

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 226**

Introduced by Rogert, 16; Friend, 10.

Read first time January 13, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to the age of majority; to amend sections  
2 9-230.01, 9-241.06, 9-241.08, 9-255.06, 9-255.09, 9-334,  
3 9-345, 9-430, 9-633, 9-826, 20-403, 21-1724, 21-1750,  
4 21-1781, 23-1824, 25-1601, 25-1628, 25-21,271, 28-319,  
5 28-319.01, 28-320.01, 28-457, 28-833, 29-401, 29-2270,  
6 29-4016, 30-2209, 30-2326, 30-2329, 30-2412, 30-2603,  
7 30-3402, 30-3502, 32-602, 38-129, 38-165, 38-1060,  
8 38-10,165, 38-10,171, 38-1221, 38-1612, 38-1710, 38-2421,  
9 38-2885, 38-2890, 38-3122, 42-371.01, 43-104.09, 43-117,  
10 43-245, 43-247, 43-289, 43-290, 43-294, 43-2,113, 43-412,  
11 43-504, 43-2101, 43-2404.02, 43-2922, 43-3703, 43-3709,  
12 43-3902, 43-3910, 44-5238, 48-122.01, 48-124, 71-20,120,  
13 71-4808, 79-267, 79-296, 81-885.13, 81-1916, 81-1917,  
14 81-1936, 81-2026, and 81-2036, Reissue Revised Statutes

1 of Nebraska, and sections 49-801, 64-101, 68-1724,  
2 71-629, 71-812, 71-1903, 71-6039.01, 71-6502, 71-6726,  
3 76-2228.01, 76-2229.01, 76-2230, 76-2231.01, and 76-2232,  
4 Revised Statutes Cumulative Supplement, 2008; to change  
5 the age of majority from nineteen to eighteen years  
6 of age and certain age requirements as prescribed; to  
7 harmonize provisions; to provide an operative date; and  
8 to repeal the original sections.

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

1           Section 1. Section 9-230.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           9-230.01 (1) A qualifying nonprofit organization may  
4 apply to the department for a permit to conduct a special event  
5 bingo in conjunction with a special event at which bingo is not  
6 the primary function. Such special event bingo shall be exempt from  
7 (a) the licensing requirements found in the Nebraska Bingo Act for  
8 Class I and Class II licenses, (b) the record-keeping and reporting  
9 requirements found in the act for licensed organizations, and (c)  
10 any tax on the gross receipts derived from the conduct of bingo as  
11 provided in the act for licensed organizations.

12           (2) A qualifying nonprofit organization may apply for and  
13 obtain two special event bingo permits per calendar year, not to  
14 exceed a total of fourteen days in duration. An application for a  
15 permit shall be made, on a form prescribed by the department, at  
16 least ten days prior to the desired starting date of the special  
17 event bingo. The form shall be accompanied by a permit fee of  
18 fifteen dollars and shall contain:

19           (a) The name and address of the nonprofit organization  
20 applying for the permit;

21           (b) Sufficient facts relating to the nature of the  
22 organization to enable the department to determine if the  
23 organization is eligible for the permit;

24           (c) The date, time, place, duration, and nature of the  
25 special event at which the special event bingo will be conducted;

1           (d) The name, address, and telephone number of the  
2 individual who will be in charge of the special event bingo; and

3           (e) Any other information which the department deems  
4 necessary.

5           (3) An organization must have a permit issued by the  
6 department before it can conduct a special event bingo. The permit  
7 shall be clearly posted and visible to all participants at the  
8 special event bingo.

9           (4) Special event bingo shall be subject to the  
10 following:

11           (a) Special event bingo shall be conducted only within  
12 the county in which the qualifying nonprofit organization has its  
13 principal office;

14           (b) Bingo equipment, other than disposable paper bingo  
15 cards, necessary to conduct bingo may be obtained from any source.  
16 Disposable paper bingo cards may be obtained only from (i) a  
17 licensed distributor or (ii) a licensed organization as provided in  
18 subdivision (4)(e) of section 9-241.05;

19           (c) No bingo card used at a special event bingo shall be  
20 sold, rented, or leased for more than twenty-five cents per card;

21           (d) No single prize shall be offered or awarded at a  
22 special event bingo which exceeds twenty-five dollars in value;

23           (e) A special event bingo shall be conducted by  
24 individuals who are at least ~~eighteen years of age~~ the age  
25 of majority. The qualifying nonprofit organization may permit

1 individuals under eighteen years of age to play special event bingo  
2 when no alcoholic beverages are served, sold, or consumed in the  
3 immediate vicinity of where the special event bingo is conducted;

4 (f) No wage, commission, or salary shall be paid to any  
5 person in connection with the conduct of a special event bingo; and

6 (g) The gross receipts from the conduct of a special  
7 event bingo shall be used solely for the awarding of prizes and  
8 reasonable and necessary expenses associated with the conduct of  
9 the special event bingo such as the permit fee and the purchase or  
10 rental of bingo cards or other equipment needed to conduct bingo.  
11 The remaining receipts shall be used solely for a lawful purpose.

12 Sec. 2. Section 9-241.06, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 9-241.06 No alcoholic beverages shall be sold or served  
15 to the public during a bingo occasion unless it is a limited period  
16 bingo or special event bingo at which no one under ~~eighteen years~~  
17 ~~of age~~ the age of majority is permitted to play bingo. Nonalcoholic  
18 beverages, as well as food, may be served and sold during any  
19 bingo occasion conducted by a licensed organization if all of the  
20 profits from the sales are paid to such licensed organization. The  
21 proceeds from the sale of such food and beverage items shall not be  
22 commingled with the organization's bingo receipts or placed in the  
23 bingo checking account. No expense associated with the purchase,  
24 preparation, serving, or selling of such food and beverage items  
25 shall be paid using bingo receipts.

1           Sec. 3. Section 9-241.08, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           9-241.08 (1) No person under ~~eighteen years of age~~ the  
4 age of majority shall play or participate in any bingo game, except  
5 that any person may play bingo at a limited period bingo or special  
6 event bingo if (a) no alcoholic beverages are served and (b) no  
7 prize or prizes to be awarded exceed twenty-five dollars in value  
8 per game.

9           (2) All persons involved in the conduct of bingo must be  
10 at least ~~eighteen years of age~~ the age of majority.

11           (3) No person who is conducting or assisting in the  
12 conduct of a bingo occasion shall be permitted to participate as a  
13 player at that bingo occasion.

14           (4) No licensed commercial lessor, distributor, or  
15 manufacturer, person having a substantial interest in a licensed  
16 commercial lessor, distributor, or manufacturer, or employee or  
17 agent of a licensed commercial lessor, distributor, or manufacturer  
18 shall operate, manage, conduct, advise, or assist in the operating,  
19 managing, conducting, promoting, or administering of any bingo  
20 game or occasion. For purposes of this subsection, the term assist  
21 shall include, but not be limited to, the payment of any expense  
22 of a licensed organization, whether such payment is by loan or  
23 otherwise.

24           (5) No person, licensee, or permittee or employee or  
25 agent thereof shall knowingly permit an individual under eighteen

1 years of age to play or participate in any way in a bingo game  
2 conducted pursuant to the Nebraska Bingo Act, excluding those  
3 individuals allowed by law to play at a limited period bingo or  
4 special event bingo when (a) no alcoholic beverages are served and  
5 (b) no prize or prizes that will be awarded exceed twenty-five  
6 dollars in value per game.

7           Sec. 4. Section 9-255.06, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

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

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

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

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

1 communications on behalf of the applicant;

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

4 (e) The lawful capacity of the premises for public  
5 assembly purposes;

6 (f) The amount of rent to be paid or other consideration  
7 to be given directly or indirectly for each bingo occasion to be  
8 conducted; and

9 (g) Any other information which the department deems  
10 necessary.

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

17 (3) The information required by this section shall be  
18 kept current. The commercial lessor shall notify the department  
19 within thirty days of any changes to the information contained on  
20 or with the application.

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



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

15           (6) A nonprofit organization owning its own premises  
16 which in turn rents or leases its premises solely to its own  
17 auxiliary shall be exempt from the licensing requirements contained  
18 in this section.

19           Sec. 5. Section 9-255.09, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21           9-255.09 (1) Any individual, partnership, limited  
22 liability company, or corporation which desires to sell or  
23 otherwise supply bingo equipment in this state to a licensed  
24 distributor shall first apply for and obtain a manufacturer's  
25 license from the department. Manufacturers' licenses may be

1 renewed biennially. The expiration date shall be September 30  
2 of every odd-numbered year or such other date as the department  
3 may prescribe by rule and regulation. An application for license  
4 renewal shall be submitted to the department at least forty-five  
5 days prior to the expiration date of the license. The license shall  
6 be applied for on a form prescribed by the department and shall  
7 contain:

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

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

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

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

22 (e) A sworn statement by the applicant or appropriate  
23 officer of the applicant that the applicant will comply with all  
24 provisions of the Nebraska Bingo Act and all rules and regulations  
25 adopted pursuant to the act; and

1                   (f) Any other information which the department deems  
2 necessary.

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

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

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

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

16                   (6) No manufacturer or spouse or employee of the  
17 manufacturer shall participate in the conduct or operation of any  
18 bingo game or occasion or any other kind of gaming activity which  
19 is authorized or regulated under Chapter 9 except to the exclusive  
20 extent of his or her statutory duties as a licensed manufacturer  
21 or employee thereof as provided by this section and except as  
22 provided in sections 9-332 and 9-632 and the State Lottery Act.  
23 No manufacturer or employee or spouse of any manufacturer shall  
24 have a substantial interest in another manufacturer, a distributor,  
25 a manufacturer-distributor as defined in section 9-616 other than

1 itself, a licensed organization, or any other licensee regulated  
2 under Chapter 9.

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

5           9-334 Each manufacturer selling pickle cards and pickle  
6 card units in this state that is not a resident or corporation  
7 shall designate a natural person who is a resident of and living  
8 in this state and is ~~nineteen years of age~~ the age of majority or  
9 older as a resident agent for the purpose of receipt and acceptance  
10 of service of process and other communications on behalf of the  
11 manufacturer. The name, business address where service of process  
12 and delivery of mail can be made, and home address of such agent  
13 shall be filed with the department.

14           Sec. 7. Section 9-345, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           9-345 (1) No person under ~~eighteen years of age~~ the age  
17 of majority shall play or participate in any way in any lottery by  
18 the sale of pickle cards.

19           (2) No person or licensee, or employee or agent thereof,  
20 shall knowingly permit an individual under ~~eighteen years of age~~  
21 the age of majority to play or participate in any way in any  
22 lottery by the sale of pickle cards conducted pursuant to the  
23 Nebraska Pickle Card Lottery Act.

24           Sec. 8. Section 9-430, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           9-430 (1) No person under ~~eighteen years of age~~ the  
2 age of majority shall participate in any way in any lottery or  
3 raffle, except that a person under ~~eighteen years of age~~ the age  
4 of majority may participate in a lottery or raffle conducted by  
5 a licensed organization pursuant to a permit issued under section  
6 9-426.

7           (2) No person, licensee, or permittee or employee or  
8 agent thereof shall knowingly permit an individual under ~~eighteen~~  
9 ~~years of age~~ the age of majority to play or participate in any  
10 way in a lottery or raffle conducted pursuant to the Nebraska  
11 Lottery and Raffle Act, excluding those conducted by a licensed  
12 organization with a special permit issued under section 9-426.

13           Sec. 9. Section 9-633, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           9-633 Each manufacturer-distributor selling lottery  
16 equipment or supplies in this state that is not a resident of this  
17 state or is not a corporation shall designate a natural person who  
18 is a resident of and living in this state and is ~~nineteen years~~  
19 ~~of age~~ the age of majority or older as a resident agent for the  
20 purpose of receipt and acceptance of service of process and other  
21 communications on behalf of the manufacturer-distributor. The name,  
22 business address where service of process and delivery of mail can  
23 be made, and home address of such agent shall be filed with the  
24 department.

25           Sec. 10. Section 9-826, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 9-826 A contract may be awarded to an applicant to  
3 operate as a lottery game retailer only after the director finds  
4 all of the following:

5 (1) The applicant is at least ~~nineteen years of age~~, the  
6 age of majority;

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

12 (3) The applicant has not been convicted of a violation  
13 of the Nebraska Bingo Act, the Nebraska County and City Lottery  
14 Act, the Nebraska Lottery and Raffle Act, the Nebraska Pickle Card  
15 Lottery Act, the Nebraska Small Lottery and Raffle Act, the State  
16 Lottery 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  
23 to sell tickets for a lottery in another jurisdiction revoked  
24 by the authority regulating such lottery or by a court of such  
25 jurisdiction;

1           (6) The applicant has demonstrated financial  
2 responsibility, as determined in rules and regulations of  
3 the division, sufficient to meet the requirements of a lottery game  
4 retailer;

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

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

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

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

22           Sec. 11. Section 20-403, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           20-403 For purposes of the Rights of the Terminally Ill  
25 Act, unless the context otherwise requires:

1           (1) Adult shall mean any person who is ~~nineteen years of~~  
2 ~~age~~ the age of majority or older or who is or has been married;

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

5           (3) Declaration shall mean a writing executed in  
6 accordance with the requirements of subsection (1) of section  
7 20-404;

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

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

16           (6) Persistent vegetative state shall mean a medical  
17 condition that, to a reasonable degree of medical certainty as  
18 determined in accordance with currently accepted medical standards,  
19 is characterized by a total and irreversible loss of consciousness  
20 and capacity for cognitive interaction with the environment and no  
21 reasonable hope of improvement;

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



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

3           (9) Qualified patient shall mean an adult who has  
4 executed a declaration and who has been determined by the attending  
5 physician to be in a terminal condition or a persistent vegetative  
6 state;

7           (10) State shall mean a state of the United States,  
8 the District of Columbia, the Commonwealth of Puerto Rico, or a  
9 territory or insular possession subject to the jurisdiction of the  
10 United States; and

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

15           Sec. 12. Section 21-1724, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           21-1724 (1) Any nine or more individuals residing in the  
18 State of Nebraska who are ~~nineteen years of age~~ the age of majority  
19 or older and who have a common bond pursuant to section 21-1743 may  
20 apply to the department on forms prescribed by the department for  
21 permission to organize a credit union and to become charter members  
22 and subscribers of the credit union.

23           (2) The subscribers shall execute in duplicate articles  
24 of association and shall agree to the terms of the articles of  
25 association. The terms shall state:

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

6           (b) The names and addresses of the subscribers to the  
7 articles of association and the number of shares subscribed by  
8 each;

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

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

13           (e) That the existence of the credit union shall be  
14 perpetual.

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

18           (4) The subscribers shall select at least five qualified  
19 individuals to serve on the board of directors of the credit union,  
20 at least three qualified individuals to serve on the supervisory  
21 committee of the credit union, and at least three qualified  
22 individuals to serve on the credit committee of the credit union,  
23 if any. Such individuals shall execute a signed agreement to serve  
24 in these capacities until the first annual meeting or until the  
25 election of their successors, whichever is later.

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

5           (6) The director shall act upon the application within  
6           one hundred twenty calendar days after receipt of the articles  
7           of association and the bylaws to determine whether the articles  
8           of association conform with this section and whether or not  
9           the character of the applicants and the conditions existing are  
10          favorable for the success of the credit union.

11          (7) The director shall notify an applicant of his or  
12          her decision on the application. If the decision is favorable, the  
13          director shall issue a certificate of approval to the credit union.  
14          The certificate of approval shall be attached to the duplicate  
15          articles of association and returned, with the duplicate bylaws, to  
16          such subscribers.

17          (8) The subscribers shall file the certificate of  
18          approval with the articles of association attached in the office  
19          of the county clerk of the county in which the credit union is  
20          to locate its principal place of business. The county clerk shall  
21          accept and record the documents if they are accompanied by the  
22          proper fee and, after indexing, forward to the department proper  
23          documentation that the certificate of approval with the articles of  
24          association attached have been properly filed and recorded. When  
25          the documents are so recorded, the credit union shall be organized

1 in accordance with the Credit Union Act and may begin transacting  
2 business.

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

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

16 Sec. 13. Section 21-1750, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 21-1750 (1) In any election or other membership vote,  
19 a member shall have only one vote, irrespective of the member's  
20 shareholdings. No member may vote by proxy, but a member other  
21 than an individual may vote through an agent designated for that  
22 purpose. Members may also vote by absentee ballot, mail, or other  
23 method if the bylaws of the credit union so provide.

24 (2) The board of directors may establish a minimum age  
25 of not greater than ~~eighteen years~~ the age of majority as a

1 qualification of eligibility to vote at meetings of members of the  
2 credit union, to hold office, or both.

3 (3) An organization having membership in the credit union  
4 may be represented and have its vote cast by one of its members  
5 or shareholders if such person has been so authorized by the  
6 organization's governing body.

7 (4) In elections when more than one office of the same  
8 type is being filled, the member shall have as many votes as there  
9 are offices being filled, but the member shall not cast more than  
10 one of these votes for any one candidate.

11 Sec. 14. Section 21-1781, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 21-1781 A share account may be issued to and deposits  
14 received from a member less than ~~nineteen years of age~~ the age of  
15 majority who may withdraw funds from such account, including the  
16 dividends thereon. Payments on a share account by such individual  
17 and withdrawals on a share account by such individual shall be  
18 valid in all respects.

19 Sec. 15. Section 23-1824, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 23-1824 (1) The county coroner or coroner's physician  
22 shall perform, at county expense, an autopsy on any person less  
23 than ~~nineteen years of age~~ the age of majority who dies a sudden  
24 death, except that no autopsy needs to be performed if (a) the  
25 death was caused by a readily recognizable disease or the death

1 occurred due to trauma resulting from an accident and (b) the death  
2 did not occur under suspicious circumstances. The Attorney General  
3 shall create, by July 1, 2007, guidelines for county coroners  
4 or coroner's physicians regarding autopsies on persons less than  
5 ~~nineteen years of age~~ the age of majority.

6 (2) The county coroner or coroner's physician shall  
7 attempt to establish, by a reasonable degree of medical certainty,  
8 the cause or causes of the death, and shall thereafter certify  
9 the cause or causes of death to the county attorney. No cause of  
10 death shall be certified as sudden infant death syndrome unless an  
11 autopsy, a death scene investigation, and a review of the child's  
12 medical history reveal no other possible cause.

13 (3) A county may request reimbursement of up to fifty  
14 percent of the cost of an autopsy from the Attorney General.  
15 Reimbursement requests may include, but not be limited to, costs  
16 for expert witnesses and complete autopsies, including toxicology  
17 screens and tissue sample tests. The Attorney General shall place  
18 an emphasis on autopsies of children five years of age and younger.

