

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FIFTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 193**

Introduced by Pansing Brooks, 28.

Read first time January 10, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to courts; to amend section 29-2407, Reissue  
2 Revised Statutes of Nebraska, 2008, sections 15-1202, 15-1203,  
3 24-303, 24-729, 25-410, 25-412, 25-533, 25-602, 25-901, 25-915,  
4 25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01,  
5 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510,  
6 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-1912,  
7 25-21,212, 25-21,228, 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211,  
8 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2721, 25-2729,  
9 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418,  
10 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2321,  
11 29-2413, 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608, 31-320,  
12 31-329, 32-1412, 33-103, 33-106, 33-106.01, 33-106.02, 33-106.03,  
13 33-107.02, 33-131, 33-140.03, 35-102, 37-1283, 42-364, 42-372.02,  
14 43-102, 43-2,108, 43-2,112, 43-2,113, 43-1906, 44-2006, 46-554,  
15 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03,  
16 Reissue Revised Statutes of Nebraska, and sections 16-729, 44-4828,  
17 48-3511, 50-406, 60-166, and 71-6903, Revised Statutes Cumulative  
18 Supplement, 2016; to define terms; to change and eliminate record  
19 and recording requirements and change terminology; to provide for,  
20 change, and eliminate provisions relating to retention and  
21 disposition of records; to change provisions relating to the duties  
22 of court clerks; to eliminate a filing requirement for volunteer  
23 fire departments; to provide a duty for the State Court

1 Administrator; to harmonize provisions; to repeal the original  
2 sections; and to outright repeal sections 24-337, 24-348, 25-1319,  
3 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and  
4 25-2616, Reissue Revised Statutes of Nebraska.

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

1 Section 1. Section 15-1202, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 15-1202 (1) The party appealing shall within thirty days after the  
4 date of the order or decision complained of (a) file a notice of appeal  
5 with the city clerk specifying the parties taking the appeal and the  
6 order or decision appealed from and serve a copy of the notice upon the  
7 city attorney and (b) deposit the fees and bond or undertaking required  
8 pursuant to subsection (2) of this section or file an affidavit pursuant  
9 to subsection (3) of this section. The notice of appeal shall serve as a  
10 praecipe for a transcript.

11 (2) Except as provided in subsection (3) of this section, the  
12 appellant shall:

13 (a) Deposit with the city clerk ~~a docket fee in the amount of the~~  
14 filing fee in district court for cases originally commenced in district  
15 court;

16 (b) Deposit with the city clerk a cash bond or undertaking with at  
17 least one good and sufficient surety approved by the city clerk, in the  
18 amount of two hundred dollars, on condition that the appellant will  
19 satisfy any judgment and costs that may be adjudged against him or her;  
20 and

21 (c) Deposit with the city clerk the fees for the preparation of a  
22 certified and complete transcript of the proceedings of the city relating  
23 to the order or decision appealed.

24 (3)(a) An appellant may file with the city clerk an affidavit  
25 alleging that the appellant is indigent. The filing of such an affidavit  
26 shall relieve the appellant of the duty to deposit any fee, bond, or  
27 undertaking required by subsection (2) of this section as a condition for  
28 the preparation of the transcript or the perfecting of the appeal by the  
29 appellant subject to the determination of the court as provided in  
30 section 15-1204. In conjunction with the filing of the petition for  
31 appeal as provided for in section 15-1204, the appellant shall file a

1 copy of the affidavit alleging his or her indigency and the district  
2 court shall rule upon the issue of indigency prior to the consideration  
3 of any other matter relating to the appeal as provided in section  
4 15-1204.

5 (b) An appellant determined to be indigent under this subsection  
6 shall not be required to deposit any fee, bond, or undertaking required  
7 by subsection (2) of this section. For purposes of this section, indigent  
8 means the inability to financially pursue the appeal without prejudicing  
9 the appellant's ability to provide economic necessities for the appellant  
10 or the appellant's family.

11 (c) An appellant determined not to be indigent shall, within thirty  
12 days after the determination, deposit with the city clerk the fees and  
13 bond or undertaking required by subsection (2) of this section. The  
14 appeal shall not proceed further until the city clerk notifies the court  
15 that the appropriate deposit has been made.

16 Sec. 2. Section 15-1203, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 15-1203 (1) Except as provided in subsection (2) of this section,  
19 the city clerk, on payment to him or her of the costs of the transcript,  
20 shall transmit within fifteen days to the clerk of the district court the  
21 filing ~~docket~~ fee and a certified and complete transcript of the  
22 proceedings of the city relating to the order or decision appealed. After  
23 receipt of such fee and transcript, the clerk of the district court shall  
24 file ~~docket~~ the appeal.

25 (2) If the appellant files an affidavit alleging that he or she is  
26 indigent pursuant to section 15-1202, the city clerk shall transmit  
27 within fifteen days to the clerk of the district court a certified and  
28 complete transcript of the proceedings of the city relating to the order  
29 or decision appealed. After receipt of the transcript, the clerk of the  
30 district court shall file ~~docket~~ the appeal.

31 Sec. 3. Section 16-729, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 16-729 The city clerk, upon an appeal being taken under section  
3 16-727 or 16-728 and being paid the proper fees therefor, including fees  
4 for filing the same in the district court, shall make out a transcript of  
5 the proceedings of the city council, mayor, and other officers as relate  
6 to the presentation and allowance or disallowance of such claim and shall  
7 file it with the clerk of the district court within thirty days after the  
8 decision allowing or disallowing the claim and paying the proper  
9 commencement fees. Such appeal shall be entered on the record docket of  
10 the court, tried, and determined and costs awarded thereon in the manner  
11 provided in sections 25-1901 to 25-1937. No appeal bond shall be required  
12 of the city by any court in the case of an appeal by the city, and  
13 judgment shall be stayed pending such appeal.

14 Sec. 4. Section 24-303, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 24-303 (1) The judges of the district court shall, the last two  
17 months in each year, fix the time of holding terms of court in the  
18 counties composing their respective districts during the ensuing year,  
19 and cause the same to be published throughout the district, if the same  
20 can be done without expense. All jury terms of the district court shall  
21 be held at the county seat in the courthouse, or other place provided by  
22 the county board, but nothing herein contained shall preclude the  
23 district court, or a judge thereof, from rendering a judgment or other  
24 final order or from directing the entry thereof in any cause, in any  
25 county other than where such cause is pending, where the trial or hearing  
26 upon which such judgment or other final order is rendered took place in  
27 the county in which such cause is pending. Terms of court may be held at  
28 the same time in different counties in the same judicial district, by the  
29 judge of the district court thereof, if there be more than one, and upon  
30 request of the judge or judges of such court, any term in such district  
31 may be held by a judge of the district court of any other district of the

1 state. The Supreme Court may order the assignment of judges of the  
2 district court to other districts whenever it shall appear that their  
3 services are needed to relieve a congested trial docket ~~calendar~~ or to  
4 adjust judicial case loads, or on account of the disqualification,  
5 absence, disability, or death of a judge, or for other adequate cause.  
6 When necessary, a term of the district court sitting in any county may be  
7 continued into and held during the time fixed for holding such court in  
8 any other county within the district, or may be adjourned and held beyond  
9 such time.

10 (2) All nonevidentiary hearings, and any evidentiary hearings  
11 approved by the district court and by stipulation of all parties that  
12 have filed an appearance, may be heard by the court telephonically or by  
13 videoconferencing or similar equipment at any location within the  
14 judicial district as ordered by the court and in a manner that ensures  
15 the preservation of an accurate record. Such hearings shall not include  
16 trials before a jury. Hearings conducted in this manner shall be  
17 consistent with the public's access to the courts.

18 Sec. 5. Section 24-729, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 24-729 The Supreme Court of Nebraska is empowered, with the consent  
21 of the retired judge, (1) to assign judges of the Supreme Court, Court of  
22 Appeals, and district court who are now retired or who may be retired  
23 hereafter to (a) sit in any court in the state to relieve congested trial  
24 dockets or to prevent the trial docket of such court from becoming  
25 congested or (b) sit for the judge of any court who may be incapacitated  
26 or absent for any reason whatsoever and (2) to assign any judge of the  
27 separate juvenile court, county court, or Nebraska Workers' Compensation  
28 Court who is now retired or who may be retired hereafter to (a) sit in  
29 any court having the same jurisdiction as one in which any such judge may  
30 have previously served to relieve congested trial dockets or to prevent  
31 the trial docket of any such court from becoming congested or (b) sit for

1 the judge of any such court who may be incapacitated or absent for any  
2 reason. Any judge who has retired on account of disability may not be so  
3 assigned.

4 For purposes of sections 24-729 to 24-733, retired judge shall  
5 include a judge who, before, on, or after March 31, 1993, has retired  
6 upon the attainment of age fifty-five and has elected to defer the  
7 commencement of his or her retirement annuity to a later date.

8 Sec. 6. Section 25-410, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 25-410 (1) For the convenience of the parties and witnesses or in  
11 the interest of justice, a district court of any county, the transferor  
12 court, may transfer any civil action to the district court of any other  
13 county in this state, the transferee court. The transfer may occur before  
14 or after the entry of judgment, and there shall be no additional fees  
15 required for the transfer.

16 (2) To transfer a civil action, the transferor court shall order  
17 transfer of the action to the specific transferee court requested. The  
18 clerk of the transferor court shall file with the transferee court within  
19 ten days after the entry of the transfer order: Certification of the  
20 proceedings; all original documents of the action; certification of the  
21 transcript of register of actions ~~docket entries~~; and certification of  
22 the payment records of any judgment in the action maintained by the  
23 transferor court.

24 (3) Upon the filing of such documents by the clerk of the transferor  
25 court, the clerk of the transferee court shall enter any judgment in the  
26 action on the judgment index ~~record~~ of the transferee court. The  
27 judgment, once filed and entered on the judgment index ~~record~~ of the  
28 transferee court, shall be a lien on the property of the debtor in any  
29 county in which such judgment is filed. Transfer of the action shall not  
30 change the obligations of the parties under any judgment entered in the  
31 action regardless of the status of the transfer.

1 (4) If the transferred civil action involves a support order that  
2 has payment records maintained by the Title IV-D Division as defined in  
3 section 43-3341, the transferor court order shall notify the division to  
4 make the necessary changes in the support payment records. Support  
5 payments shall commence in the transferee court on the first day of the  
6 month following the order of transfer, payments made prior to such date  
7 shall be considered payment on a judgment entered by the transferor  
8 court, and payments made on and after such date shall be considered  
9 payment on a judgment entered by the transferee court.

10 Sec. 7. Section 25-412, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 25-412 When an action affecting the title or possession of real  
13 estate has been brought in or transferred to any court of a county, other  
14 than the county in which the real estate or some portion of it is  
15 situated, the clerk of such court must, after final judgment therein,  
16 certify such judgment under his or her seal of office, and transmit the  
17 same to the corresponding court of the county in which the real estate  
18 affected by the action is situated. The clerk receiving such copy must  
19 file, ~~docket~~ and record such judgment in the records of the court,  
20 briefly designating it as a judgment transferred from ..... court  
21 (naming the proper court).

22 Sec. 8. Section 25-533, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 25-533 No levy of attachment or execution on real estate issued from  
25 any other county shall be notice to a subsequent vendee or encumbrancer  
26 in good faith, unless the sheriff has filed a notice on the record ~~shall~~  
27 ~~have entered in a book, which shall be kept in the office of the clerk of~~  
28 ~~the district court by such clerk and called the "encumbrance book," a~~  
29 ~~statement~~ that the land, describing it, has been so attached or levied  
30 on, the cause in which it was so attached, and when it was done, ~~signed~~  
31 ~~by such sheriff. Such book shall be open, as other books kept by such~~



1 ~~clerk, to public inspection.~~

2       Sec. 9. Section 25-602, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       25-602 The plaintiff~~7~~ in any case pending in the district court or  
5 Supreme Court of the state, ~~shall~~, when no counterclaim or setoff has  
6 been filed by the opposite party, has ~~have~~ the right in the vacation of  
7 any of such ~~said~~ courts to dismiss such ~~his~~ ~~said~~ action without  
8 prejudice, upon payment of costs, which dismissal shall be, by the clerk  
9 of any of such ~~said~~ courts, entered upon the record journal and take  
10 effect from and after the date thereof.

11       Sec. 10. Section 25-901, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13       25-901 The defendant in an action for the recovery of money only~~7~~  
14 may, at any time before the trial, serve upon the plaintiff or the  
15 plaintiff's ~~7~~ ~~or his~~ attorney~~7~~ an offer in writing to allow judgment to  
16 be taken against the defendant ~~him~~ for the sum specified therein. If the  
17 plaintiff accepts the offer and gives notice thereof to the defendant or  
18 the defendant's ~~his~~ attorney, within five days after the offer was  
19 served, the offer~~7~~ and an affidavit that the notice of acceptance was  
20 delivered in the time limited~~7~~ may be filed by the plaintiff~~7~~ or the  
21 defendant may file the acceptance, with a copy of the offer verified by  
22 affidavit. In ~~7~~ ~~and~~ ~~in~~ either case, the offer and acceptance shall be  
23 entered upon the record ~~noted in the journal~~, and judgment shall be  
24 rendered accordingly. If the notice of acceptance is ~~be~~ not given in the  
25 period limited~~7~~, the offer shall be deemed withdrawn~~7~~ and shall not be  
26 given in evidence~~7~~ or mentioned on the trial. If the plaintiff fails to  
27 obtain judgment for more than was offered by the defendant, the plaintiff  
28 ~~he~~ shall pay the defendant's cost from the time of the offer.

29       Sec. 11. Section 25-915, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31       25-915 Orders made out of court shall be forthwith entered by the

1 clerk in the record journal of the court in the same manner as orders  
2 made in term.

3 Sec. 12. Section 25-1031.02, Reissue Revised Statutes of Nebraska,  
4 is amended to read:

5 25-1031.02 (1) The party seeking garnishment shall advance the costs  
6 of transcript and filing docketing the matter in the district court.

7 (2) The district court shall be entitled to the following fee in  
8 civil matters: For issuance of a writ of execution, restitution,  
9 garnishment, attachment, and examination in aid of execution, a fee of  
10 five dollars each.

11 Sec. 13. Section 25-1121, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 25-1121 In every action for the recovery of money only, or specific  
14 real property, the jury, in their discretion, may render a general or  
15 special verdict. In all other cases the court may direct the jury to find  
16 a special verdict, in writing, upon all or any of the issues and in all  
17 cases may instruct them, if they render a general verdict, to find upon  
18 particular questions of fact to be stated in writing, and may direct a  
19 written finding thereon. The special verdict or finding must be filed  
20 with the clerk and entered upon the record ~~on the journal~~.

21 Sec. 14. Section 25-1126, Reissue Revised Statutes of Nebraska, is  
22 amended to read:

23 25-1126 The trial by jury may be waived by the parties in actions  
24 arising on contract, and with assent of the court in other actions (1) by  
25 the consent of the party appearing, when the other party fails to appear  
26 at the trial by himself or herself or by attorney, ÷ (2) by written  
27 consent, in person or by attorney, filed with the clerk, ÷ and (3) by  
28 oral consent in open court entered upon the record ~~on the journal~~.

29 Sec. 15. Section 25-1129, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 25-1129 All or any of the issues in the action, whether of fact or

1 law~~7~~ or both, may be referred to a referee upon the written consent of  
2 the parties or upon their oral consent in court entered upon the record  
3 journal.

4 Sec. 16. Section 25-1149, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 25-1149 The trial of an issue of fact~~7~~ and the assessment of damages  
7 in any case shall be in the order in which they are placed on the trial  
8 docket, unless by consent of parties~~7~~ or the order of the court~~7~~ they are  
9 continued, ~~or~~ placed at the heel of the trial docket, or temporarily  
10 postponed. The time of hearing all other cases shall be in the order in  
11 which they are placed on the trial docket, unless the court shall  
12 otherwise direct. The court may in its discretion hear at any time a  
13 motion, may by rule prescribe the time for hearing motions, and may  
14 provide for dismissing actions without prejudice for want of prosecution.

15 Sec. 17. Section 25-1301, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 25-1301 (1) A judgment is the final determination of the rights of  
18 the parties in an action.

19 (2) Rendition of a judgment is the act of the court, or a judge  
20 thereof, in making and signing a written notation of the relief granted  
21 or denied in an action.

22 (3) The entry of a judgment, decree, or final order occurs when the  
23 clerk of the court places the file stamp and date upon the judgment,  
24 decree, or final order. For purposes of determining the time for appeal,  
25 the date stamped on the judgment, decree, or final order shall be the  
26 date of entry.

27 (4) The clerk shall prepare and maintain the records of judgments,  
28 decrees, and final orders that are required by statute and rule of the  
29 Supreme Court. Whenever any judgment is paid and discharged or when a  
30 satisfaction of judgment is filed, the clerk shall enter such fact upon  
31 the judgment index.

1           Sec. 18. Section 25-1301.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           25-1301.01 Within three working days after the entry of any final  
4 order ~~civil judgment~~, except judgments by default when service has been  
5 obtained by publication ~~or an appearance of the defaulting party has been~~  
6 ~~made~~, the clerk of the court shall send the final order ~~a postcard or~~  
7 ~~notice~~ by United States mail or by service through the court's electronic  
8 case management system to each party whose address appears in the records  
9 of the action, or to the party's attorney or attorneys of record,  
10 ~~advising that a judgment has been entered and the date of entry.~~

11           Sec. 19. Section 25-1303, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13           25-1303 The transcript of a judgment of any district court in this  
14 state may be filed in the office of the clerk of the district court in  
15 any county. Such transcript, when so filed and entered on the judgment  
16 index record, shall be a lien on the property of the debtor in any county  
17 in which such transcript is so filed, in the same manner and under the  
18 same conditions only as in the county where such judgment was rendered,  
19 and execution may be issued on such transcript in the same manner as on  
20 the original judgment. Such ~~;~~ ~~Provided~~, such transcript shall at no time  
21 have any greater validity or effect than the original judgment.

22           Sec. 20. Section 25-1305, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24           25-1305 A transcript of any judgment or decree rendered in a circuit  
25 or district court of the United States within the State of Nebraska, may  
26 be filed in the office of the clerk of the district court in any county  
27 in this state. Such transcript, when so filed and entered on the judgment  
28 index record, shall be a lien on the property of the debtor in any county  
29 in which such transcript is so filed, in the same manner and under the  
30 same conditions only as if such judgment or decree had been rendered by  
31 the district court of such county. Such ~~;~~ ~~Provided~~, such transcript shall

1 at no time have a greater validity or effect than the original judgment.  
2 The lands and tenements of the debtor within the county where the  
3 judgment is entered shall be bound for the satisfaction thereof from the  
4 day on which such judgment is rendered without the filing of a  
5 transcript. Orders ; ~~Provided, however, that orders~~ reviving dormant  
6 judgments shall become liens upon the lands and tenements of the judgment  
7 debtor only when such order is entered on the judgment index record in  
8 the same manner as an original judgment.

9 Sec. 21. Section 25-1318, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 25-1318 All judgments and orders must be entered on the record  
12 ~~journal~~ of the court, and specify clearly the relief granted or order  
13 made in the action.

