two thousand forty dollars. The annuity shall be
14 adjusted to reflect any changes in the family unit when the change
15 occurs. A change in the family unit after retirement occurs (1) upon
16 the death of the officer, (2) upon the death of the spouse or a
17 dependent child, (3) upon the birth of a dependent child, (4) upon
18 the divorce of the officer and his or her spouse, (5) when the
19 officer no longer provides support for a dependent child, and (6)
20 when a dependent child becomes ~~nineteen~~eighteen years of age. Each
21 officer or surviving spouse whose annuity is adjusted pursuant to
22 this section shall file an annual report with the retirement system,
23 on a form prescribed by the Public Employees Retirement Board, to
24 verify the size of the family unit. For purposes of this section,
25 family unit shall include the officer, his or her spouse at the time

1 of retirement, the officer's legal dependent children under ~~nineteen~~
2 eighteen years of age, and the officer's dependent handicapped
3 children.

4 Sec. 111. Section 83-383, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 83-383 (1) An application for admission shall be made in
7 writing by one of the following persons:

8 (a) If the person applying for admission has a court-
9 appointed guardian, the application shall be made by the guardian;
10 and

11 (b) If the person applying for admission does not have a
12 court-appointed guardian and has not reached the age of majority, ~~as~~
13 ~~established by section 43-2101, as such section may from time to time~~
14 ~~be amended,~~ the application shall be made by both parents if they are
15 living together or by the parent having custody of such person if
16 both parents are not then living or are not then living together.

17 (2) The county court of the county of residence of any
18 person with mental retardation or the county court of the county in
19 which a state residential facility is located shall have authority to
20 appoint a guardian for any person with mental retardation upon the
21 petition of the husband, wife, parent, person standing in loco
22 parentis to such person, a county attorney, or any authorized
23 official of the department. If the guardianship proceedings are
24 initiated by an official of the department, the costs thereof may be
25 taxed to and paid by the department if the person with mental

1 retardation is without means to pay the costs. The department shall
2 pay such costs upon presentation of a proper claim by the judge of
3 the county court in which the proceedings were initiated. The costs
4 of such proceedings shall include court costs, attorneys' fees,
5 sheriffs' fees, psychiatric fees, and other necessary expenses of the
6 guardianship.

7 Sec. 112. Section 83-388, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 83-388 No person admitted to a residential facility upon
10 the application of his or her parent or parents shall be detained in
11 a residential facility after attaining the age of majority ~~as~~
12 ~~established by section 43-2101, as such section may from time to time~~
13 ~~be amended,~~ unless a guardian for such person makes an application
14 for continued residence for such person in the facility under section
15 83-383 or such person is committed as provided by law for involuntary
16 commitments.

17 Sec. 113. This act becomes operative on January 1, 2014.

18 Sec. 114. Original sections 2-1207, 8-2602, 9-255.06,
19 9-255.09, 9-334, 9-633, 9-646, 9-810, 9-814, 9-823, 9-826, 13-317,
20 20-403, 21-1724, 21-1781, 23-1213.01, 23-1824, 25-1601, 28-319,
21 28-320.01, 28-457, 28-833, 29-2270, 30-2412, 30-2603, 30-3402,
22 30-3502, 38-165, 38-1710, 38-2421, 38-3122, 42-371.01, 43-104.09,
23 43-117.01, 43-284.02, 43-289, 43-290, 43-294, 43-504, 43-2721,
24 43-3703, 44-7,103, 44-4053, 44-5238, 48-122.01, 48-124, 49-801,
25 53-168.06, 53-181, 53-1,122, 60-4,120.01, 60-6,157, 60-6,340,

1 68-1724, 71-629, 71-808, 71-824, 71-20,120, 71-3405, 71-4808,
2 71-6039.01, 76-1494, 79-296, 80-403, 81-885.13, 81-1916, 81-1936,
3 81-2036, 83-383, and 83-388, Reissue Revised Statutes of Nebraska,
4 and sections 25-1628, 25-21,271, 28-311.08, 28-319.01, 28-416,
5 28-728, 28-813.01, 28-1463.04, 28-1463.05, 29-401, 29-4016, 30-2209,
6 30-2604, 30-3902, 32-602, 37-413, 37-452, 38-129, 43-245, 43-412,
7 43-1311.03, 43-2404.02, 43-2922, 53-180.05, 64-101, 68-915, 68-2002,
8 68-2004, 68-2005, 71-9105, 76-2228.01, 76-2229.01, 76-2230,
9 76-2231.01, 76-2232, 77-2704.63, 79-215, 79-267, 79-1003, 81-6,120,
10 81-1917, and 81-2026, Revised Statutes Cumulative Supplement, 2012,
11 are repealed.

12 Sec. 115. The following sections are outright repealed:
13 Sections 44-706.01 and 71-826, Reissue Revised Statutes of Nebraska,
14 and section 43-2101, Revised Statutes Cumulative Supplement, 2012.