19 Sec. 16. Section 25-1601, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 25-1601 (1) All citizens of the United States residing in  
22 any of the counties of this state who are over the age of ~~nineteen~~  
23 ~~years~~, majority, able to read, speak, and understand the English  
24 language, and free from all disqualifications set forth under this  
25 section and from all other legal exceptions are and shall be

1 competent persons to serve on all grand and petit juries in their  
2 respective counties. Persons disqualified to serve as either grand  
3 or petit jurors are: (a) Judges of any court, (b) clerks of the  
4 Supreme or district courts, (c) sheriffs, (d) jailers, (e) persons,  
5 or the wife or husband of any such person, who are parties to suits  
6 pending in the district court of the county of his, her, or their  
7 then residence for trial at that jury panel, (f) persons who have  
8 been convicted of a criminal offense punishable by imprisonment in  
9 a Department of Correctional Services adult correctional facility,  
10 when such conviction has not been set aside or a pardon issued,  
11 and (g) persons who are subject to liability for the commission  
12 of any offense which by special provision of law does and shall  
13 disqualify them. Persons who are husband and wife shall not be  
14 summoned as jurors on the same panel. Persons who are incapable, by  
15 reason of physical or mental disability, of rendering satisfactory  
16 jury service shall not be qualified to serve on a jury, but a  
17 person claiming this disqualification may be required to submit  
18 a physician's certificate as to the disability and the certifying  
19 physician is subject to inquiry by the court at its discretion. A  
20 nursing mother who requests to be excused shall be excused from  
21 jury service until she is no longer nursing her child, but the  
22 mother may be required to submit a physician's certificate in  
23 support of her request.

24 (2) The district court or any judge thereof may exercise  
25 the power of excusing any grand or petit juror or any person

1 summoned for grand or petit jury service upon a showing of undue  
2 hardship, extreme inconvenience, or public necessity for such  
3 period as the court deems necessary. At the conclusion of such  
4 period the person shall reappear for jury service in accordance  
5 with the court's direction. All excuses and the grounds for such  
6 excuses shall be entered upon the record of the court and shall be  
7 considered as a public record. In districts having more than one  
8 judge of the district court, the court may by rule or order assign  
9 or delegate to the presiding judge or any one or more judges the  
10 sole authority to grant such excuses.

11 (3) No qualified prospective juror is exempt from jury  
12 service, except that any person sixty-five years of age or older  
13 who shall make such request to the court at the time the juror  
14 qualification form is filed with the jury commissioner shall be  
15 exempt from serving on grand and petit juries.

16 (4) A nursing mother shall be excused from jury service  
17 until she is no longer nursing her child by making such request to  
18 the court at the time the juror qualification form is filed with  
19 the jury commissioner and including with the request a physician's  
20 certificate in support of her request. The jury commissioner shall  
21 mail the mother a notification form to be completed and returned to  
22 the jury commissioner by the mother when she is no longer nursing  
23 the child.

24 Sec. 17. Section 25-1628, Reissue Revised Statutes of  
25 Nebraska, is amended to read:



1                   25-1628 (1) At least once each calendar year, the officer  
2 having charge of the election records shall furnish to the jury  
3 commissioner a complete list of the names, dates of birth, and  
4 addresses of all registered electors ~~nineteen years of age~~ the  
5 age of majority or older in the county. The Department of  
6 Motor Vehicles shall make available to each jury commissioner  
7 each December a list in magnetic, optical, digital, or other  
8 electronic format mutually agreed to by the jury commissioner and  
9 the department containing the names, dates of birth, and addresses  
10 of all licensed motor vehicle operators ~~nineteen years of age~~ the  
11 age of majority or older in the county. The jury commissioner may  
12 request such a list of licensed motor vehicle operators from the  
13 county treasurer if the county treasurer has an automated procedure  
14 for developing such lists. If a jury commissioner requests similar  
15 lists at other times from the department, the cost of processing  
16 such lists shall be paid by the county which the requesting jury  
17 commissioner serves.

18                   (2) Upon receipt of both lists described in subsection  
19 (1) of this section, the jury commissioner shall combine the  
20 separate lists and attempt to reduce duplication to the best  
21 of his or her ability to produce a master list. In counties  
22 having a population of three thousand inhabitants or more, the  
23 jury commissioner shall produce a master list at least once each  
24 calendar year. In counties having a population of less than three  
25 thousand inhabitants, the jury commissioner shall produce a master

1 list at least once every two calendar years.

2 (3) The proposed juror list shall be derived by selecting  
3 from the master list the name of the person whose numerical order  
4 on such list corresponds with the key number and each successive  
5 tenth name thereafter. The jury commissioner shall certify that  
6 the proposed juror list has been made in accordance with sections  
7 25-1625 to 25-1637.

8 (4) Any duplication of names on a master list shall not  
9 be grounds for quashing any panel pursuant to section 25-1637 or  
10 for the disqualification of any juror.

11 Sec. 18. Section 25-21,271, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 25-21,271 (1) Any person desiring to change his or her  
14 name may file a petition in the district court of the county in  
15 which such person may be a resident, setting forth (a) that the  
16 petitioner has been a bona fide citizen of such county for at least  
17 one year prior to the filing of the petition, (b) the cause for  
18 which the change of petitioner's name is sought, and (c) the name  
19 asked for.

20 (2) Notice of the filing of the petition shall be  
21 published in a newspaper in the county, and if no newspaper is  
22 printed in the county, then in a newspaper of general circulation  
23 therein. The notice shall be published (a) once a week for four  
24 consecutive weeks if the petitioner is ~~nineteen years of age~~ the  
25 age of majority or older at the time the action is filed and (b)

1 once a week for two consecutive weeks if the petitioner is under  
2 ~~nineteen years of age~~ the age of majority at the time the action  
3 is filed. In an action involving a petitioner under ~~nineteen years~~  
4 ~~of age~~ the age of majority who has a noncustodial parent, notice  
5 of the filing of the petition shall be sent by certified mail  
6 within five days after publication to the noncustodial parent at  
7 the address provided to the clerk of the district court pursuant to  
8 subsection (1) of section 42-364.13 for the noncustodial parent if  
9 he or she has provided an address. The clerk of the district court  
10 shall provide the petitioner with the address upon request.

11 (3) It shall be the duty of the district court, upon  
12 being duly satisfied by proof in open court of the truth of the  
13 allegations set forth in the petition, that there exists proper  
14 and reasonable cause for changing the name of the petitioner,  
15 and that notice of the filing of the petition has been given as  
16 required by this section, to order and direct a change of name of  
17 such petitioner and that an order for the purpose be made in the  
18 journals of the court.

19 Sec. 19. Section 28-319, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 28-319 (1) Any person who subjects another person to  
22 sexual penetration (a) without the consent of the victim, (b)  
23 who knew or should have known that the victim was mentally or  
24 physically incapable of resisting or appraising the nature of his  
25 or her conduct, or (c) when the actor is ~~nineteen~~ eighteen years

1 of age or older and the victim is at least twelve but less than  
2 sixteen years of age is guilty of sexual assault in the first  
3 degree.

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

8 (3) Any person who is found guilty of sexual assault in  
9 the first degree for a second time when the first conviction was  
10 pursuant to this section or any other state or federal law with  
11 essentially the same elements as this section shall be sentenced to  
12 a mandatory minimum term of twenty-five years in prison.

13 Sec. 20. Section 28-319.01, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 28-319.01 (1) A person commits sexual assault of a child  
16 in the first degree if he or she subjects another person under  
17 twelve years of age to sexual penetration and the actor is at least  
18 ~~nineteen~~ eighteen years of age or older.

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

22 (3) Any person who is found guilty of sexual assault of a  
23 child in the first degree under this section and who has previously  
24 been convicted (a) under this section, (b) under section 28-319 of  
25 first degree or attempted first degree sexual assault, (c) under

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

10 Sec. 21. 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  
17 if 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  
19 the 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  
23 felony 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  
5 under laws with essentially the same elements as this section,  
6 section 28-319, or section 28-319.01 shall be guilty of a Class  
7 IC felony and shall be sentenced to a mandatory minimum term of  
8 twenty-five years 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. 22. Section 28-457, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 28-457 (1) For purposes of this section:

20 (a) Bodily injury has the same meaning as in section  
21 28-109;

22 (b) Chemical substance means a substance intended to  
23 be used as an immediate precursor or reagent in the manufacture  
24 of methamphetamine or any other chemical intended to be used  
25 in the manufacture of methamphetamine. Intent for purposes of

1 this subdivision may be demonstrated by the substance's use,  
2 quantity, manner of storage, or proximity to other precursors or  
3 manufacturing equipment;

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

6 (d) Methamphetamine means methamphetamine, its salts,  
7 optical isomers, and salts of its isomers;

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

12 (f) Prescription has the same meaning as in section  
13 28-401;

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

16 (h) Vulnerable adult has the same meaning as in section  
17 28-371.

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

24 (3) Any person who knowingly or intentionally causes or  
25 permits a child or vulnerable adult to ingest methamphetamine,

1 a chemical substance, or paraphernalia is guilty of a Class I  
2 misdemeanor. For any second or subsequent conviction under this  
3 subsection, any person so offending shall be guilty of a Class IIIA  
4 felony.

5 (4) Any child or vulnerable adult who resides with a  
6 person violating subsection (2) or (3) of this section shall be  
7 taken into protective custody as provided in the Adult Protective  
8 Services Act or the Nebraska Juvenile Code.

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

16 (6) It is an affirmative defense to a violation of  
17 this section that the chemical substance was provided by lawful  
18 prescription for the child or vulnerable adult and that it was  
19 administered to the child or vulnerable adult in accordance with  
20 the prescription instructions provided with the chemical substance.

21 Sec. 23. Section 28-833, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 28-833 (1) A person commits the offense of enticement by  
24 electronic communication device if he or she is ~~nineteen~~ eighteen  
25 years of age or over and knowingly and intentionally utilizes an



1 electronic communication device to contact a child under sixteen  
2 years of age or a peace officer who is believed by such person to  
3 be a child under sixteen years of age and in so doing:

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

6 (b) Transmits or otherwise disseminates any visual  
7 depiction of sexually explicit conduct as defined in section  
8 28-1463.02; or

9 (c) Offers or solicits any indecent, lewd, or lascivious  
10 act.

11 (2) Enticement by electronic communication device is a  
12 Class IV felony.

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

16 (4) For purposes of this section, electronic  
17 communication device means any device which, in its ordinary and  
18 intended use, transmits by electronic means writings, sounds,  
19 visual images, or data of any nature to another electronic  
20 communication device.

21 Sec. 24. Section 29-401, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 29-401 Every sheriff, deputy sheriff, marshal, deputy  
24 marshal, security guard, police officer, or peace officer as  
25 defined in ~~subdivision (15)~~ of section 49-801 shall arrest and

1 detain any person found violating any law of this state or any  
2 legal ordinance of any city or incorporated village until a legal  
3 warrant can be obtained, except that (1) any such law enforcement  
4 officer taking a juvenile under the age of eighteen years into his  
5 or her custody for any violation herein defined shall proceed as  
6 set forth in sections 43-248, 43-250, and 43-253 and (2) the court  
7 in which the juvenile is to appear shall not accept a plea from the  
8 juvenile until finding that the parents of the juvenile have been  
9 notified or that reasonable efforts to notify such parents have  
10 been made as provided in section 43-253.

11           Sec. 25. Section 29-2270, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

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

18           (1) Attend school to obtain vocational training or to  
19 achieve an appropriate educational level as prescribed by the  
20 probation officer after consultation with the school the individual  
21 attends or pursuant to section 29-2272. If the individual fails to  
22 attend school regularly, maintain appropriate school behavior, or  
23 make satisfactory progress as determined by the probation officer  
24 after consultation with the school and the individual does not meet  
25 the requirements of subdivision (2) of this section, the district

1 court, county court, or juvenile court shall take appropriate  
2 action to enforce, modify, or revoke its order granting probation;  
3 or

4 (2) Attend an on-the-job training program or secure and  
5 maintain employment. If the individual fails to attend the program  
6 or maintain employment and does not meet the requirements of  
7 subdivision (1) of this section, the district court, county court,  
8 or juvenile court shall take appropriate action to enforce, modify,  
9 or revoke its order granting probation.

10 Sec. 26. Section 29-4016, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 29-4016 For purposes of the Sexual Predator Residency  
13 Restriction Act:

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

16 (2) Political subdivision means a village, a city, a  
17 county, a school district, a public power district, or any other  
18 unit of local government;

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

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

1           (5) Sexual predator means an individual who is required  
2 to register under the Sex Offender Registration Act, who has a high  
3 risk of recidivism as determined by the Nebraska State Patrol under  
4 section 29-4013, and who has victimized a person ~~eighteen years of~~  
5 ~~age or younger-~~ younger than eighteen years of age.

6           Sec. 27. Section 30-2209, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           30-2209 Subject to additional definitions contained in  
9 the subsequent articles which are applicable to specific articles  
10 or parts, and unless the context otherwise requires, in the  
11 Nebraska Probate Code:

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

15           (2) Beneficiary, as it relates to trust beneficiaries,  
16 includes a person who has any present or future interest, vested  
17 or contingent, and also includes the owner of an interest by  
18 assignment or other transfer, and as it relates to a charitable  
19 trust includes any person entitled to enforce the trust.

20           (3) Child includes any individual entitled to take as  
21 a child under the code by intestate succession from the parent  
22 whose relationship is involved and excludes any person who is only  
23 a stepchild, a foster child, or a grandchild or any more remote  
24 descendant.

25           (4) Claim, in respect to estates of decedents and

1 protected persons, includes liabilities of the decedent or  
2 protected person whether arising in contract, in tort or otherwise,  
3 and liabilities of the estate which arise at or after the death of  
4 the decedent or after the appointment of a conservator, including  
5 funeral expenses and expenses of administration. The term does not  
6 include estate or inheritance taxes, demands or disputes regarding  
7 title of a decedent or protected person to specific assets alleged  
8 to be included in the estate.

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

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

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

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

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

25 (10) Disinterested witness to a will means any individual

1 who acts as a witness to a will and is not an interested witness  
2 to such will.

3 (11) Distributee means any person who has received  
4 property of a decedent from his or her personal representative  
5 other than as a creditor or purchaser. A testamentary trustee  
6 is a distributee only to the extent of distributed assets or  
7 increment thereto remaining in his or her hands. A beneficiary  
8 of a testamentary trust to whom the trustee has distributed  
9 property received from a personal representative is a distributee  
10 of the personal representative. For purposes of this provision,  
11 testamentary trustee includes a trustee to whom assets are  
12 transferred by will, to the extent of the devised assets.

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

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

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

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

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

25 (17) Guardian means a person who has qualified as

1 a guardian of a minor or incapacitated person pursuant to  
2 testamentary or court appointment, but excludes one who is merely  
3 a guardian ad litem.

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

7 (19) Incapacitated person is as defined in section  
8 30-2601.

9 (20) Informal proceedings mean those conducted without  
10 notice to interested persons by an officer of the court acting as  
11 a registrar for probate of a will or appointment of a personal  
12 representative.

13 (21) Interested person includes heirs, devisees,  
14 children, spouses, creditors, beneficiaries, and any others having  
15 a property right in or claim against a trust estate or the  
16 estate of a decedent, ward, or protected person which may be  
17 affected by the proceeding. It also includes persons having  
18 priority for appointment as personal representative, and other  
19 fiduciaries representing interested persons. The meaning as it  
20 relates to particular persons may vary from time to time and must  
21 be determined according to the particular purposes of, and matter  
22 involved in, any proceeding.

23 (22) Interested witness to a will means any individual  
24 who acts as a witness to a will at the date of its execution and  
25 who is or would be entitled to receive any property thereunder

1 if the testator then died under the circumstances existing at  
2 the date of its execution, but does not include any individual,  
3 merely because of such nomination, who acts as a witness to a  
4 will by which he or she is nominated as personal representative,  
5 conservator, guardian, or trustee.

6 (23) Issue of a person means all his or her lineal  
7 descendants of all generations, with the relationship of parent and  
8 child at each generation being determined by the definitions of  
9 child and parent contained in the Nebraska Probate Code.

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

11 (25) Letters include letters testamentary, letters  
12 of guardianship, letters of administration, and letters of  
13 conservatorship.

14 (26) Minor means an individual under ~~nineteen years of~~  
15 ~~age,~~ the age of majority, but in case any person marries under the  
16 age of ~~nineteen years~~ majority his or her minority ends.

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

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

22 (29) Notice means compliance with the requirements of  
23 notice pursuant to subdivisions (a)(1) and (a)(2) of section  
24 30-2220.

25 (30) Organization includes a corporation, government, or



1 governmental subdivision or agency, business trust, estate, trust,  
2 partnership, limited liability company, or association, two or more  
3 persons having a joint or common interest, or any other legal  
4 entity.

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

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

12 (33) Personal representative includes executor,  
13 administrator, successor personal representative, special  
14 administrator, and persons who perform substantially the same  
15 function under the law governing their status.

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

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

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

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

1           (38) Protective proceeding is as defined in section  
2 30-2601.

3           (39) Registrar refers to the official of the court  
4 designated to perform the functions of registrar as provided in  
5 section 30-2216.

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

8           (41) Security includes any note, stock, treasury  
9 stock, bond, debenture, evidence of indebtedness, certificate  
10 of interest or participation in an oil, gas, or mining title  
11 or lease or in payments out of production under such a title  
12 or lease, collateral-trust certificate, transferable share,  
13 voting-trust certificate or, in general, any interest or instrument  
14 commonly known as a security, or any certificate of interest or  
15 participation, any temporary or interim certificate, receipt, or  
16 certificate of deposit for, or any warrant or right to subscribe to  
17 or purchase, any of the foregoing.

18           (42) Settlement, in reference to a decedent's estate,  
19 includes the full process of administration, distribution, and  
20 closing.

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

23           (44) State includes any state of the United States, the  
24 District of Columbia, the Commonwealth of Puerto Rico, and any  
25 territory or possession subject to the legislative authority of the

1 United States.

2 (45) Successor personal representative means a  
3 personal representative, other than a special administrator,  
4 who is appointed to succeed a previously appointed personal  
5 representative.

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

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

11 (48) Testacy proceeding means a proceeding to establish a  
12 will or determine intestacy.

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

14 (50) Trust includes any express trust, private or  
15 charitable, with additions thereto, wherever and however created.  
16 It also includes a trust created or determined by judgment or  
17 decree under which the trust is to be administered in the manner  
18 of an express trust. Trust excludes other constructive trusts,  
19 and it excludes resulting trusts, conservatorships, personal  
20 representatives, trust accounts as defined in Article 27, custodial  
21 arrangements pursuant to the Nebraska Uniform Transfers to Minors  
22 Act, business trusts providing for certificates to be issued  
23 to beneficiaries, common trust funds, voting trusts, security  
24 arrangements, liquidation trusts, and trusts for the primary  
25 purpose of paying debts, dividends, interest, salaries, wages,

1 profits, pensions, or employee benefits of any kind, and any  
2 arrangement under which a person is nominee or escrowee for  
3 another.

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

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

7 (53) Will means any instrument, including any codicil or  
8 other testamentary instrument complying with sections 30-2326 to  
9 30-2338, which disposes of personal or real property, appoints  
10 a personal representative, conservator, guardian, or trustee,  
11 revokes or revises an earlier executed testamentary instrument,  
12 or encompasses any one or more of such objects or purposes.

13 Sec. 28. Section 30-2326, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 30-2326 Any individual who is ~~eighteen or more years of~~  
16 age the age of majority or older or is not a minor and who is  
17 of sound mind may make a will and thereby dispose of personal  
18 and real property at and after death and prescribe, to the extent  
19 not otherwise controlled or limited by this code, the manner of  
20 administration of his or her estate and conduct of his or her  
21 affairs after death and until final settlement of his or her  
22 estate.