14 Sec. 22. Section 25-1415, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 25-1415 When it appears to the court by affidavit that either party  
17 to an action has been dead, or where a party sues or is sued as a  
18 personal representative, that his or her powers have ceased for a period  
19 so long that the action cannot be revived in the names of his or her  
20 representatives or successor, without the consent of both parties, it  
21 shall order the action to be stricken from the trial docket.

22 Sec. 23. Section 25-1416, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 25-1416 At any term of the court succeeding the death of the  
25 plaintiff, while the action remains on the trial docket, the defendant,  
26 having given to the plaintiff's proper representatives, in whose names  
27 the action might be revived, ten days' notice of the application  
28 therefor, may have an order to strike the action from the trial docket  
29 and for costs against the estate of the plaintiff, unless the action is  
30 forthwith revived.

31 Sec. 24. Section 25-1504, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-1504 The lands and tenements of the debtor within the county  
3 where the judgment is entered, shall be bound for the satisfaction  
4 thereof only from the day on which such judgments are rendered. All other  
5 lands, as well as goods and chattels of the debtor, shall be bound from  
6 the time they shall be seized in execution. ~~A ; Provided, that a judgment~~  
7 shall be considered as rendered when such judgment has been entered on  
8 the judgment index record.

9 Sec. 25. Section 25-1510, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 25-1510 The sureties for the stay of execution may be taken and  
12 approved by the clerk, ~~and~~ the bond shall be recorded on the register of  
13 actions in a book kept for that purpose, and have the force and effect of  
14 a judgment confessed from the date thereof against the property of the  
15 sureties, and the clerk shall enter such sureties on the judgment index  
16 ~~and index the same in the proper judgment docket~~, as in the case of other  
17 judgments.

18 Sec. 26. Section 25-1521, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 25-1521 If the officer, by virtue of any writ of execution issued  
21 from any court of record in this state, shall levy the same on any goods  
22 and chattels claimed by any person other than the defendant, such officer  
23 ~~shall it shall be the duty of said officer forthwith to~~ give notice in  
24 writing to the court, in which shall be set forth the names of the  
25 plaintiff and defendant, together with the name of the claimant. ~~At ; and~~  
26 ~~at the same time~~ such officer he shall furnish the court with a schedule  
27 of the property claimed. ~~Immediately It shall be the duty of the court,~~  
28 ~~immediately~~ upon the filing receipt of such notice and schedule, the  
29 court shall ~~to make an entry of the same upon the docket,~~ and determine  
30 the right of the claimant to the property in controversy.

31 Sec. 27. Section 25-1531, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2           25-1531 If the court, upon the return of any writ of execution, or  
3 order of sale for the satisfaction of which any lands and tenements have  
4 been sold, ~~shall,~~ after having carefully examined the proceedings of the  
5 officer, is ~~be~~ satisfied that the sale has in all respects been made in  
6 conformity to the provisions of this chapter and that the ~~said~~ property  
7 was sold for fair value, under the circumstances and conditions of the  
8 sale, or, that a subsequent sale would not realize a greater amount, the  
9 court shall enter upon the record an order ~~direct the clerk to make an~~  
10 ~~entry on the journal~~ that the court is satisfied of the legality of such  
11 sale, and an order that the officer make the purchaser a deed of such  
12 lands and tenements. Prior to the confirmation of sale pursuant to this  
13 section, the party seeking confirmation of sale shall, except in the  
14 circumstances described in section 40-103, provide notice to the debtor  
15 informing him or her of the homestead exemption procedure available  
16 pursuant to Chapter 40, article 1. The notice shall be given by certified  
17 mailing at least ten days prior to any hearing on confirmation of sale.  
18 The officer on making such sale may retain the purchase money in his or  
19 her hands until the court has ~~shall have~~ examined his or her proceedings  
20 as aforesaid, when he or she shall pay the same to the person entitled  
21 thereto, agreeable to the order of the court. If such sale pertains to  
22 mortgaged premises being sold under foreclosure proceedings and the  
23 amount of such sale is less than the amount of the decree rendered in  
24 such proceedings, the court may refuse to confirm such sale, if, in its  
25 opinion, such mortgaged premises have a fair and reasonable value equal  
26 to or greater than the amount of the decree. The court shall in any case  
27 condition the confirmation of such sale upon such terms or under such  
28 conditions as may be just and equitable. The judge of any district court  
29 may confirm any sale at any time after such officer has made his or her  
30 return, on motion and ten days' notice to the adverse party or his or her  
31 attorney of record, if made in vacation, and such notice shall include

1 information on the homestead exemption procedure available pursuant to  
2 Chapter 40, article 1. When any sale is confirmed in vacation the judge  
3 confirming the same shall cause his or her order to be entered on the  
4 ~~record journal~~ by the clerk. Upon application to the court by the  
5 judgment debtor within sixty days after ~~of~~ the confirmation of any sale  
6 confirmed pursuant to this section, such sale shall be set aside if the  
7 court finds that the party seeking confirmation of sale failed to provide  
8 notice to the judgment debtor regarding homestead exemption procedures at  
9 least ten days prior to the confirmation of sale as required by this  
10 section.

11 Sec. 28. Section 25-1578, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 25-1578 The orders to judgment debtors and witnesses, provided for  
14 in sections 25-1564 to 25-1580, shall be ~~in writing and signed~~ and filed  
15 by the judge making the same, and shall be served in the same manner as a  
16 summons in other cases. The judge shall sign all such orders. Such orders  
17 ~~reduce all his orders to writing, which, together with a minute of his~~  
18 ~~proceedings, signed by himself,~~ shall be filed with the clerk of the  
19 court of the county in which the judgment is rendered, or the transcript  
20 of the judgment justice filed, and the clerk shall enter on the record  
21 the date and his execution docket the time of filing the same.

22 Sec. 29. Section 25-1587.04, Reissue Revised Statutes of Nebraska,  
23 is amended to read:

24 25-1587.04 (a) At the time of the filing of the foreign judgment,  
25 the judgment creditor or his or her lawyer shall make and file with the  
26 clerk of the court an affidavit setting forth the name and last-known  
27 post office address of the judgment debtor and the judgment creditor.

28 (b) Promptly upon the filing of the foreign judgment and the  
29 affidavit, the clerk shall mail notice of the filing of the foreign  
30 judgment to the judgment debtor at the address given and shall file  
31 notice ~~make a note~~ of the mailing on the record ~~in the docket~~. The notice



1 shall include the name and address of the judgment creditor and the  
2 judgment creditor's lawyer, if any, in this state. In addition, the  
3 judgment creditor may mail a notice of the filing of the judgment to the  
4 judgment debtor and may file proof of mailing with the clerk. Lack of  
5 mailing notice of filing by the clerk shall not affect the enforcement  
6 proceedings if proof of mailing by the judgment creditor has been filed.

7 Sec. 30. Section 25-1587.06, Reissue Revised Statutes of Nebraska,  
8 is amended to read:

9 25-1587.06 Any person filing a foreign judgment or a judgment from  
10 another court in this state shall pay to the clerk of the district or  
11 county court a fee as provided in section 33-106 or 33-123 for filing a  
12 transcript of judgment. Fees for filing ~~docketing~~, transcription, or  
13 other enforcement proceedings shall be as provided for judgments of the  
14 courts of this state.

15 Sec. 31. Section 25-1635, Reissue Revised Statutes of Nebraska, is  
16 amended to read:

17 25-1635 (1) It shall be unlawful for a jury commissioner or the  
18 officer in charge of the election records, or any clerk or deputy  
19 thereof, or any person who may obtain access to any record showing the  
20 names of persons drawn to serve as grand or petit jurors to disclose to  
21 any person, except to other officers in carrying out official duties or  
22 as herein provided, the name of any person so drawn or to permit any  
23 person to examine such record or to make a list of such names, except  
24 under order of the court. The application for such an order shall be  
25 filed in the form of a motion in the office of the clerk of the district  
26 court, containing the signature and residence of the applicant or his or  
27 her attorney and stating all the grounds on which the request for such  
28 order is based. Such order shall not be made except for good cause shown  
29 in open court and it shall be spread upon the record journal ~~journal~~ of the  
30 court. Any person violating any of the provisions of this section shall  
31 be guilty of a Class IV felony. Notwithstanding the foregoing provisions

1 of this section, the judge or judges in any district may, in his, her, or  
2 their discretion, provide by express order for the disclosure of the  
3 names of persons drawn from the revised key number list for actual  
4 service as grand or petit jurors.

5 (2) Notwithstanding subsection (1) of this section, the Supreme  
6 Court or an agent of the Supreme Court acting under the direction and  
7 supervision of the Chief Justice shall have access to juror qualification  
8 forms for research purposes. The Supreme Court and its agent shall treat  
9 such information as confidential, and nothing identifying any individual  
10 shall be released.

11 Sec. 32. Section 25-1912, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 25-1912 (1) The proceedings to obtain a reversal, vacation, or  
14 modification of judgments and decrees rendered or final orders made by  
15 the district court, including judgments and sentences upon convictions  
16 for felonies and misdemeanors, shall be by filing in the office of the  
17 clerk of the district court in which such judgment, decree, or final  
18 order was rendered, within thirty days after the entry of such judgment,  
19 decree, or final order, a notice of intention to prosecute such appeal  
20 signed by the appellant or appellants or his, her, or their attorney of  
21 record and, except as otherwise provided in sections 25-2301 to 25-2310,  
22 29-2306, and 48-641, by depositing with the clerk of the district court  
23 the filing ~~docket~~ fee required by section 33-103.

24 (2) A notice of appeal or filing ~~docket~~ fee filed or deposited after  
25 the announcement of a decision or final order but before the entry of the  
26 judgment, decree, or final order shall be treated as filed or deposited  
27 after the entry of the judgment, decree, or final order and on the date  
28 of entry.

29 (3) The running of the time for filing a notice of appeal shall be  
30 terminated as to all parties (a) by a timely motion for a new trial under  
31 section 25-1144.01, (b) by a timely motion to alter or amend a judgment

1 under section 25-1329, or (c) by a timely motion to set aside the verdict  
2 or judgment under section 25-1315.02, and the full time for appeal fixed  
3 in subsection (1) of this section commences to run from the entry of the  
4 order ruling upon the motion filed pursuant to subdivision (a), (b), or  
5 (c) of this subsection. When any motion terminating the time for filing a  
6 notice of appeal is timely filed by any party, a notice of appeal filed  
7 before the court announces its decision upon the terminating motion shall  
8 have no effect, whether filed before or after the timely filing of the  
9 terminating motion. A new notice of appeal shall be filed within the  
10 prescribed time after the entry of the order ruling on the motion. No  
11 additional fees are required for such filing. A notice of appeal filed  
12 after the court announces its decision or order on the terminating motion  
13 but before the entry of the order is treated as filed on the date of and  
14 after the entry of the order.

15 (4) Except as otherwise provided in subsection (3) of this section  
16 and sections 25-2301 to 25-2310, 29-2306, and 48-641, an appeal shall be  
17 deemed perfected and the appellate court shall have jurisdiction of the  
18 cause when such notice of appeal has been filed and such filing docket  
19 fee deposited in the office of the clerk of the district court. After ~~7~~  
20 ~~and after~~ being perfected no appeal shall be dismissed without notice,  
21 and no step other than the filing of such notice of appeal and the  
22 depositing of such filing docket fee shall be deemed jurisdictional.

23 (5) The clerk of the district court shall forward such filing docket  
24 fee and a certified copy of such notice of appeal to the Clerk of the  
25 Supreme Court, and the Clerk of the Supreme Court shall file docket such  
26 appeal.

27 (6) Within thirty days after the date of filing of notice of appeal,  
28 the clerk of the district court shall prepare and file with the Clerk of  
29 the Supreme Court a transcript certified as a true copy of the  
30 proceedings contained therein. The Supreme Court shall, by rule, specify  
31 the method of ordering the transcript and the form and content of the

1 transcript. Neither the form nor substance of such transcript shall  
2 affect the jurisdiction of the Court of Appeals or Supreme Court.

3 (7) Nothing in this section shall prevent any person from giving  
4 supersedeas bond in the district court in the time and manner provided in  
5 section 25-1916 nor affect the right of a defendant in a criminal case to  
6 be admitted to bail pending the review of such case in the Court of  
7 Appeals or Supreme Court.

8 Sec. 33. Section 25-21,212, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 25-21,212 In any action in which a judgment is rendered in any sum,  
11 or for costs, against the claimant, the clerk of the court in which such  
12 judgment is rendered shall make and transmit a certified copy thereof on  
13 application of the Attorney General, or other counsel on behalf of the  
14 state, to the clerk of the district court of any county within the state,  
15 and the same shall thereupon be filed and recorded ~~docketed~~ in such court  
16 and become and be a judgment thereof. All ~~;~~ ~~and all~~ judgments against the  
17 claimant or plaintiff shall be collected by execution as other judgments  
18 in the district courts.

19 Sec. 34. Section 25-21,228, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 25-21,228 The court shall enter the verdict upon the record ~~docket~~,  
22 and shall render such judgment in the action as if the facts authorizing  
23 the finding of such verdict had been found to be true by the court.

24 Sec. 35. Section 25-21,271, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 25-21,271 (1) Any person desiring to change his or her name shall  
27 file a petition in the district court of the county in which such person  
28 may be a resident, setting forth (a) that the petitioner has been a bona  
29 fide citizen of such county for at least one year prior to the filing of  
30 the petition, (b) the address of the petitioner, (c) the date of birth of  
31 the petitioner, (d) the cause for which the change of petitioner's name

1 is sought, and (e) the name asked for.

2 (2) Notice of the filing of the petition shall be published in a  
3 newspaper in the county, and if no newspaper is printed in the county,  
4 then in a newspaper of general circulation therein. The notice shall be  
5 published (a) once a week for four consecutive weeks if the petitioner is  
6 nineteen years of age or older at the time the action is filed and (b)  
7 once a week for two consecutive weeks if the petitioner is under nineteen  
8 years of age at the time the action is filed. In an action involving a  
9 petitioner under nineteen years of age who has a noncustodial parent,  
10 notice of the filing of the petition shall be sent by certified mail  
11 within five days after publication to the noncustodial parent at the  
12 address provided to the clerk of the district court pursuant to  
13 subsection (1) of section 42-364.13 for the noncustodial parent if he or  
14 she has provided an address. The clerk of the district court shall  
15 provide the petitioner with the address upon request.

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

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

29 Sec. 36. Section 25-2205, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 25-2205 The ~~It is the duty of the~~ clerk of each of the courts shall

1 ~~maintain and preserve a file and a record of to file together and~~  
2 ~~carefully preserve in his office all papers delivered to him or her for~~  
3 ~~that purpose in every action or special proceeding. Retention and~~  
4 ~~disposition of the records shall be determined by the State Records~~  
5 ~~Administrator pursuant to the Records Management Act.~~

6       Sec. 37. Section 25-2207, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8       25-2207 The clerk of the court shall, upon the return of every  
9 summons served, enter upon the record docket the name of the defendant or  
10 defendants summoned, and the day of the service upon each one. The entry  
11 shall be evidence of the service of the summons in case of the loss  
12 thereof.

13       Sec. 38. Section 25-2209, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       25-2209 (1) The clerk of the district court shall keep records, to  
16 be maintained on the court's electronic case management system, called  
17 the register of actions appearance docket, the trial docket, the judge's  
18 notes the journal, the complete record, the execution docket, the fee  
19 record book, the general index, and the judgment index, and the case file  
20 as such terms are defined in section 25-2213. Retention and disposition  
21 of the records shall be determined by the State Records Administrator  
22 pursuant to the Records Management Act record. Such records may be  
23 compiled, filed, and maintained on a computer system. Effective not later  
24 than October 1, 1992, provision for dockets and records of the district  
25 courts shall be established by rule of the Supreme Court. The journal may  
26 be compiled and filed on microfilm. The recording of all instruments by  
27 the roll form of microfilm may be substituted for the method of recording  
28 instruments in books. If this method of recording instruments on  
29 microfilm is used, a security copy on silver negative microfilm in roll  
30 form must be maintained and filed off premises under safe conditions to  
31 insure the protection of the records. The internal reference copies or

1 ~~work copies of the instruments recorded on microfilm may be in any~~  
2 ~~photographic form to provide the necessary information as may be~~  
3 ~~determined by the official in charge, and shall meet the microfilm~~  
4 ~~standards as prescribed by the State Records Administrator.~~

5 (2) The case file, numbered in chronological order, shall contain  
6 the pleadings, orders, court actions, judgments, verdicts, postjudgment  
7 actions, and other documents in the case file. The case file may be  
8 maintained as an electronic document through the court's electronic case  
9 management system. The case file may be maintained in a paper volume and  
10 disposed of when determined by the State Records Administrator pursuant  
11 to the Records Management Act.

12 Sec. 39. Section 25-2211, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 25-2211 The trial docket shall be available for the court on the  
15 first day of each month setting forth each case pending in the order of  
16 filing of the complaint to be called for trial ~~made out by the clerk of~~  
17 ~~the court at least twelve days before the first day of each term of the~~  
18 ~~court; and the actions shall be set for particular days in the order in~~  
19 ~~which the issues were made up, whether of law or of fact, and so arranged~~  
20 ~~that the cases set for each day shall be tried as nearly as may be on~~  
21 ~~that day.~~ For the purpose of arranging the trial docket, an issue shall  
22 be considered as made up when either party is in default of a pleading.  
23 If the defendant fails to answer, the cause for the purpose of this  
24 section shall be deemed to be at issue upon questions of fact, but in  
25 every such case the plaintiff may move for and take such judgment as he  
26 or she is entitled to, on the defendant's default, on or after the day on  
27 which the action is set for trial. No witnesses shall be subpoenaed in  
28 any case while the cause stands upon issue of law. Whenever the court  
29 regards the answer in any case as frivolous, and put in for delay only,  
30 no leave to answer or reply shall be given, unless upon payment of all  
31 costs then accrued in the action. When the number of actions filed ~~to be~~

1 ~~docketed~~ exceeds three hundred, the judge or judges of the district court  
2 for the county may, by rule or order, classify them in such manner as  
3 they may deem expedient and cause them to be placed according to such  
4 classifications upon different trial dockets; and the respective trial  
5 dockets may be proceeded with and causes thereon tried, heard, or  
6 otherwise disposed of, concurrently by one or more of the judges.  
7 Provision may be made by rule of court that issues of fact shall not be  
8 for trial at any term when the number of pending actions exceeds three  
9 hundred, except upon such previous notice of trial as may be prescribed  
10 thereby.

11 Sec. 40. Section 25-2213, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13 25-2213 (1) The provisions of sections 25-2204 to 25-2211  
14 ~~25-2211.02~~ shall, as far as applicable, apply to clerks of other courts  
15 of record.