23 Sec. 29. Section 30-2329, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 30-2329 (1) Any will may be simultaneously executed,

1 attested, and made self-proved by the acknowledgment thereof by the  
 2 testator and the affidavits of the witnesses, each made before an  
 3 officer authorized to administer oaths under the laws of this state  
 4 or under the laws of the state where execution occurs and evidenced  
 5 by the officer's certificate, under official seal, in form and  
 6 content substantially as follows:

7 I, ..... the testator, sign my name to this  
 8 instrument this ..... day of ..... 20...., and being first duly  
 9 sworn, do hereby declare to the undersigned authority that I sign  
 10 and execute this instrument as my last will and that I sign it  
 11 willingly or willingly direct another to sign for me, that I  
 12 execute it as my free and voluntary act for the purposes therein  
 13 expressed and that I am ~~eighteen years of age~~ the age of majority  
 14 or older or am not at this time a minor, and am of sound mind and  
 15 under no constraint or undue influence.

16 Testator .....

17 We, ..... and ....., the witnesses, sign our  
 18 names to this instrument, being first duly sworn, and do hereby  
 19 declare to the undersigned authority that the testator signs and  
 20 executes this instrument as his or her last will and that he or  
 21 she signs it willingly or willingly directs another to sign for  
 22 him or her, and that he or she executes it as his or her free and  
 23 voluntary act for the purposes therein expressed, and that each of  
 24 us, in the presence and hearing of the testator, hereby signs this  
 25 will as witness to the testator's signing, and that to the best of

1 his or her knowledge the testator is eighteen years of age or older  
2 or is not at this time a minor, and is of sound mind and under no  
3 constraint or undue influence.

4 Witness .....

5 Witness.....

6 THE STATE OF .....

7 COUNTY OF .....

8 Subscribed, sworn to, and acknowledged before me by  
9 ....., the testator, and subscribed and sworn to before me  
10 by ..... and ....., witnesses, this ..... day of .....  
11 20.... .

12 (SEAL) (Signed) .....

13 (Official capacity of officer) .....

14 The execution of the acknowledgment by the testator and  
15 the affidavits of the witnesses as provided for in this section  
16 shall be sufficient to satisfy the requirements of the signing of  
17 the will by the testator and the witnesses under section 30-2327.

18 (2) An attested will may at any time subsequent to its  
19 execution be made self-proved, by the acknowledgment thereof by  
20 the testator and the affidavits of the witnesses, each made before  
21 an officer authorized to administer oaths under the laws of this  
22 state or under the laws of the state where execution occurs,  
23 and evidenced by the officer's certificate, under official seal,  
24 attached or annexed to the will in form and content substantially  
25 as follows:

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THE STATE OF .....

COUNTY OF .....

We, ....., ....., and ....., the testator and the witnesses, respectively, whose names are signed to the attached or foregoing instrument, being first duly sworn, do hereby declare to the undersigned authority that the testator signed and executed the instrument as his or her last will and that he or she had signed willingly or directed another to sign for him or her, and that he or she executed it as his or her free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of his or her knowledge the testator was at that time eighteen or more years of age or was not at that time a minor, and was of sound mind and under no constraint or undue influence.

Testator .....

Witness .....

Witness .....

Subscribed, sworn to, and acknowledged before me by ....., the testator, and subscribed and sworn to before me by ..... and ....., witnesses, this ..... day of ..... 20.... .

(SEAL) (Signed) .....

(Official capacity of officer) .....

Sec. 30. Section 30-2412, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           30-2412 (a) Whether the proceedings are formal or  
3 informal, persons who are not disqualified have priority for  
4 appointment in the following order:

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

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

9           (3) other devisees of the decedent;

10           (4) the surviving spouse of the decedent;

11           (5) other heirs of the decedent;

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

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

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

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



1 of the probable distributable value or, in default of this accord,  
2 any suitable person.

3 (c) A person entitled to letters under (2) through (5)  
4 of (a) above, and a person ~~aged eighteen~~ the age of majority and  
5 over who would be entitled to letters but for his or her age,  
6 may nominate a qualified person to act as personal representative.  
7 Any person ~~aged eighteen~~ the age of majority and over may renounce  
8 his or her right to nominate or to an appointment by appropriate  
9 writing filed with the court. When two or more persons share  
10 a priority, those of them who do not renounce must concur in  
11 nominating 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  
15 to nominate, to object to another's appointment, or to participate  
16 in determining the preference of a majority in interest of the  
17 heirs and devisees that the protected person or ward would have if  
18 qualified for appointment.

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

1 administration is necessary.

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

4 (1) under the age of ~~nineteen~~, majority;

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

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

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

17 Sec. 31. Section 30-3402, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 30-3402 For purposes of sections 30-3401 to 30-3432:

20 (1) Adult shall mean any person who is ~~nineteen years of~~  
21 age the age of majority or older or who is or has been married;

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

25 (3) Attorney in fact shall mean an adult properly

1 designated and authorized under sections 30-3401 to 30-3432 to  
2 make health care decisions for a principal pursuant to a power of  
3 attorney for health care and shall include a successor attorney in  
4 fact;

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

8 (5) Health care decision shall include consent, refusal  
9 of consent, or withdrawal of consent to health care. Health care  
10 decision shall not include (a) the withdrawal or withholding  
11 of routine care necessary to maintain patient comfort, (b) the  
12 withdrawal or withholding of the usual and typical provision of  
13 nutrition and hydration, or (c) the withdrawal or withholding  
14 of life-sustaining procedures or of artificially administered  
15 nutrition or hydration, except as provided by sections 30-3401  
16 to 30-3432;

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

22 (7) Incapable shall mean the inability to understand and  
23 appreciate the nature and consequences of health care decisions,  
24 including the benefits of, risks of, and alternatives to any  
25 proposed health care or the inability to communicate in any manner

1 an informed health care decision;

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

11 (9) Persistent vegetative state shall mean a medical  
12 condition that, to a reasonable degree of medical certainty as  
13 determined in accordance with currently accepted medical standards,  
14 is characterized by a total and irreversible loss of consciousness  
15 and capacity for cognitive interaction with the environment and no  
16 reasonable hope of improvement;

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

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

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

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

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

10           Sec. 32. Section 30-3502, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           30-3502 For purposes of the Nebraska Uniform Custodial  
13 Trust Act:

14           (1) Adult means an individual who is at least ~~nineteen~~  
15 ~~years of age~~; the age of majority;

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

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

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

24           (5) Custodial trust property means an interest in  
25 property transferred to or held under a declaration of trust by a

1 custodial trustee under the act and the income from and proceeds  
2 of that interest;

3 (6) Custodial trustee means a person designated as  
4 trustee of a custodial trust under the act or a substitute or  
5 successor to the person designated;

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

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

14 (9) Legal representative means a personal representative  
15 or conservator;

16 (10) Member of the beneficiary's family means a  
17 beneficiary's spouse, descendant, stepchild, parent, stepparent,  
18 grandparent, brother, sister, uncle, or aunt, whether of whole or  
19 half blood or by adoption;

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

22 (12) Personal representative means an executor,  
23 administrator, or special administrator of a decedent's estate,  
24 a person legally authorized to perform substantially the same  
25 functions, or a successor to any of them;

1           (13) State means a state, territory, or possession of the  
2 United States, the District of Columbia, or the Commonwealth of  
3 Puerto Rico;

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

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

9           Sec. 33. Section 30-2603, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           30-2603 Any person under a duty to pay or deliver money  
12 or personal property to a minor may perform this duty, in amounts  
13 not exceeding twenty-five thousand dollars per annum, by paying or  
14 delivering the money or property to:

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

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

19           (3) A guardian of the minor; or

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

23           This section does not apply if the person making payment  
24 or delivery has actual knowledge that a conservator has been  
25 appointed or proceedings for appointment of a conservator of the

1 estate of the minor are pending. The persons, other than the minor  
2 or any financial institution under subdivision (4) of this section,  
3 receiving money or property for a minor are obligated to apply  
4 the money to the support and education of the minor but may not  
5 pay themselves except by way of reimbursement for out-of-pocket  
6 expenses for goods and services necessary for the minor's support.  
7 Any excess sums shall be preserved for future support of the minor,  
8 and any balance not so used and any property received for the minor  
9 must be turned over to the minor when he or she attains majority.  
10 Persons who pay or deliver in accordance with provisions of this  
11 section are not responsible for the proper application thereof.

12           Sec. 34. Section 32-602, Reissue Revised Statutes of  
13 Nebraska, 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  
19 he or she is filing. If a person is filing for a partisan  
20 office, he or she shall be a registered voter affiliated with the  
21 appropriate political party if required pursuant to section 32-702.  
22 If the person is required to sign a contract or comply with a  
23 bonding or equivalent commercial insurance policy requirement prior  
24 to holding such office, he or she shall be at least ~~nineteen years~~  
25 ~~of age~~ the age of majority at the time of filing for the office.



1           (3) The governing body of the political subdivision  
2 swearing in the officer shall determine whether the person meets  
3 all requirements prior to swearing in the officer.

4           Sec. 35. Section 38-129, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           38-129 No individual shall be issued a credential under  
7 the Uniform Credentialing Act until he or she has furnished  
8 satisfactory evidence to the department that he or she is of good  
9 character and has attained the age of ~~nineteen~~ majority  
10 except as otherwise specifically provided by statute, rule, or  
11 regulation. A credential may only be issued to a citizen of the  
12 United States, an alien lawfully admitted into the United States  
13 who is eligible for a credential under the Uniform Credentialing  
14 Act, or a nonimmigrant whose visa for entry, or application for  
15 visa for entry, is related to such employment in the United States.

16          Sec. 36. Section 38-165, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18          38-165 A public member of a board appointed under the  
19 Uniform Licensing Law prior to December 1, 2008, shall remain  
20 subject to the requirements of the original appointment until  
21 reappointed under the Uniform Credentialing Act. At the time of  
22 appointment and while serving as a board member, a public member  
23 appointed to a board on or after December 1, 2008, shall:

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

25           (2) Remain a resident of Nebraska while serving as a

1 board member;

2 (3) Have attained the age of ~~nineteen years~~; majority;

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

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

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

11 (7) Not be or not have been, at any time during the  
12 year prior to appointment, an employee of a member of a profession  
13 credentialed by the department, of a facility credentialed pursuant  
14 to the Health Care Facility Licensure Act, or of a business  
15 credentialed pursuant to the Uniform Credentialing Act;

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

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

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

23 Sec. 37. Section 38-1060, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 38-1060 (1) No person shall perform any of the practices

1 of body art or display a sign to, or in any other way, advertise or  
2 purport to be engaged in the business of practicing body art unless  
3 such person is licensed by the department.

4 (2) An applicant for licensure in any of the practices of  
5 body art shall show to the satisfaction of the department that the  
6 applicant:

7 (a) Has complied with the Cosmetology, Electrology,  
8 Esthetics, Nail Technology, and Body Art Practice Act and the  
9 applicable rules and regulations adopted and promulgated under the  
10 act;

11 (b) Is at least ~~eighteen years of age~~, the age of  
12 majority;

13 (c) Has completed formal education equivalent to a United  
14 States high school education;

15 (d) Has submitted evidence of training or experience  
16 prescribed or approved by the board to ensure the protection of  
17 the public in performing the practices of body art for which the  
18 applicant is seeking licensure; and

19 (e) Has successfully completed an examination prescribed  
20 or approved by the board to test the applicant's knowledge of  
21 safety, sanitation, and sterilization techniques and infection  
22 control practices and requirements.

23 Sec. 38. Section 38-10,165, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 38-10,165 No person shall perform body art on or to any

1 person under ~~eighteen years of age~~ the age of majority without  
2 the prior written consent of the parent or court-appointed guardian  
3 of such person. The person giving such consent must be present  
4 during the procedure. A copy of such consent shall be retained  
5 for a period of five years by the person performing such body  
6 art. Nothing in this section shall be construed to require the  
7 performance of body art on a person under ~~eighteen years of age-~~  
8 the age of majority. Violation of this section is a Class III  
9 misdemeanor.

10           Sec. 39. Section 38-10,171, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12           38-10,171 Each of the following may be considered an  
13 act of unprofessional conduct when committed by a person licensed  
14 or registered under the Cosmetology, Electrology, Esthetics, Nail  
15 Technology, and Body Art Practice Act:

16           (1) Performing any of the practices regulated under the  
17 act for which an individual is not licensed or registered or  
18 operating an establishment or facility without the appropriate  
19 license;

20           (2) Obstructing, interfering, or failing to cooperate  
21 with an inspection or investigation conducted by an authorized  
22 representative of the department when acting in accordance with the  
23 act;

24           (3) Failing to report to the department a suspected  
25 violation of the act;

1           (4) Aiding and abetting an individual to practice any of  
2 the practices regulated under the act for which he or she is not  
3 licensed or registered;

4           (5) Engaging in any of the practices regulated under the  
5 act for compensation in an unauthorized location;

6           (6) Engaging in the practice of any healing art or  
7 profession for which a license is required without holding such a  
8 license;

9           (7) Enrolling a student or an apprentice without  
10 obtaining the appropriate documents prior to enrollment;

11           (8) Knowingly falsifying any student or apprentice record  
12 or report;

13           (9) Initiating or continuing home services to a client  
14 who does not meet the criteria established in the act;

15           (10) Knowingly issuing a certificate of completion or  
16 diploma to a student or an apprentice who has not completed all  
17 requirements for the issuance of such document;

18           (11) Failing, by a school of cosmetology, a nail  
19 technology school, a school of esthetics, or an apprentice salon,  
20 to follow its published rules;

21           (12) Violating, by a school of cosmetology, nail  
22 technology school, or school of esthetics, any federal or state  
23 law involving the operation of a vocational school or violating  
24 any federal or state law involving participation in any federal or  
25 state loan or grant program;

1           (13) Knowingly permitting any person under supervision to  
2 violate any law, rule, or regulation or knowingly permitting any  
3 establishment or facility under supervision to operate in violation  
4 of any law, rule, or regulation;

5           (14) Receiving two unsatisfactory inspection reports  
6 within any sixty-day period;

7           (15) Engaging in any of the practices regulated under  
8 the act while afflicted with any active case of a serious  
9 contagious disease, infection, or infestation, as determined by  
10 the department, or in any other circumstances when such practice  
11 might be harmful to the health or safety of clients;

12           (16) Violating any rule or regulation relating to the  
13 practice of body art; and

14           (17) Performing body art on or to any person under  
15 ~~eighteen years of age~~ the age of majority (a) without the prior  
16 written consent of the parent or court-appointed guardian of such  
17 person, (b) without the presence of such parent or guardian during  
18 the procedure, or (c) without retaining a copy of such consent for  
19 a period of five years.

20           Sec. 40. Section 38-1221, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           38-1221 (1) To be eligible for a license under the  
23 Emergency Medical Services Practice Act, an individual shall  
24 have attained the age of ~~eighteen years~~ majority and met the  
25 requirements established in accordance with subdivision (1) of

1 section 38-1217.

2 (2) All licenses issued under the act shall expire the  
3 second year after issuance.

4 (3) An individual holding a certificate under the  
5 Emergency Medical Services Act on December 1, 2008, shall be deemed  
6 to be holding a license under the Uniform Credentialing Act and  
7 the Emergency Medical Services Practice Act on such date. The  
8 certificate holder may continue to practice under such certificate  
9 as a license in accordance with the Uniform Credentialing Act until  
10 the certificate would have expired under its terms.

11 Sec. 41. Section 38-1612, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 38-1612 Pediatric patient means a patient who is both  
14 younger than ~~eighteen years old~~ the age of majority and under the  
15 weight of thirty-five kilograms.

16 Sec. 42. Section 38-1710, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18 38-1710 Every applicant for an initial license to  
19 practice massage therapy shall (1) present satisfactory evidence  
20 that he or she has attained the age of ~~nineteen years,~~ majority,  
21 (2) present proof of graduation from an approved massage therapy  
22 school, and (3) pass an examination prescribed by the board.

23 Sec. 43. Section 38-2421, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 38-2421 The department may issue a license to any person

1 who holds a current nursing home administrator license from another  
2 jurisdiction and is at least ~~nineteen years old,~~ the age of  
3 majority.

4 Sec. 44. Section 38-2885, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 38-2885 No person shall act as a public health clinic  
7 worker in a public health clinic or as a dialysis drug or device  
8 distributor worker for a dialysis drug or device distributor unless  
9 the person:

10 (1) Is at least ~~eighteen years of age,~~ the age of  
11 majority;

12 (2) Has earned a high school diploma or the equivalent;

13 (3) Has completed approved training as provided in  
14 section 38-2886; and

15 (4) Has demonstrated proficiency as provided in section  
16 38-2887.

17 Sec. 45. Section 38-2890, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 38-2890 (1) All pharmacy technicians employed by a  
20 facility licensed under the Health Care Facility Licensure Act  
21 shall be registered with the Pharmacy Technician Registry created  
22 in section 38-2893.

23 (2) To register as a pharmacy technician, an individual  
24 shall (a) be at least ~~eighteen years of age,~~ the age of majority,  
25 (b) be a high school graduate or be officially recognized by the



1 State Department of Education as possessing the equivalent degree  
2 of education, (c) have never been convicted of any nonalcohol,  
3 drug-related misdemeanor or felony, (d) file an application with  
4 the department, and (e) pay the applicable fee.

5 (3) A pharmacy technician shall apply for registration  
6 as provided in this section within thirty days after being hired  
7 by a pharmacy or facility. Pharmacy technicians employed in that  
8 capacity on September 1, 2007, shall apply for registration within  
9 thirty days after September 1, 2007.

10 Sec. 46. Section 38-3122, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 38-3122 A person who needs to obtain the required one  
13 year of supervised postdoctoral experience in psychology pursuant  
14 to subdivision (2) of section 38-3114 shall obtain a provisional  
15 license to practice psychology. An applicant for a provisional  
16 license to practice psychology shall:

17 (1) Have a doctoral degree from an institution of higher  
18 education in a program of graduate study in professional psychology  
19 that meets the standards of accreditation adopted by the American  
20 Psychological Association or its equivalent. If the program is not  
21 accredited by the American Psychological Association, it is the  
22 responsibility of the applicant to provide evidence of equivalence.  
23 Any applicant from a program that does not meet such standards  
24 shall present a certificate of retraining from a program of  
25 respecialization that does meet such standards;

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

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

6           (4) Submit to the department:

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

9           (b) A certified copy of the applicant's birth certificate  
10 or other evidence of having attained the age of ~~nineteen years,~~  
11 majority; and

12           (c) A registration of supervisory relationship pursuant  
13 to section 38-3116.

14           Sec. 47. Section 42-371.01, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16           42-371.01 (1) An obligor's duty to pay child support for  
17 a child terminates when (a) the child reaches ~~nineteen years of~~  
18 ~~age,~~ the age of majority, (b) the child marries, (c) the child  
19 dies, or (d) the child is emancipated by a court of competent  
20 jurisdiction, unless the court order for child support specifically  
21 extends child support after such circumstances.

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

25           (3) The obligor may provide written application for

1 termination of a child support order when the child being supported  
2 reaches ~~nineteen years of age~~, the age of majority, marries, dies,  
3 or is otherwise emancipated. The application shall be filed with  
4 the clerk of the district court where child support was ordered.  
5 A certified copy of the birth certificate, marriage license,  
6 death certificate, or court order of emancipation or an abstract  
7 of marriage as defined in section 71-601.01 shall accompany the  
8 application for termination of the child support. The clerk of the  
9 district court shall send notice of the filing of the child support  
10 termination application to the last-known address of the obligee.  
11 The notice shall inform the obligee that if he or she does not file  
12 a written objection within thirty days after the date the notice  
13 was mailed, child support may be terminated without further notice.  
14 The court shall terminate child support if no written objection has  
15 been filed within thirty days after the date the clerk's notice to  
16 the obligee was mailed, the forms and procedures have been complied  
17 with, and the court believes that a hearing on the matter is not  
18 required.