16 (2) For purposes of such sections:

17 (a) Fee record means the financial accounting of the court,  
18 including the recording of all money receipted and disbursed by the court  
19 and the receipts and disbursements of all money held as an investment;

20 (b) General index means the alphabetical listing of the names of the  
21 parties to the suit, both direct and inverse, with the case number where  
22 all proceedings in such action shall be found;

23 (c) Judge's notes means the notations of the judge detailing the  
24 actions in a court proceeding and the entering of orders and judgments.  
25 The judge's notes may be filed and substituted as a written order of the  
26 court and recorded in the register of actions. The judge's notes may be  
27 maintained as an entry in an electronic format on the court's case  
28 management system or as an entry on the register of actions;

29 (d) Judgment index means the alphabetical listing of all judgment  
30 debtors and judgment creditors, the date of judgments, the amount of  
31 judgment and costs, the case number where all proceedings in such action



1 shall be found, and the date when the judgment and costs are paid and  
2 discharged.

3 (e) Register of actions means the official court record and summary  
4 of the case and shall be kept chronological as cases are filed. The  
5 register of action may also be referred to as the case at a glance. The  
6 register of actions shall provide the following information:

7 (i) Case type;

8 (ii) Filing of complaints or petitions and subsequent pleadings and  
9 date of such filings, including orders and judgments of the court;

10 (iii) Names of parties and their counsel;

11 (iv) Date of issuance, return date, and return of the summons;

12 (v) Cost summary; and

13 (vi) Posting references to other required records; and

14 (f) Trial docket means a list of pending cases shown in order  
15 according to the date of filing of the complaint of the cases to be  
16 called for trial.

17 Sec. 41. Section 25-2234, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 25-2234 It shall be the duty of every sheriff to make due return of  
20 all legal process to him or her directed and by him or her delivered or  
21 served by certified or registered mail, at the proper office and on the  
22 proper return day thereof, or if the judgment is recorded ~~docketed~~ in the  
23 district court, appealed, or stayed, upon which he or she has an  
24 execution, on notice thereof, to return the execution, stating thereon  
25 such facts.

26 Sec. 42. Section 25-2704, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 25-2704 (1) In any civil action in county court, the summons,  
29 pleadings, and time for filings shall be the same as provided for civil  
30 actions in district court. A case shall stand for trial at the earliest  
31 available time on the trial ~~court~~ docket after the issues therein are or,

1 according to the times fixed for pleading, should have been made up.

2 (2) All nonevidentiary hearings, and any evidentiary hearings  
3 approved by the county court and by stipulation of all parties that have  
4 filed an appearance, may be heard by the court telephonically or by  
5 videoconferencing or similar equipment at any location within the  
6 judicial district as ordered by the court and in a manner that ensures  
7 the preservation of an accurate record. Such hearings shall not include  
8 trials before a jury. Hearings conducted in this manner shall be  
9 consistent with the public's access to the courts.

10 Sec. 43. Section 25-2706, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 25-2706 The county court shall certify proceedings to the district  
13 court of the county in which an action is pending (1) when the pleadings  
14 or discovery proceedings indicate that the amount in controversy is  
15 greater than the jurisdictional amount in subdivision (5) of section  
16 24-517 and a party to the action requests the transfer or (2) when the  
17 relief requested is exclusively within the jurisdiction of the district  
18 court. The county court shall file the following with the district court  
19 within ten days after entry of the transfer order: Certification of the  
20 proceedings; all original documents of the action; certification of the  
21 transcript of the register of actions; and certification of the court  
22 costs ~~certify the proceedings to the district court and file the original~~  
23 ~~papers of such action and a certified transcript of the docket entries~~  
24 ~~with the clerk of the district court.~~ The action shall then be tried and  
25 determined by the district court as if the proceedings were originally  
26 brought in such district court, except that no new pleadings need be  
27 filed unless ordered by the district court.

28 If it is determined, upon adjudication, that the allegations of  
29 either party to such action are asserted with the intention solely of  
30 avoiding the jurisdiction of the county court, the offending party shall  
31 not recover any costs in the county court or the district court.

1           Sec. 44. Section 25-2707, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           25-2707 Whenever proceedings under sections 25-1011 and 25-1026 to  
4 25-1031.01, or under section 25-1056, are had in any county court and it  
5 shall appear by the pleadings or other answers to interrogatories filed  
6 by the garnishee that there is an amount in excess of the jurisdictional  
7 dollar amount specified in section 24-517, or property with a value of  
8 more than such amount, the title or ownership of which is in dispute, or  
9 when at any time during such proceedings it shall appear from the  
10 evidence or other pleadings that there is property of the value of more  
11 than the jurisdictional dollar amount specified in section 24-517, the  
12 title or ownership of which is in dispute, such court shall proceed no  
13 further. Within ten days after entry of the transfer order, the county  
14 court shall file with , ~~but shall forthwith certify the proceedings to~~  
15 the district court of the county in which the action is pending all  
16 original documents of the action, attachments, and certification of the ,  
17 ~~and thereupon shall file the original papers, together with a certified~~  
18 transcript of the register of actions and certification of the court  
19 costs. The matter shall be tried and determined docket entries, in the  
20 ~~clerk's office of the district court, the matter to be held for trial and~~  
21 ~~determination~~ by the district court as if the proceedings were originally  
22 had in district court, except that no new pleadings need be filed except  
23 as ordered by the district court.

24           Sec. 45. Section 25-2721, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26           25-2721 (1) Any person having a judgment rendered by a county court  
27 may request the clerk of such court to issue execution on the judgment in  
28 the same manner as execution is issued upon other judgments rendered in  
29 the county court and direct the execution on the judgment to any county  
30 in the state. Such person may request that garnishment, attachment, or  
31 any other aid to execution be directed to any county without the

1 necessity of filing a transcript of the judgment in the receiving county,  
2 and any hearing or proceeding with regard to such execution or aid in  
3 execution shall be heard in the court in which the judgment was  
4 originally rendered.

5 (2) Any person having a judgment rendered by a county court may  
6 cause a transcript thereof to be filed in the office of the clerk of the  
7 district court in any county of this state. When the transcript is so  
8 filed and entered upon the judgment ~~index record~~, such judgment shall be  
9 a lien on real estate in the county where the transcript is filed, and  
10 when the transcript is so filed and entered upon such judgment ~~index~~  
11 ~~record~~, the clerk of such court may issue execution thereupon in like  
12 manner as execution is issued upon judgments rendered in the district  
13 court.

14 Sec. 46. Section 25-2729, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 25-2729 (1) In order to perfect an appeal from the county court, the  
17 appealing party shall within thirty days after the entry of the judgment  
18 or final order complained of:

- 19 (a) File with the clerk of the county court a notice of appeal; and  
20 (b) Deposit with the clerk of the county court ~~a docket fee in the~~  
21 ~~amount of~~ the filing fee in district court.

22 (2) Satisfaction of the requirements of subsection (1) of this  
23 section shall perfect the appeal and give the district court jurisdiction  
24 of the matter appealed.

25 (3) The entry of a judgment or final order occurs when the clerk of  
26 the court places the file stamp and date upon the judgment or final  
27 order. For purposes of determining the time for appeal, the date stamped  
28 on the judgment or final order shall be the date of entry.

29 (4) In appeals from the Small Claims Court only, the appealing party  
30 shall also, within the time fixed by subsection (1) of this section,  
31 deposit with the clerk of the county court a cash bond or undertaking,

1 with at least one good and sufficient surety approved by the court, in  
2 the amount of fifty dollars conditioned that the appellant will satisfy  
3 any judgment and costs that may be adjudged against him or her.

4 (5) A notice of appeal or ~~docket~~ fee filed or deposited after the  
5 announcement of a decision or final order but before the entry of the  
6 judgment or final order shall be treated as filed or deposited after the  
7 entry of the judgment or final order and on the day of entry.

8 (6) The running of the time for filing a notice of appeal shall be  
9 terminated as to all parties (a) by a timely motion for a new trial under  
10 section 25-1144.01, (b) by a timely motion to alter or amend a judgment  
11 under section 25-1329, or (c) by a timely motion to set aside the verdict  
12 or judgment under section 25-1315.02, and the full time for appeal fixed  
13 in subsection (1) of this section commences to run from the entry of the  
14 order ruling upon the motion filed pursuant to subdivision (a), (b), or  
15 (c) of this subsection. When any motion terminating the time for filing a  
16 notice of appeal is timely filed by any party, a notice of appeal filed  
17 before the court announces its decision upon the terminating motion shall  
18 have no effect, whether filed before or after the timely filing of the  
19 terminating motion. A new notice of appeal shall be filed within the  
20 prescribed time from the entry of the order ruling on the motion. No  
21 additional fees are required for such filing. A notice of appeal filed  
22 after the court announces its decision or order on the terminating motion  
23 but before the entry of the order is treated as filed on the date of and  
24 after the entry of the order.

25 (7) The party appealing shall serve a copy of the notice of appeal  
26 upon all parties who have appeared in the action or upon their attorney  
27 of record. Proof of service shall be filed with the notice of appeal.

28 (8) If an appellant fails to comply with any provision of subsection  
29 (4) or (7) of this section, the district court on motion and notice may  
30 take such action, including dismissal of the appeal, as is just.

31 Sec. 47. Section 25-2731, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       25-2731 (1) Upon perfection of the appeal, the clerk of the county  
3 court shall transmit within ten days to the clerk of the district court a  
4 certified copy of the transcript and the filing ~~docket~~ fee, whereupon the  
5 clerk of the district court shall file ~~docket~~ the appeal. A copy of any  
6 bond or undertaking shall be transmitted to the clerk of the district  
7 court within ten days of filing.

8       (2) The Supreme Court shall, by rule and regulation, specify the  
9 method of ordering the transcript and the form and content of the  
10 transcript.

11       Sec. 48. Section 25-3401, Reissue Revised Statutes of Nebraska, is  
12 amended to read:

13       25-3401 (1) For purposes of this section:

14       (a) Civil action means a legal action seeking monetary damages,  
15 injunctive relief, declaratory relief, or any appeal filed in any court  
16 in this state that relates to or involves a prisoner's conditions of  
17 confinement. Civil action does not include a motion for postconviction  
18 relief or petition for habeas corpus relief;

19       (b) Conditions of confinement means any circumstance, situation, or  
20 event that involves a prisoner's custody, transportation, incarceration,  
21 or supervision;

22       (c) Correctional institution means any state or local facility that  
23 incarcerates or detains any adult accused of, charged with, convicted of,  
24 or sentenced for any crime;

25       (d) Frivolous means the law and evidence supporting a litigant's  
26 position is wholly without merit or rational argument; and

27       (e) Prisoner means any person who is incarcerated, imprisoned, or  
28 otherwise detained in a correctional institution.

29       (2)(a) A prisoner who has filed three or more civil actions,  
30 commenced after July 19, 2012, that have been found to be frivolous by a  
31 court of this state or a federal court for a case originating in this

1 state shall not be permitted to proceed in forma pauperis for any further  
2 civil actions without leave of court. A court shall permit the prisoner  
3 to proceed in forma pauperis if the court determines that the person is  
4 in danger of serious bodily injury.

5 (b) A court may include in its final order or judgment in any civil  
6 action a finding that the action was frivolous.

7 (c) A finding under subdivision (2)(b) of this section shall be  
8 reflected in the record ~~docket entries~~ of the case.

9 (d) This subsection does not apply to judicial review of  
10 disciplinary procedures in adult institutions administered by the  
11 Department of Correctional Services governed by sections 83-4,109 to  
12 83-4,123.

13 Sec. 49. Section 28-814, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 28-814 (1) Criminal prosecutions involving the ultimate issue of  
16 obscenity, as distinguished from the issue of probable cause, shall be  
17 tried by jury, unless the defendant shall waive a jury trial in writing  
18 or by statement in open court entered on the record ~~in the minutes~~.

19 (2) The judge shall instruct the jury that the guidelines in  
20 determining whether a work, material, conduct, or live exhibition is  
21 obscene are: (a) The average person applying contemporary community  
22 standards would find the work taken as a whole goes substantially beyond  
23 contemporary limits of candor in description or presentation of such  
24 matters and predominantly appeals to the prurient, shameful, or morbid  
25 interest; (b) the work depicts in a patently offensive way sexual conduct  
26 specifically referred to in sections 28-807 to 28-829; (c) the work as a  
27 whole lacks serious literary, artistic, political, or scientific value;  
28 and (d) in applying these guidelines to the determination of whether or  
29 not the work, material, conduct, or live exhibition is obscene, each  
30 element of each guideline must be established beyond a reasonable doubt.

31 (3) In any proceeding, civil or criminal, under sections 28-807 to

1 28-829, where there is an issue as to whether or not the matter is  
2 obscene, either party shall have the right to introduce, in addition to  
3 all other relevant evidence, the testimony of expert witnesses on such  
4 issue as to any artistic, literary, scientific, political, or other  
5 societal value in the determination of the issue of obscenity.

6 Sec. 50. Section 29-1302, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 29-1302 When the venue is changed, the clerk of the court in which  
9 the indictment was found shall file all original documents and a  
10 certification of the transcript of the register of actions, certification  
11 of the proceedings, and certification of the court costs ~~make a certified~~  
12 ~~transcript of all the proceedings in the case,~~ which, together with the  
13 original indictment, shall be transmitted ~~he shall transmit~~ to the clerk  
14 of the court to which the venue is changed, and the trial shall be  
15 conducted in all respects as if the offender had been indicted in the  
16 county to which the venue has been changed. All costs, fees, charges, and  
17 expenses accruing from a change of venue, together with all costs, fees,  
18 charges, and expenses made or incurred in the trial of, or in keeping,  
19 guarding, and maintaining the accused shall be paid by the county in  
20 which the indictment was found. The ~~and the~~ clerk of the trial court  
21 shall make a statement of such costs, fees, charges, and expenses, and  
22 certify and transmit the same to the clerk of the district court where  
23 the indictment was found, to be ~~by him~~ entered upon the register of  
24 actions ~~his docket,~~ and collected and paid as if a change of venue had  
25 not been had.

26 Sec. 51. Section 29-1407.01, Reissue Revised Statutes of Nebraska,  
27 is amended to read:

28 29-1407.01 (1) A certified or authorized reporter shall be present  
29 at all grand jury sessions. All grand jury proceedings and testimony from  
30 commencement to adjournment shall be reported.

31 (2)(a) Except as provided in subdivision (2)(b) of this section, the



1 reporter's stenography notes shall be preserved and sealed ~~notes~~ and any  
2 transcripts which may be prepared shall be preserved, sealed, and filed  
3 with the court. No release or destruction of the notes or transcripts  
4 shall occur without prior court approval.

5 (b) In the case of a grand jury impaneled pursuant to subsection (4)  
6 of section 29-1401, a transcript, including any exhibits of the grand  
7 jury proceedings, shall be prepared at court expense and shall be filed  
8 with the court where it shall be available for public review. Such  
9 transcript shall not include the names of grand jurors or their  
10 deliberations.

11 (3) Upon application by the prosecutor, ~~or by any witness after~~  
12 notice to the prosecutor, the court, for good cause, may enter an order  
13 to furnish to that witness a transcript of his or her own grand jury  
14 testimony, ~~or minutes, reports,~~ or exhibits relating thereto.

15 (4) Any witness summoned to testify before a grand jury, or an  
16 attorney for such witness with the witness's written approval, shall be  
17 entitled, prior to testifying, to examine and copy at the witness's  
18 expense any statement in the possession of the prosecuting attorney or  
19 the grand jury which such witness has made that relates to the subject  
20 matter under inquiry by the grand jury. If a witness is proceeding in  
21 forma pauperis, he or she shall be furnished, upon request, a copy of  
22 such transcript and shall not pay a fee.

23 Sec. 52. Section 29-1414, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 29-1414 No grand juror or officer of the court shall disclose that  
26 an indictment has been found against any person not in custody or under  
27 bail, except by the issuing of process, until the indictment is filed ~~and~~  
28 ~~the case docketed.~~

29 Sec. 53. Section 29-1418, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-1418 (1) Indictments returned by a grand jury shall be presented

1 by their foreman to the court, and shall be filed with the clerk, who  
2 shall endorse thereon the day of their filing, and shall enter each case  
3 upon the register of actions and the date when appearance docket, and  
4 ~~also upon the trial docket of the term, as soon as~~ the parties indicted  
5 have been arrested.

6 (2) Any grand jury may indict a person for an offense when the  
7 evidence before such grand jury provides probable cause to believe that  
8 such person committed such offense.

9 (3) The district court before which the indicted defendant is to be  
10 tried shall dismiss any indictment of the grand jury if such district  
11 court finds, upon the filing of a motion by the indicted defendant based  
12 upon the grand jury record without argument or further evidence, that the  
13 grand jury finding of probable cause is not supported by the record.

14 (4) Any other motions testing the validity of the indictment may be  
15 heard by the court based only on the record and argument of counsel,  
16 unless there is cause shown for the need for additional evidence.

17 Sec. 54. Section 29-1705, Reissue Revised Statutes of Nebraska, is  
18 amended to read:

19 29-1705 When any person has ~~shall have~~ been indicted for a felony,  
20 and the person so indicted has not ~~shall not have~~ been arrested or  
21 recognized to appear before the court, the court may make an entry of the  
22 cause upon the record ~~on the journal~~, and may order the amount in which  
23 the party indicted may be recognized for his or her appearance by any  
24 officer charged with the duty of arresting him or her.

25 Sec. 55. Section 29-1802, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 29-1802 The clerk of the district court shall, upon the filing of  
28 any indictment with him or her , and after the person indicted is in  
29 custody or let to bail, cause the same to be entered on the record ~~of~~  
30 ~~record on the journal~~ of the court, ; and in case of the loss of the  
31 original, such record or a certified copy thereof shall be used in place

1 thereof upon the trial of the cause. Within twenty-four hours after the  
2 filing of an indictment for felony, and in every other case on request,  
3 the clerk shall make and deliver to the sheriff and ~~τ~~ the defendant or  
4 his or her counsel a copy of the indictment, and the sheriff on receiving  
5 such copy shall serve the same upon the defendant. No one shall be,  
6 without his or her assent, arraigned or called on to answer to any  
7 indictment until one day has elapsed ~~shall have elapsed~~, after receiving  
8 in person or by counsel, ~~τ~~ or having an opportunity to receive a copy of  
9 such indictment ~~as aforesaid~~.

10 Sec. 56. Section 29-1816.01, Reissue Revised Statutes of Nebraska,  
11 is amended to read:

12 29-1816.01 On the arraignment in the district court of any person  
13 accused of a felony, the court may require the official reporter of the  
14 ~~said~~ court to make a stenographic report of the proceedings ~~had~~ in such  
15 court incident to such arraignment and the disposition of the charge made  
16 against the accused including sentence in the event of conviction. The  
17 court may further require the court reporter to prepare a transcript of  
18 the his report of such proceedings, authenticate the said proceedings,  
19 ~~authenticate~~ ~~said~~ transcript with an appropriate certificate to be  
20 attached thereto, and cause the same to be filed in the office of the  
21 clerk of the ~~said~~ court. Such transcript ~~need not be copied in either the~~  
22 ~~journal of said court or the complete record in said office,~~ but shall be  
23 kept in a special file and not removed from the office of the clerk of  
24 the district court, except on an order of a judge of the ~~said~~ court  
25 expressly authorizing removal. In the event that the transcript is so  
26 made, authenticated and filed, it, or a duly certified copy thereof,  
27 shall become and be competent and lawful evidence and admissible as such  
28 in any of the courts of this state.