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

21 (5) Changes made to this section by this legislative bill  
22 shall apply only to child support orders entered on or after the  
23 operative date of this act.

24 Sec. 48. Section 43-104.09, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   43-104.09 In all cases of adoption of a minor child  
 2 born out of wedlock, the biological mother shall complete and  
 3 sign an affidavit in writing and under oath. The affidavit shall  
 4 be executed by the biological mother before or at the time of  
 5 execution of the consent or relinquishment and shall be attached  
 6 as an exhibit to any petition to finalize the adoption. If the  
 7 biological mother is under the age of ~~nineteen~~, majority, the  
 8 affidavit may be executed by the agency or attorney representing  
 9 the biological mother based upon information provided by the  
 10 biological mother. The affidavit shall be in substantially the  
 11 following form:

AFFIDAVIT OF IDENTIFICATION

12                   I, ....., the mother of a child, state under  
 13 oath or affirm as follows:  
 14

15                   (1) My child was born, or is expected to be born, on the  
 16 ..... day of ....., ....., at ....., in  
 17 the State of .....

18                   (2) I reside at ....., in the City or Village  
 19 of ....., County of ....., State of  
 20 .....

21                   (3) I am of the age of ..... years, and my date of  
 22 birth is .....

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

25                   (5) (CHOOSE ONE)

1 (5A) I know and am identifying the biological father (or  
2 possible biological fathers) as follows:

3 The name of the biological father is .....

4 His last-known home address is .....

5 His last-known work address is .....

6 He is ..... years of age, or he is deceased,  
7 having died on or about the ..... day of .....,  
8 ....., at ....., in the State of  
9 .....

10 He has been adjudicated to be the biological father by  
11 the ..... Court of ..... county, State  
12 of ....., case name ....., docket number  
13 .....

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

16 (5B) I am unwilling or unable to identify the biological  
17 father (or possible biological fathers). I do not wish or I am  
18 unable to name the biological father of the child for the following  
19 reasons:

20 ..... Conception of my child occurred as a result of  
21 sexual assault or incest

22 ..... Providing notice to the biological father of  
23 my child would threaten my safety or the safety of my child

24 ..... Other reason: .....

25 (6) If the biological mother is unable to name the

1 biological father, the physical description of the biological  
2 father (or possible biological fathers) and other information which  
3 may assist in identifying him, including the city or county and  
4 state where conception occurred:

5 .....  
6 .....  
7 .....

8 (use additional sheets of paper as needed).

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

12 (8) I have read this affidavit and have had the  
13 opportunity to review and question it. It was explained to me  
14 by .....

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

17 Dated this ..... day of ....., .....

18 (Acknowledgment)

19 .....

20 (Signature)

21 Sec. 49. Section 43-117, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23 43-117 (1) The Department of Health and Human Services  
24 may make payments as needed in behalf of a ward of the department  
25 with special needs after the legal completion of his or her

1 adoption. Such payments to adoptive parents may include maintenance  
2 costs, medical and surgical expenses, and other costs incidental  
3 to the care of the child. Payments for maintenance and medical  
4 care shall terminate on or before the child's ~~twentieth~~ nineteenth  
5 birthday.

6 (2) The Department of Health and Human Services shall pay  
7 the treatment costs for the care of an adopted minor child which  
8 are the result of an illness or condition if within three years  
9 after the decree of adoption is entered the child is diagnosed as  
10 having a physical or mental illness or condition which predates  
11 the adoption and the child was adopted through the department, the  
12 department did not inform the adopting parents of such condition  
13 prior to the adoption, and the condition is of such nature as  
14 to require medical, psychological, or psychiatric treatment and is  
15 more extensive than ordinary childhood illness.

16 (3) The Department of Health and Human Services shall  
17 conduct a medical assessment of the mental and physical needs of  
18 any child to be adopted through the department.

19 Sec. 50. Section 43-245, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-245 For purposes of the Nebraska Juvenile Code, unless  
22 the context otherwise requires:

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

24 (2) Approved center means a center that has applied for  
25 and received approval from the Director of the Office of Dispute

1 Resolution under section 25-2909;

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

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

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

14 (6) Juvenile detention facility has the same meaning as  
15 in section 83-4,125;

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

23 (8) Mental health facility means a treatment facility  
24 as defined in section 71-914 or a government, private, or state  
25 hospital which treats mental illness;



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

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

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

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

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

20           (14) Secure detention means detention in a highly  
21 structured, residential, hardware-secured facility designed to  
22 restrict a juvenile's movement;

23           (15) Status offender means a juvenile who has been  
24 charged with or adjudicated for conduct which would not be a crime  
25 if committed by an adult, including, but not limited to, juveniles

1 charged under subdivision (3)(b) of section 43-247 and sections  
2 53-180.01 and 53-180.02; and

3 (16) Traffic offense means any nonfelonious act in  
4 violation of a law or ordinance regulating vehicular or pedestrian  
5 travel, whether designated a misdemeanor or a traffic infraction.

6 Sec. 51. Section 43-247, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 43-247 The juvenile court shall have exclusive original  
9 jurisdiction as to any juvenile defined in subdivision (1) of this  
10 section who is under the age of sixteen, as to any juvenile defined  
11 in subdivision (3) of this section, and as to the parties and  
12 proceedings provided in subdivisions (5), (6), and (8) of this  
13 section. As used in this section, all references to the juvenile's  
14 age shall be the age at the time the act which occasioned the  
15 juvenile court action occurred. The juvenile court shall have  
16 concurrent original jurisdiction with the district court as to any  
17 juvenile defined in subdivision (2) of this section. The juvenile  
18 court shall have concurrent original jurisdiction with the district  
19 court and county court as to any juvenile defined in subdivision  
20 (1) of this section who is age sixteen or seventeen, any juvenile  
21 defined in subdivision (4) of this section, and any proceeding  
22 under subdivision (7) or (11) of this section. The juvenile court  
23 shall have concurrent original jurisdiction with the county court  
24 as to any proceeding under subdivision (9) or (10) of this section.  
25 Notwithstanding any disposition entered by the juvenile court

1 under the Nebraska Juvenile Code, the juvenile court's jurisdiction  
2 over any individual adjudged to be within the provisions of this  
3 section shall continue until the individual reaches the age of  
4 majority or the court otherwise discharges the individual from  
5 its jurisdiction. Changes made to the age of majority by this  
6 legislative bill apply only to court orders entered on or after the  
7 operative date of this act.

8 The juvenile court in each county as herein provided  
9 shall have jurisdiction of:

10 (1) Any juvenile who has committed an act other than  
11 a traffic offense which would constitute a misdemeanor or an  
12 infraction under the laws of this state, or violation of a city or  
13 village ordinance;

14 (2) Any juvenile who has committed an act which would  
15 constitute a felony under the laws of this state;

16 (3) Any juvenile (a) who is homeless or destitute, or  
17 without proper support through no fault of his or her parent,  
18 guardian, or custodian; who is abandoned by his or her parent,  
19 guardian, or custodian; who lacks proper parental care by reason of  
20 the fault or habits of his or her parent, guardian, or custodian;  
21 whose parent, guardian, or custodian neglects or refuses to provide  
22 proper or necessary subsistence, education, or other care necessary  
23 for the health, morals, or well-being of such juvenile; whose  
24 parent, guardian, or custodian is unable to provide or neglects  
25 or refuses to provide special care made necessary by the mental

1 condition of the juvenile; or who is in a situation or engages  
2 in an occupation dangerous to life or limb or injurious to the  
3 health or morals of such juvenile, (b) who, by reason of being  
4 wayward or habitually disobedient, is uncontrolled by his or her  
5 parent, guardian, or custodian; who deports himself or herself  
6 so as to injure or endanger seriously the morals or health of  
7 himself, herself, or others; or who is habitually truant from home  
8 or school, or (c) who is mentally ill and dangerous as defined in  
9 section 71-908;

10 (4) Any juvenile who has committed an act which would  
11 constitute a traffic offense as defined in section 43-245;

12 (5) The parent, guardian, or custodian of any juvenile  
13 described in this section;

14 (6) The proceedings for termination of parental rights as  
15 provided in the Nebraska Juvenile Code;

16 (7) The proceedings for termination of parental rights as  
17 provided in section 42-364;

18 (8) Any juvenile who has been voluntarily relinquished,  
19 pursuant to section 43-106.01, to the Department of Health and  
20 Human Services or any child placement agency licensed by the  
21 Department of Health and Human Services;

22 (9) Any juvenile who was a ward of the juvenile court at  
23 the inception of his or her guardianship and whose guardianship has  
24 been disrupted or terminated;

25 (10) The adoption or guardianship proceedings for a

1 child over which the juvenile court already has jurisdiction under  
2 another provision of the Nebraska Juvenile Code; and

3 (11) The paternity or custody determination for a child  
4 over which the juvenile court already has jurisdiction.

5 Notwithstanding the provisions of the Nebraska Juvenile  
6 Code, the determination of jurisdiction over any Indian child as  
7 defined in section 43-1503 shall be subject to the Nebraska Indian  
8 Child Welfare Act; and the district court shall have exclusive  
9 jurisdiction in proceedings brought pursuant to section 71-510.

10 Sec. 52. Section 43-289, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12 43-289 In no case shall a juvenile committed under the  
13 terms of the Nebraska Juvenile Code be confined after he or she  
14 reaches the age of majority. The court may, when the health or  
15 condition of any juvenile adjudged to be within the terms of such  
16 code shall require it, cause the juvenile to be placed in a public  
17 hospital or institution for treatment or special care or in an  
18 accredited and suitable private hospital or institution which will  
19 receive the juvenile for like purposes. Whenever any juvenile has  
20 been committed to the Department of Health and Human Services, the  
21 department shall follow the court's orders, if any, concerning the  
22 juvenile's specific needs for treatment or special care for his or  
23 her physical well-being and healthy personality. If the court finds  
24 any such juvenile to be a person with mental retardation, it may,  
25 upon attaching a physician's certificate and a report as to the

1 mental capacity of such person, commit such juvenile directly to an  
2 authorized and appropriate state or local facility or home.

3           The marriage of any juvenile committed to a state  
4 institution under the age of ~~nineteen years~~ majority shall not  
5 ~~make such juvenile of the age of majority.~~ end such juvenile's  
6 minority.

7           A juvenile committed to any such institution shall be  
8 subject to the control of the superintendent thereof, and the  
9 superintendent, with the advice and consent of the Department of  
10 Health and Human Services, shall adopt and promulgate rules and  
11 regulations for the promotion, paroling, and final discharge of  
12 residents such as shall be considered mutually beneficial for  
13 the institution and the residents. Upon final discharge of any  
14 resident, such department shall file a certified copy of the  
15 discharge with the court which committed the resident.

16           Sec. 53. Section 43-290, Reissue Revised Statutes of  
17 Nebraska, is amended to read:

18           43-290 It is the purpose of this section to promote  
19 parental responsibility and to provide for the most equitable use  
20 and availability of public money.

21           Pursuant to the petition filed by the county attorney in  
22 accordance with section 43-274, whenever the care or custody of a  
23 juvenile is given by the court to someone other than his or her  
24 parent, which shall include placement with a state agency, or when  
25 a juvenile is given medical, psychological, or psychiatric study

1 or treatment under order of the court, the court shall make a  
2 determination of support to be paid by a parent for the juvenile  
3 at the same proceeding at which placement, study, or treatment is  
4 determined or at a separate proceeding. Such proceeding, which may  
5 occur prior to, at the same time as, or subsequent to adjudication,  
6 shall be in the nature of a disposition hearing.

7           At such proceeding, after summons to the parent of the  
8 time and place of hearing served as provided in sections 43-262  
9 to 43-267, the court may order and decree that the parent shall  
10 pay, in such manner as the court may direct, a reasonable sum that  
11 will cover in whole or part the support, study, and treatment of  
12 the juvenile, which amount ordered paid shall be the extent of the  
13 liability of the parent. The court in making such order shall give  
14 due regard to the cost of the support, study, and treatment of the  
15 juvenile, the ability of the parent to pay, and the availability  
16 of money for the support of the juvenile from previous judicial  
17 decrees, social security benefits, veterans benefits, or other  
18 sources. Support thus received by the court shall be transmitted to  
19 the person, agency, or institution having financial responsibility  
20 for such support, study, or treatment and, if a state agency or  
21 institution, remitted by such state agency or institution quarterly  
22 to the Director of Administrative Services for credit to the proper  
23 fund.

24           Whenever medical, psychological, or psychiatric study or  
25 treatment is ordered by the court, whether or not the juvenile

1 is placed with someone other than his or her parent, or if such  
2 study or treatment is otherwise provided as determined necessary  
3 by the custodian of the juvenile, the court shall inquire as to  
4 the availability of insured or uninsured health care coverage or  
5 service plans which include the juvenile. The court may order the  
6 parent to pay over any plan benefit sums received on coverage for  
7 the juvenile. The payment of any deductible under the health care  
8 benefit plan covering the juvenile shall be the responsibility of  
9 the parent. If the parent willfully fails or refuses to pay the sum  
10 ordered or to pay over any health care plan benefit sums received,  
11 the court may proceed against him or her as for contempt, either  
12 on the court's own motion or on the motion of the county attorney  
13 or authorized attorney as provided in section 43-512, or execution  
14 shall issue at the request of any person, agency, or institution  
15 treating or maintaining such juvenile. The court may afterwards,  
16 because of a change in the circumstances of the parties, revise or  
17 alter the order of payment for support, study, or treatment.

18           If the juvenile has been committed to the care and  
19 custody of the Department of Health and Human Services, the  
20 department shall pay the costs for the support, study, or treatment  
21 of the juvenile which are not otherwise paid by the juvenile's  
22 parent.

23           If no provision is otherwise made by law for the support  
24 or payment for the study or treatment of the juvenile, compensation  
25 for the support, study, or treatment shall be paid, when approved



1 by an order of the court, out of a fund which shall be appropriated  
2 by the county in which the petition is filed.

3 The juvenile court shall retain jurisdiction over a  
4 parent ordered to pay support for the purpose of enforcing such  
5 support order for so long as such support remains unpaid but not  
6 to exceed ten years from the ~~nineteenth birthday~~ age of majority of  
7 the youngest child for whom support was ordered.

8 Changes made to this section by this legislative bill  
9 shall apply only to child support orders entered on or after the  
10 operative date of this act.

11 Sec. 54. Section 43-294, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 43-294 The custodian appointed by a juvenile court shall  
14 have charge of the person of the juvenile and the right to make  
15 decisions affecting the person of the juvenile, including medical,  
16 dental, surgical, or psychiatric treatment, except that consent  
17 to a juvenile marrying or joining the armed forces of the United  
18 States may be given by a custodian, other than the Department of  
19 Health and Human Services, with approval of the juvenile court,  
20 or by the department, as to juveniles in its custody, without  
21 further court authority. The authority of a custodian appointed by  
22 a juvenile court shall terminate when the individual under legal  
23 custody reaches ~~nineteen years of age,~~ the age of majority or is  
24 legally adopted, or when the authority is terminated by order of  
25 the juvenile court. When an adoption has been granted by a court

1 of competent jurisdiction as to any such juvenile, such fact shall  
2 be reported immediately by such custodian to the juvenile court.  
3 If the adoption is denied the jurisdiction over the juvenile shall  
4 immediately revert to the court which authorized placement of the  
5 juvenile for adoption. Any association or individual receiving the  
6 care or custody of any such juvenile shall be subject to visitation  
7 or inspection by the Department of Health and Human Services, or  
8 any probation officer of such court or any person appointed by  
9 the court for such purpose, and the court may at any time require  
10 from such association or person a report or reports containing  
11 such information or statements as the judge shall deem proper  
12 or necessary to be fully advised as to the care, maintenance,  
13 and moral and physical training of the juvenile, as well as the  
14 standing and ability of such association or individual to care for  
15 such juvenile. The custodian so appointed by the court shall have  
16 standing as a party in that case to file any pleading or motion,  
17 to be heard by the court with regard to such filings, and to be  
18 granted any review or relief requested in such filings consistent  
19 with Chapter 43, article 2.

20           Sec. 55. Section 43-2,113, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           43-2,113 (1) In counties where a separate juvenile court  
23 is established, the county board of the county shall provide  
24 suitable rooms and offices for the accommodation of the judge  
25 of the separate juvenile court and the officers and employees

1 appointed by such judge or by the probation administrator pursuant  
2 to subsection (4) of section 29-2253. Such separate juvenile court  
3 and the judge, officers, and employees of such court shall have  
4 the same and exclusive jurisdiction, powers, and duties that are  
5 prescribed in the Nebraska Juvenile Code, concurrent jurisdiction  
6 under section 83-223, and such other jurisdiction, powers, and  
7 duties as specifically provided by law.

8 (2) A juvenile court created in a separate juvenile court  
9 judicial district or a county court sitting as a juvenile court in  
10 all other counties shall have and exercise jurisdiction within such  
11 juvenile court judicial district or county court judicial district  
12 with the county court and district court in all matters arising  
13 under Chapter 42, article 3, when the care, support, custody, or  
14 control of minor children under the age of ~~eighteen years~~ majority  
15 is involved. Such cases shall be filed in the county court and  
16 district court and may, with the consent of the juvenile judge, be  
17 transferred to the docket of the separate juvenile court or county  
18 court.

19 (3) All orders issued by a separate juvenile court or a  
20 county court which provide for child support or spousal support as  
21 defined in section 42-347 shall be governed by sections 42-347 to  
22 42-381 and 43-290 relating to such support. Certified copies of  
23 such orders shall be filed by the clerk of the separate juvenile  
24 or county court with the clerk of the district court who shall  
25 maintain a record as provided in subsection (4) of section 42-364.

1 There shall be no fee charged for the filing of such certified  
2 copies.

3 Sec. 56. Section 43-412, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 43-412 (1) Every juvenile committed to the Office of  
6 Juvenile Services pursuant to the Nebraska Juvenile Code or  
7 pursuant to subsection (3) of section 29-2204 shall remain  
8 committed until he or she attains the age of ~~nineteen~~ majority  
9 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  
12 ~~nineteen~~ majority shall be a complete release from all penalties  
13 incurred by conviction or adjudication of the offense for which he  
14 or she was committed.

15 Sec. 57. Section 43-504, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17 43-504 (1) The term dependent child shall mean a child  
18 under the age of ~~nineteen years~~ majority or a child who is under  
19 the age of nineteen years and is a full-time student at a high  
20 school or equivalent level of vocational or technical training  
21 and who is living with a relative or with a caretaker who is  
22 the child's legal guardian or conservator in a place of residence  
23 maintained by one or more of such relatives or caretakers as his,  
24 her, or their own home, or which child has been removed from  
25 the home of his or her father, mother, grandfather, grandmother,

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

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

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

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

12 Sec. 58. Section 43-2101, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 43-2101 All persons under ~~nineteen~~ eighteen years of age  
15 are declared to be minors, but in case any person marries under the  
16 age of ~~nineteen~~ eighteen years, his or her minority ends.

17 Sec. 59. Section 43-2404.02, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 43-2404.02 (1) There is created a separate and distinct  
20 budgetary program within the commission to be known as the County  
21 Juvenile Services Aid Program. Funding acquired from participation  
22 in the federal act, state General Funds, and funding acquired  
23 from other sources which may be used for purposes consistent with  
24 the Juvenile Services Act and the federal act shall be used to  
25 aid counties in the establishment and provision of community-based

1 services for accused and adjudicated juvenile offenders and to  
2 increase capacity for community-based services to juveniles.