29 Sec. 57. Section 29-2001, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-2001 No person indicted for a felony shall be tried unless

1 personally present during the trial. Persons indicted for a misdemeanor  
2 may, at their own request, by leave of the court be put on trial in their  
3 absence. The request shall be in writing and entered on the record  
4 ~~journal~~ of the court.

5 Sec. 58. Section 29-2023, Reissue Revised Statutes of Nebraska, is  
6 amended to read:

7 29-2023 In case a jury shall be discharged on account of sickness of  
8 a juror, or other accident or calamity requiring their discharge, or  
9 after they have been kept so long together that there is no probability  
10 of agreeing, the court shall, upon directing the discharge, order that  
11 the reasons for such discharge shall be entered upon the record journal;  
12 and such discharge shall be without prejudice to the prosecution.

13 Sec. 59. Section 29-2315.01, Reissue Revised Statutes of Nebraska,  
14 is amended to read:

15 29-2315.01 The prosecuting attorney may take exception to any ruling  
16 or decision of the court made during the prosecution of a cause by  
17 presenting to the trial court the application for leave to file ~~docket~~ an  
18 appeal with reference to the rulings or decisions of which complaint is  
19 made. Such application shall contain a copy of the ruling or decision  
20 complained of, the basis and reasons for objection thereto, and a  
21 statement by the prosecuting attorney as to the part of the record he or  
22 she proposes to present to the appellate court. Such application shall be  
23 presented to the trial court within twenty days after the final order is  
24 entered in the cause, and upon presentation, if the trial court finds it  
25 is in conformity with the truth, the judge of the trial court shall sign  
26 the same and shall further indicate thereon whether in his or her opinion  
27 the part of the record which the prosecuting attorney proposes to present  
28 to the appellate court is adequate for a proper consideration of the  
29 matter. The prosecuting attorney shall then present such application to  
30 the appellate court within thirty days from the date of the final order.  
31 If the application is granted, the prosecuting attorney shall within

1 thirty days from such granting order a bill of exceptions in accordance  
2 with section 29-2020 if such bill of exceptions is desired and otherwise  
3 proceed to obtain a review of the case as provided in section 25-1912.

4 Sec. 60. Section 29-2321, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 29-2321 (1) Appeals under sections 29-2320 to 29-2325 shall be  
7 taken, by either the Attorney General or the prosecuting attorney, as  
8 follows:

9 (a) If the appeal is filed by the Attorney General, a notice of  
10 appeal shall be filed in the district court within twenty days after  
11 imposition of the sentence. A copy of the notice of appeal shall be sent  
12 to either the defendant or counsel for the defendant; or

13 (b) If the prosecuting attorney wishes to file the appeal, he or  
14 she, within ten days after imposition of the sentence, shall request  
15 approval from the Attorney General to proceed with the appeal. A copy of  
16 the request for approval shall be sent to the defendant or counsel for  
17 the defendant.

18 (2) If the Attorney General approves the request described in  
19 subdivision (1)(b) of this section, the prosecuting attorney shall file a  
20 notice of appeal indicating such approval in the district court. Such  
21 notice of appeal must be filed within twenty days of the imposition of  
22 sentence. A copy of the notice of appeal shall be sent to the defendant  
23 or counsel for the defendant.

24 (3) If the Attorney General does not approve the request described  
25 in subdivision (1)(b) of this section, an appeal under sections 29-2320  
26 to 29-2325 shall not be permitted.

27 (4) In addition to such notice of appeal, the filing ~~docket~~ fee  
28 required by section 33-103 shall be deposited with the clerk of the  
29 district court.

30 (5) Upon compliance with the requirements of this section, the  
31 appeal shall proceed as provided by law for appeals to the Court of

1 Appeals.

2 Sec. 61. Section 29-2407, Reissue Revised Statutes of Nebraska,  
3 2008, is amended to read:

4 29-2407 Judgments for fines and costs in criminal cases shall be a  
5 lien upon all the property of the defendant within the county from the  
6 time of filing ~~docketing~~ the case by the clerk of the proper court, and  
7 judgments upon forfeited recognizance shall be a like lien from the time  
8 of forfeiture. No property of any convict shall be exempt from execution  
9 issued upon any such judgment as set out in this section against such  
10 convict except in cases when the convict is sentenced to a Department of  
11 Correctional Services adult correctional facility for a period of more  
12 than two years or to suffer death, in which cases there shall be the same  
13 exemptions as at the time may be provided by law for civil cases. The  
14 lien on real estate of any such judgment for costs shall terminate as  
15 provided in section 25-1716.

16 Sec. 62. Section 29-2413, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 29-2413 In every case, whenever it is desirable to obtain execution  
19 to be issued to another county, or against the lands or real estate of  
20 any person against whom a judgment for fine or costs has been rendered by  
21 a magistrate, the magistrate may file with the clerk of the district  
22 court of the county wherein such magistrate holds ~~his~~ office, a  
23 transcript of the judgment and proceedings in the cause, whereupon such  
24 clerk shall enter the cause upon the register of actions and shall file  
25 with the clerk of such court a praecipe and proper docket for execution  
26 to be forthwith issued thereon by such clerk, and served in all respects  
27 as though the judgment had been rendered in the district court of such  
28 county.

29 Sec. 63. Section 29-3903, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 29-3903 At a felony defendant's first appearance before a judge, the

1 judge shall advise him or her of the right to court-appointed counsel if  
2 such person is indigent. If he or she asserts indigency, the court shall  
3 make a reasonable inquiry to determine such person's financial condition  
4 and shall require him or her to execute an affidavit of indigency for  
5 filing with the clerk of the court.

6 If the court determines the defendant to be indigent, it shall  
7 formally appoint the public defender or, in counties not having a public  
8 defender, an attorney or attorneys licensed to practice law in this  
9 state, not exceeding two, to represent the indigent felony defendant at  
10 all future critical stages of the criminal proceedings against such  
11 defendant, consistent with the provisions of section 23-3402, but  
12 appointed counsel other than the public defender must obtain leave of  
13 court before being authorized to proceed beyond an initial direct appeal  
14 to either the Court of Appeals or the Supreme Court of Nebraska to any  
15 further direct, collateral, or postconviction appeals to state or federal  
16 courts.

17 A felony defendant who is not indigent at the time of his or her  
18 first appearance before a judge may nevertheless assert his or her  
19 indigency at any subsequent stage of felony proceedings, at which time  
20 the judge shall consider appointing counsel as otherwise provided in this  
21 section.

22 The judge, ~~upon filing such order for appointment,~~ shall ~~note~~ ~~make a~~  
23 ~~notation of such appointment~~ and all appearances of appointed counsel  
24 upon the record ~~court's docket~~. If at the time of appointment of counsel  
25 the indigent felony defendant and appointed counsel have not had a  
26 reasonable opportunity to consult concerning the prosecution, the judge  
27 shall continue the arraignment, trial, or other next stage of the felony  
28 proceedings for a reasonable period of time to allow for such  
29 consultation.

30 Sec. 64. Section 29-4007, Reissue Revised Statutes of Nebraska, is  
31 amended to read:

1           29-4007 (1) When sentencing a person convicted of a registrable  
2 offense under section 29-4003, the court shall:

3           (a) Provide written notification of the duty to register under the  
4 Sex Offender Registration Act at the time of sentencing to any defendant  
5 who has pled guilty or has been found guilty of a registrable offense  
6 under section 29-4003. The written notification shall:

7           (i) Inform the defendant of whether or not he or she is subject to  
8 the act, the duration of time he or she will be subject to the act, and  
9 that he or she shall report to a location designated by the Nebraska  
10 State Patrol for purposes of accepting such registration within three  
11 working days after the date of the written notification to register;

12           (ii) Inform the defendant that if he or she moves to another address  
13 within the same county, he or she must report to the county sheriff of  
14 the county in which he or she is residing within three working days  
15 before his or her move;

16           (iii) Inform the defendant that if he or she no longer has a  
17 residence, temporary domicile, or habitual living location, he or she  
18 shall report such change in person to the sheriff of the county in which  
19 he or she is located within three working days after such change in  
20 residence, temporary domicile, or habitual living location;

21           (iv) Inform the defendant that if he or she moves to another county  
22 in the State of Nebraska, he or she must notify, in person, the county  
23 sheriff of the county in which he or she had been last residing, had a  
24 temporary domicile, or had a habitual living location and the county  
25 sheriff of the county in which he or she is residing, has a temporary  
26 domicile, or is habitually living of his or her current address. The  
27 notice must be given within three working days before his or her move;

28           (v) Inform the defendant that if he or she moves to another state,  
29 he or she must report, in person, the change of address to the county  
30 sheriff of the county in which he or she has been residing, has had a  
31 temporary domicile, or has had a habitual living location and must comply



1 with the registration requirements of the state to which he or she is  
2 moving. The notice must be given within three working days before his or  
3 her move;

4 (vi) Inform the defendant that he or she shall (A) inform the  
5 sheriff of the county in which he or she resides, has a temporary  
6 domicile, or is habitually living, in person, of each educational  
7 institution at which he or she is employed, carries on a vocation, or  
8 attends school, within three working days after such employment or  
9 attendance, and (B) notify the sheriff of any change in such employment  
10 or attendance status of such person at such educational institution,  
11 within three working days;

12 (vii) Inform the defendant that he or she shall (A) inform the  
13 sheriff of the county in which the employment site is located, in person,  
14 of the name and address of any place where he or she is or will be an  
15 employee, within three working days after such employment, and (B) inform  
16 the sheriff of the county in which the employment site is located, in  
17 person, of any change in his or her employment;

18 (viii) Inform the defendant that if he or she goes to another state  
19 to work or goes to another state as a student and still resides, has a  
20 temporary domicile, or has a habitual living location in this state, he  
21 or she must comply with the registration requirements of both states;

22 (ix) Inform the defendant that fingerprints, palm prints, a DNA  
23 sample if not previously collected, and a photograph will be obtained by  
24 any registering entity in order to comply with the registration  
25 requirements;

26 (x) Inform the defendant of registry and verification locations; and

27 (xi) Inform the defendant of the reduction request requirements, if  
28 eligible, under section 29-4005;

29 (b) Require the defendant to read and sign the registration a form  
30 stating that the duty of the defendant to register under the Sex Offender  
31 Registration Act has been explained;

1 (c) Retain the original ~~a copy of the written~~ notification signed by  
2 the defendant; and

3 (d) Provide a copy of the filed notification ~~signed, written~~  
4 ~~notification, the judgment and sentence,~~ the information or amended  
5 information, and the sentencing order journal entry of the court to the  
6 county attorney, the defendant, the sex offender registration and  
7 community notification division of the Nebraska State Patrol, and the  
8 county sheriff of the county in which the defendant resides, has a  
9 temporary domicile, or has a habitual living location.

10 (2) When a person is convicted of a registrable offense under  
11 section 29-4003 and is not subject to immediate incarceration upon  
12 sentencing, prior to being released by the court, the sentencing court  
13 shall ensure that the defendant is registered by a Nebraska State Patrol  
14 office or other location designated by the patrol for purposes of  
15 accepting registrations.

16 (3)(a) The Department of Correctional Services or a city or county  
17 correctional or jail facility shall provide written notification of the  
18 duty to register pursuant to the Sex Offender Registration Act to any  
19 person committed to its custody for a registrable offense under section  
20 29-4003 prior to the person's release from incarceration. The written  
21 notification shall:

22 (i) Inform the person of whether or not he or she is subject to the  
23 act, the duration of time he or she will be subject to the act, and that  
24 he or she shall report to a location designated by the Nebraska State  
25 Patrol for purposes of accepting such registration within three working  
26 days after the date of the written notification to register;

27 (ii) Inform the person that if he or she moves to another address  
28 within the same county, he or she must report all address changes, in  
29 person, to the county sheriff of the county in which he or she has been  
30 residing within three working days before his or her move;

31 (iii) Inform the defendant that if he or she no longer has a

1 residence, temporary domicile, or habitual living location, he or she  
2 shall report such change in person to the sheriff of the county in which  
3 he or she is located within three working days after such change in  
4 residence, temporary domicile, or habitual living location;

5 (iv) Inform the person that if he or she moves to another county in  
6 the State of Nebraska, he or she must notify, in person, the county  
7 sheriff of the county in which he or she had been last residing, had a  
8 temporary domicile, or had a habitual living location and the county  
9 sheriff of the county in which he or she is residing, has a temporary  
10 domicile, or is habitually living of his or her current address. The  
11 notice must be given within three working days before his or her move;

12 (v) Inform the person that if he or she moves to another state, he  
13 or she must report, in person, the change of address to the county  
14 sheriff of the county in which he or she has been residing, has had a  
15 temporary domicile, or has been habitually living and must comply with  
16 the registration requirements of the state to which he or she is moving.  
17 The report must be given within three working days before his or her  
18 move;

19 (vi) Inform the person that he or she shall (A) inform the sheriff  
20 of the county in which he or she resides, has a temporary domicile, or is  
21 habitually living, in person, of each educational institution at which he  
22 or she is employed, carries on a vocation, or attends school, within  
23 three working days after such employment or attendance, and (B) notify  
24 the sheriff of any change in such employment or attendance status of such  
25 person at such educational institution, within three working days after  
26 such change;

27 (vii) Inform the person that he or she shall (A) inform the sheriff  
28 of the county in which the employment site is located, in person, of the  
29 name and address of any place where he or she is or will be an employee,  
30 within three working days after such employment, and (B) inform the  
31 sheriff of the county in which the employment site is located, in person,

1 of any change in his or her employment;

2 (viii) Inform the person that if he or she goes to another state to  
3 work or goes to another state as a student and still resides, has a  
4 temporary domicile, or has a habitual living location in this state, he  
5 or she must comply with the registration requirements of both states;

6 (ix) Inform the defendant that fingerprints, palm prints, a DNA  
7 sample if not previously collected, and a photograph will be obtained by  
8 any registering entity in order to comply with the registration  
9 requirements;

10 (x) Inform the defendant of registry and verification locations; and

11 (xi) Inform the defendant of the reduction request requirements, if  
12 eligible, under section 29-4005.

13 (b) The Department of Correctional Services or a city or county  
14 correctional or jail facility shall:

15 (i) Require the person to read and sign the notification form  
16 stating that the duty to register under the Sex Offender Registration Act  
17 has been explained;

18 (ii) Retain a signed copy of the written notification to register;  
19 and

20 (iii) Provide a copy of the signed, written notification to register  
21 to the person and to the sex offender registration and community  
22 notification division of the Nebraska State Patrol.

23 (4) If a person is convicted of a registrable offense under section  
24 29-4003 and is immediately incarcerated, he or she shall be registered as  
25 required under the act prior to discharge, parole, or work release.

26 (5) The Department of Motor Vehicles shall cause written  
27 notification of the duty to register to be provided on the applications  
28 for a motor vehicle operator's license and for a commercial driver's  
29 license.

30 (6) All written notification as provided in this section shall be on  
31 a form approved by the Attorney General.

1           Sec. 65. Section 30-2429.01, Reissue Revised Statutes of Nebraska,  
2 is amended to read:

3           30-2429.01 (1) If there is an objection to probate of a will or if a  
4 petition is filed to set aside an informal probate of a will or to  
5 prevent informal probate of a will which is the subject of a pending  
6 application, the county court shall continue the originally scheduled  
7 hearing for at least fourteen days from the date of the hearing. At any  
8 time prior to the continued hearing date any party may transfer the  
9 proceeding to determine whether the decedent left a valid will to the  
10 district court by filing with the county court a notice of transfer,  
11 depositing with the clerk of the county court a filing docket fee in the  
12 amount of the filing fee in district court for cases originally commenced  
13 in district court, and paying to the clerk of the county court a fee of  
14 twenty dollars.

15           (2) Within ten days of the completion of the requirements of  
16 subsection (1) of this section, the clerk of the county court shall  
17 transmit to the clerk of the district court a certification of the  
18 register of actions and copies of the original documents in the file  
19 ~~certified transcript of the complete record~~ of the matter transferred and  
20 the filing docket fee.

21           (3) Upon the filing of the certification as provided in subsection  
22 (2) of this section ~~transcript~~ in the district court, such court shall  
23 have jurisdiction over the proceeding on the contest. Within thirty days  
24 of the filing of such certification ~~the transcript~~, any party may file  
25 additional objections.

26           (4) The district court may order such additional pleadings as  
27 necessary and shall thereafter determine whether the decedent left a  
28 valid will. Trial shall be to a jury unless a jury is waived by all  
29 parties who have filed pleadings in the matter.

30           (5) The final decision and judgment in the matter transferred shall  
31 be certified to the county court, and proceedings shall be had thereon

1 necessary to carry the final decision and judgment into execution.

2       Sec. 66. Section 30-2488, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4       30-2488 (a) As to claims presented in the manner described in  
5 section 30-2486 within the time limit prescribed in section 30-2485, the  
6 personal representative may mail a notice to any claimant stating that  
7 the claim has been disallowed. If, after allowing or disallowing a claim,  
8 the personal representative changes his or her decision concerning the  
9 claim, he or she shall notify the claimant. The personal representative  
10 may not change a disallowance of a claim after the time for the claimant  
11 to file a petition for allowance or to commence a proceeding on the claim  
12 has run and the claim has been barred. Every claim which is disallowed in  
13 whole or in part by the personal representative is barred so far as not  
14 allowed unless the claimant files a petition for allowance in the court  
15 or commences a proceeding against the personal representative not later  
16 than sixty days after the mailing of the notice of disallowance or  
17 partial allowance if the notice warns the claimant of the impending bar.  
18 Failure of the personal representative to mail notice to a claimant of  
19 action on his or her claim for sixty days after the time for original  
20 presentation of the claim has expired has the effect of a notice of  
21 allowance.

22       (b) At any time within fourteen days of the filing of a petition for  
23 allowance of a claim, the personal representative may transfer the claim  
24 to the regular docket of the county court by filing with the court a  
25 notice of transfer. The county court shall hear and determine the claim  
26 in the same manner as actions originally filed in the county court on the  
27 regular docket. The county court may order such additional pleadings as  
28 are necessary. If the claim is greater than the jurisdictional amount in  
29 subdivision (5) of section 24-517 and the personal representative  
30 requests transfer of the claim to the district court, upon payment by the  
31 personal representative to the clerk of the district court of a docket

1 ~~fee in the amount of~~ the filing fee in district court, the county court  
2 shall transfer the claim to the district court as provided in section  
3 25-2706. If the claim is transferred to the district court, a jury trial  
4 is allowed unless waived by the parties as provided under section  
5 25-1104.

6 (c) Upon the petition of the personal representative or of a  
7 claimant in a proceeding for the purpose, the court may allow in whole or  
8 in part any claim or claims filed with the clerk of the court in due time  
9 and not barred by subsection (a) of this section. Notice in this  
10 proceeding shall be given to the claimant, the personal representative,  
11 and those other persons interested in the estate as the court may direct  
12 by order entered at the time the proceeding is commenced.

13 (d) A final judgment in a proceeding in any court against a personal  
14 representative to enforce a claim against a decedent's estate is an  
15 allowance of the claim.

16 (e) Unless otherwise provided in any final judgment in any court  
17 entered against the personal representative, allowed claims bear interest  
18 at the legal rate for the period commencing sixty days after the time for  
19 original presentation of the claim has expired unless based on a contract  
20 making a provision for interest, in which case they bear interest in  
21 accordance with that provision.

22 Sec. 67. Section 30-2608, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 30-2608 (a) The father and mother are the natural guardians of their  
25 minor children and are duly entitled to their custody and to direct their  
26 education, being themselves competent to transact their own business and  
27 not otherwise unsuitable. If either dies or is disqualified for acting,  
28 or has abandoned his or her family, the guardianship devolves upon the  
29 other except as otherwise provided in this section.

30 (b) In the appointment of a parent as a guardian when the other  
31 parent has died and the child was born out of wedlock, the court shall

1 consider the wishes of the deceased parent as expressed in a valid will  
2 executed by the deceased parent. If in such valid will the deceased  
3 parent designates someone other than the other natural parent as guardian  
4 for the minor children, the court shall take into consideration the  
5 designation by the deceased parent. In determining whether or not the  
6 natural parent should be given priority in awarding custody, the court  
7 shall also consider the natural parent's acknowledgment of paternity,  
8 payment of child support, and whether the natural parent is a fit,  
9 proper, and suitable custodial parent for the child.

10 (c) The court may appoint a standby guardian for a minor whose  
11 parent is chronically ill or near death. The appointment of a guardian  
12 under this subsection does not suspend or terminate the parent's parental  
13 rights of custody to the minor. The standby guardian's authority would  
14 take effect, if the minor is left without a remaining parent, upon (1)  
15 the death of the parent, (2) the mental incapacity of the parent, or (3)  
16 the physical debilitation and consent of the parent.

17 (d) The court may appoint a guardian for a minor if all parental  
18 rights of custody have been terminated or suspended by prior or current  
19 circumstances or prior court order. The juvenile court may appoint a  
20 guardian for a child adjudicated to be under subdivision (3)(a) of  
21 section 43-247 as provided in section 43-1312.01. A guardian appointed by  
22 will as provided in section 30-2606 whose appointment has not been  
23 prevented or nullified under section 30-2607 has priority over any  
24 guardian who may be appointed by the court, but the court may proceed  
25 with an appointment upon a finding that the testamentary guardian has  
26 failed to accept the testamentary appointment within thirty days after  
27 notice of the guardianship proceeding.

28 (e) The petition and all other court filings for a guardianship  
29 proceeding shall be filed with the clerk of the county court. The party  
30 shall state in the petition whether such party requests that the  
31 proceeding be heard by the county court or, in cases in which a separate



1 juvenile court already has jurisdiction over the child in need of a  
2 guardian under the Nebraska Juvenile Code, such separate juvenile court.  
3 Such proceeding is considered a county court proceeding even if heard by  
4 a separate juvenile court judge, and an order of the separate juvenile  
5 court in such guardianship proceeding has the force and effect of a  
6 county court order. The testimony in a guardianship proceeding heard  
7 before a separate juvenile court judge shall be preserved as in any other  
8 separate juvenile court proceeding. ~~The clerks of the district courts~~  
9 ~~shall transfer all guardianship petitions and other guardianship filings~~  
10 ~~which were filed with such clerks prior to August 28, 1999, to the clerk~~  
11 ~~of the county court where the separate juvenile court which heard the~~  
12 ~~proceeding is situated. The clerk of such county court shall file and~~  
13 ~~docket such petitions and other filings.~~

14 Sec. 68. Section 31-320, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16 31-320 If, upon the filing of the report of the engineer, together  
17 with the ~~his~~ estimates as provided in section 31-311, it appears ~~shall~~  
18 ~~appear~~ that lands, other than those incorporated by the court in the  
19 district, will be benefited by the drainage improvements of the district,  
20 the chairperson ~~it shall be the duty of the chairman~~ of the board of  
21 supervisors shall ~~to~~ file a petition in the district court of the county  
22 where the district was originally organized, containing a description of  
23 the lands, and the name or names of the owners as they appear on the tax  
24 duplicate of the county in which the lands are situated and their place  
25 or places of residence, and alleging that such land will be benefited by  
26 the improvements and ought in justice bear its proportion of the expense  
27 and cost of such improvement, and that such land was not incorporated  
28 within the limits of the ~~said~~ drainage district as originally established  
29 by the court. If the names of the owners of any such tract or tracts of  
30 land are unknown, this fact shall be stated. The prayer of the petition  
31 shall be that such tract or tracts of land may be incorporated and made a

1 part of the district. Upon the filing of such petition, duly verified, as  
2 ~~herein provided,~~ the clerk of the district court shall issue summons or  
3 notice to the parties interested as provided by section 31-303 with  
4 reference to the original petition for the establishment of the district,  
5 the same proceedings shall be had upon the petition and in the same court  
6 as upon the original petition for the establishment of the district, and  
7 the same provisions of law shall apply thereto insofar as the same are  
8 applicable. Upon the return day of such notice or summons, or at any  
9 other time to which the court shall adjourn the cause, the court shall  
10 have jurisdiction to try and determine such matter at chambers and to  
11 make all necessary orders, judgments, and decrees. The owners of such  
12 lands may by writing, duly verified, waive the issuance and service of  
13 all notice or process and consent that the court may at once upon the  
14 filing of the petition and waiver enter the necessary decree. Upon filing  
15 the petition it shall be the duty of the clerk to record ~~docket~~ the  
16 cause, as a proceeding in and part of the original cause for the  
17 establishment of the district. After entering of the decree of the court,  
18 the land and all of the parties so brought into the district shall be  
19 subject to the same provisions of law as would have applied to them had  
20 they been incorporated in the original petition and decree entered  
21 thereon. No ; ~~Provided,~~ no land shall be included in such drainage  
22 district or be subject to taxation for the drainage except wet,  
23 submerged, and swamp lands or land within a district subject to overflow.

24 Sec. 69. Section 31-329, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 31-329 Any person or corporation who has filed objections and had a  
27 hearing, ~~as herein provided for,~~ feeling aggrieved by the decision and  
28 judgment of the board of supervisors, may appeal to the district court  
29 within and for the county in which the drainage district was originally  
30 established, upon giving a bond conditioned the same as in appeals to the  
31 district court as from civil actions in county court in this state and

1 payable to the drainage district, and in addition thereto conditioned  
2 that the appellant he will pay all damages which may accrue to the  
3 drainage district by reason of such appeal. The bond shall be approved by  
4 the secretary of the board of supervisors, and filed with the secretary  
5 within ten days after the rendition of the decision appealed from. Within  
6 ten days after the filing of the bond the secretary shall make and file a  
7 transcript of the proceedings appealed from, together with all the papers  
8 relating thereto, with the clerk of the district court in which the said  
9 matter has been appealed. Upon the filing of the transcript and bond, the  
10 district court shall have jurisdiction of the cause, and the same shall  
11 be ~~docketed and~~ filed as in appeals in other civil actions to such court.  
12 The court shall hear and determine all such objections in a summary  
13 manner as in a case in equity, and shall increase or reduce the amount of  
14 benefit on any tract where the same may be required in order to make the  
15 apportionment equitable. All objections that may be filed shall be heard  
16 and determined by the court as one proceeding, and only one transcript of  
17 the final order of the board of supervisors, fixing the apportionments or  
18 benefits, shall be required. The clerk of the district court shall  
19 forthwith certify the decision of the court to the board of supervisors,  
20 which shall take such action as may be rendered necessary by such  
21 decisions.

22       Sec. 70. Section 32-1412, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       32-1412 (1) If the Secretary of State refuses to place on the ballot  
25 any measure proposed by an initiative petition presented at least four  
26 months preceding the date of the election at which the proposed law or  
27 constitutional amendment is to be voted upon or a referendum petition  
28 presented within ninety days after the Legislature enacting the law to  
29 which the petition applies adjourns sine die or for a period longer than  
30 ninety days, any resident may apply, within ten days after such refusal,  
31 to the district court of Lancaster County for a writ of mandamus. If it

1 is decided by the court that such petition is legally sufficient, the  
2 Secretary of State shall order the issue placed upon the ballot at the  
3 next general election.

4 (2) On a showing that an initiative or referendum petition is not  
5 legally sufficient, the court, on the application of any resident, may  
6 enjoin the Secretary of State and all other officers from certifying or  
7 printing on the official ballot for the next general election the ballot  
8 title and number of such measure. If a suit is filed against the  
9 Secretary of State seeking to enjoin him or her from placing the measure  
10 on the official ballot, the person who is the sponsor of record of the  
11 petition shall be a necessary party defendant in such suit.

12 (3) Such suits shall be advanced on the trial court ~~court~~ docket and heard  
13 and decided by the court as quickly as possible. Either party may appeal  
14 to the Court of Appeals within ten days after a decision is rendered. The  
15 appeal procedures described in the Administrative Procedure Act shall not  
16 apply to this section.

17 (4) The district court of Lancaster County shall have jurisdiction  
18 over all litigation arising under sections 32-1401 to 32-1416.

19 Sec. 71. Section 33-103, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 33-103 At the time of filing an appeal, original action, or other  
22 proceeding in the Court of Appeals or Supreme Court there shall be paid  
23 to the clerk the sum of one hundred dollars as a filing ~~docket~~ fee. Fifty  
24 dollars of such fee shall be remitted to the State Treasurer for credit  
25 to the Nebraska Retirement Fund for Judges.

26 The clerk shall charge fees for copies of documents and certificates  
27 at the rate provided in section 25-1280.

28 Sec. 72. Section 33-106, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 33-106 (1) In addition to the judges retirement fund fee provided in  
31 section 24-703 and the fee provided in section 33-106.03 and except as

1 otherwise provided by law, the fees of the clerk of the district court  
2 shall be as follows: There shall be a filing docket fee of forty-two  
3 dollars for each civil and criminal case except (a) a case commenced by  
4 filing a transcript of judgment as hereinafter provided, (b) proceedings  
5 under the Nebraska Workers' Compensation Act and the Employment Security  
6 Law, when provision is made for the fees that may be charged, and (c) a  
7 criminal case appealed to the district court from any court inferior  
8 thereto as hereinafter provided. There shall be a filing docket fee of  
9 twenty-five dollars for each case commenced by filing a transcript of  
10 judgment from another court in this state for the purpose of obtaining a  
11 lien. There shall be a filing docket fee of twenty-seven dollars for each  
12 criminal case appealed to the district court from any court inferior  
13 thereto.

14 (2) In all cases, other than those appealed from an inferior court  
15 or original filings which are within jurisdictional limits of an inferior  
16 court and when a jury is demanded in district court, the filing docket  
17 fee shall cover all fees of the clerk, except that the clerk shall be  
18 paid for each copy or transcript ordered of any pleading, record, or  
19 other paper and that the clerk shall be entitled to a fee of fifteen  
20 dollars for a records management fee which will be taxed as costs of the  
21 ~~making a complete record of a case.~~

22 (3) ~~The fee for making a complete record of a case shall be taxed as~~  
23 ~~a part of the costs of the case.~~ In all civil cases, except habeas corpus  
24 cases in which a poverty affidavit is filed and approved by the court,  
25 and for all other services, the filing docket fee or other fee shall be  
26 paid by the party filing the case or requesting the service at the time  
27 the case is filed or the service requested.

28 (4) For any other service which may be rendered or performed by the  
29 clerk but which is not required in the discharge of his or her official  
30 duties, the fee shall be the same as that of a notary public but in no  
31 case less than one dollar.

1           Sec. 73. Section 33-106.01, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           33-106.01 ~~The Each~~ clerk of the district court shall keep a record  
4 ~~of docket in which he shall enter~~ the costs chargeable and taxable  
5 against each party in any suit pending in court. ~~He or she said courts~~  
6 ~~respectively. He is empowered~~ at any time may ~~to~~ make out a statement of  
7 such fees specifying each item of the fees so charged and taxed under  
8 seal of the court, which fee bill, so made under the seal of the said  
9 court, shall have the same force and effect as an execution. The sheriff  
10 to whom the said fee bill shall be issued shall execute the same as an  
11 execution, and have the same fees therefor. The clerk shall not enter on  
12 the record ~~in such docket~~ any fees of any officer claiming the same,  
13 unless such officer shall duly return an itemized bill of the same.

14           Sec. 74. Section 33-106.02, Reissue Revised Statutes of Nebraska, is  
15 amended to read:

16           33-106.02 (1) The clerk of the district court of each county shall  
17 not retain for his or her own use any fees, revenue, perquisites, or  
18 receipts, fixed, enumerated, or provided in this or any other section of  
19 the statutes of the State of Nebraska or any fees authorized by federal  
20 law to be collected or retained by a county official. The clerk shall on  
21 or before the fifteenth day of each month make a report to the county  
22 board, under oath, showing the different items of such fees, revenue,  
23 perquisites, or receipts received, from whom, at what time, and for what  
24 service, and the total amount received by such officer since the last  
25 report, and also the amount received for the current year.

26           (2) The clerk shall account for and pay any fees, revenue,  
27 perquisites, or receipts not later than the fifteenth day of the month  
28 following the calendar month in which such fees, revenue, perquisites, or  
29 receipts were received in the following manner:

30           (a) Of the forty-two-dollar filing docket fee imposed pursuant to  
31 section 33-106, through June 30, 2016, five dollars shall be remitted to

1 the State Treasurer for credit to the General Fund and two dollars shall  
2 be remitted to the State Treasurer for credit to the Nebraska Retirement  
3 Fund for Judges, beginning July 1, 2016, through June 30, 2017, three  
4 dollars shall be remitted to the State Treasurer for credit to the  
5 General Fund and four dollars shall be remitted to the State Treasurer  
6 for credit to the Nebraska Retirement Fund for Judges, and beginning July  
7 1, 2017, one dollar shall be remitted to the State Treasurer for credit  
8 to the General Fund and six dollars shall be remitted to the State  
9 Treasurer for credit to the Nebraska Retirement Fund for Judges;

10 (b) Of the twenty-seven-dollar filing ~~docket~~ fee imposed for appeal  
11 of a criminal case to the district court pursuant to section 33-106, two  
12 dollars shall be remitted to the State Treasurer for credit to the  
13 Nebraska Retirement Fund for Judges; and

14 (c) The remaining fees, revenue, perquisites, or receipts shall be  
15 credited to the general fund of the county.

16 Sec. 75. Section 33-106.03, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 33-106.03 In addition to the fees provided for in sections 33-106  
19 and 33-123, the clerk of the court shall collect an additional seventy-  
20 five dollars in filing ~~docket~~ fees for dissolution of marriages. The fee  
21 shall be remitted to the State Treasurer who shall credit twenty-five  
22 dollars to the Nebraska Child Abuse Prevention Fund and fifty dollars to  
23 the Parenting Act Fund.

24 Sec. 76. Section 33-107.02, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 33-107.02 (1) A filing ~~docket~~ fee of sixty-five dollars shall be  
27 collected by the clerk of the county court or the clerk of the district  
28 court for each proceeding to modify a decree of dissolution or annulment  
29 of marriage, a modification of an award of child support, or a  
30 modification of child custody, parenting time, visitation, or other  
31 access as defined in section 43-2922. Such fees shall be remitted to the

1 State Treasurer on forms prescribed by the State Treasurer within ten  
2 days after the close of each month. Fifteen dollars shall be credited to  
3 the Legal Aid and Services Fund, and fifty dollars shall be credited to  
4 the Parenting Act Fund.

5 (2) Any proceeding filed by a county attorney or an authorized  
6 attorney, as defined in section 43-1704, in a case in which services are  
7 being provided under Title IV-D of the federal Social Security Act, as  
8 amended, shall not be subject to the provisions of this section.

9 Sec. 77. Section 33-131, Reissue Revised Statutes of Nebraska, is  
10 amended to read:

11 ~~33-131 The clerks of the district court,~~ sheriffs, county judges,  
12 county treasurers, county clerks, and registers of deeds of the several  
13 counties of the state shall each keep a book, unless authorized to use a  
14 computerized system, which shall be provided by the county, which shall  
15 be known as the fee book, which shall be a part of the records of such  
16 office, and in which shall be entered each and every item of fees  
17 collected showing in separate columns the name of the party from whom  
18 received, the date of receiving the same, the amount received, and for  
19 what service the same was charged. The clerks of the district court shall  
20 use the court's electronic case management system provided by the state  
21 which shall be the record of receipts and reimbursements.

22 Sec. 78. Section 33-140.03, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 33-140.03 The county board shall examine the books and records  
25 ~~dockets~~ of the clerk of the county and district courts of the county. If  
26 the board finds that a clerk has failed to report or pay over any of the  
27 fees required by section 33-140 to be paid over or reported, the board  
28 shall notify the clerk to pay over the fees at once. If the clerk fails  
29 to pay over such fees to the county treasurer, the county board shall  
30 commence suit in any court having jurisdiction against the clerk and the  
31 person who issued the clerk's bond. The action shall be commenced in the



1 name of the county for the benefit of the common schools of the county.

2 Sec. 79. Section 35-102, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 35-102 No volunteer fire department shall have upon its rolls at one  
5 time more than twenty-five persons, for each engine and hose company in  
6 such ~~said~~ fire department, and no hook and ladder company shall have upon  
7 its rolls at any one time more than twenty-five members. ~~The foreman and~~  
8 ~~secretary of every such company shall, on the first day of April and~~  
9 ~~October in each year, file in the office of the clerk of the district~~  
10 ~~court in and for the respective counties a certified copy of the rolls of~~  
11 ~~their respective companies so as to obtain for the members thereof the~~  
12 ~~privilege of the exemption mentioned in section 35-101.~~ No organization  
13 shall be deemed to be a bona fide fire, or hook and ladder company until  
14 it has ~~shall~~ have procured for active service apparatus for the  
15 extinguishment or prevention of fires, in case of a hose company, to the  
16 value of seven hundred dollars, and of a hook and ladder company to the  
17 value of five hundred dollars.

18 Sec. 80. Section 37-1283, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 37-1283 (1) Whenever ~~In the event of the transfer of~~ ownership of a  
21 motorboat is transferred by operation of law as upon inheritance, devise,  
22 ~~or~~ bequest, order in bankruptcy, insolvency, replevin, or execution sale,  
23 (2) whenever a motorboat is sold to satisfy storage or repair charges, or  
24 (3) whenever repossession is had upon default in performance of the terms  
25 of a chattel mortgage, trust receipt, conditional sales contract, or  
26 other like agreement, the county treasurer of any county or the  
27 Department of Motor Vehicles, upon the surrender of the prior certificate  
28 of title or the manufacturer's or importer's certificate, or when that is  
29 not possible, upon presentation of satisfactory proof of ownership and  
30 right of possession to the motorboat, and upon payment of the fee  
31 prescribed in section 37-1287 and the presentation of an application for

1 certificate of title, may issue to the applicant a certificate of title  
2 thereto. If the prior certificate of title issued for the motorboat  
3 provided for joint ownership with right of survivorship, a new  
4 certificate of title shall be issued to a subsequent purchaser upon the  
5 assignment of the prior certificate of title by the surviving owner and  
6 presentation of satisfactory proof of death of the deceased owner. Only  
7 an affidavit by the person or agent of the person to whom possession of  
8 the motorboat has so passed, setting forth facts entitling him or her to  
9 such possession and ownership, together with a copy of a court order or  
10 an ~~the journal entry, court order, or~~ instrument upon which such claim of  
11 possession and ownership is founded shall be considered satisfactory  
12 proof of ownership and right of possession, except that if the applicant  
13 cannot produce such proof of ownership, he or she may submit to the  
14 department such evidence as he or she may have and the department may  
15 thereupon, if it finds the evidence sufficient, issue the certificate of  
16 title or authorize any county treasurer to issue a certificate of title,  
17 as the case may be. If from the records of the county treasurer or the  
18 department there appear to be any liens on the motorboat, the certificate  
19 of title shall comply with section 37-1282 regarding the liens unless the  
20 application is accompanied by proper evidence of their satisfaction or  
21 extinction.