3 (2) The annual General Fund appropriation to the County  
4 Juvenile Services Aid Program shall be apportioned to the counties  
5 as aid in accordance with a formula established in rules and  
6 regulations adopted and promulgated by the commission. The formula  
7 shall be based on the total number of residents per county who  
8 are twelve years of age through ~~eighteen years of age~~ the age  
9 of majority and other relevant factors as determined by the  
10 commission. The commission may require a local match of up to  
11 forty percent from counties receiving aid under such program. Any  
12 local expenditures for community-based programs for juveniles may  
13 be applied toward such match requirement.

14 (3) Funds provided to counties under the County Juvenile  
15 Services Aid Program shall be used exclusively to assist counties  
16 in implementation and operation of programs or services identified  
17 in their comprehensive juvenile services plan, including, but not  
18 limited to, programs for assessment and evaluation, prevention of  
19 delinquent behavior, diversion, shelter care, intensive juvenile  
20 probation services, restitution, family support services, and  
21 family group conferencing. No funds appropriated or distributed  
22 under the County Juvenile Services Aid Program shall be used for  
23 construction of secure detention facilities, secure youth treatment  
24 facilities, or secure youth confinement facilities. Aid received  
25 under this section shall not be used for capital construction or

1 the lease or acquisition of facilities and shall not be used to  
2 replace existing funding for programs or services. Any funds not  
3 distributed to counties under this subsection shall be retained by  
4 the commission to be distributed on a competitive basis under the  
5 County Juvenile Services Aid Program.

6 (4) Any county receiving funding under the County  
7 Juvenile Services Aid Program shall file an annual report as  
8 required by rules and regulations adopted and promulgated by the  
9 commission. The report shall include, but not be limited to,  
10 information on the total number of juveniles served, the units of  
11 service provided, a listing of the county's annual juvenile justice  
12 budgeted and actual expenditures, and a listing of expenditures for  
13 detention, residential treatment, and nonresidential treatment.

14 (5) The commission shall report annually to the Governor  
15 and the Legislature on the distribution and use of funds  
16 appropriated under the County Juvenile Services Aid Program.

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

19 Sec. 60. Section 43-2922, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 43-2922 For purposes of the Parenting Act:

22 (1) Appropriate means reflective of the developmental  
23 abilities of the child taking into account any cultural traditions  
24 that are within the boundaries of state and federal law;

25 (2) Approved mediation center means a mediation center



1 approved by the Office of Dispute Resolution;

2 (3) Best interests of the child means the determination  
3 made taking into account the requirements stated in section  
4 43-2923;

5 (4) Child means a minor under ~~nineteen years of age~~; the  
6 age of majority. Changes made to the subdivision apply to court  
7 orders made on or after the operative date of this section;

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

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

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

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

1 such acts against other family or household members. A finding by  
2 a child protection agency shall not be considered res judicata or  
3 collateral estoppel regarding an act of child abuse or neglect or  
4 a threat of such act, and shall not be considered by the court  
5 unless each parent is afforded the opportunity to challenge any  
6 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  
10 not limited to, withholding access to money or credit cards,  
11 forbidding attendance at school or employment, stealing from or  
12 defrauding of money or assets, exploiting the victim's resources  
13 for personal gain of the abuser, or withholding physical resources  
14 such as food, clothing, necessary medications, or shelter;

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

1 regarding education 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  
5 by 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  
13 other 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) Office of Dispute Resolution means the office  
18 established under section 25-2904;

19 (17) Parenting functions means those aspects of the  
20 relationship in which a parent or person in the parenting role  
21 makes fundamental decisions and performs fundamental functions  
22 necessary for the care and development of a child. Parenting  
23 functions include, but are not limited to:

24 (a) Maintaining a safe, stable, consistent, and nurturing  
25 relationship with the child;

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

7           (c) Attending to adequate education for the child,  
8 including remedial or other special education essential to the  
9 best interests of the child;

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

15           (e) Minimizing the child's exposure to harmful parental  
16 conflict;

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

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

22           (18) Parenting plan means a plan for parenting the child  
23 that takes into account parenting functions;

24           (19) Parenting time, visitation, or other access means  
25 communication or time spent between the child and parent, the child

1 and a court-appointed guardian, or the child and another family  
2 member or members;

3 (20) Physical custody means authority and responsibility  
4 regarding the child's place of residence and the exertion of  
5 continuous parenting time for significant periods of time;

6 (21) Provisions for safety means a plan developed to  
7 reduce risks of harm to children and adults who are victims  
8 of child abuse or neglect, domestic intimate partner abuse, or  
9 unresolved parental conflict;

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

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

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

1           (25) Unresolved parental conflict means persistent  
2 conflict in which parents are unable to resolve disputes about  
3 parenting functions which has a potentially harmful impact on a  
4 child.

5           Sec. 61. Section 43-3703, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           43-3703 Child means an individual under ~~nineteen years of~~  
8 age- the age of majority.

9           Sec. 62. Section 43-3709, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11           43-3709 (1) The minimum qualifications for any  
12 prospective court appointed special advocate volunteer are that he  
13 or she shall:

14           (a) Be at least ~~twenty-one years of age~~ the age of  
15 majority or older and have demonstrated an interest in children and  
16 their welfare;

17           (b) Be willing to commit to the court for a minimum of  
18 one year of service to a child;

19           (c) Complete an application, including providing  
20 background information required pursuant to subsection (2) of this  
21 section;

22           (d) Participate in a screening interview; and

23           (e) Participate in the training required pursuant to  
24 section 43-3708.

25           (2) As required background screening, the program

1 director shall obtain the following information regarding a  
2 volunteer applicant:

3 (a) A check of the applicant's criminal history record  
4 information maintained by the Identification Division of the  
5 Federal Bureau of Investigation through the Nebraska State Patrol;

6 (b) A check of his or her record with the central  
7 register of child protection cases maintained under section 28-718;

8 (c) A check of his or her driving record; and

9 (d) At least three references who will attest to the  
10 applicant's character, judgment, and suitability for the position  
11 of a court appointed special advocate volunteer.

12 (3) If the applicant has lived in Nebraska for less  
13 than twelve months, the program director shall obtain the records  
14 required in subdivisions (2)(a) through (2)(c) of this section from  
15 all other jurisdictions in which the applicant has lived during the  
16 preceding year.

17 Sec. 63. Section 43-3902, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19 43-3902 For purposes of the Uniform Child Abduction  
20 Prevention Act:

21 (1) Abduction means the wrongful removal or wrongful  
22 retention of a child;

23 (2) Child means an unemancipated individual who is less  
24 than ~~eighteen years of age~~; the age of majority;

25 (3) Child custody determination means a judgment, decree,

1 or other order of a court providing for the legal custody, physical  
2 custody, or visitation with respect to a child. The term includes a  
3 permanent, temporary, initial, and modification order;

4 (4) Child custody proceeding means a proceeding in which  
5 legal custody, physical custody, or visitation with respect to a  
6 child is at issue. The term includes a proceeding for divorce,  
7 dissolution of marriage, separation, neglect, abuse, dependency,  
8 guardianship, paternity, termination of parental rights, or  
9 protection from domestic violence;

10 (5) Court means an entity authorized under the law  
11 of a state to establish, enforce, or modify a child custody  
12 determination;

13 (6) Petition includes a motion or its equivalent;

14 (7) Record means information that is inscribed on a  
15 tangible medium or that is stored in an electronic or other medium  
16 and is retrievable in perceivable form;

17 (8) State means a state of the United States, the  
18 District of Columbia, Puerto Rico, the United States Virgin  
19 Islands, or any territory or insular possession subject to the  
20 jurisdiction of the United States. The term includes a federally  
21 recognized Indian tribe or nation;

22 (9) Travel document means records relating to a travel  
23 itinerary, including travel tickets, passes, reservations for  
24 transportation, or accommodations. The term does not include a  
25 passport or visa;



1           (10) Wrongful removal means the taking of a child that  
2 breaches rights of custody or visitation given or recognized under  
3 the law of this state; and

4           (11) Wrongful retention means the keeping or concealing  
5 of a child that breaches rights of custody or visitation given or  
6 recognized under the law of this state.

7           Sec. 64. Section 43-3910, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           43-3910 An abduction prevention order remains in effect  
10 until the earliest of:

11           (1) the time stated in the order;

12           (2) the emancipation of the child;

13           (3) the child's attaining ~~eighteen years of age~~; the age  
14 of majority; or

15           (4) the time the order is modified, revoked, vacated, or  
16 superseded by a court with jurisdiction under sections 43-1238 to  
17 43-1240.

18           Sec. 65. Section 44-5238, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           44-5238 Dependent shall mean a spouse, an unmarried child  
21 under the age of ~~nineteen years~~, majority, an unmarried child who  
22 is a full-time student under the age of twenty-three years and who  
23 is financially dependent upon the parent, and an unmarried child of  
24 any age who is medically certified as disabled and dependent upon  
25 the parent.

1           Sec. 66. Section 48-122.01, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           48-122.01 Compensation under section 48-122 shall be  
4 payable in the amount and to the following persons subject to the  
5 maximum limits specified in sections 48-122 and 48-122.03:

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

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

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

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

24           (5) The income benefits payable on account of any child  
25 under this section shall cease when he or she dies, marries, or

1 reaches the age of ~~nineteen~~, majority, or when a child over such  
2 age ceases to be physically or mentally incapable of self-support,  
3 or if actually dependent ceases to be actually dependent, or,  
4 if enrolled as a full-time student in any accredited educational  
5 institution, ceases to be so enrolled or reaches the age of  
6 twenty-five. A child who originally qualified as a dependent by  
7 virtue of being less than ~~nineteen years of age~~ the age of majority  
8 may, upon reaching age ~~nineteen~~, such age, continue to qualify  
9 if he or she satisfies the tests of being physically or mentally  
10 incapable of self-support, actual dependency, or enrollment in an  
11 educational institution;

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

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

19 (8) The income benefits of each beneficiary under  
20 subdivisions (6) and (7) of this section shall be paid until he or  
21 she, if a parent or grandparent, dies, marries, or ceases to be  
22 actually dependent, or, if a brother, sister, or grandchild, dies,  
23 marries, or reaches the age of ~~nineteen~~ majority or if over that  
24 age ceases to be physically or mentally incapable of self-support,  
25 or ceases to be actually dependent; and

1           (9) A person ceases to be actually dependent when his  
2 or her income from all sources exclusive of workers' compensation  
3 income benefits is such that, if it had existed at the time as of  
4 which the original determination of actual dependency was made, it  
5 would not have supported a finding of dependency. In any event, if  
6 the present annual income of an actual dependent person including  
7 workers' compensation income benefits at any time exceeds the total  
8 annual support received by the person from the deceased employee,  
9 the workers' compensation benefits shall be reduced so that the  
10 total annual income is no greater than such amount of annual  
11 support received from the deceased employee. In all cases, a person  
12 found to be actually dependent shall be presumed to be no longer  
13 actually dependent three years after each time as of which the  
14 person was found to be actually dependent. This presumption may be  
15 overcome by proof of continued actual dependency as defined in this  
16 subdivision and section 48-124.

17           Sec. 67. Section 48-124, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           48-124 The following persons shall be conclusively  
20 presumed to be dependent for support upon a deceased employee: (1)  
21 A wife upon a husband with whom she is living or upon whom she  
22 is actually dependent at the time of his injury or death; (2) a  
23 husband upon a wife with whom he is living or upon whom he is  
24 actually dependent at the time of her injury or death; and (3) a  
25 child or children under the age of ~~nineteen years~~, majority, or

1 over such age, if physically or mentally incapable of self-support,  
2 or any child ~~nineteen years of age~~ the age of majority or over  
3 who is actually dependent, or any child between ~~nineteen~~ the age  
4 of majority and twenty-five years of age who is enrolled as a  
5 full-time student in any accredited educational institution.

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

16           Brother or sister shall mean a brother or sister under  
17 ~~nineteen years of age, or nineteen years of age~~ the age of  
18 majority, or the age of majority or over and physically or mentally  
19 incapable of self-support, or ~~nineteen years of age~~ the age of  
20 majority or over and actually dependent. The terms brother and  
21 sister shall include stepbrothers and stepsisters, half brothers  
22 and half sisters, and brothers and sisters by adoption but shall  
23 not include married brothers or married sisters unless receiving  
24 substantially entire support from the employee.

25           Parent shall mean a mother or father, a stepparent, a

1 parent by adoption, a parent-in-law, and any person who for more  
2 than one year immediately prior to the death of the employee stood  
3 in the place of a parent to him or her, if actually dependent in  
4 each case.

5           Actually dependent shall mean dependent in fact upon the  
6 employee and shall refer only to a person who received more than  
7 half of his or her support from the employee and whose dependency  
8 is not the result of failure to make reasonable efforts to secure  
9 suitable employment. When used as a noun, the word dependent shall  
10 mean any person entitled to death benefits. No person shall be  
11 considered a dependent, unless he or she be a member of the family  
12 of the deceased employee, or bears to him or her the relation of  
13 widow, widower, lineal descendant, ancestor, brother, or sister.  
14 Questions as to who constitute dependents and the extent of their  
15 dependency shall initially be determined as of the date of the  
16 accident to the employee, and the death benefit shall be directly  
17 recoverable by and payable to the dependent or dependents entitled  
18 thereto or their legal guardians or trustees. No dependent of any  
19 injured employee shall be deemed, during the life of such employee,  
20 a party in interest to any proceeding by him or her for the  
21 enforcement or collection of any claim for compensation, nor as  
22 respects the compromise thereof by such employee.

23           Sec. 68. Section 49-801, Revised Statutes Cumulative  
24 Supplement, 2008, is amended to read:

25           49-801 Unless the context is shown to intend otherwise,

1 words and phrases in the statutes of Nebraska hereafter enacted are  
2 used in the following sense:

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

6 (2) Action shall include any proceeding in any court of  
7 this state;

8 (3) Age of majority shall mean eighteen years of age;

9 ~~(3)~~ (4) Attorney shall mean attorney at law;

10 ~~(4)~~ (5) Company shall include any corporation,  
11 partnership, limited liability company, joint-stock company, joint  
12 venture, or association;

13 ~~(5)~~ (6) Domestic when applied to corporations shall mean  
14 all those created by authority of this state;

15 ~~(6)~~ (7) Federal shall refer to the United States;

16 ~~(7)~~ (8) Foreign when applied to corporations shall  
17 include all those created by authority other than that of this  
18 state;

19 ~~(8)~~ (9) Grantee shall include every person to whom any  
20 estate or interest passes in or by any conveyance;

21 ~~(9)~~ (10) Grantor shall include every person from or by  
22 whom any estate or interest passes in or by any conveyance;

23 ~~(10)~~ (11) Inhabitant shall be construed to mean a  
24 resident in the particular locality in reference to which that  
25 word is used;

1           ~~(11)~~ (12) Land or real estate shall include lands,  
2 tenements, and hereditaments and all rights thereto and interest  
3 therein other than a chattel interest;

4           ~~(12)~~ (13) Magistrate shall include judge of the county  
5 court and clerk magistrate;

6           ~~(13)~~ (14) Month shall mean calendar month;

7           ~~(14)~~ (15) Oath shall include affirmation in all cases in  
8 which an affirmation may be substituted for an oath;

9           ~~(15)~~ (16) Peace officer shall include sheriffs, coroners,  
10 jailers, marshals, police officers, state highway patrol officers,  
11 members of the National Guard on active service by direction of the  
12 Governor during periods of emergency, and all other persons with  
13 similar authority to make arrests;

14           ~~(16)~~ (17) Person shall include bodies politic  
15 and corporate, societies, communities, the public generally,  
16 individuals, partnerships, limited liability companies, joint-stock  
17 companies, and associations;

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

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

23           ~~(19)~~ (20) Service animal shall have the same meaning as  
24 in 28 C.F.R. 36.104, as such regulation existed on January 1, 2008;

25           ~~(20)~~ (21) State when applied to different states of



1 the United States shall be construed to extend to and include  
2 the District of Columbia and the several territories organized by  
3 Congress;

4 ~~(21)~~ (22) Sworn shall include affirmed in all cases in  
5 which an affirmation may be substituted for an oath;

6 ~~(22)~~ (23) The United States shall include territories,  
7 outlying possessions, and the District of Columbia;

8 ~~(23)~~ (24) Violate shall include failure to comply with;

9 ~~(24)~~ (25) Writ shall signify an order or citation in  
10 writing issued in the name of the state out of a court or by a  
11 judicial officer; and

12 ~~(25)~~ (26) Year shall mean calendar year.

13 Sec. 69. Section 64-101, Revised Statutes Cumulative  
14 Supplement, 2008, is amended to read:

15 64-101 (1) The Secretary of State may appoint and  
16 commission such number of persons to the office of notary public as  
17 he or she deems necessary.

18 (2) There shall be one class of such appointments which  
19 shall be valid in the entire state and referred to as general  
20 notaries public.

21 (3) The term effective date, as used with reference to  
22 a commission of a notary public, shall mean the date of the  
23 commission unless the commission states when it goes into effect,  
24 in which event that date shall be the effective date.

25 (4) A general commission may refer to the office as

1 notary public and shall contain a provision showing that the person  
2 therein named is authorized to act as a notary public anywhere  
3 within the State of Nebraska or, in lieu thereof, may contain the  
4 word general or refer to the office as general notary public.

5 (5) No person shall be appointed a notary public unless  
6 he or she has taken and passed a written examination on the  
7 duties and obligations of a notary public as provided in section  
8 64-101.01.

9 (6) No appointment shall be made if such applicant has  
10 been convicted of a felony or other crime involving fraud or  
11 dishonesty.

12 (7) No appointment shall be made until such applicant  
13 has attained the age of ~~nineteen years~~ majority nor unless such  
14 applicant certifies to the Secretary of State under oath that he  
15 or she has carefully read and understands the laws relating to  
16 the duties of notaries public and will, if commissioned, faithfully  
17 discharge the duties pertaining to the office and keep records  
18 according to law.

19 (8) Each person appointed a notary public shall hold  
20 office for a term of four years from the effective date of his or  
21 her commission unless sooner removed.

22 Sec. 70. Section 68-1724, Revised Statutes Cumulative  
23 Supplement, 2008, is amended to read:

24 68-1724 (1) Cash assistance shall be provided for a  
25 period or periods of time not to exceed a total of sixty months for

1 recipient families with children subject to the following:

2 (a) If the state fails to meet the specific terms of  
3 the self-sufficiency contract developed under section 68-1719,  
4 the sixty-month time limit established in this section shall be  
5 extended;

6 (b) The sixty-month time period for cash assistance shall  
7 begin within the first month of eligibility;

8 (c) When no longer eligible to receive cash assistance,  
9 assistance shall be available to reimburse work-related child care  
10 expenses even if the recipient family has not achieved economic  
11 self-sufficiency. The amount of such assistance shall be based on a  
12 cost-shared plan between the recipient family and the state which  
13 shall provide assistance up to one hundred eighty-five percent  
14 of the federal poverty level for up to twenty-four months. A  
15 recipient family may be required to contribute up to twenty percent  
16 of such family's gross income for child care. It is the intent  
17 of the Legislature that transitional health care coverage be made  
18 available on a sliding-scale basis to individuals and families  
19 with incomes up to one hundred eighty-five percent of the federal  
20 poverty level if other health care coverage is not available; and

21 (d) The self-sufficiency contract shall be revised and  
22 cash assistance extended when there is no job available for  
23 adult members of the recipient family. It is the intent of the  
24 Legislature that available job shall mean a job which results in  
25 an income of at least equal to the amount of cash assistance that

1 would have been available if receiving assistance minus unearned  
2 income available to the recipient family.