22       Sec. 81. Section 42-364, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24       42-364 (1)(a) In an action under Chapter 42 involving child support,  
25 child custody, parenting time, visitation, or other access, the parties  
26 and their counsel, if represented, shall develop a parenting plan as  
27 provided in the Parenting Act. If the parties and counsel do not develop  
28 a parenting plan, the complaint shall so indicate as provided in section  
29 42-353 and the case shall be referred to mediation or specialized  
30 alternative dispute resolution as provided in the Parenting Act. For good  
31 cause shown and (i) when both parents agree and such parental agreement

1 is bona fide and not asserted to avoid the purposes of the Parenting Act,  
2 or (ii) when mediation or specialized alternative dispute resolution is  
3 not possible without undue delay or hardship to either parent, the  
4 mediation or specialized alternative dispute resolution requirement may  
5 be waived by the court. In such a case where waiver of the mediation or  
6 specialized alternative dispute resolution is sought, the court shall  
7 hold an evidentiary hearing and the burden of proof for the party or  
8 parties seeking waiver is by clear and convincing evidence.

9 (b) The decree in an action involving the custody of a minor child  
10 shall include the determination of legal custody and physical custody  
11 based upon the best interests of the child, as defined in the Parenting  
12 Act, and child support. Such determinations shall be made by  
13 incorporation into the decree of (i) a parenting plan developed by the  
14 parties, if approved by the court, or (ii) a parenting plan developed by  
15 the court based upon evidence produced after a hearing in open court if  
16 no parenting plan is developed by the parties or the plan developed by  
17 the parties is not approved by the court. The decree shall conform to the  
18 Parenting Act.

19 (c) The social security number of each parent and the minor child  
20 shall be furnished to the clerk of the district court but shall not be  
21 disclosed or considered a public record.

22 (2) In determining legal custody or physical custody, the court  
23 shall not give preference to either parent based on the sex of the parent  
24 and, except as provided in section 43-2933, no presumption shall exist  
25 that either parent is more fit or suitable than the other. Custody shall  
26 be determined on the basis of the best interests of the child, as defined  
27 in the Parenting Act. Unless parental rights are terminated, both parents  
28 shall continue to have the rights stated in section 42-381.

29 (3) Custody of a minor child may be placed with both parents on a  
30 joint legal custody or joint physical custody basis, or both, (a) when  
31 both parents agree to such an arrangement in the parenting plan and the

1 court determines that such an arrangement is in the best interests of the  
2 child or (b) if the court specifically finds, after a hearing in open  
3 court, that joint physical custody or joint legal custody, or both, is in  
4 the best interests of the minor child regardless of any parental  
5 agreement or consent.

6 (4) In determining the amount of child support to be paid by a  
7 parent, the court shall consider the earning capacity of each parent and  
8 the guidelines provided by the Supreme Court pursuant to section  
9 42-364.16 for the establishment of child support obligations. Upon  
10 application, hearing, and presentation of evidence of an abusive  
11 disregard of the use of child support money or cash medical support paid  
12 by one party to the other, the court may require the party receiving such  
13 payment to file a verified report with the court, as often as the court  
14 requires, stating the manner in which child support money or cash medical  
15 support is used. Child support money or cash medical support paid to the  
16 party having physical custody of the minor child shall be the property of  
17 such party except as provided in section 43-512.07. The clerk of the  
18 district court shall maintain a record, ~~separate from all other judgment~~  
19 ~~dockets,~~ of all decrees and orders in which the payment of child support,  
20 cash medical support, or spousal support has been ordered, whether  
21 ordered by a district court, county court, separate juvenile court, or  
22 county court sitting as a juvenile court. Orders for child support or  
23 cash medical support in cases in which a party has applied for services  
24 under Title IV-D of the federal Social Security Act, as amended, shall be  
25 reviewed as provided in sections 43-512.12 to 43-512.18.

26 (5) Whenever termination of parental rights is placed in issue the  
27 court shall transfer jurisdiction to a juvenile court established  
28 pursuant to the Nebraska Juvenile Code unless a showing is made that the  
29 county court or district court is a more appropriate forum. In making  
30 such determination, the court may consider such factors as cost to the  
31 parties, undue delay, congestion of trial dockets, and relative resources

1 available for investigative and supervisory assistance. A determination  
2 that the county court or district court is a more appropriate forum shall  
3 not be a final order for the purpose of enabling an appeal. If no such  
4 transfer is made, the court shall conduct the termination of parental  
5 rights proceeding as provided in the Nebraska Juvenile Code.

6 (6) Modification proceedings relating to support, custody, parenting  
7 time, visitation, other access, or removal of children from the  
8 jurisdiction of the court shall be commenced by filing a complaint to  
9 modify. Modification of a parenting plan is governed by the Parenting  
10 Act. Proceedings to modify a parenting plan shall be commenced by filing  
11 a complaint to modify. Such actions shall be referred to mediation or  
12 specialized alternative dispute resolution as provided in the Parenting  
13 Act. For good cause shown and (a) when both parents agree and such  
14 parental agreement is bona fide and not asserted to avoid the purposes of  
15 the Parenting Act, or (b) when mediation or specialized alternative  
16 dispute resolution is not possible without undue delay or hardship to  
17 either parent, the mediation or specialized alternative dispute  
18 resolution requirement may be waived by the court. In such a case where  
19 waiver of the mediation or specialized alternative dispute resolution is  
20 sought, the court shall hold an evidentiary hearing and the burden of  
21 proof for the party or parties seeking waiver is by clear and convincing  
22 evidence. Service of process and other procedure shall comply with the  
23 requirements for a dissolution action.

24 (7) In any proceeding under this section relating to custody of a  
25 child of school age, certified copies of school records relating to  
26 attendance and academic progress of such child are admissible in  
27 evidence.

28 Sec. 82. Section 42-372.02, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 42-372.02 (1) When a decree of dissolution of marriage assigns real  
31 estate to either party, the party to whom the real estate is assigned may

1 (a) prepare and file with the clerk of the district court an affidavit  
2 identifying the real estate by legal description and affirmatively  
3 identifying the person entitled to the real estate and (b) prepare for  
4 signature and seal by the clerk one or more certificates in a form  
5 substantially similar to the following:

6 CERTIFICATE OF DISSOLUTION OF MARRIAGE

7 ..... , Clerk of the District Court of .....  
8 County, Nebraska, certifies that in Case No. ...., Docket .....,  
9 Page ....., in such Court, entitled .....  
10 vs. ...., the Court entered its decree of dissolution  
11 of marriage in which the interest of ..... in the  
12 following described real estate in ..... County, Nebraska:

13 .....  
14 .....  
15 .....  
16 .....

17 has been assigned to .....

18 Dated: .....

19 (SEAL) Clerk of the District Court  
20 ..... County, Nebraska.

21 (2) A certificate may include more than one parcel of real estate,  
22 but there shall be separate certificates for each party to whom real  
23 estate is assigned and separate certificates for each county in which  
24 real estate is located. The certificate or certificates shall be  
25 delivered by the clerk to the person applying for the same, and such  
26 person shall be responsible for recording the certificate or certificates  
27 with the register of deeds in the appropriate county or counties as  
28 provided in section 76-248.01.

29 Sec. 83. Section 43-102, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 43-102 Except as otherwise provided in the Nebraska Indian Child

1 Welfare Act, any person or persons desiring to adopt a minor child or an  
2 adult child shall file a petition for adoption signed and sworn to by the  
3 person or persons desiring to adopt. The consent or consents required by  
4 sections 43-104 and 43-105 or section 43-104.07, the documents required  
5 by section 43-104.07 or the documents required by sections 43-104.08 to  
6 43-104.25, and a completed preplacement adoptive home study if required  
7 by section 43-107 shall be filed prior to the hearing required in section  
8 43-103.

9       The county court of the county in which the person or persons  
10 desiring to adopt a child reside has jurisdiction of adoption  
11 proceedings, except that if a separate juvenile court already has  
12 jurisdiction over the child to be adopted under the Nebraska Juvenile  
13 Code, such separate juvenile court has concurrent jurisdiction with the  
14 county court in such adoption proceeding. If a child to be adopted is a  
15 ward of any court or a ward of the state at the time of placement and at  
16 the time of filing an adoption petition, the person or persons desiring  
17 to adopt shall not be required to be residents of Nebraska. The petition  
18 and all other court filings for an adoption proceeding shall be filed  
19 with the clerk of the county court. The party shall state in the petition  
20 whether such party requests that the proceeding be heard by the county  
21 court or, in cases in which a separate juvenile court already has  
22 jurisdiction over the child to be adopted under the Nebraska Juvenile  
23 Code, such separate juvenile court. Such proceeding is considered a  
24 county court proceeding even if heard by a separate juvenile court judge  
25 and an order of the separate juvenile court in such adoption proceeding  
26 has the force and effect of a county court order. The testimony in an  
27 adoption proceeding heard before a separate juvenile court judge shall be  
28 preserved as in any other separate juvenile court proceeding. ~~The clerks  
29 of the district courts shall transfer all adoption petitions and other  
30 adoption filings which were filed with such clerks prior to August 28,  
31 1999, to the clerk of the county court where the separate juvenile court~~

1 ~~which heard the proceeding is situated. The clerk of such county court~~  
2 ~~shall file and docket such petitions and other filings.~~

3 Except as set out in subdivisions (1)(b)(ii), (iii), (iv), and (v)  
4 of section 43-107, an adoption decree shall not be issued until at least  
5 six months after an adoptive home study has been completed by the  
6 Department of Health and Human Services or a licensed child placement  
7 agency.

8 Sec. 84. Section 43-2,108, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 43-2,108 (1) The juvenile court judge shall keep a record minute  
11 ~~book in which he or she shall enter minutes~~ of all proceedings of the  
12 court in each case, including appearances, findings, orders, decrees, and  
13 judgments, and any evidence which he or she feels it is necessary and  
14 proper to record. The case file shall contain the pleadings, orders,  
15 court actions, judgments, postjudgment actions, and other documents. The  
16 case file may be maintained as an electronic document through the court's  
17 electronic case management system. The case file may also be maintained  
18 in a paper volume and disposed of when determined by the State Records  
19 Administrator pursuant to the Records Management Act ~~Juvenile court legal~~  
20 ~~records shall be deposited in files and shall include the petition,~~  
21 ~~summons, notice, certificates or receipts of mailing, minutes of the~~  
22 ~~court, findings, orders, decrees, judgments, and motions.~~

23 (2) Except as provided in subsections (3) and (4) of this section,  
24 the medical, psychological, psychiatric, and social welfare reports and  
25 the records of juvenile probation officers as they relate to individual  
26 proceedings in the juvenile court shall not be open to inspection,  
27 without order of the court. Such records shall be made available to a  
28 district court of this state or the District Court of the United States  
29 on the order of a judge thereof for the confidential use of such judge or  
30 his or her probation officer as to matters pending before such court but  
31 shall not be made available to parties or their counsel; and such



1 district court records shall be made available to a county court or  
2 separate juvenile court upon request of the county judge or separate  
3 juvenile judge for the confidential use of such judge and his or her  
4 probation officer as to matters pending before such court, but shall not  
5 be made available by such judge to the parties or their counsel.

6 (3) As used in this section, confidential record information means  
7 all ~~docket~~ records, other than the pleadings, orders, decrees, and  
8 judgments; case files and records; reports and records of probation  
9 officers; and information supplied to the court of jurisdiction in such  
10 cases by any individual or any public or private institution, agency,  
11 facility, or clinic, which is compiled by, produced by, and in the  
12 possession of any court. In all cases under subdivision (3)(a) of section  
13 43-247, access to all confidential record information in such cases shall  
14 be granted only as follows: (a) The court of jurisdiction may, subject to  
15 applicable federal and state regulations, disseminate such confidential  
16 record information to any individual, or public or private agency,  
17 institution, facility, or clinic which is providing services directly to  
18 the juvenile and such juvenile's parents or guardian and his or her  
19 immediate family who are the subject of such record information; (b) the  
20 court of jurisdiction may disseminate such confidential record  
21 information, with the consent of persons who are subjects of such  
22 information, or by order of such court after showing of good cause, to  
23 any law enforcement agency upon such agency's specific request for such  
24 agency's exclusive use in the investigation of any protective service  
25 case or investigation of allegations under subdivision (3)(a) of section  
26 43-247, regarding the juvenile or such juvenile's immediate family, who  
27 are the subject of such investigation; and (c) the court of jurisdiction  
28 may disseminate such confidential record information to any court, which  
29 has jurisdiction of the juvenile who is the subject of such information  
30 upon such court's request.

31 (4) The court shall provide copies of predispositional reports and

1 evaluations of the juvenile to the juvenile's attorney and the county  
2 attorney or city attorney prior to any hearing in which the report or  
3 evaluation will be relied upon.

4 (5) In all cases under sections 43-246.01 and 43-247, the office of  
5 Inspector General of Nebraska Child Welfare may submit a written request  
6 to the probation administrator for access to the records of juvenile  
7 probation officers in a specific case. Upon a juvenile court order, the  
8 records shall be provided to the Inspector General within five days for  
9 the exclusive use in an investigation pursuant to the Office of Inspector  
10 General of Nebraska Child Welfare Act. Nothing in this subsection shall  
11 prevent the notification of death or serious injury of a juvenile to the  
12 Inspector General of Nebraska Child Welfare pursuant to section 43-4318  
13 as soon as reasonably possible after the Office of Probation  
14 Administration learns of such death or serious injury.

15 (6) In all cases under sections 43-246.01 and 43-247, the juvenile  
16 court shall disseminate confidential record information to the Foster  
17 Care Review Office pursuant to the Foster Care Review Act.

18 (7) Nothing in subsections (3), (5), and (6) of this section shall  
19 be construed to restrict the dissemination of confidential record  
20 information between any individual or public or private agency,  
21 institute, facility, or clinic, except any such confidential record  
22 information disseminated by the court of jurisdiction pursuant to this  
23 section shall be for the exclusive and private use of those to whom it  
24 was released and shall not be disseminated further without order of such  
25 court.

26 (8)(a) Any records concerning a juvenile court petition filed  
27 pursuant to subdivision (3)(c) of section 43-247 shall remain  
28 confidential except as may be provided otherwise by law. Such records  
29 shall be accessible to (i) the juvenile except as provided in subdivision  
30 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's  
31 parent or guardian, and (iv) persons authorized by an order of a judge or

1 court.

2 (b) Upon application by the county attorney or by the director of  
3 the facility where the juvenile is placed and upon a showing of good  
4 cause therefor, a judge of the juvenile court having jurisdiction over  
5 the juvenile or of the county where the facility is located may order  
6 that the records shall not be made available to the juvenile if, in the  
7 judgment of the court, the availability of such records to the juvenile  
8 will adversely affect the juvenile's mental state and the treatment  
9 thereof.

10 Sec. 85. Section 43-2,112, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-2,112 The question of whether or not there shall be established a  
13 separate juvenile court in any county having a population of seventy-five  
14 thousand or more inhabitants shall be submitted to the registered voters  
15 of any such county at the first statewide general election or at any  
16 special election held not less than four months after the filing with the  
17 Secretary of State of a petition requesting the establishment of such  
18 court signed by registered voters of such county in a number not less  
19 than five percent of the total votes cast for Governor in such county at  
20 the general state election next preceding the filing of the petition. The  
21 question shall be submitted to the registered voters of the county in the  
22 following form:

23 Shall there be established in ..... County a separate juvenile  
24 court?

25 ..... Yes

26 ..... No

27 The election shall be conducted and the ballots shall be counted and  
28 canvassed in the manner prescribed by the Election Act.

29 After a separate juvenile court has been established, the clerk of  
30 the county court shall forthwith transfer to the trial docket of the  
31 separate juvenile court all pending matters within the exclusive

1 jurisdiction of the separate juvenile court for consideration and  
2 disposition by the judge thereof.

3 Sec. 86. Section 43-2,113, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 43-2,113 (1) In counties where a separate juvenile court is  
6 established, the county board of the county shall provide suitable rooms  
7 and offices for the accommodation of the judge of the separate juvenile  
8 court and the officers and employees appointed by such judge or by the  
9 probation administrator pursuant to subsection (4) of section 29-2253.  
10 Such separate juvenile court and the judge, officers, and employees of  
11 such court shall have the same and exclusive jurisdiction, powers, and  
12 duties that are prescribed in the Nebraska Juvenile Code, concurrent  
13 jurisdiction under section 83-223, and such other jurisdiction, powers,  
14 and duties as specifically provided by law.

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

25 (3) All orders issued by a separate juvenile court or a county court  
26 which provide for child support or spousal support as defined in section  
27 42-347 shall be governed by sections 42-347 to 42-381 and 43-290 relating  
28 to such support. Certified copies of such orders shall be filed by the  
29 clerk of the separate juvenile or county court with the clerk of the  
30 district court who shall maintain a record as provided in subsection (4)  
31 of section 42-364. There shall be no fee charged for the filing of such

1 certified copies.

2 Sec. 87. Section 43-1906, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 43-1906 (1) There is hereby established the Nebraska Child Abuse  
5 Prevention Fund. The additional filing ~~docket~~ fee as provided in section  
6 33-106.03, the additional charge for supplying a certified copy of the  
7 record of any birth as provided in sections 71-612, 71-617.15, 71-627,  
8 and 71-628, and all amounts which may be received from grants, gifts,  
9 bequests, the federal government, or other sources granted or given for  
10 the purposes specified in sections 43-1901 to 43-1906 shall be remitted  
11 to the State Treasurer for credit to the Nebraska Child Abuse Prevention  
12 Fund. The fund shall be administered and disbursed by the department.

13 (2) Any money in the fund available for investment shall be invested  
14 by the state investment officer pursuant to the Nebraska Capital  
15 Expansion Act and the Nebraska State Funds Investment Act.

16 (3) In any one fiscal year, no more than twenty percent of the  
17 annually appropriated funds shall be disbursed to any one agency,  
18 organization, or individual.

19 (4) Funds allocated from the fund shall only be used for purposes  
20 authorized under sections 43-1901 to 43-1906 and shall not be used to  
21 supplant any existing governmental program or service. No grants may be  
22 made to any state department or agency.