3           The department shall develop policy guidelines to allow  
4 for cash assistance to persons who have received the maximum  
5 cash assistance provided by this section and who face extreme  
6 hardship without additional assistance. For purposes of this  
7 section, extreme hardship means a recipient family does not have  
8 adequate cash resources to meet the costs of the basic needs of  
9 food, clothing, and housing without continuing assistance or the  
10 child or children are at risk of losing care by and residence with  
11 their parent or parents.

12           (2) Cash assistance conditions under the Welfare Reform  
13 Act shall be as follows:

14           (a) Adults in recipient families shall mean individuals  
15 at least ~~nineteen years of age~~ the age of majority living with  
16 and related to a child ~~eighteen years of age or younger~~ than the  
17 age of majority or a child who is under the age of nineteen years  
18 and is a full-time student in a high school or equivalent level  
19 of vocational or technical training and shall include parents,  
20 siblings, uncles, aunts, cousins, or grandparents, whether the  
21 relationship is biological, adoptive, or step;

22           (b) The payment standard shall be based upon family size;

23           (c) The adults in the recipient family shall ensure that  
24 the minor children regularly attend school. Education is a valuable  
25 personal resource. The cash assistance provided to the recipient

1 family may be reduced when the parent or parents have failed to  
2 take reasonable action to encourage the minor children of the  
3 recipient family ages sixteen and under to regularly attend school.  
4 No reduction of assistance shall be such as may result in extreme  
5 hardship. It is the intent of the Legislature that a process be  
6 developed to insure communication between the case manager, the  
7 parent or parents, and the school to address issues relating to  
8 school attendance;

9 (d) Two-parent families which would otherwise be eligible  
10 under section 43-504 or a federally approved waiver shall receive  
11 cash assistance under this section;

12 (e) For minor parents, the assistance payment shall be  
13 based on the minor parent's income. If the minor parent lives  
14 with at least one parent, the family's income shall be considered  
15 in determining eligibility and cash assistance payment levels for  
16 the minor parent. If the minor parent lives independently, support  
17 shall be pursued from the parents of the minor parent. If the  
18 absent parent of the minor's child is a minor, support from his or  
19 her parents shall be pursued. Support from parents as allowed under  
20 this subdivision shall not be pursued when the family income is  
21 less than three hundred percent of the federal poverty guidelines;  
22 and

23 (f) For adults who are not biological or adoptive  
24 parents or stepparents of the child or children in the family,  
25 if assistance is requested for the entire family, including the

1 adults, a self-sufficiency contract shall be entered into as  
2 provided in section 68-1719. If assistance is requested for only  
3 the child or children in such a family, such children shall be  
4 eligible after consideration of the family's income and if (i)  
5 the family cooperates in pursuing child support and (ii) the minor  
6 children of the family regularly attend school.

7 Sec. 71. Section 71-629, Revised Statutes Cumulative  
8 Supplement, 2008, is amended to read:

9 71-629 A certified copy or copies of the certificate of  
10 birth of any such legitimized child may be furnished upon request  
11 by the department. The evidence upon which the new certificate  
12 is made may be furnished upon request to a parent of such  
13 legitimized child or to the legitimized child if such child is  
14 ~~nineteen years of age~~ the age of majority or older. The evidence  
15 upon which the new certificate is made shall be available for  
16 inspection by any other person only upon the order of a court of  
17 competent jurisdiction, and the original certificate of birth shall  
18 be available for inspection only upon the order of a court of  
19 competent jurisdiction.

20 Sec. 72. Section 71-812, Revised Statutes Cumulative  
21 Supplement, 2008, is amended to read:

22 71-812 (1) The Behavioral Health Services Fund is  
23 created. The fund shall be administered by the division and shall  
24 contain cash funds appropriated by the Legislature or otherwise  
25 received by the department for the provision of behavioral health

1 services from any other public or private source and directed by  
2 the Legislature for credit to the fund.

3 (2) The fund shall be used to encourage and facilitate  
4 the statewide development and provision of community-based  
5 behavioral health services, including, but not limited to, (a) the  
6 provision of grants, loans, and other assistance for such purpose  
7 and (b) reimbursement to providers of such services.

8 (3)(a) Money transferred to the fund under section  
9 76-903 shall be used for housing-related assistance for very  
10 low-income adults with serious mental illness, except that if  
11 the division determines that all housing-related assistance  
12 obligations under this subsection have been fully satisfied,  
13 the division may distribute any excess, up to twenty percent  
14 of such money, to regional behavioral health authorities for  
15 acquisition or rehabilitation of housing to assist such persons.  
16 The division shall manage and distribute such funds based upon a  
17 formula established by the division, in consultation with regional  
18 behavioral health authorities and the department, in a manner  
19 consistent with and reasonably calculated to promote the purposes  
20 of the public behavioral health system enumerated in section  
21 71-803. The division shall contract with each regional behavioral  
22 health authority for the provision of such assistance. Each  
23 regional behavioral health authority may contract with qualifying  
24 public, private, or nonprofit entities for the provision of such  
25 assistance.

1 (b) For purposes of this subsection:

2 (i) Adult with serious mental illness means a person  
3 ~~eighteen years of age~~ the age of majority or older who has, or  
4 at any time during the immediately preceding twelve months has  
5 had, a diagnosable mental, behavioral, or emotional disorder of  
6 sufficient duration to meet diagnostic criteria identified in the  
7 most recent edition of the Diagnostic and Statistical Manual of  
8 Mental Disorders and which has resulted in functional impairment  
9 that substantially interferes with or limits one or more major life  
10 functions. Serious mental illness does not include DSM V codes,  
11 substance abuse disorders, or developmental disabilities unless  
12 such conditions exist concurrently with a diagnosable serious  
13 mental illness;

14 (ii) Housing-related assistance includes rental payments,  
15 utility payments, security and utility deposits, and other related  
16 costs and payments; and

17 (iii) Very low-income means a household income of fifty  
18 percent or less of the applicable median family income estimate as  
19 established by the United States Department of Housing and Urban  
20 Development.

21 (4) Any money in the fund available for investment  
22 shall be invested by the state investment officer pursuant to  
23 the Nebraska Capital Expansion Act and the Nebraska State Funds  
24 Investment Act.

25 Sec. 73. Section 71-1903, Revised Statutes Cumulative



1 Supplement, 2008, is amended to read:

2           71-1903 (1) Before issuance of a license under  
3 sections 71-1901 to 71-1906.01, the department shall cause such  
4 investigation to be made as it deems necessary to determine if  
5 the character of the applicant, any member of the applicant's  
6 household, or the person in charge of the service and the place  
7 where the foster care is to be furnished are such as to ensure  
8 the proper care and treatment of children. The department may  
9 request the State Fire Marshal to inspect such places for fire  
10 safety pursuant to section 81-502. The State Fire Marshal shall  
11 assess a fee for such inspection pursuant to section 81-505.01,  
12 payable by the licensee or applicant for a license, except that  
13 the department may pay the fee for inspection for fire safety of  
14 foster family homes as defined in section 71-1902. The department  
15 may conduct sanitation and health standards investigations pursuant  
16 to subsection (2) of this section. The department may also, at any  
17 time it sees fit, cause an inspection to be made of the place where  
18 any licensee is furnishing foster care to see that such service  
19 is being properly conducted.

20           (2) The department shall make an investigation and report  
21 of all facilities and programs of licensed providers of foster  
22 care programs subject to this section or applicants for licenses  
23 to provide such programs to determine if the place or places to be  
24 covered by such licenses meet standards of health and sanitation  
25 set by the department for the care and protection of the child or

1 children who may be placed in such facilities and programs. The  
2 department may delegate the investigation authority to qualified  
3 local environmental health personnel.

4 (3) Before the foster care placement of any child in  
5 Nebraska by the department, the department shall require a national  
6 criminal history record information check of the prospective foster  
7 parent of such child and each member of such prospective foster  
8 parent's household who is ~~eighteen years of age~~ the age of  
9 majority or older. The department shall provide two sets of legible  
10 fingerprints for such persons to the Nebraska State Patrol for  
11 submission to the Federal Bureau of Investigation. The Nebraska  
12 State Patrol shall conduct a criminal history record information  
13 check of such persons and shall submit such fingerprints to the  
14 Federal Bureau of Investigation for a national criminal history  
15 record information check. The criminal history record information  
16 check shall include information from federal repositories of such  
17 information and repositories of such information in other states  
18 if authorized by federal law. The Nebraska State Patrol shall  
19 issue a report of the results of such criminal history record  
20 information check to the department. The department shall pay  
21 a fee to the Nebraska State Patrol for conducting such check.  
22 Information received from the criminal history record information  
23 check required under this subsection shall be used solely for the  
24 purpose of evaluating and confirming information provided by such  
25 persons for providing foster care or for the finalization of an

1 adoption. A child may be placed in foster care by the department  
2 prior to the completion of a criminal history record information  
3 check under this subsection in emergency situations as determined  
4 by the department.

5 Sec. 74. Section 71-20,120, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7 71-20,120 A hospital patient who is ~~nineteen~~ years of  
8 age the age of majority or older or an emancipated minor may  
9 designate at any time, orally or in writing, up to five individuals  
10 not legally related by marriage or blood to the patient whom  
11 the patient wishes to be given the same visitation privileges  
12 as an immediate family member of such patient. An individual  
13 so designated shall have the same visitation privileges as an  
14 immediate family member of such patient. The patient may rescind  
15 the designation or designations at any time, orally or in writing.  
16 Any designation or rescission made under this section shall be  
17 noted on the patient's medical records at such hospital. For  
18 purposes of this section, medical records means the hospital's  
19 record of a patient's health history and treatment rendered.

20 Sec. 75. Section 71-4808, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 71-4808 Any individual of sound mind and seventeen years  
23 of age or more may consent to donate whole blood for the purpose  
24 of injecting, transfusing, or transplanting such blood in the human  
25 body. No person seventeen ~~or eighteen~~ years of age shall receive

1 compensation for any donation of whole blood without parental  
2 permission or authorization.

3 Sec. 76. Section 71-6039.01, Revised Statutes Cumulative  
4 Supplement, 2008, is amended to read:

5 71-6039.01 No person shall act as a paid dining assistant  
6 in a nursing home unless such person:

7 (1) Is at least sixteen years of age;

8 (2) Is able to speak and understand the English language  
9 or a language understood by the nursing home resident being fed by  
10 such person;

11 (3) Has successfully completed at least eight hours  
12 of training as prescribed by the department for paid dining  
13 assistants;

14 (4) Has no adverse findings on the Nurse Aide Registry or  
15 the Adult Protective Services Central Registry; and

16 (5) Has no adverse findings on the central register  
17 created in section 28-718 if the nursing home which employs such  
18 person as a paid dining assistant has at any one time more than one  
19 resident under the age of ~~nineteen years~~, majority.

20 Sec. 77. Section 71-6502, Revised Statutes Cumulative  
21 Supplement, 2008, is amended to read:

22 71-6502 An in-home personal services worker:

23 (1) Shall be at least ~~eighteen years of age~~, the age of  
24 majority;

25 (2) Shall have good moral character;

1           (3) Shall not have been convicted of a crime under the  
2 laws of Nebraska or another jurisdiction, the penalty for which is  
3 imprisonment for a period of more than one year and which crime is  
4 rationally related to the person's fitness or capacity to act as an  
5 in-home personal services worker;

6           (4) Shall have no adverse findings on the Adult  
7 Protective Services Central Registry, the central register created  
8 in section 28-718, the Medication Aide Registry, the Nurse Aide  
9 Registry, or the central registry maintained by the sex offender  
10 registration and community notification division of the Nebraska  
11 State Patrol pursuant to section 29-4004;

12           (5) Shall be able to speak and understand the English  
13 language or the language of the person for whom he or she is  
14 providing in-home personal services; and

15           (6) Shall have training sufficient to provide the  
16 requisite level of in-home personal services offered.

17           Sec. 78. Section 71-6726, Revised Statutes Cumulative  
18 Supplement, 2008, is amended to read:

19           71-6726 (1) To register as a medication aide, an  
20 individual shall (a) have successfully completed the requirements  
21 in section 71-6725, (b) be at least ~~eighteen years of age,~~ the  
22 age of majority, (c) be of good moral character, (d) file an  
23 application with the department, and (e) pay the applicable fee.

24           (2) A registered nurse or licensed practical nurse whose  
25 license has been revoked, suspended, or voluntarily surrendered in

1 lieu of discipline may not register as a medication aide.

2 (3) An applicant or medication aide shall report to the  
3 department, in writing, any conviction for a felony or misdemeanor.  
4 A conviction is not a disqualification for placement on the  
5 registry unless it relates to the standards identified in section  
6 71-6725 or it reflects on the moral character of the applicant or  
7 medication aide.

8 (4) An applicant or medication aide may report any pardon  
9 or setting aside of a conviction to the department. If a pardon or  
10 setting aside has been obtained, the conviction for which it was  
11 obtained shall not be maintained on the Medication Aide Registry.

12 (5) If a person registered as a medication aide on the  
13 Medication Aide Registry becomes licensed as a registered nurse or  
14 licensed practical nurse, his or her registration as a medication  
15 aide becomes null and void as of the date of licensure.

16 Sec. 79. Section 76-2228.01, Revised Statutes Cumulative  
17 Supplement, 2008, is amended to read:

18 76-2228.01 (1) On and after January 1, 2008, to qualify  
19 for a credential as a trainee real property appraiser, an applicant  
20 shall:

21 (a) Be at least ~~nineteen years of age~~, the age of  
22 majority;

23 (b) Hold a high school diploma or a certificate of high  
24 school equivalency or have education acceptable to the board;

25 (c) Have successfully completed no fewer than

1 seventy-five class hours in board-approved courses of study  
2 which relate to appraisal and which include completion of the  
3 fifteen-hour National Uniform Standards of Professional Appraisal  
4 Practice Course, or its equivalent as approved by the Appraiser  
5 Qualifications Board. The fifteen-hour course shall be taught by  
6 a Uniform Standards of Professional Appraisal Practice Instructor  
7 who is certified by the Appraiser Qualifications Board and who is  
8 a state-certified appraiser in good standing. The courses of study  
9 shall be conducted by an accredited university, college, community  
10 college, or junior college, an appraisal society, institute, or  
11 association, a state or federal agency or commission, a proprietary  
12 school, or such other educational provider as may be approved by  
13 the board and shall be, at a minimum, fifteen class hours in  
14 length. Each course shall include an examination pertinent to the  
15 material presented. The applicant shall have completed the class  
16 hours within the five-year period immediately preceding submission  
17 of the application and shall have completed the fifteen-hour  
18 National Uniform Standards of Professional Appraisal Practice  
19 Course within the two-year period immediately preceding submission  
20 of the application;

21 (d) Be subject to direct supervision by a supervising  
22 appraiser or appraisers who are certified residential real property  
23 appraisers or certified general real property appraisers in good  
24 standing. The supervising appraiser shall be responsible for the  
25 training and direct supervision of the trainee by accepting

1 responsibility for the appraisal report by signing and certifying  
2 the report is in compliance with the Uniform Standards of  
3 Professional Appraisal Practice, reviewing the trainee appraisal  
4 reports, and personally inspecting each appraised property with the  
5 trainee until the supervising appraiser determines the trainee is  
6 competent in accordance with the competency rule of the Uniform  
7 Standards of Professional Appraisal Practice. The trainee shall  
8 maintain an appraisal log for each supervising appraiser in  
9 accordance with standards set by rule and regulation of the  
10 board; 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) If a trainee real property appraiser remains in  
14 the classification in excess of two years, the trainee shall be  
15 required in the third and successive years to successfully complete  
16 no fewer than fourteen hours of instruction in courses or seminars  
17 for each year of the period preceding the renewal and shall have  
18 completed the seven-hour National Uniform Standards of Professional  
19 Appraisal Practice Update Course, or its equivalent, at a minimum  
20 of every two years. The courses of study shall be conducted by  
21 an accredited university, college, community college, or junior  
22 college, an appraisal society, institute, or association, a state  
23 or federal agency or commission, a proprietary school, or such  
24 other educational provider as may be approved by the board. Credit  
25 may be granted for educational offerings and for participation



1 other than as a student as approved by the board.

2 (3) The application for a credential as a trainee real  
3 property appraiser shall include the applicant's social security  
4 number and such other information as the board may require.

5 Sec. 80. Section 76-2229.01, Revised Statutes Cumulative  
6 Supplement, 2008, is amended to read:

7 76-2229.01 (1) On and after January 1, 2008, to qualify  
8 for a credential as a registered real property appraiser, an  
9 applicant shall:

10 (a) Be at least ~~nineteen years of age~~, the age of  
11 majority;

12 (b) Hold a high school diploma or a certificate of high  
13 school equivalency or have education acceptable to the board;

14 (c) Have successfully completed no fewer than ninety  
15 class hours in board-approved courses of study which relate to  
16 appraisal and which include the fifteen-hour National Uniform  
17 Standards of Professional Appraisal Practice Course, or its  
18 equivalent as approved by the Appraiser Qualifications Board. The  
19 courses of study shall be conducted by an accredited university,  
20 college, community college, or junior college, an appraisal  
21 society, institute, or association, or such other educational  
22 provider as may be approved by the board and shall be, at a  
23 minimum, fifteen class hours in length. Each course of study shall  
24 include an examination pertinent to the material presented;

25 (d) Pass an examination administered by the board which

1 demonstrates that the applicant has:

2 (i) Knowledge of technical terms commonly used in or  
3 related to appraisal and the writing of appraisal reports;

4 (ii) Knowledge of depreciation theories, cost estimating,  
5 methods of capitalization, market data analysis, appraisal  
6 mathematics, and economic concepts applicable to real estate;

7 (iii) An understanding of the basic principles of land  
8 economics, appraisal processes, and problems encountered in the  
9 gathering, interpreting, and processing of data involved in the  
10 valuation of real property;

11 (iv) Knowledge of the appraisal of various types of and  
12 interests in real property for various functions and purposes;

13 (v) An understanding of basic real estate law;

14 (vi) An understanding of the types of misconduct for  
15 which disciplinary proceedings may be initiated;

16 (vii) An understanding of the Uniform Standards of  
17 Professional Appraisal Practice;

18 (viii) An understanding of the recognized methods and  
19 techniques necessary for the development and communication of a  
20 credible appraisal; and

21 (ix) Knowledge of such other principles and procedures as  
22 may be appropriate to produce a credible appraisal; 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) The application for registration shall include the

1 applicant's social security number and such other information as  
2 the board may require.

3 (3) On and after January 1, 2008, the scope of practice  
4 of a registered real property appraiser shall be limited to the  
5 appraisal of noncomplex property having one, two, three, or four  
6 residential units having a transaction value of less than two  
7 hundred fifty thousand dollars.

8 (4) On and after January 1, 2008, an applicant  
9 shall receive no more than three successive annual renewals  
10 for credentialing as a registered real property appraiser.  
11 Notwithstanding any other provision of section 76-2228 to the  
12 contrary, the board shall not approve any initial application for  
13 credentialing as a registered real property appraiser on and after  
14 January 1, 2012.

15 Sec. 81. Section 76-2230, Revised Statutes Cumulative  
16 Supplement, 2008, is amended to read:

17 76-2230 (1) On and after January 1, 2008, to qualify for  
18 a credential as a licensed real property appraiser, an applicant  
19 shall:

20 (a) Be at least ~~nineteen years of age,~~ the age of  
21 majority;

22 (b) Hold a high school diploma or a certificate of high  
23 school equivalency or have education acceptable to the board;

24 (c) Have successfully completed no fewer than one  
25 hundred fifty class hours, which may include the class hours set

1 forth in section 76-2229.01, in board-approved courses of study  
2 which relate to appraisal and which include completion of the  
3 fifteen-hour National Uniform Standards of Professional Appraisal  
4 Practice Course, or its equivalent as approved by the Appraiser  
5 Qualifications Board. The fifteen-hour course shall be taught by  
6 a Uniform Standards of Professional Appraisal Practice Instructor  
7 who is certified by the Appraiser Qualifications Board and who is  
8 a state-certified appraiser in good standing. The courses of study  
9 shall be conducted by an accredited university, college, community  
10 college, or junior college, an appraisal society, institute, or  
11 association, a state or federal agency or commission, a proprietary  
12 school, or such other educational provider as may be approved  
13 by the board and shall be, at a minimum, fifteen class hours  
14 in length. Each course shall include a closed-book examination  
15 pertinent to the material presented;

16 (d) Have no fewer than two thousand hours of experience  
17 in any combination of the following: Fee and staff appraisal;  
18 ad valorem tax appraisal; condemnation appraisal; technical  
19 review appraisal; appraisal analysis; real estate consulting;  
20 highest-and-best-use analysis; and feasibility analysis or study.  
21 The required experience shall not be limited to the listed items  
22 but shall be acceptable to the board and subject to review and  
23 determination as to conformity with the Uniform Standards of  
24 Professional Appraisal Practice. The experience shall have occurred  
25 during a period of no fewer than twelve months. If requested,

1 evidence acceptable to the board concerning the experience shall  
2 be presented by the applicant in the form of written reports or  
3 file memoranda;

4 (e) Within the twenty-four months following approval  
5 of the applicant by the board, pass a closed-book examination  
6 administered by the board which demonstrates that the applicant  
7 has:

8 (i) Knowledge of technical terms commonly used in or  
9 related to appraisal and the writing of appraisal reports;

10 (ii) Knowledge of depreciation theories, cost estimating,  
11 methods of capitalization, market data analysis, appraisal  
12 mathematics, and economic concepts applicable to real estate;

13 (iii) An understanding of the principles of land  
14 economics, appraisal processes, and problems encountered in the  
15 gathering, interpreting, and processing of data involved in the  
16 valuation of real property;

17 (iv) Knowledge of the appraisal of various types of and  
18 interests in real property for various functions and purposes;

19 (v) An understanding of basic real estate law;

20 (vi) An understanding of the types of misconduct for  
21 which disciplinary proceedings may be initiated;

22 (vii) An understanding of the Uniform Standards of  
23 Professional Appraisal Practice;

24 (viii) An understanding of the recognized methods and  
25 techniques necessary for the development and communication of a

1 credible appraisal; and

2 (ix) Knowledge of such other principles and procedures as  
3 may be appropriate to produce a credible appraisal; and

4 (f) Not have been convicted of any felony or, if so  
5 convicted, have had his or her civil rights restored.

6 (2) On and after January 1, 2008, the scope of practice  
7 for a licensed real property appraiser shall be limited to the  
8 appraisal of noncomplex property having one, two, three, or four  
9 residential units with a transaction value of less than one million  
10 dollars and complex property having one, two, three, or four  
11 residential units with a transaction value of less than two hundred  
12 fifty thousand dollars.

13 (3) If an applicant is applying for renewal of a  
14 credential as a licensed real property appraiser on and after  
15 January 1, 2008, the applicant shall have successfully completed  
16 no fewer than fourteen hours of instruction in courses or seminars  
17 for each year of the two-year continuing education period during  
18 which the application is submitted and shall have completed the  
19 seven-hour National Uniform Standards of Professional Appraisal  
20 Practice Update Course, or its equivalent as approved by the  
21 Appraiser Qualifications Board, at a minimum of every two years.  
22 The seven-hour course shall be taught by a Uniform Standards of  
23 Professional Appraisal Practice Instructor who is certified by  
24 the Appraiser Qualifications Board and who is a state-certified  
25 appraiser in good standing. Credit toward a classroom hour

1 requirement may be granted only when the length of the educational  
2 offering is at least two hours. The courses of study shall be  
3 conducted by an accredited university, college, community college,  
4 or junior college, an appraisal society, institute, or association,  
5 a state or federal agency or commission, a proprietary school,  
6 or such other educational provider as may be approved by the  
7 board. Credit may be granted for educational offerings and for  
8 participation other than as a student as approved by the board.

9 (4) The application for the credential as a licensed real  
10 property appraiser shall include the applicant's social security  
11 number and such other information as the board may require.

12 Sec. 82. Section 76-2231.01, Revised Statutes Cumulative  
13 Supplement, 2008, is amended to read:

14 76-2231.01 (1) On and after January 1, 2008, to  
15 qualify for a credential as a certified residential real property  
16 appraiser, an applicant shall:

17 (a) Be at least ~~nineteen years of age~~, the age of  
18 majority;

19 (b)(i) Hold an associate degree, or higher, from an  
20 accredited university, college, community college, or junior  
21 college; or

22 (ii) Have successfully completed, as verified by the  
23 board, twenty-one semester hours of coursework or its equivalent  
24 from an accredited university, college, community college, or  
25 junior college that shall have included English composition;

1 principles of macroeconomics or microeconomics; finance; algebra,  
2 geometry, or higher mathematics; statistics; introduction to  
3 computers, including word processing and spread sheets; and  
4 business or real estate law;

5 (c) Have successfully completed no fewer than two hundred  
6 class hours, which may include the class hours set forth in  
7 sections 76-2229.01 and 76-2230, in board-approved courses of study  
8 which relate to appraisal and which include completion of the  
9 fifteen-hour National Uniform Standards of Professional Appraisal  
10 Practice Course, or its equivalent as approved by the Appraiser  
11 Qualifications Board. The fifteen-hour course shall be taught by  
12 a Uniform Standards of Professional Appraisal Practice Instructor  
13 who is certified by the Appraiser Qualifications Board and who is  
14 a state-certified appraiser in good standing. The courses of study  
15 shall be conducted by an accredited university, college, community  
16 college, or junior college, an appraisal society, institute, or  
17 association, a state or federal agency or commission, a proprietary  
18 school, or such other educational provider as may be approved by  
19 the board and shall be, at a minimum, fifteen class hours in  
20 length. Credit toward the class hour requirement may be awarded  
21 to teachers of appraisal courses. Each course shall include a  
22 closed-book examination pertinent to the material presented;

23 (d) Have no fewer than two thousand five hundred hours  
24 of experience in any combination of the following: Fee and staff  
25 appraisal; ad valorem tax appraisal; condemnation appraisal;



1 technical review appraisal; appraisal analysis; real estate  
2 consulting; highest-and-best-use analysis; and feasibility analysis  
3 or study. The required experience shall not be limited to the  
4 listed items but shall be acceptable to the board and subject  
5 to review and determination as to conformity with the Uniform  
6 Standards of Professional Appraisal Practice. The experience shall  
7 have occurred during a period of no fewer than twenty-four months.  
8 If requested, evidence acceptable to the board concerning the  
9 experience shall be presented by the applicant in the form of  
10 written reports or file memoranda;

11 (e) Within the twenty-four months following approval  
12 of the applicant by the board, pass a closed-book examination  
13 administered by the board which demonstrates that the applicant  
14 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 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           (f) Not have been convicted of any felony or, if so  
12 convicted, have had his or her civil rights restored.
- 13           (2) On and after January 1, 2008, the scope of practice  
14 of a certified residential real property appraiser shall be  
15 limited to the appraisal of property having one, two, three,  
16 or four residential units without regard to transaction value or  
17 complexity.
- 18           (3) If an applicant is applying for renewal of a  
19 credential as a certified residential real property appraiser  
20 on and after January 1, 2008, the applicant shall have successfully  
21 completed no fewer than fourteen hours of instruction in courses  
22 or seminars for each year of the two-year continuing education  
23 period during which the application is submitted and shall have  
24 completed the seven-hour National Uniform Standards of Professional  
25 Appraisal Practice Update Course, or its equivalent as approved

1 by the Appraiser Qualifications Board, at a minimum of every  
2 two years. The seven-hour course shall be taught by a Uniform  
3 Standards of Professional Appraisal Practice Instructor who is  
4 certified by the Appraiser Qualifications Board and who is  
5 a state-certified appraiser in good standing. Credit toward a  
6 classroom hour requirement may be granted only if the length of the  
7 educational offering is at least two hours. The courses of study  
8 shall be conducted by an accredited university, college, community  
9 college, or junior 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  
12 the board. Credit may be granted for educational offerings and for  
13 participation other than as a student as approved by the board.

14 (4) The application for a credential as a certified  
15 residential real property appraiser shall include the applicant's  
16 social security number and such other information as the board may  
17 require.

18 Sec. 83. Section 76-2232, Revised Statutes Cumulative  
19 Supplement, 2008, is amended to read:

20 76-2232 (1) On and after January 1, 2008, to qualify for  
21 a credential as a certified general real property appraiser, an  
22 applicant shall:

23 (a) Be at least ~~nineteen years of age~~, the age of  
24 majority;

25 (b)(i) Hold a bachelor's degree, or higher, from an

1 accredited university or college; or

2 (ii) Have successfully completed, as verified by the  
3 board, thirty semester hours of coursework or its equivalent from  
4 an accredited university or college that shall have included  
5 English composition; macroeconomics; microeconomics; finance;  
6 algebra, geometry, or higher mathematics; statistics; introduction  
7 to computers, including word processing and spread sheets; business  
8 or real estate law; and two elective courses in accounting,  
9 geography, agricultural economics, business management, or real  
10 estate;

11 (c) Have successfully completed no fewer than three  
12 hundred class hours, which may include the class hours set forth  
13 in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved  
14 courses of study which relate to appraisal and which include  
15 completion of the fifteen-hour National Uniform Standards of  
16 Professional Appraisal Practice Course, or its equivalent as  
17 approved by the Appraiser Qualifications Board. The fifteen-hour  
18 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  
21 good standing. The courses of study shall be conducted by  
22 an accredited university, college, community college, or junior  
23 college, an appraisal society, institute, or association, a state  
24 or federal agency or commission, a proprietary school, or such  
25 other educational provider as may be approved by the board and

1 shall be, at a minimum, fifteen class hours in length. Credit  
2 toward the class hour requirement may be awarded to teachers  
3 of appraisal courses. Each course shall include a closed-book  
4 examination pertinent to the material presented;

5 (d) Have no fewer than three thousand hours of experience  
6 in any combination of the following: Fee and staff appraisal;  
7 ad valorem tax appraisal; condemnation appraisal; technical  
8 review appraisal; appraisal analysis; real estate consulting;  
9 highest-and-best-use analysis; and feasibility analysis or study.  
10 The required experience shall not be limited to the listed items  
11 but shall be acceptable to the board and subject to review and  
12 determination as to conformity with the Uniform Standards of  
13 Professional Appraisal Practice. The experience shall have occurred  
14 during a period of no fewer than thirty months. If requested,  
15 evidence acceptable to the board concerning the experience shall  
16 be presented by the applicant in the form of written reports or  
17 file memoranda;

18 (e) Within the twenty-four months following approval  
19 of the applicant by the board, pass a closed-book examination  
20 administered by the board which demonstrates that the applicant  
21 has:

22 (i) Knowledge of technical terms commonly used in or  
23 related to appraisal and the writing of appraisal reports;

24 (ii) Knowledge of depreciation theories, cost estimating,  
25 methods of capitalization, market data analysis, appraisal

1 mathematics, and economic concepts applicable to real estate;

2 (iii) An understanding of the principles of land  
3 economics, appraisal processes, and problems encountered in the  
4 gathering, interpreting, and processing of data involved in the  
5 valuation of real property;

6 (iv) Knowledge of the appraisal of various types of and  
7 interests in real property for various functions and purposes;

8 (v) An understanding of basic real estate law;

9 (vi) An understanding of the types of misconduct for  
10 which disciplinary proceedings may be initiated;

11 (vii) An understanding of the Uniform Standards of  
12 Professional Appraisal Practice;

13 (viii) An understanding of the recognized methods and  
14 techniques necessary for the development and communication of a  
15 credible appraisal; and

16 (ix) Knowledge of such other principles and procedures as  
17 may be appropriate to produce a credible appraisal; and

18 (f) Not have been convicted of any felony or, if so  
19 convicted, have had his or her civil rights restored.

20 (2) If an applicant is applying for renewal of a  
21 credential as a certified general real property appraiser on  
22 and after January 1, 2008, the applicant shall have successfully  
23 completed no fewer than fourteen hours of instruction in courses  
24 or seminars for each year of the two-year continuing education  
25 period during which the application is submitted and shall have

1 completed the seven-hour National Uniform Standards of Professional  
2 Appraisal Practice Update Course, or its equivalent as approved  
3 by the Appraiser Qualifications Board, at a minimum of every  
4 two years. The seven-hour course shall be taught by a Uniform  
5 Standards of Professional Appraisal Practice Instructor who is  
6 certified by the Appraiser Qualifications Board and who is  
7 a state-certified appraiser in good standing. Credit toward a  
8 classroom hour requirement may be granted only if the length of the  
9 educational offering is at least two hours. The courses of study  
10 shall be conducted by an accredited university, college, community  
11 college, or junior college, an appraisal society, institute, or  
12 association, a state or federal agency or commission, a proprietary  
13 school, or such other educational provider as may be approved by  
14 the board. Credit may be granted for educational offerings and for  
15 participation other than as a student as approved by the board.

16 (3) The application for a credential as a certified  
17 general real property appraiser shall include the applicant's  
18 social security number and such other information as the board may  
19 require.

20 Sec. 84. Section 79-267, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22 79-267 The following student conduct shall constitute  
23 grounds for long-term suspension, expulsion, or mandatory  
24 reassignment, subject to the procedural provisions of the Student  
25 Discipline Act, when such activity occurs on school grounds, in

1 a vehicle owned, leased, or contracted by a school being used  
2 for a school purpose or in a vehicle being driven for a school  
3 purpose by a school employee or by his or her designee, or at a  
4 school-sponsored activity or athletic event:

5 (1) Use of violence, force, coercion, threat,  
6 intimidation, or similar conduct in a manner that constitutes a  
7 substantial interference with school purposes;

8 (2) Willfully causing or attempting to cause substantial  
9 damage to property, stealing or attempting to steal property of  
10 substantial value, or repeated damage or theft involving property;

11 (3) Causing or attempting to cause personal injury to a  
12 school employee, to a school volunteer, or to any student. Personal  
13 injury caused by accident, self-defense, or other action undertaken  
14 on the reasonable belief that it was necessary to protect some  
15 other person shall not constitute a violation of this subdivision;

16 (4) Threatening or intimidating any student for the  
17 purpose of or with the intent of obtaining money or anything of  
18 value from such student;

19 (5) Knowingly possessing, handling, or transmitting any  
20 object or material that is ordinarily or generally considered a  
21 weapon;

22 (6) Engaging in the unlawful possession, selling,  
23 dispensing, or use of a controlled substance or an imitation  
24 controlled substance, as defined in section 28-401, a substance  
25 represented to be a controlled substance, or alcoholic liquor



1 as defined in section 53-103 or being under the influence of a  
2 controlled substance or alcoholic liquor;

3 (7) Public indecency as defined in section 28-806, except  
4 that this subdivision shall apply only to students at least twelve  
5 years of age ~~but less than nineteen years of age~~, or older;

6 (8) Engaging in bullying as defined in section 79-2,137;

7 (9) Sexually assaulting or attempting to sexually assault  
8 any person if a complaint has been filed by a prosecutor in a court  
9 of competent jurisdiction alleging that the student has sexually  
10 assaulted or attempted to sexually assault any person, including  
11 sexual assaults or attempted sexual assaults which occur off school  
12 grounds not at a school function, activity, or event. For purposes  
13 of this subdivision, sexual assault means sexual assault in the  
14 first degree as defined in section 28-319, sexual assault in the  
15 second degree as defined in section 28-320, sexual assault of  
16 a child in the second or third degree as defined in section  
17 28-320.01, or sexual assault of a child in the first degree as  
18 defined in section 28-319.01, as such sections now provide or may  
19 hereafter from time to time be amended;

20 (10) Engaging in any other activity forbidden by the laws  
21 of the State of Nebraska which activity constitutes a danger to  
22 other students or interferes with school purposes; or

23 (11) A repeated violation of any rules and standards  
24 validly established pursuant to section 79-262 if such violations  
25 constitute a substantial interference with school purposes.

1           It is the intent of the Legislature that alternatives to  
2 suspension or expulsion be imposed against a student who is truant,  
3 tardy, or otherwise absent from required school activities.

4           Sec. 85. Section 79-296, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6           79-296 (1) In addition to the penalties provided in the  
7 Uniform Controlled Substances Act and section 79-267, any person  
8 ~~under nineteen years of age~~ who is a student at any public  
9 elementary, secondary, or postsecondary educational institution  
10 in this state who possesses, dispenses, delivers, or administers  
11 anabolic steroids as defined in section 28-401 in violation of  
12 the Uniform Controlled Substances Act may be prohibited from  
13 participating in any extracurricular activities for not more  
14 than thirty consecutive days for the first offense. For the  
15 second or any subsequent offense, the student may be barred  
16 from participation in such activities for any period of time the  
17 institution deems appropriate pursuant to the written policy of the  
18 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  
22 and shall make a copy of the policy available to any student upon  
23 request.

24           Sec. 86. Section 81-885.13, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1                   81-885.13 (1) No broker's or salesperson's license shall  
2 be issued to any person who has not attained the age of ~~nineteen~~  
3 ~~years-~~ majority. No broker's or salesperson's license shall be  
4 issued to any person who is not a high school graduate or the  
5 holder of a certificate of high school equivalency.

6                   (2) Each applicant for a salesperson's license shall  
7 furnish evidence that he or she has completed two courses in  
8 real estate subjects, approved by the commission, composed of  
9 not less than sixty class hours of study or, in lieu thereof,  
10 courses delivered in a distance education format approved by the  
11 commission.

12                   (3) Each applicant for a broker's license shall either  
13 (a) have first served actively for two years as a licensed  
14 salesperson or broker and shall furnish evidence of completion  
15 of sixty class hours in addition to the hours required by  
16 subsection (2) of this section in a course of study approved  
17 by the commission or, in lieu thereof, courses delivered in a  
18 distance education format approved by the commission, or (b)  
19 furnish a certificate that he or she has passed a course of at  
20 least eighteen credit hours in subjects related to real estate at  
21 an accredited university or college, or completed six courses in  
22 real estate subjects composed of not less than one hundred eighty  
23 class hours in a course of study approved by the commission or,  
24 in lieu thereof, courses delivered in a distance education format  
25 approved by the commission.

1           (4) Each applicant for a broker's license must pass a  
2 written examination covering generally the matters confronting real  
3 estate brokers, and each applicant for a salesperson's license  
4 must pass a written examination covering generally the matters  
5 confronting real estate salespersons. Such examination may be taken  
6 before the commission or any person designated by the commission.  
7 Failure to pass the examination shall be grounds for denial of  
8 a license without further hearing. The commission may prepare and  
9 distribute to licensees under the Nebraska Real Estate License Act  
10 informational material deemed of assistance in the conduct of their  
11 business.