23 Sec. 88. Section 44-2006, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 44-2006 The Attorney General upon request of the Director of  
26 Insurance may proceed in the courts of this state or any reciprocal state  
27 to enforce an order or decision in any court proceeding or in any  
28 administrative proceeding before the director.

29 (1) As used in this section:

30 (a) Reciprocal state shall mean any state or territory of the United  
31 States the laws of which contain procedures substantially similar to

1 those specified in this section for the enforcement of decrees or orders  
2 in equity issued by courts located in other states or territories of the  
3 United States against any insurer incorporated or authorized to do  
4 business in such state or territory;

5 (b) Foreign decree shall mean any decree or order in equity of a  
6 court located in a reciprocal state, including a court of the United  
7 States located in such reciprocal state, against any insurer incorporated  
8 or authorized to do business in this state; and

9 (c) Qualified party shall mean a state regulatory agency acting in  
10 its capacity to enforce the insurance laws of its state.

11 (2) The Director of Insurance shall determine which states and  
12 territories qualify as reciprocal states and shall maintain at all times  
13 an up-to-date list of such states.

14 (3) A copy of any foreign decree authenticated in accordance with  
15 the statutes of this state may be filed in the office of the clerk of any  
16 district court of this state. The clerk shall record ~~, upon verifying~~  
17 ~~with the Director of Insurance that the decree or order qualifies as a~~  
18 ~~foreign decree, shall treat~~ the foreign decree in the same manner as a  
19 decree of a district court of this state. A foreign decree so filed shall  
20 have the same effect and shall be deemed as a decree of a district court  
21 of this state, shall be subject to the same procedures, defenses, and  
22 proceedings for reopening, vacating, or staying as a decree of a district  
23 court of this state, and may be enforced or satisfied in like manner.

24 (4)(a) At the time of the filing of the foreign decree, the Attorney  
25 General shall make and file with the clerk of the court an affidavit  
26 setting forth the name and last-known post office address of the  
27 defendant.

28 (b) Promptly upon the filing of the foreign decree and the  
29 affidavit, the clerk of the court shall mail notice of the filing of the  
30 foreign decree to the defendant at the address given and to the Director  
31 of Insurance and shall file notice ~~make a note~~ of the mailing on the

1 ~~record in the docket~~. In addition, the Attorney General may mail a notice  
2 of the filing of the foreign decree to the defendant and to the Director  
3 of Insurance and may file proof of mailing with the clerk. Lack of  
4 mailing notice of filing by the clerk shall not affect the enforcement  
5 proceedings if proof of mailing by the Attorney General has been filed.

6 (c) No execution or other process for enforcement of a foreign  
7 decree filed under this section shall issue until thirty days after the  
8 date the decree is filed.

9 (5)(a) If the defendant shows the district court that an appeal from  
10 the foreign decree is pending or will be taken or that a stay of  
11 execution has been granted, the court shall stay enforcement of the  
12 foreign decree until the appeal is concluded, the time for appeal  
13 expires, or the stay of execution expires or is vacated, upon proof that  
14 the defendant has furnished the security for the satisfaction of the  
15 decree required by the state in which it was rendered.

16 (b) If the defendant shows the district court any ground upon which  
17 enforcement of a decree of any district court of this state would be  
18 stayed, the court shall stay enforcement of the foreign decree for an  
19 appropriate period, upon requiring the same security for satisfaction of  
20 the decree which is required in this state.

21 (6) Any person filing a foreign decree shall pay to the clerk of the  
22 district court the ~~filing docket~~ fee established in section 33-106. Fees  
23 for transcribing or other enforcement proceedings shall be as provided  
24 for decrees of the district court.

25 Sec. 89. Section 44-4828, Revised Statutes Cumulative Supplement,  
26 2016, is amended to read:

27 44-4828 (1)(a) A preference shall mean a transfer of any of the  
28 property of an insurer to or for the benefit of a creditor, for or on  
29 account of an antecedent debt, made or suffered by the insurer within one  
30 year before the filing of a successful petition for liquidation under the  
31 Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act the

1 effect of which transfer may be to enable the creditor to obtain a  
2 greater percentage of such debt than another creditor of the same class  
3 would receive. If a liquidation order is entered while the insurer is  
4 already subject to a rehabilitation order, such transfers shall be deemed  
5 preferences if made or suffered within one year before the filing of the  
6 successful petition for rehabilitation or within two years before the  
7 filing of the successful petition for liquidation, whichever time is  
8 shorter.

9 (b) Except as provided in subdivision (1)(d) of this section, any  
10 preference may be avoided by the liquidator if:

11 (i) The insurer was insolvent at the time of the transfer;

12 (ii) The transfer was made within four months before the filing of  
13 the petition;

14 (iii) The creditor receiving it or to be benefited thereby or his or  
15 her agent acting with reference thereto had, at the time when the  
16 transfer was made, reasonable cause to believe that the insurer was  
17 insolvent or was about to become insolvent; or

18 (iv) The creditor receiving it was: An officer; any employee,  
19 attorney, or other person who was in fact in a position of comparable  
20 influence in the insurer to an officer whether or not he or she held such  
21 position; any shareholder holding directly or indirectly more than five  
22 percent of any class of any equity security issued by the insurer; or any  
23 other person, firm, corporation, association, or aggregation of persons  
24 with whom the insurer did not deal at arm's length.

25 (c) When the preference is voidable, the liquidator may recover the  
26 property or, if it has been converted, its value from any person who has  
27 received or converted the property, except when a bona fide purchaser or  
28 lienor has given less than fair equivalent value, he or she shall have a  
29 lien upon the property to the extent of the consideration actually given  
30 by him or her. When a preference by way of lien or security title is  
31 voidable, the court may on due notice order the lien or title to be



1 preserved for the benefit of the estate, in which event the lien or title  
2 shall pass to the liquidator.

3 (d) A liquidator or receiver shall not avoid any preference arising  
4 under or in connection with any Federal Home Loan Bank security  
5 agreement, or any pledge, security, collateral or guarantee agreement or  
6 any other similar arrangement or credit enhancement relating to such  
7 Federal Home Loan Bank security agreement.

8 (2)(a) A transfer of property other than real property shall be  
9 deemed to be made or suffered when it becomes so far perfected that no  
10 subsequent lien obtainable by legal or equitable proceedings on a simple  
11 contract could become superior to the rights of the transferee.

12 (b) A transfer of real property shall be deemed to be made or  
13 suffered when it becomes so far perfected that no subsequent bona fide  
14 purchaser from the insurer could obtain rights superior to the rights of  
15 the transferee.

16 (c) A transfer which creates an equitable lien shall not be deemed  
17 to be perfected if there are available means by which a legal lien could  
18 be created.

19 (d) A transfer not perfected prior to the filing of a petition for  
20 liquidation shall be deemed to be made immediately before the filing of  
21 the successful petition.

22 (e) The provisions of this subsection shall apply whether or not  
23 there are or were creditors who might have obtained liens or persons who  
24 might have become bona fide purchasers.

25 (3)(a) A lien obtainable by legal or equitable proceedings upon a  
26 simple contract shall be one arising in the ordinary course of such  
27 proceedings upon the entry or recording ~~docketing~~ of a judgment or decree  
28 or upon attachment, garnishment, execution, or like process, whether  
29 before, upon, or after judgment or decree and whether before or upon  
30 levy. It shall not include liens which under applicable law are given a  
31 special priority over other liens which are prior in time.

1 (b) A lien obtainable by legal or equitable proceedings could become  
2 superior to the rights of a transferee or a purchaser could obtain rights  
3 superior to the rights of a transferee within the meaning of subsection  
4 (2) of this section if such consequences would follow only from the lien  
5 or purchase itself or from the lien or purchase followed by any step  
6 wholly within the control of the respective lienholder or purchaser with  
7 or without the aid of ministerial action by public officials. Such a lien  
8 could not, however, become superior and such a purchase could not create  
9 superior rights for the purpose of subsection (2) of this section through  
10 any acts subsequent to the obtaining of such a lien or subsequent to such  
11 a purchase which require the agreement or concurrence of any third party  
12 or which require any further judicial action or ruling.

13 (4) A transfer of property for or on account of a new and  
14 contemporaneous consideration which is deemed under subsection (2) of  
15 this section to be made or suffered after the transfer because of delay  
16 in perfecting shall not thereby become a transfer for or on account of an  
17 antecedent debt if any acts required by the applicable law to be  
18 performed in order to perfect the transfer as against liens or bona fide  
19 purchasers' rights are performed within twenty-one days or any period  
20 expressly allowed by the law, whichever is less. A transfer to secure a  
21 future loan, if such a loan is actually made, or a transfer which becomes  
22 security for a future loan shall have the same effect as a transfer for  
23 or on account of a new and contemporaneous consideration.

24 (5) If any lien deemed voidable under subdivision (1)(b) of this  
25 section has been dissolved by the furnishing of a bond or other  
26 obligation, the surety on which has been indemnified directly or  
27 indirectly by the transfer of or the creation of a lien upon any property  
28 of an insurer before the filing of a petition under the act which results  
29 in a liquidation order, the indemnifying transfer or lien shall also be  
30 deemed voidable.

31 (6) The property affected by any lien deemed voidable under

1 subsections (1) and (5) of this section shall be discharged from such  
2 lien, and that property and any of the indemnifying property transferred  
3 to or for the benefit of a surety shall pass to the liquidator, except  
4 that the court may on due notice order any such lien to be preserved for  
5 the benefit of the estate and the court may direct that such conveyance  
6 be executed as may be proper or adequate to evidence the title of the  
7 liquidator.

8 (7) The district court of Lancaster County shall have summary  
9 jurisdiction of any proceeding by the liquidator to hear and determine  
10 the rights of any parties under this section. Reasonable notice of any  
11 hearing in the proceeding shall be given to all parties in interest,  
12 including the obligee of a releasing bond or other like obligation. When  
13 an order is entered for the recovery of indemnifying property in kind or  
14 for the avoidance of an indemnifying lien, the court, upon application of  
15 any party in interest, shall in the same proceeding ascertain the value  
16 of the property or lien, and if the value is less than the amount for  
17 which the property is indemnity or than the amount of the lien, the  
18 transferee or lienholder may elect to retain the property or lien upon  
19 payment of its value, as ascertained by the court, to the liquidator  
20 within such reasonable times as the court shall fix.

21 (8) The liability of the surety under a releasing bond or other like  
22 obligation shall be discharged to the extent of the value of the  
23 indemnifying property recovered or the indemnifying lien nullified and  
24 avoided by the liquidator or, when the property is retained under  
25 subsection (7) of this section, to the extent of the amount paid to the  
26 liquidator.

27 (9) If a creditor has been preferred and afterward in good faith  
28 gives the insurer further credit without security of any kind for  
29 property which becomes a part of the insurer's estate, the amount of the  
30 new credit remaining unpaid at the time of the petition may be set off  
31 against the preference which would otherwise be recoverable from him or

1 her.

2 (10) If an insurer, directly or indirectly, within four months  
3 before the filing of a successful petition for liquidation under the act  
4 or at any time in contemplation of a proceeding to liquidate, pays money  
5 or transfers property to an attorney for services rendered or to be  
6 rendered, the transactions may be examined by the court on its own motion  
7 or shall be examined by the court on petition of the liquidator and shall  
8 be held valid only to the extent of a reasonable amount to be determined  
9 by the court, and the excess may be recovered by the liquidator for the  
10 benefit of the estate, except that if the attorney is in a position of  
11 influence in the insurer or an affiliate thereof, payment of any money or  
12 the transfer of any property to the attorney for services rendered or to  
13 be rendered shall be governed by subdivision (1)(b)(iv) of this section.

14 (11)(a) Every officer, manager, employee, shareholder, member,  
15 subscriber, attorney, or any other person acting on behalf of the insurer  
16 who knowingly participates in giving any preference when he or she has  
17 reasonable cause to believe the insurer is or is about to become  
18 insolvent at the time of the preference shall be personally liable to the  
19 liquidator for the amount of the preference. It shall be permissible to  
20 infer that there is a reasonable cause to so believe if the transfer was  
21 made within four months before the date of filing of the successful  
22 petition for liquidation.

23 (b) Every person receiving any property from the insurer or the  
24 benefit thereof as a preference voidable under subsection (1) of this  
25 section shall be personally liable therefor and shall be bound to account  
26 to the liquidator.

27 (c) Nothing in this subsection shall prejudice any other claim by  
28 the liquidator against any person.

29 Sec. 90. Section 46-554, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 46-554 Prior to the first day of July of any year in which

1 assessments are made under the authority of sections 46-544 to 46-553,  
2 the board shall appoint a time and place or places where it will meet  
3 within the district for the purpose of hearing objections to assessments.  
4 Prior notice of such hearing shall be given by publication in two issues,  
5 a week apart, in some newspaper of general circulation published in each  
6 county in which lands within the district are located or, if there is any  
7 county in the district in which there is no newspaper published, in an  
8 adjoining county. The notice shall notify the owners of property in the  
9 district that in the secretary's office and in the office of the county  
10 treasurer of the county in which the land to be assessed is located may  
11 be found and examined a description of the property so assessed, the  
12 amount of the assessment thereon fixed by the board, and the time and  
13 place or places fixed by the board for the hearing of objections to such  
14 assessments. It shall not be necessary for the notice to contain separate  
15 descriptions of the lots or tracts of real estate, but it shall be  
16 sufficient if the notice contains such descriptions as will inform the  
17 owner whether or not his or her real estate is covered by such  
18 description and where the amount of the assessment can be found of  
19 record.

20 If, in the opinion of any person whose property is assessed, his or  
21 her property has been assessed too high or has been erroneously or  
22 illegally assessed, he or she may at any time before the date of such  
23 hearing file written objections to such assessments stating the grounds  
24 of such objections, which statement shall be verified by the affidavit of  
25 the person or his or her agent. At such hearing the board shall hear such  
26 evidence and arguments as may be offered concerning the correctness or  
27 legality of such assessment and may modify the same.

28 Any owner of property desiring to appeal from the findings of the  
29 board as to assessments shall, within thirty days from the findings of  
30 the board, file with the clerk of the district court of the county within  
31 which the property or a part thereof is located a written notice making

1 demand for trial by the court. The appellant at the same time shall file  
2 a bond with good and sufficient security to be approved by the clerk of  
3 the court in a sum not exceeding two hundred dollars to the effect that  
4 if the finding of the court is not more favorable to the appellant than  
5 the finding of the board, the appellant will pay the cost of the appeal.  
6 The appellant shall state definitely from what part of the order the  
7 appeal is taken. In case more than one appeal is taken, the court may,  
8 upon a showing that the same may be consolidated without injury to the  
9 interests of anyone, consolidate and try the appeals together. The court  
10 shall not disturb the findings of the board unless they are manifestly  
11 disproportionate to the assessments imposed upon other property in the  
12 district created under sections 46-501 to 46-573. The trial shall be to  
13 the court, take precedence before the court, and be taken up as promptly  
14 as possible after the appeal is taken from the findings of the board  
15 within the time prescribed in this section.

16 If no appeal is taken from the findings of the board, then the  
17 assessment shall be final and conclusive evidence that the assessments  
18 have been made in proportion to the benefits conferred upon the property  
19 in the district by reason of the improvements to be constructed under  
20 such sections, and such assessments shall constitute a perpetual lien  
21 upon such property so assessed until paid.

22 Any person, firm, or corporation owning real property within any  
23 reclamation district created or established by virtue of such sections  
24 and feeling aggrieved by a final order of the district court may appeal  
25 to the Court of Appeals. He, she, or it ~~or she~~ shall give notice of  
26 appeal, deposit the filing ~~docket~~ fee, and file a transcript as provided  
27 in section 25-1912. The appeal being one of public interest shall be  
28 advanced by the court to a speedy hearing.

29 Sec. 91. Section 48-1119, Reissue Revised Statutes of Nebraska, is  
30 amended to read:

31 48-1119 (1) In case of failure to eliminate any unlawful employment

1 practice by informal methods of conference, conciliation, persuasion,  
2 mediation, or arbitration, the commission may order a public hearing. If  
3 such hearing is ordered, the commission shall cause to be issued and  
4 served a written notice, together with a copy of the complaint, requiring  
5 the person, employer, labor organization, or employment agency named in  
6 the complaint, hereinafter referred to as respondent, to answer such  
7 charges at a hearing before the commission at a time and place which  
8 shall be specified in such notice. Such hearing shall be within the  
9 county where the alleged unlawful employment practice occurred. The  
10 complainant shall be a party to the proceeding, and in the discretion of  
11 the commission any other person whose testimony has a bearing on the  
12 matter may be allowed to intervene therein. Both the complainant and the  
13 respondent, in addition to the commission, may introduce witnesses at the  
14 hearing. The respondent may file a verified answer to the allegations of  
15 the complaint and may appear at such hearing in person and with or  
16 without counsel. Testimony or other evidence may be introduced by either  
17 party. All evidence shall be under oath and a record thereof shall be  
18 made and preserved. Such proceedings shall, so far as practicable, be  
19 conducted in accordance with the rules of evidence applicable in the  
20 district courts of the State of Nebraska, and shall be of public record.

21 (2) No person shall be excused from testifying or from producing any  
22 book, document, paper, or account in any investigation, or inquiry by, or  
23 hearing before the commission when ordered to do so, upon the ground that  
24 the testimony or evidence, book, document, paper, or account required of  
25 such person may tend to incriminate such person in or subject such person  
26 to penalty or forfeiture; but no person shall be prosecuted, punished, or  
27 subjected to any forfeiture or penalty for or on account of any act,  
28 transaction, matter, or thing concerning which such person shall have  
29 been compelled under oath to testify or produce documentary evidence,  
30 except that no person so testifying shall be exempt from prosecution or  
31 punishment for any perjury committed by such person in his or her

1 testimony. Such immunity shall extend only to a natural person who, in  
2 obedience to a subpoena, gives testimony under oath or produces evidence,  
3 documentary or otherwise, under oath. Nothing in this subsection shall be  
4 construed as precluding any person from claiming any right or privilege  
5 available to such person under the fifth amendment to the Constitution of  
6 the United States.

7 (3) After the conclusion of the hearing, the commission shall,  
8 within ten days of the receipt of the transcript or the receipt of the  
9 recommendations from the hearing officer, make and file its findings of  
10 fact and conclusions of law and make and enter an appropriate order. The  
11 hearing officer need not refer to the page and line numbers of the  
12 transcript when making his or her recommendation to the commission. Such  
13 findings of fact and conclusions of law shall be in sufficient detail to  
14 enable a court on appeal to determine the controverted questions  
15 presented by the proceedings and whether proper weight was given to the  
16 evidence. If the commission determines that the respondent has  
17 intentionally engaged in or is intentionally engaging in any unlawful  
18 employment practice, it shall issue and cause to be served on such  
19 respondent an order requiring such respondent to cease and desist from  
20 such unlawful employment practice and order such other affirmative action  
21 as may be appropriate which may include, but shall not be limited to,  
22 reinstatement or hiring of employees, with or without backpay. Backpay  
23 liability shall not accrue from a date more than two years prior to the  
24 filing of the charge with the commission. Interim earnings or amounts  
25 earnable with reasonable diligence by the person or persons discriminated  
26 against shall operate to reduce the backpay otherwise allowable.