12           (5) An applicant for an original broker's or  
13 salesperson's license shall be subject to fingerprinting and a  
14 check of his or her criminal history record information maintained  
15 by the Federal Bureau of Investigation through the Nebraska  
16 State Patrol. Each applicant shall furnish to the Nebraska State  
17 Patrol a full set of fingerprints to enable a criminal background  
18 investigation to be conducted. The applicant shall request that the  
19 Nebraska State Patrol submit the fingerprints to the Federal Bureau  
20 of Investigation for a national criminal history record check. The  
21 applicant shall pay the actual cost, if any, of the fingerprinting  
22 and check of his or her criminal history record information.  
23 The applicant shall authorize release of the national criminal  
24 history record check to the commission. The criminal history record  
25 information check shall be completed within ninety days preceding

1 the date the original application for a license is received in the  
2 commission's office, and if not, the application shall be returned  
3 to the applicant.

4 (6) Courses of study, referred to in subsections (2)  
5 and (3) of this section, shall include courses offered by private  
6 proprietary real estate schools when such courses are prescribed  
7 by the commission and are taught by instructors approved by the  
8 commission. The commission shall monitor schools offering approved  
9 real estate courses and for good cause shall have authority to  
10 suspend or withdraw approval of such courses or instructors.

11 Sec. 87. Section 81-1916, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13 81-1916 (1) Each applicant for a truth and deception  
14 examiner's license to operate a polygraph instrument shall submit  
15 to the Secretary of State a sworn affidavit that the applicant:

16 (a) Is at least ~~nineteen years of age~~, the age of  
17 majority;

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  
21 a felony within five years prior to such application, including  
22 parole, probation, or actual incarceration, and has never been  
23 convicted of a 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

1 years of investigative experience at the federal, state, political  
2 subdivision, or private licensed investigator level immediately  
3 prior to application, or has had at least four years experience  
4 administering polygraph examinations;

5 (e) Has satisfactorily completed a minimum of two  
6 hundred fifty classroom hours of formal polygraph instructions  
7 from an institution recognized and approved by the secretary and  
8 satisfactorily completed not less than one year of internship  
9 training or its equivalent as approved by the secretary; and

10 (f) Has not previously had an examiner's license or its  
11 equivalent refused, revoked, or suspended, or otherwise invalidated  
12 for any cause which would also represent lawful grounds for  
13 revoking or denying the applicant's license under sections 81-1901  
14 to 81-1936.

15 (2) Each applicant shall also:

16 (a) Furnish the secretary with satisfactory proof that he  
17 or she has had suitable experience in the personal administration  
18 of polygraph examinations during his or her internship or its  
19 equivalent;

20 (b) Furnish the secretary with completed fingerprint  
21 cards, in duplicate, bearing the applicant's fingerprints and  
22 such other identifying information or certification as to the  
23 authenticity thereof as the secretary may reasonably require; and

24 (c) After satisfying all of the other requirements  
25 of this section, be required to satisfactorily pass a written

1 examination regarding the polygraph, conducted by the secretary or  
2 under his or her supervision, given to determine competency to  
3 practice as an examiner.

4 Sec. 88. Section 81-1917, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 81-1917 (1) Each applicant for a truth and deception  
7 examiner's license to operate a voice stress analysis instrument  
8 shall submit to the Secretary of State a sworn affidavit that the  
9 applicant:

10 (a) Is at least ~~nineteen years of age~~, the age of  
11 majority;

12 (b) Is a citizen of the United States and a resident of  
13 the State of Nebraska;

14 (c) Has not been under sentence for the commission of a  
15 felony within five years prior to application, including parole,  
16 probation, or actual incarceration, and has never been convicted of  
17 a felony or a misdemeanor involving moral turpitude;

18 (d) Has an academic degree at the baccalaureate level  
19 from an accredited college or university, has at least four  
20 years of investigative experience at the federal, state, political  
21 subdivision, or private licensed investigator level immediately  
22 prior to application, or has had at least four years experience  
23 administering voice stress examinations;

24 (e) Has satisfactorily completed a minimum of one hundred  
25 fifty classroom hours of formal voice stress analysis instruction

1 recognized and approved by the secretary and has satisfactorily  
2 completed at least one year of internship training or its  
3 equivalent as approved by the secretary; and

4 (f) Has not previously had an examiner's license or  
5 its equivalent refused or revoked, or otherwise invalidated for  
6 cause duly shown which would also represent lawful grounds for  
7 revoking or denying the applicant's license under sections 81-1901  
8 to 81-1936.

9 (2) Each applicant shall also:

10 (a) Provide the secretary with proof that the applicant  
11 has completed a course of study at a training facility approved  
12 pursuant to subdivision (e) of subsection (1) of this section;

13 (b) Furnish the secretary with satisfactory proof that he  
14 or she has had suitable experience in the personal administration  
15 of voice stress analysis examinations during his or her training  
16 course;

17 (c) Furnish the secretary with completed fingerprint  
18 cards, in duplicate, bearing the applicant's fingerprints and  
19 such other identifying information or certification as to the  
20 authenticity thereof as the secretary may reasonably require; and

21 (d) After satisfying all of the other requirements  
22 of this section, be required to satisfactorily pass a written  
23 examination regarding the voice stress analysis instruments,  
24 conducted by the secretary or under his or her supervision, given  
25 to determine competency to practice as an examiner.



1           Sec. 89. Section 81-1936, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-1936 An applicant who is a truth and deception  
4 examiner licensed under laws of another state or territory of the  
5 United States may be issued an appropriate license by the secretary  
6 without examination if the secretary, in his or her discretion,  
7 determines the applicant has produced satisfactory proof that:

8           (1) He or she is at least ~~nineteen years of age;~~ the age  
9 of majority;

10           (2) He or she is of good moral character;

11           (3) The requirements for licensing of a truth and  
12 deception examiner in such state or territory of the United States  
13 were at the date of the applicant's licensing therein substantially  
14 equivalent to the requirements of sections 81-1901 to 81-1936;

15           (4) The applicant has lawfully engaged in the  
16 administration of truth and deception examinations under the laws  
17 of such state or territory for at least six months prior to the  
18 application for license;

19           (5) The other state or territory grants similar  
20 reciprocity to the license holders of this state;

21           (6) The applicant has complied with section 81-1930; and

22           (7) The applicant has paid the required fee.

23           Sec. 90. Section 81-2026, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25           81-2026 (1) (a) Any officer qualified for an annuity as

1 provided in section 81-2025 for reasons other than disability  
2 shall be entitled to receive a monthly annuity for the remainder  
3 of the officer's life. The annuity payments shall continue until  
4 the end of the calendar month in which the officer dies. The  
5 amount of the annuity shall be a percentage of the officer's  
6 final average monthly compensation. For retirement on or after the  
7 fifty-fifth birthday of the member or on or after the fiftieth  
8 birthday of a member who has been in the employ of the state for  
9 twenty-five years, as calculated in section 81-2033, the percentage  
10 shall be three percent multiplied by the number of years of  
11 creditable service, as calculated in section 81-2033, except that  
12 the percentage shall never be greater than seventy-five percent.

13 (b) For retirement pursuant to subsection (2) of section  
14 81-2025 on or after the fiftieth birthday of the member but prior  
15 to the fifty-fifth birthday of the member who has been in the  
16 employ of the state for less than twenty-five years, as calculated  
17 in section 81-2033, the annuity which would apply if the member  
18 were age fifty-five at the date of retirement shall be reduced  
19 by five-ninths of one percent for each month by which the early  
20 retirement date precedes age fifty-five or for each month by which  
21 the early retirement date precedes the date upon which the member  
22 has served for twenty-five years, whichever is earlier. Any officer  
23 who has completed thirty years of creditable service with the  
24 Nebraska State Patrol shall have retirement benefits computed as if  
25 the officer had reached age fifty-five.

1           (c) For purposes of this computation, final average  
2 monthly compensation shall mean the sum of the officer's total  
3 compensation during the three twelve-month periods of service as  
4 an officer in which compensation was the greatest divided by  
5 thirty-six, and for any officer employed on or before January  
6 4, 1979, the officer's total compensation shall include payments  
7 received for unused vacation and sick leave accumulated during the  
8 final three years of service.

9           (2) Any officer qualified for an annuity as provided  
10 in section 81-2025 for reasons of disability shall be entitled  
11 to receive a monthly annuity for the remainder of the period  
12 of disablement as provided in sections 81-2028 to 81-2030. The  
13 amount of the annuity shall be fifty percent of the officer's  
14 monthly compensation at the date of disablement if the officer  
15 has completed seventeen or fewer years of creditable service. If  
16 the officer has completed more than seventeen years of creditable  
17 service, the amount of the annuity shall be three percent of the  
18 final monthly compensation at the date of disablement multiplied  
19 by the total years of creditable service but not to exceed  
20 seventy-five percent of the final average monthly compensation as  
21 defined in subsection (1) of this section. The date of disablement  
22 shall be the date on which the benefits as provided in section  
23 81-2028 have been exhausted.

24           (3) Upon the death of an officer after retirement for  
25 reasons other than disability, benefits shall be provided as a

1 percentage of the amount of the officer's annuity, calculated as  
2 follows:

3 (a) If there is a surviving spouse but no dependent child  
4 or children of the officer under ~~nineteen years of age~~, the age  
5 of majority, the surviving spouse shall receive a benefit equal to  
6 seventy-five percent of the amount of the officer's annuity for the  
7 remainder of the surviving spouse's life or until the surviving  
8 spouse remarries;

9 (b) If there is a surviving spouse and the surviving  
10 spouse has in his or her care a dependent child or children of the  
11 officer under ~~nineteen years of age~~ the age of majority and there  
12 is no other dependent child or children of the officer not in the  
13 care of the surviving spouse under ~~nineteen years of age~~, the age  
14 of majority, the benefit shall be equal to one hundred percent of  
15 the officer's annuity. When there is no remaining dependent child  
16 of the officer under ~~nineteen years of age~~, the age of majority,  
17 the benefit shall be seventy-five percent of the amount of the  
18 officer's annuity to the surviving spouse for the remainder of the  
19 surviving spouse's life or until the surviving spouse remarries;

20 (c) If there is a surviving spouse and the surviving  
21 spouse has in his or her care a dependent child or children of  
22 the officer under ~~nineteen years of age~~ the age of majority or  
23 there is another dependent child or children of the officer under  
24 ~~nineteen years of age~~ the age of majority not in the care of  
25 the surviving spouse, the benefit shall be twenty-five percent of

1 the amount of the officer's annuity to the surviving spouse and  
2 seventy-five percent of the amount of the officer's annuity to the  
3 dependent children of the officer under ~~nineteen years of age~~ the  
4 age of majority to be divided equally among such dependent children  
5 but in no case shall the benefit received by a surviving spouse  
6 and dependent children residing with such spouse be less than fifty  
7 percent of the amount of the officer's annuity. At such time as  
8 any dependent child of the officer attains ~~nineteen years of age,~~  
9 the age of majority, the benefit shall be divided equally among  
10 the remaining dependent children of the officer who have not yet  
11 attained ~~nineteen years of age,~~ the age of majority. When there is  
12 no remaining dependent child of the officer under ~~nineteen years of~~  
13 ~~age,~~ the age of majority, the benefit shall be seventy-five percent  
14 of the amount of the officer's annuity to the surviving spouse for  
15 the remainder of the surviving spouse's life or until the surviving  
16 spouse remarries;

17 (d) If there is no surviving spouse and a dependent child  
18 or children of the officer under ~~nineteen years of age,~~ the age of  
19 majority, the benefit shall be equal to seventy-five percent of the  
20 officer's annuity to the dependent children of the officer under  
21 ~~nineteen years of age~~ the age of majority to be divided equally  
22 among such dependent children. At such time as any dependent child  
23 of the officer attains ~~nineteen years of age,~~ the age of majority,  
24 the benefit shall be divided equally among the remaining dependent  
25 children of the officer who have not yet attained ~~nineteen years of~~

1 ~~age,~~ the age of majority; and

2 (e) If there is no surviving spouse or no dependent child  
3 or children of the officer under ~~nineteen years of age,~~ the age  
4 of majority, the amount of benefit such officer has received under  
5 the Nebraska State Patrol Retirement Act shall be computed. If  
6 such amount is less than the contributions to the State Patrol  
7 Retirement Fund made by such officer, plus regular interest, the  
8 difference shall be paid to the officer's designated beneficiary or  
9 estate.

10 (4) Upon the death of an officer after retirement for  
11 reasons of disability, benefits shall be provided as if the officer  
12 had retired for reasons other than disability.

13 (5) Upon the death of an officer before retirement,  
14 benefits shall be provided as if the officer had retired for  
15 reasons of disability on the date of such officer's death,  
16 calculated as follows:

17 (a) If there is a surviving spouse but no dependent child  
18 or children of the officer under ~~nineteen years of age,~~ the age  
19 of majority, the surviving spouse shall receive a benefit equal to  
20 seventy-five percent of the amount of the officer's annuity for the  
21 remainder of the surviving spouse's life or until the surviving  
22 spouse remarries;

23 (b) If there is a surviving spouse and the surviving  
24 spouse has in his or her care a dependent child or children of the  
25 officer under ~~nineteen years of age~~ the age of majority and there

1 is no other dependent child or children of the officer not in the  
2 care of the surviving spouse under ~~nineteen years of age,~~ the age  
3 of majority, the benefit shall be equal to one hundred percent of  
4 the officer's annuity. When there is no remaining dependent child  
5 of the officer under ~~nineteen years of age,~~ the age of majority,  
6 the benefit shall be seventy-five percent of the amount of the  
7 officer's annuity to the surviving spouse for the remainder of the  
8 surviving spouse's life or until the surviving spouse remarries;

9 (c) If there is a surviving spouse and the surviving  
10 spouse has in his or her care a dependent child or children of  
11 the officer under ~~nineteen years of age~~ the age of majority or  
12 there is another dependent child or children of the officer under  
13 ~~nineteen years of age~~ the age of majority not in the care of  
14 the surviving spouse, the benefit shall be twenty-five percent of  
15 the amount of the officer's annuity to the surviving spouse and  
16 seventy-five percent of the amount of the officer's annuity to the  
17 dependent children of the officer under ~~nineteen years of age~~ the  
18 age of majority to be divided equally among such dependent children  
19 but in no case shall the benefit received by a surviving spouse  
20 and dependent children residing with such spouse be less than fifty  
21 percent of the amount of the officer's annuity. At such time as  
22 any dependent child of the officer attains ~~nineteen years of age,~~  
23 the age of majority, the benefit shall be divided equally among  
24 the remaining dependent children of the officer who have not yet  
25 attained ~~nineteen years of age.~~ the age of majority. When there is

1 no remaining dependent child of the officer under ~~nineteen years of~~  
2 ~~age,~~ the age of majority, the benefit shall be seventy-five percent  
3 of the amount of the officer's annuity to the surviving spouse for  
4 the remainder of the surviving spouse's life or until the surviving  
5 spouse remarries;

6 (d) If there is no surviving spouse and a dependent child  
7 or children of the officer under ~~nineteen years of age,~~ the age of  
8 majority, the benefit shall be equal to seventy-five percent of the  
9 officer's annuity to the dependent children of the officer under  
10 ~~nineteen years of age~~ the age of majority to be divided equally  
11 among such dependent children. At such time as any dependent child  
12 of the officer attains ~~nineteen years of age,~~ the age of majority,  
13 the benefit shall be divided equally among the remaining dependent  
14 children of the officer who have not yet attained ~~nineteen years of~~  
15 ~~age,~~ the age of majority; and

16 (e) If no benefits are paid to a surviving spouse or  
17 dependent child or children of the officer, benefits will be paid  
18 as described in subsection (1) of section 81-2031.

19 (6) Any changes made to this section by Laws 2004, LB  
20 1097, shall apply only to retirements, disabilities, and deaths  
21 occurring on or after July 16, 2004.

22 (7) Changes made to this section by this legislative bill  
23 shall apply only to retirements, disabilities, and deaths occurring  
24 on or after the operative date of this act.

25 Sec. 91. Section 81-2036, Reissue Revised Statutes of



1 Nebraska, is amended to read:

2           81-2036 After the adjustment prescribed in section  
3 81-2035 is made, any annuity paid pursuant to sections 81-2014 to  
4 81-2034 to any officer or surviving spouse qualified to receive  
5 such payment shall be adjusted on May 27, 1989, to reflect  
6 changes in the cost of living and wage levels which have occurred  
7 subsequent to the date of retirement up to an annuity total  
8 amount equal to five thousand nine hundred eighty dollars for a  
9 one-member family unit. For each additional member of the family  
10 unit the amount shall be increased by two thousand forty dollars.  
11 The annuity shall be adjusted to reflect any changes in the family  
12 unit when the change occurs. A change in the family unit after  
13 retirement occurs (1) upon the death of the officer, (2) upon the  
14 death of the spouse or a dependent child, (3) upon the birth of a  
15 dependent child, (4) upon the divorce of the officer and his or  
16 her spouse, (5) when the officer no longer provides support for  
17 a dependent child, and (6) when a dependent child, prior to the  
18 operative date of this act, becomes nineteen years of age or, on  
19 or after such date, becomes the age of majority. Each officer or  
20 surviving spouse whose annuity is adjusted pursuant to this section  
21 shall file an annual report with the retirement system, on a form  
22 prescribed by the Public Employees Retirement Board, to verify the  
23 size of the family unit. For purposes of this section: Family 7  
24 ~~family~~ unit shall include the officer; 7 his or her spouse at the  
25 time of retirement; 7 the officer's legal dependent children under

1 nineteen years of age prior to the operative date of this act,  
2 or, on or after such date, under the age of majority; ~~7~~ and the  
3 officer's dependent handicapped children.

4           Sec. 92. This act becomes operative on January 1, 2010.

5           Sec. 93. Original sections 9-230.01, 9-241.06, 9-241.08,  
6 9-255.06, 9-255.09, 9-334, 9-345, 9-430, 9-633, 9-826, 20-403,  
7 21-1724, 21-1750, 21-1781, 23-1824, 25-1601, 25-1628, 25-21,271,  
8 28-319, 28-319.01, 28-320.01, 28-457, 28-833, 29-401, 29-2270,  
9 29-4016, 30-2209, 30-2326, 30-2329, 30-2412, 30-2603, 30-3402,  
10 30-3502, 32-602, 38-129, 38-165, 38-1060, 38-10,165, 38-10,171,  
11 38-1221, 38-1612, 38-1710, 38-2421, 38-2885, 38-2890, 38-3122,  
12 42-371.01, 43-104.09, 43-117, 43-245, 43-247, 43-289, 43-290,  
13 43-294, 43-2,113, 43-412, 43-504, 43-2101, 43-2404.02, 43-2922,  
14 43-3703, 43-3709, 43-3902, 43-3910, 44-5238, 48-122.01, 48-124,  
15 71-20,120, 71-4808, 79-267, 79-296, 81-885.13, 81-1916, 81-1917,  
16 81-1936, 81-2026, and 81-2036, Reissue Revised Statutes of  
17 Nebraska, and sections 49-801, 64-101, 68-1724, 71-629, 71-812,  
18 71-1903, 71-6039.01, 71-6502, 71-6726, 76-2228.01, 76-2229.01,  
19 76-2230, 76-2231.01, and 76-2232, Revised Statutes Cumulative  
20 Supplement, 2008, are repealed.