27 (4) A complainant who has suffered physical, emotional, or financial  
28 harm as a result of a violation of section 48-1104 or 48-1114 may, at any  
29 stage of the proceedings prior to dismissal, file an action directly in  
30 the district court of the county where such alleged violation occurred.  
31 If the complainant files a district court action on the charge, the



1 complainant shall provide written notice of such filing to the  
2 commission, and such notification shall immediately terminate all  
3 proceedings before the commission. The district court shall file ~~docket~~  
4 and try such case as any other civil action, and any successful  
5 complainant shall be entitled to appropriate relief, including temporary  
6 or permanent injunctive relief, general and special damages, reasonable  
7 attorney's fees, and costs.

8 (5) No order of the commission shall require the admission or  
9 reinstatement of an individual as a member of a labor organization or the  
10 hiring, reinstatement, or promotion of an individual as an employee, or  
11 the payment to him or her of any backpay, if such individual was refused  
12 admission, suspended, or expelled, or was refused employment or  
13 advancement or was suspended or discharged for any reason other than  
14 discrimination on account of race, color, religion, sex, disability,  
15 marital status, or national origin or in violation of section 48-1114. If  
16 the commission finds that a respondent has not engaged in any unfair  
17 employment practice, it shall within thirty days state its findings of  
18 fact and conclusions of law. A copy of any order shall be served upon the  
19 person against whom it runs or his or her attorney and notice thereof  
20 shall be given to the other parties to the proceedings or their  
21 attorneys. Such order shall take effect twenty days after service thereof  
22 unless otherwise provided and shall continue in force either for a period  
23 which may be designated therein or until changed or revoked by the  
24 commission.

25 (6) Except as provided in subsection (4) of this section, until a  
26 transcript of the record of the proceedings is filed in the district  
27 court as provided in section 48-1120, the commission may, at any time  
28 upon reasonable notice and in such a manner it shall deem proper, modify  
29 or set aside, in whole or in part, any finding or order made by it.

30 Sec. 92. Section 48-3511, Revised Statutes Cumulative Supplement,  
31 2016, is amended to read:

1           48-3511 Upon violation of the Workplace Privacy Act, an aggrieved  
2 employee or applicant may, in addition to any other available remedy,  
3 institute a civil action within one year after the date of the alleged  
4 violation or the discovery of the alleged violation, whichever is later.  
5 The employee or applicant shall file an action directly in the district  
6 court of the county where such alleged violation occurred. The district  
7 court shall file ~~docket~~ and try such case as any other civil action, and  
8 any successful complainant shall be entitled to appropriate relief,  
9 including temporary or permanent injunctive relief, general and special  
10 damages, reasonable attorney's fees, and costs.

11           Sec. 93. Section 50-406, Revised Statutes Cumulative Supplement,  
12 2016, is amended to read:

13           50-406 In the discharge of any duty imposed by the Legislative  
14 Council, by statute, or by a resolution of the Legislature, the council,  
15 any committee thereof, and any standing or special committee created by  
16 statute or resolution of the Legislature may hold public hearings and may  
17 administer oaths, issue subpoenas when the committee has received prior  
18 approval by a majority vote of the Executive Board of the Legislative  
19 Council to issue subpoenas in connection with the specific inquiry or  
20 investigation in question, compel the attendance of witnesses and the  
21 production of any papers, books, accounts, documents, and testimony, and  
22 cause the depositions of witnesses to be taken in the manner prescribed  
23 by law for taking depositions in civil actions in the district court. The  
24 council or the committee may require any state agency, political  
25 subdivision, or person to provide information relevant to the committee's  
26 work, and the state agency, political subdivision, or person shall  
27 provide the information requested within thirty days after the request  
28 except as provided for in a subpoena. The statute or resolution creating  
29 a committee may prescribe limitations on the authority granted by this  
30 section.

31           Litigation to compel or quash compliance with authority exercised

1 pursuant to this section shall be advanced on the trial ~~court~~ docket and  
2 heard and decided by the court as quickly as possible. Either party may  
3 appeal to the Court of Appeals within ten days after a decision is  
4 rendered.

5 The district court of Lancaster County has jurisdiction over all  
6 litigation arising under this section. In all such litigation the  
7 executive board shall provide for legal representation for the council or  
8 committee.

9 Sec. 94. Section 60-166, Revised Statutes Cumulative Supplement,  
10 2016, is amended to read:

11 60-166 (1) In the event of (a) the transfer of ownership of a  
12 vehicle by operation of law as upon inheritance, devise, or bequest,  
13 order in bankruptcy, insolvency, replevin, or execution sale or as  
14 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,  
15 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by  
16 another engine, (c) a vehicle being sold to satisfy storage or repair  
17 charges, or (d) repossession being had upon default in performance of the  
18 terms of a chattel mortgage, trust receipt, conditional sales contract,  
19 or other like agreement, the county treasurer of any county or the  
20 department, upon the surrender of the prior certificate of title or the  
21 manufacturer's or importer's certificate, or when that is not possible,  
22 upon presentation of satisfactory proof of ownership and right of  
23 possession to such vehicle, and upon payment of the appropriate fee and  
24 the presentation of an application for certificate of title, may issue to  
25 the applicant a certificate of title thereto. If the prior certificate of  
26 title issued for such vehicle provided for joint ownership with right of  
27 survivorship, a new certificate of title shall be issued to a subsequent  
28 purchaser upon the assignment of the prior certificate of title by the  
29 surviving owner and presentation of satisfactory proof of death of the  
30 deceased owner. Only an affidavit by the person or agent of the person to  
31 whom possession of such vehicle has so passed, setting forth facts

1 entitling him or her to such possession and ownership, together with a  
2 copy of a court order or an ~~the journal entry, court order,~~ or instrument  
3 upon which such claim of possession and ownership is founded, shall be  
4 considered satisfactory proof of ownership and right of possession,  
5 except that if the applicant cannot produce such proof of ownership, he  
6 or she may submit to the department such evidence as he or she may have,  
7 and the department may thereupon, if it finds the evidence sufficient,  
8 issue the certificate of title or authorize any county treasurer to issue  
9 a certificate of title, as the case may be.

10 (2) If from the records of the county treasurer or the department  
11 there appear to be any liens on such vehicle, such certificate of title  
12 shall comply with section 60-164 or 60-165 regarding such liens unless  
13 the application is accompanied by proper evidence of their satisfaction  
14 or extinction.

15 Sec. 95. Section 71-6903, Revised Statutes Cumulative Supplement,  
16 2016, is amended to read:

17 71-6903 (1) The requirements and procedures under this section are  
18 available to pregnant women whether or not they are residents of this  
19 state.

20 (2) If a pregnant woman elects not to obtain the consent of her  
21 parents or guardians, a judge of a district court, separate juvenile  
22 court, or county court sitting as a juvenile court shall, upon petition  
23 or motion and after an appropriate hearing, authorize a physician to  
24 perform the abortion if the court determines by clear and convincing  
25 evidence that the pregnant woman is both sufficiently mature and well-  
26 informed to decide whether to have an abortion. If the court does not  
27 make the finding specified in this subsection or subsection (3) of this  
28 section, it shall dismiss the petition.

29 (3) If the court finds, by clear and convincing evidence, that there  
30 is evidence of abuse as defined in section 28-351, sexual abuse as  
31 defined in section 28-367, or child abuse or neglect as defined in

1 section 28-710 of the pregnant woman by a parent or a guardian or that an  
2 abortion without the consent of a parent or a guardian is in the best  
3 interest of the pregnant woman, the court shall issue an order  
4 authorizing the pregnant woman to consent to the performance or  
5 inducement of an abortion without the consent of a parent or a guardian.  
6 If the court does not make the finding specified in this subsection or  
7 subsection (2) of this section, it shall dismiss the petition.

8 ~~(4) A facsimile copy of the petition or motion may be transmitted~~  
9 ~~directly to the court for filing. If a facsimile copy is filed in lieu of~~  
10 ~~the original document, the party filing the facsimile copy shall retain~~  
11 ~~the original document for production to the court if requested to do so.~~

12 ~~(5) A court shall not be required to have a facsimile machine nor~~  
13 ~~shall the court be required to transmit orders or other material to~~  
14 ~~attorneys or parties via facsimile transmission.~~

15 ~~(4) (6)~~ The pregnant woman may commence an action for waiver of the  
16 consent requirement by the filing of a petition or motion personally, by  
17 mail, or by facsimile on a form provided by the State Court  
18 Administrator.

19 ~~(5) (7)~~ The State Court Administrator shall develop the petition  
20 form and accompanying instructions on the procedure for petitioning the  
21 court for a waiver of consent, including the name, address, telephone  
22 number, and facsimile number of each court in the state. A sufficient  
23 number of petition forms and instructions shall be made available in each  
24 courthouse in such place that members of the general public may obtain a  
25 form and instructions without requesting such form and instructions from  
26 the clerk of the court or other court personnel. The State Court  
27 Administrator shall also make such forms and instructions available on a  
28 web site maintained by the Supreme Court. The clerk of the court shall  
29 assist in administrative matters , ~~upon request, assist in completing~~ and  
30 filing the petition for waiver of consent.

31 ~~(6) (8)~~ Proceedings in court pursuant to this section shall be

1 confidential and shall ensure the anonymity of the pregnant woman. The  
2 pregnant woman shall have the right to file her petition in the court  
3 using a pseudonym or using solely her initials. Proceedings shall be held  
4 in camera. Only the pregnant woman, the pregnant woman's guardian ad  
5 litem, the pregnant woman's attorney, and a person whose presence is  
6 specifically requested by the pregnant woman or the pregnant woman's  
7 attorney may attend the hearing on the petition. All testimony, all  
8 documents, all other evidence presented to the court, the petition and  
9 any order entered, and all records of any nature and kind relating to the  
10 matter shall be maintained and sealed by the clerk of the court and shall  
11 not be open to any person except upon order of the court for good cause  
12 shown. ~~A separate docket for the purposes of this section shall be~~  
13 ~~maintained by the clerk of the court and shall likewise be sealed and not~~  
14 ~~opened to inspection by any person except upon order of the court for~~  
15 ~~good cause shown.~~

16 (7) (9) A pregnant woman who is subject to this section may  
17 participate in the court proceedings on her own behalf, and the court may  
18 appoint a guardian ad litem for her. The court shall advise the pregnant  
19 woman that she has a right to court-appointed counsel and shall, upon her  
20 request, provide her with such counsel. Such counsel shall receive a fee  
21 to be fixed by the court and to be paid out of the treasury of the county  
22 in which the proceeding was held.

23 (8) (10) Proceedings in court pursuant to this section shall be  
24 given such precedence on the trial docket over other pending matters so  
25 that the court may reach a decision promptly and without delay to serve  
26 the best interest of the pregnant woman. In no case shall the court fail  
27 to rule within seven calendar days from the time the petition is filed.  
28 If the court fails to rule within the required time period, the pregnant  
29 woman may file an application for a writ of mandamus with the Supreme  
30 Court. If cause for a writ of mandamus exists, the writ shall issue  
31 within three days.

1           (9) ~~(11)~~ The court shall issue a written order which includes  
2 specific factual findings and legal conclusions supporting its decision  
3 which shall be provided immediately to the pregnant woman, the pregnant  
4 woman's guardian ad litem, the pregnant woman's attorney, and any other  
5 person designated by the pregnant woman to receive the order. Further,  
6 the court shall order that a confidential record of the evidence and the  
7 judge's findings and conclusions be maintained. At the hearing, the court  
8 shall hear evidence relating to the emotional development, maturity,  
9 intellect, and understanding of the pregnant woman.

10           Sec. 96. Section 76-717, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12           76-717 Within thirty days after the filing of such notice of appeal,  
13 the county judge shall prepare and transmit to the clerk of the district  
14 court a duly certified transcript of all proceedings had concerning the  
15 parcel or parcels of land as to which the particular condemnee takes the  
16 appeal upon payment of the fees provided by law for preparation thereof.  
17 When notice of appeal is filed by both the condemner and the condemnee,  
18 such transcript shall be prepared only in response to the first notice of  
19 appeal. The transcript prepared in response to the second notice of  
20 appeal shall contain only a copy of such notice and the proceedings shall  
21 be filed ~~doctored~~ in the district court as a single cause of action.

22           The filing of the notice of appeal shall confer jurisdiction on the  
23 district court. The first party to perfect an appeal shall file a  
24 petition on appeal in the district court within fifty days after the  
25 filing of the notice of appeal. If no petition is filed, the court shall  
26 direct the first party to perfect an appeal to file a petition and impose  
27 such sanctions as are reasonable. The appeal shall be tried de novo in  
28 the district court. Such appeal shall not delay the acquisition of the  
29 property and placing of same to a public use if the condemner shall first  
30 deposit with the county judge the amount assessed by the appraisers.

31           Sec. 97. Section 76-723, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2       76-723 The appraisers shall each receive a reasonable fee for their  
3 services, to be fixed by the county judge or clerk magistrate, and the  
4 same shall be taxed as costs. The fee shall not exceed four hundred  
5 twenty-five dollars for each appraiser exclusive of mileage for each day  
6 actually employed in attendance on the board of appraisers. The condemner  
7 may appeal from the allowance of any fee so fixed to the district court.  
8 Such an appeal shall be filed ~~docketed~~ apart from and shall be considered  
9 separately and independently from the rights between the condemnee and  
10 condemner. All costs of the first appraisal shall be paid by the  
11 condemner. In addition, the appraiser shall receive mileage at the rate  
12 provided in section 81-1176 for each mile necessarily traveled.

13       Sec. 98. Section 81-8,211, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15       81-8,211 Authority is hereby conferred upon the Risk Manager and  
16 State Claims Board, acting on behalf of the State of Nebraska, to  
17 consider, ascertain, adjust, compromise, settle, determine, and allow any  
18 tort claim. Any claimant dissatisfied with a decision of the Risk Manager  
19 may make application for review of the decision by the State Claims Board  
20 by filing an application for review with the Risk Manager within sixty  
21 days after receipt of notice of the Risk Manager's decision. If any tort  
22 claim is compromised, settled, or allowed in an amount of more than five  
23 thousand dollars, the approval of the State Claims Board is required. If  
24 any tort claim is compromised, settled, or allowed in an amount of more  
25 than ten thousand dollars, the unanimous approval of all members of the  
26 State Claims Board shall be required. If any tort claim is compromised,  
27 settled, or allowed in an amount of more than twenty-five thousand  
28 dollars, the claim shall also be submitted for approval by the district  
29 court for Lancaster County. When approval of the district court is  
30 required, the Attorney General shall make application for such approval  
31 and shall file with the application a transcript ~~complete record~~ of the



1 action of the State Claims Board on such claim. The claimant may join in  
2 such application, and if the claimant does so, the court may proceed to  
3 act on the application without further notice to either party. If the  
4 claimant does not join in the application, the court shall require actual  
5 notice to all parties before acting on the application. The court may  
6 deny the application for any legal and sufficient reason or may direct  
7 the State Claims Board to conduct further hearings on any material  
8 issues. The fees of the clerk of the district court for filing,  
9 ~~docketing, and indexing~~ such application shall be five dollars.

10 Sec. 99. Section 81-1848.03, Reissue Revised Statutes of Nebraska,  
11 is amended to read:

12 81-1848.03 Victim's rights under sections 81-1843 to 81-1851 may be  
13 waived by the victim at any time by (1) written consent, in person or by  
14 attorney, filed with the clerk of the court or (2) oral consent in open  
15 court entered on the record journal.

16 Sec. 100. Section 84-712.03, Reissue Revised Statutes of Nebraska,  
17 is amended to read:

18 84-712.03 (1) Any person denied any rights granted by sections  
19 84-712 to 84-712.03 may elect to:

20 (a) File for speedy relief by a writ of mandamus in the district  
21 court within whose jurisdiction the state, county, or political  
22 subdivision officer who has custody of the public record can be served;  
23 or

24 (b) Petition the Attorney General to review the matter to determine  
25 whether a record may be withheld from public inspection or whether the  
26 public body that is custodian of such record has otherwise failed to  
27 comply with such sections, including whether the fees estimated or  
28 charged by the custodian are actual added costs or special service  
29 charges as provided under section 84-712. This determination shall be  
30 made within fifteen calendar days after the submission of the petition.  
31 If the Attorney General determines that the record may not be withheld or

1 that the public body is otherwise not in compliance, the public body  
2 shall be ordered to disclose the record immediately or otherwise comply.  
3 If the public body continues to withhold the record or remain in  
4 noncompliance, the person seeking disclosure or compliance may (i) bring  
5 suit in the trial court of general jurisdiction or (ii) demand in writing  
6 that the Attorney General bring suit in the name of the state in the  
7 trial court of general jurisdiction for the same purpose. If such demand  
8 is made, the Attorney General shall bring suit within fifteen calendar  
9 days after its receipt. The requester shall have an absolute right to  
10 intervene as a full party in the suit at any time.

11 (2) In any suit filed under this section, the court has jurisdiction  
12 to enjoin the public body from withholding records, to order the  
13 disclosure, and to grant such other equitable relief as may be proper.  
14 The court shall determine the matter de novo and the burden is on the  
15 public body to sustain its action. The court may view the records in  
16 controversy in camera before reaching a decision, and in the discretion  
17 of the court other persons, including the requester, counsel, and  
18 necessary expert witnesses, may be permitted to view the records, subject  
19 to necessary protective orders.

20 (3) Proceedings arising under this section, except as to the cases  
21 the court considers of greater importance, shall take precedence on the  
22 trial docket over all other cases and shall be assigned for hearing,  
23 trial, or argument at the earliest practicable date and expedited in  
24 every way.

25 Sec. 101. Original section 29-2407, Reissue Revised Statutes of  
26 Nebraska, 2008, sections 15-1202, 15-1203, 24-303, 24-729, 25-410,  
27 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121, 25-1126,  
28 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318,  
29 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578,  
30 25-1587.04, 25-1587.06, 25-1635, 25-1912, 25-21,212, 25-21,228,  
31 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211, 25-2213, 25-2234, 25-2704,

1 25-2706, 25-2707, 25-2721, 25-2729, 25-2731, 25-3401, 28-814, 29-1302,  
2 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001,  
3 29-2023, 29-2315.01, 29-2321, 29-2413, 29-3903, 29-4007, 30-2429.01,  
4 30-2488, 30-2608, 31-320, 31-329, 32-1412, 33-103, 33-106, 33-106.01,  
5 33-106.02, 33-106.03, 33-107.02, 33-131, 33-140.03, 35-102, 37-1283,  
6 42-364, 42-372.02, 43-102, 43-2,108, 43-2,112, 43-2,113, 43-1906,  
7 44-2006, 46-554, 48-1119, 76-717, 76-723, 81-8,211, 81-1848.03, and  
8 84-712.03, Reissue Revised Statutes of Nebraska, and sections 16-729,  
9 44-4828, 48-3511, 50-406, 60-166, and 71-6903, Revised Statutes  
10 Cumulative Supplement, 2016, are repealed.

11       Sec. 102. The following sections are outright repealed: Sections  
12 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01,  
13 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska.