LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 355

Introduced by Larson, 40.

Read first time January 18, 2013

Committee: Judiciary

A BILL

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

Be it enacted by the people of the State of Nebraska,
Section 1. Section 2-1207, Reissue Revised Statutes of Nebraska, is amended to read:

2-1207 (1) Within the enclosure of any racetrack where a race or race meeting licensed and conducted under sections 2-1201 to 2-1218 is held or at a racetrack licensed to simulcast races or conduct interstate simulcasting, the parimutuel method or system of wagering on the results of the respective races may be used and conducted by the licensee. Wagers placed through licensed teleracing facilities or by approved telephonic wagering as authorized by sections 2-1230 to 2-1242 shall be deemed to be wagers placed and accepted within the enclosure of any racetrack. Under such system, the licensee may receive wagers of money from any person present at such race or racetrack receiving the simulcast race or conducting interstate simulcasting or placed through a licensed teleracing facility or by approved telephonic wagering by any person who may legally wager on any horse in a race selected by such person to run first in such race, and the person so wagering shall acquire an interest in the total money so wagered on all horses in such race as first winners in proportion to the amount of money wagered by him or her. Such licensee shall issue to each person so wagering a certificate on which shall be shown the number of the race, the amount wagered, and the number or name of the horse selected by such person as first winner. As each race is run, at the option of the licensee, the licensee may deduct from the total sum wagered on all horses as first winners not less than fifteen percent or more than
eighteen percent from such total sum, plus the odd cents of the redistribution over the next lower multiple of ten. At the option of the licensee, the licensee may deduct up to and including twenty-five percent from the total sum wagered by exotic wagers as defined in section 2-1208.03. The State Racing Commission may authorize other levels of deduction on wagers conducted by means of interstate simulcasting. The licensee shall notify the commission in writing of the percentages the licensee intends to deduct during the live race meet conducted by the licensee and shall notify the commission at least one week in advance of any changes to such percentages the licensee intends to make. The licensee shall also deduct from the total sum wagered by exotic wagers, if any, the tax plus the odd cents of the redistribution over the next multiple of ten as provided in subsection (1) of section 2-1208.04. The balance remaining on hand shall be paid out to the holders of certificates on the winning horse in the proportion that the amount wagered by each certificate holder bears to the total amount wagered on all horses in such race to run first. The licensee may likewise receive such wagers on horses selected to run second, third, or both, or in such combinations as the commission may authorize, the method, procedure, and authority and right of the licensee, as well as the deduction allowed to the licensee, to be as specified with respect to wagers upon horses selected to run first.

(2) At all race meets held pursuant to this section, the licensee shall deduct from the total sum wagered one-third of the
amount over fifteen percent deducted pursuant to subsection (1) of this section on wagers on horses selected to run first, second, or third and one percent of all exotic wagers to be used to promote agriculture and horse breeding in Nebraska and for the support and preservation of horseracing pursuant to section 2-1207.01.

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

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

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

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

(2) File, when used in connection with information on any consumer, means all of the information on that consumer recorded and retained by a consumer reporting agency regardless of how the information is stored;
(3) Minor means a person who is under nineteen eighteen years of age;

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

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

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

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

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

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

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

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

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

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

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

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

(3) The information required by this section shall be kept current. The commercial lessor shall notify the department within thirty days of any changes to the information contained on or with the application.
(4) A commercial lessor who will be leasing or renting bingo equipment in conjunction with his or her premises shall obtain such equipment only from a licensed distributor, except that a commercial lessor shall not purchase or otherwise obtain disposable paper bingo cards from any source.

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

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

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

9-255.09 (1) Any individual, partnership, limited
liability company, or corporation which desires to sell or otherwise supply bingo equipment in this state to a licensed distributor shall first apply for and obtain a manufacturer's license from the department. Manufacturers' licenses may be renewed biennially. The expiration date shall be September 30 of every odd-numbered year or such other date as the department may prescribe by rule and regulation. An application for license renewal shall be submitted to the department at least forty-five days prior to the expiration date of the license. The license shall be applied for on a form prescribed by the department and shall contain:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) No person or licensee, or employee or agent thereof,
shall knowingly permit an individual under nineteen eighteen years of age to play or participate in any way in any lottery conducted pursuant to the Nebraska County and City Lottery Act.

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

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

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

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

(4) Once any prize is awarded in conformance with the
State Lottery Act and any rules and regulations adopted under the act, the state shall have no further liability with respect to that prize.

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

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

9-814 (1) It shall be a Class II misdemeanor for a lottery game retailer to fail to separate and keep separate all money received from the sale of lottery tickets less the amount, if any,
restrain as compensation for the sale of lottery tickets and less the
amount, if any, paid in prizes or to fail to make available to the
division all records pertaining to separate accounts maintained for
revenue derived from the sale of lottery tickets.

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

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

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

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

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

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

(8) It shall be a Class IV felony to falsify information
provided to the division for purposes of applying for a contract with
the division or for purposes of completing a background investigation
pursuant to the act.

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

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

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

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

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

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

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

(2) The retail sales price for lottery tickets;

(3) The types and manner of payment of prizes to be
awarded for winning tickets in lottery games;
(4) The method for determining winners, the frequency of
drawings, if any, or other selection of winning tickets subject to
the following conditions:

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

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

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

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

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

(b) A prize may be given to only one person per winning
ticket, except that a prize shall be divided between the holders of
winning tickets if there is more than one winning ticket per prize;

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

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

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

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

(g) After the expiration of the claim period for prizes for each lottery game, the director shall make available a detailed
tabulation of the total number of tickets actually sold in the lottery game and the total number of prizes of each prize denomination that were actually claimed and paid;

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

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

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

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

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

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

(12) All other matters necessary or desirable for the efficient and economical operation and administration of lottery games and for the convenience of the purchasers of tickets and the holders of winning tickets.
Sec. 11. Section 9-826, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Juvenile emergency shelter care shall mean temporary
twenty-four-hour physical care and supervision in crisis situations and at times when an appropriate foster care resource is not available to persons under eighteen years of age; or younger; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Determining the need for autopsies involving:
   (a) Deaths of individuals nineteen-eighteen years of age or older;
   (b) Deaths of individuals under nineteen-eighteen years of age;
   (c) Sudden, unexplained infant deaths;
   (d) Deaths while in custody;
   (e) Deaths caused by motor vehicle collisions;
   (f) Deaths by burning; and
   (g) Suspicious deaths;

(2) The utilization of investigative tools and equipment;

(3) Entering the death scene;

(4) Documenting and evaluating the death scene;

(5) Documenting and evaluating the body;

(6) Establishing and recording decedent profile
information; and

(7) Completing the death scene investigation.

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

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

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

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

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

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

25-1601 (1) All citizens of the United States residing in any of the counties of this state who are over the age of nineteen years, able to read, speak, and understand the English language, and free from all disqualifications set forth under this section and from all other legal exceptions are and shall be competent persons to serve on all grand and petit juries in their respective counties. Persons disqualified to serve as either grand or petit jurors are: (a) Judges of any court, (b) clerks of the Supreme or district courts, (c) sheriffs, (d) jailers, (e) persons, or the wife or husband of any such person, who are parties to suits pending in the district court of the county of his, her, or their then residence for trial at that jury panel, (f) persons who have been convicted of a criminal offense punishable by imprisonment in a Department of Correctional Services adult correctional facility, when such conviction has not been set aside or a pardon issued, and (g) persons who are subject to liability for the commission of any offense which by special provision of law does and shall disqualify them. Persons who are husband and wife shall not be summoned as
jurors on the same panel. Persons who are incapable, by reason of physical or mental disability, of rendering satisfactory jury service shall not be qualified to serve on a jury, but a person claiming this disqualification may be required to submit a physician's certificate as to the disability and the certifying physician is subject to inquiry by the court at its discretion. A nursing mother who requests to be excused shall be excused from jury service until she is no longer nursing her child, but the mother may be required to submit a physician's certificate in support of her request.

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

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

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

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

25-1628 (1) At least once each calendar year, the officer having charge of the election records shall furnish to the jury commissioner a complete list of the names, dates of birth, addresses, and motor vehicle operator license numbers or state identification card numbers of all registered electors nineteen eighteen years of age or older in the county. The Department of Motor Vehicles shall make available to each jury commissioner each December a list in magnetic, optical, digital, or other electronic format mutually agreed to by the jury commissioner and the department containing the names, dates of birth, addresses, and motor vehicle operator license numbers or state identification card numbers of all licensed motor vehicle operators and state identification card holders nineteen eighteen years of age or older in the county. The jury commissioner may request such a list of licensed motor vehicle operators and state
identification card holders from the county treasurer if the county
treasurer has an automated procedure for developing such lists. If a
jury commissioner requests similar lists at other times from the
department, the cost of processing such lists shall be paid by the
county which the requesting jury commissioner serves.

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

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

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

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

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

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

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

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

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

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

(2) For purposes of this section:

(a) Intrude means either the:

(i) Viewing of another person in a state of undress as it
is occurring; or
(ii) Recording by video, photographic, digital, or other electronic means of another person in a state of undress; and

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

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

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

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

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

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

   (a) The commission of the crime;

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

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

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

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

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

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

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

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

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

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

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

(3) Any person who is found guilty of sexual assault of a child in the first degree under this section and who has previously been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-320.01 before July 14, 2006, of sexual assault of a child or attempted sexual assault of a child, (d) under section 28-320.01 on or after July 14, 2006, of sexual assault of a child in the second
or third degree or attempted sexual assault of a child in the second
or third degree, or (e) in any other state or federal court under
laws with essentially the same elements as this section, section
28-319, or section 28-320.01 as it existed before, on, or after July
14, 2006, shall be guilty of a Class IB felony with a mandatory
minimum sentence of twenty-five years in prison.

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

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

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

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

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

(4) Any person who is found guilty of second degree
sexual assault of a child under this section and who has previously
been convicted (a) under this section, (b) under section 28-319 of first degree or attempted first degree sexual assault, (c) under section 28-319.01 for first degree or attempted first degree sexual assault of a child, or (d) in any other state or federal court under laws with essentially the same elements as this section, section 28-319, or section 28-319.01 shall be guilty of a Class IC felony and shall be sentenced to a mandatory minimum term of twenty-five years in prison.

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

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

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

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

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

(4)(a) Except as authorized by the Uniform Controlled Substances Act, any person eighteen years of age or older who knowingly or intentionally manufactures, distributes, delivers, dispenses, or possesses with intent to manufacture, distribute, deliver, or dispense a controlled substance or a counterfeit controlled substance (i) to a person under the age of eighteen years, (ii) in, on, or within one thousand feet of the real property comprising a public or private elementary, vocational, or secondary
school, a community college, a public or private college, junior college, or university, or a playground, or (iii) within one hundred feet of a public or private youth center, public swimming pool, or video arcade facility shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

(b) For purposes of this subsection:

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

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

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

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

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

(c) Any person who violates subdivision (a) or (b) of this subsection shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, depending upon the controlled substance involved, for the first violation and for a second or subsequent violation shall be punished by the next higher penalty classification than that prescribed for a first violation of this
subsection, but in no event shall such person be punished by a penalty greater than a Class IB felony.

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

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

(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

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

(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.
Any person who violates subsection (1) of this section with respect to heroin or any mixture or substance containing a detectable amount of heroin in a quantity of:

(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

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

(a) One hundred forty grams or more shall be guilty of a Class IB felony;
(b) At least twenty-eight grams but less than one hundred forty grams shall be guilty of a Class IC felony; or
(c) At least ten grams but less than twenty-eight grams shall be guilty of a Class ID felony.

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

Any person knowingly or intentionally possessing marijuana weighing more than one pound shall be guilty of a Class IV felony.
(13) Any person knowingly or intentionally possessing marijuana weighing one ounce or less or any substance containing a quantifiable amount of the substances, chemicals, or compounds described, defined, or delineated in subdivision (c)(35) of Schedule I of section 28-405 shall:

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

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

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

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

(15) Any person convicted of violating this section, if sentenced to the Department of Correctional Services, shall attend appropriate treatment and counseling on drug abuse.
Any person knowingly or intentionally possessing a firearm while in violation of subsection (1) of this section shall be punished by the next higher penalty classification than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of this section, but in no event shall such person be punished by a penalty greater than a Class IB felony.

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

In addition to the penalties provided in this section:

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

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

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

(iii) For a third or subsequent offense, the court may,
as a part of the judgment of conviction or adjudication, (A) impound
any such licenses or permits for twelve months and (B) require such
person to complete no fewer than sixty hours of community service, to
attend a drug education class, and to submit to a drug assessment by
a licensed alcohol and drug counselor; and

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

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

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

(iii) For a third or subsequent offense, the court may,
as part of the judgment of conviction or adjudication, (A) prohibit
such person from obtaining any permit or any license pursuant to the
act for which such person would otherwise be eligible until twelve months after the date of such order and (B) require such person to complete no fewer than sixty hours of community service, to attend a drug education class, and to submit to a drug assessment by a licensed alcohol and drug counselor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Assigning roles and responsibilities between law enforcement and the Department of Health and Human Services for the
initial response;

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

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

(i) Defining cases that require a priority response;

(ii) Contacting the reporting party;

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

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

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

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

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

(viii) Interviewing the alleged perpetrator;

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

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

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

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

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

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

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

(4) Each county attorney or the county attorney representing a contiguous group of counties is responsible for convening the child abuse and neglect treatment team and ensuring that protocols are established and implemented. A representative of the child advocacy center appointed to the team shall assist the
county attorney in facilitating case review, developing and updating protocols, and arranging training opportunities for the team. Each team must have protocols which, at a minimum, shall include procedures for:

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

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

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

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

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

(5) For purposes of this section, forensic interview means a video-recorded interview of an alleged child victim conducted at a child advocacy center by a professional with specialized training designed to elicit details about alleged incidents of abuse or neglect, and such interview may result in intervention in criminal or juvenile court.
Supplement, 2012, is amended to read:

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

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

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

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

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

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

(b)(i) The defendant was less than nineteen years of age; (ii) the visual depiction of sexually explicit conduct portrays a child who is fifteen years of age or older; (iii) the visual depiction was knowingly and voluntarily generated by the child
depicted therein; (iv) the visual depiction was knowingly and
voluntarily provided by the child depicted in the visual depiction;
(v) the visual depiction contains only one child; (vi) the defendant
has not provided or made available the visual depiction to another
person except the child depicted who originally sent the visual
depiction to the defendant; and (vii) the defendant did not coerce
the child in the visual depiction to either create or send the visual
depiction.

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

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

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

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

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

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

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

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

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

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

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

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

28-1463.05 (1) It shall be unlawful for a person to
1 knowingly possess with intent to rent, sell, deliver, distribute, trade, or provide to any person any visual depiction of sexually explicit conduct which has a child as one of its participants or portrayed observers.

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

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

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

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

29-401 Every sheriff, deputy sheriff, marshal, deputy marshal, security guard, police officer, or peace officer as defined in subdivision (15) of section 49-801 shall arrest and detain any person found violating any law of this state or any legal ordinance of any city or incorporated village until a legal warrant can be obtained, except that (1) any such law enforcement officer taking a juvenile under the age of eighteen years into his or her custody for
any violation herein defined shall proceed as set forth in sections
43-248, 43-248.01, 43-250, 43-251, 43-251.01, and 43-253 and (2) the
court in which the juvenile is to appear shall not accept a plea from
the juvenile until finding that the parents of the juvenile have been
notified or that reasonable efforts to notify such parents have been
made as provided in section 43-250.

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

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

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

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

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

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

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

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

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

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

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

Sec. 35. Section 30-2209, Revised Statutes Cumulative
Supplement, 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) Heirs mean those persons, including the surviving
spouse, who are entitled under the statutes of intestate succession
to the property of a decedent.
(19) Incapacitated person is as defined in section 30-2601.

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

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

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

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

(24) Lease includes an oil, gas, or other mineral lease.
(25) Letters include letters testamentary, letters of guardianship, letters of administration, and letters of conservatorship.

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

(27) Mortgage means any conveyance, agreement, or arrangement in which property is used as security.
(28) Nonresident decedent means a decedent who was domiciled in another jurisdiction at the time of his or her death.
(29) Notice means compliance with the requirements of notice pursuant to subdivisions (a)(1) and (a)(2) of section 30-2220.

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

(31) Parent includes any person entitled to take, or who would be entitled to take if the child died without a will, as a parent under the Nebraska Probate Code, by intestate succession from the child whose relationship is in question and excludes any person who is only a stepparent, foster parent, or grandparent.
Person means an individual, a corporation, an organization, a limited liability company, or other legal entity.

Personal representative includes executor, administrator, successor personal representative, special administrator, and persons who perform substantially the same function under the law governing their status.

Petition means a written request to the court for an order after notice.

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

Property includes both real and personal property or any interest therein and means anything that may be the subject of ownership.

Protected person is as defined in section 30-2601.

Protective proceeding is as defined in section 30-2601.

Registrar refers to the official of the court designated to perform the functions of registrar as provided in section 30-2216.

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

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

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

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

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

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

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

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

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

(49) Testator means the maker of a will.

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

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

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

(53) Will means any instrument, including any codicil or other testamentary instrument complying with sections 30-2326 to 30-2338, which disposes of personal or real property, appoints a personal representative, conservator, guardian, or trustee, revokes or revises an earlier executed testamentary instrument, or encompasses any one or more of such objects or purposes.
Sec. 36. Section 30-2412, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

(3) other devisees of the decedent;

(4) the surviving spouse of the decedent;

(5) other heirs of the decedent;

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

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

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

(2) in case of objection to appointment of a person other than one whose priority is determined by will by an heir or devisee appearing to have a substantial interest in the estate, the court may appoint a person who is acceptable to heirs and devisees whose
interests in the estate appear to be worth in total more than half of
the probable distributable value or, in default of this accord, any
suitable person.

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

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

(e) Appointment of one who does not have priority may be
made only in formal proceedings except that appointment of one having
priority resulting from renunciation or nomination may be made in
informal proceedings. Before appointing one without priority, the
court must determine that those having priority, although given
notice of the proceedings, have failed to request appointment or to
nominate another for appointment, and that administration is
(f) No person is qualified to serve as a personal representative who is:

(1) under the age of nineteen; eighteen;

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

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

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

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

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

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

(2) Any person having the care and custody of the minor with whom the minor resides;
(3) A guardian of the minor; or

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

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

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

30-2604 A parent or a guardian of a minor or incapacitated person, by a properly executed power of attorney, may delegate to another person, for a period not exceeding six months, any of his or her powers regarding care, custody, or property of the minor child or ward, except his or her power to consent to marriage
or adoption of a minor ward. A parent or guardian of a minor who is at least eighteen years of age and who is not a ward of the state, by a properly executed power of attorney, may delegate to such minor, for a period not exceeding one year, the parent's or guardian's power to consent to such minor's own health care and medical treatment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Adult means an individual who is at least nineteen eighteen years of age;
(2) Beneficiary means an individual for whom property has
been transferred to or held under a declaration of trust by a
custodial trustee for the individual's use and benefit under the act;

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

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

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

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

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

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

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

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

   (11) Person means an individual, corporation, limited liability company, or other legal entity;
   (12) Personal representative means an executor, administrator, or special administrator of a decedent's estate, a person legally authorized to perform substantially the same functions, or a successor to any of them;
   (13) State means a state, territory, or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico;
   (14) Transferor means a person who creates a custodial trust by transfer or declaration; and
   (15) Trust company means a financial institution, corporation, or other legal entity, authorized to act as a corporate trustee in the State of Nebraska.

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

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

   (1) Adult means an individual who has attained nineteen eighteen years of age;
   (2) Conservator means a person appointed by the court to administer the property of an adult, including a person appointed
under the Nebraska Probate Code for an adult;

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

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

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

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

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

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

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

(10) Protective order means an order appointing a conservator or other order related to management of an adult's property;
(11) Protective proceeding means a judicial proceeding in which a protective order is sought or has been issued;

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

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

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

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

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

(2) Any person filing for office shall meet the constitutional and statutory requirements of the office for which he or she is filing. If a person is filing for a partisan office, he or she shall be a registered voter affiliated with the appropriate political party if required pursuant to section 32-702. If the person is required to sign a contract or comply with a bonding or equivalent commercial insurance policy requirement prior to holding such office, he or she shall be at least nineteen years of age at the time of filing for the office.
A person shall not be eligible to file for an office if he or she holds the office and his or her term of office expires after the beginning of the term of office for which he or she would be filing. This subsection does not apply to filing for an office to represent a different district, ward, subdistrict, or subdivision of the same governmental entity as the office held at the time of filing.

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

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

37-413 (1) For the purpose of establishing and administering a mandatory firearm hunter education program for persons twelve through twenty-nine years of age who hunt with a firearm or crossbow any species of game, game birds, or game animals, the commission shall provide a program of firearm hunter education training leading to obtaining a certificate of successful completion in the safe handling of firearms and shall locate and train volunteer firearm hunter education instructors. The program shall provide a training course having a minimum of (a) ten hours of classroom instruction or (b) independent study on the part of the student sufficient to pass an examination given by the commission followed by such student's participation in a minimum of four hours of practical instruction. The program shall provide instruction in the areas of
safe firearms use, shooting and sighting techniques, hunter ethics, game identification, and conservation management. The commission shall issue a firearm hunter education certificate of successful completion to persons having satisfactorily completed a firearm hunter education course accredited by the commission and shall print, purchase, or otherwise acquire materials as necessary for effective program operation. The commission shall adopt and promulgate rules and regulations for carrying out and administering such programs.

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

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

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

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

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

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

Sec. 44. Section 37-452, Revised Statutes Cumulative
Supplement, 2012, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Submit to the department:

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

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

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

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

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

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

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

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

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

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

AFFIDAVIT OF IDENTIFICATION

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

(1) My child was born, or is expected to be born, on
the ........ day of ............, ............, at .................,
in the State of ................. .
(2) I reside at .................., in the City or Village of .................., County of .................., State of ...................

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

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

(5) (CHOOSE ONE)

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

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

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

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

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

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

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

(5B) I am unwilling or unable to identify the biological father (or possible biological fathers). I do not wish or I am unable to name the biological father of the child for the following reasons:
Conception of my child occurred as a result of sexual assault or incest. Providing notice to the biological father of my child would threaten my safety or the safety of my child. Other reason: ..............................  
(6) If the biological mother is unable to name the biological father, the physical description of the biological father (or possible biological fathers) and other information which may assist in identifying him, including the city or county and state where conception occurred:

..................................................
..................................................
..................................................
(7) Under penalty of perjury, the undersigned certifies that the statements set forth in this affidavit are true and correct.  
(8) I have read this affidavit and have had the opportunity to review and question it. It was explained to me by ....................... .  
I am signing it as my free and voluntary act and understand the contents and the effect of signing it.  
Dated this ...... day of ......., ...... .  
(Acknowledgment)  
.........................  
(Signature)
Sec. 52. Section 43-117.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

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

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

(1) Age of majority means nineteen years of age;

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

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

(4) Cost or costs means (a) the sum or equivalent expended, paid, or charged for goods or services, or expenses incurred, or (b) the contracted or negotiated price;
(5) Criminal street gang means a group of three or more people with a common identifying name, sign, or symbol whose group identity or purposes include engaging in illegal activities;

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

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

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

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

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

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

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

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

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

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

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

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

(18) Secure detention means detention in a highly secure and safe environment designed to prevent escapes, suicide, and self-harm.
structured, residential, hardware-secured facility designed to restrict a juvenile's movement;

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

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

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

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

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

Sec. 55. Section 43-289, Reissue Revised Statutes of
Nebraska, is amended to read:

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

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

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

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

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

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

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

Whenever medical, psychological, or psychiatric study or
treatment is ordered by the court, whether or not the juvenile is
placed with someone other than his or her parent, or if such study or
treatment is otherwise provided as determined necessary by the
custodian of the juvenile, the court shall inquire as to the
availability of insured or uninsured health care coverage or service
plans which include the juvenile. The court may order the parent to
pay over any plan benefit sums received on coverage for the juvenile.
The payment of any deductible under the health care benefit plan
covering the juvenile shall be the responsibility of the parent. If
the parent willfully fails or refuses to pay the sum ordered or to
pay over any health care plan benefit sums received, the court may
proceed against him or her as for contempt, either on the court's own
motion or on the motion of the county attorney or authorized attorney
as provided in section 43-512, or execution shall issue at the
request of any person, agency, or institution treating or maintaining
such juvenile. The court may afterwards, because of a change in the
circumstances of the parties, revise or alter the order of payment
for support, study, or treatment.

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

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

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

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

43-294 The custodian appointed by a juvenile court shall
have charge of the person of the juvenile and the right to make
decisions affecting the person of the juvenile, including medical,
dental, surgical, or psychiatric treatment, except that consent to a
juvenile marrying or joining the armed forces of the United States
may be given by a custodian, other than the Department of Health and
Human Services, with approval of the juvenile court, or by the
department, as to juveniles in its custody, without further court
authority. The authority of a custodian appointed by a juvenile court
shall terminate when the individual under legal custody reaches
nineteen eighteen years of age, is legally adopted, or the authority
is terminated by order of the juvenile court. When an adoption has
been granted by a court of competent jurisdiction as to any such
juvenile, such fact shall be reported immediately by such custodian
to the juvenile court. If the adoption is denied the jurisdiction
over the juvenile shall immediately revert to the court which
authorized placement of the juvenile for adoption. Any association or
individual receiving the care or custody of any such juvenile shall
be subject to visitation or inspection by the Department of Health
and Human Services, or any probation officer of such court or any
person appointed by the court for such purpose, and the court may at
any time require from such association or person a report or reports
containing such information or statements as the judge shall deem
proper or necessary to be fully advised as to the care, maintenance,
and moral and physical training of the juvenile, as well as the
standing and ability of such association or individual to care for
such juvenile. The custodian so appointed by the court shall have
standing as a party in that case to file any pleading or motion, to
be heard by the court with regard to such filings, and to be granted
any review or relief requested in such filings consistent with
Chapter 43, article 2.

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

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

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

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

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

43-504 (1) The term dependent child shall mean a child
under the age of nineteen eighteen years who is living with a
relative or with a caretaker who is the child's legal guardian or
conservator in a place of residence maintained by one or more of such
relatives or caretakers as his, her, or their own home, or which
child has been removed from the home of his or her father, mother,  
grandfather, grandmother, brother, sister, stepfather, stepmother,  
stepbrother, stepsister, uncle, aunt, first or second cousin, nephew,  
or niece as a result of judicial determination to the effect that  
continuation in the home would be contrary to the safety and welfare  
of the child and such child has been placed in a foster family home  
or child care institution as a result of such determination, when the  
state or any court having jurisdiction of such child is responsible  
for the care and placement of such child and one of the following  
conditions exists: (a) Such child received aid from the state in or  
for the month in which court proceedings leading to such  
determination were initiated; (b) such child would have received  
assistance in or for such month if application had been made  
therefor; or (c) such child had been living with such a relative  
specified in this subsection at any time within six months prior to  
the month in which such proceedings were initiated and would have  
received such aid in or for the month that such proceedings were  
initiated if in such month the child had been living with, and  
removed from the home of, such a relative and application had been  
made therefor.

(2) In awarding aid to dependent children payments, the  
term dependent child shall include an unborn child but only during  
the last three months of pregnancy. A pregnant woman may be eligible  
but only (a) if it has been medically verified that the child is  
expected to be born in the month such payments are made or expected
to be born within the three-month period following such month of
payment and (b) if such child had been born and was living with her
in the month of payment, she would be eligible for aid to families
with dependent children. As soon as it is medically determined that
pregnancy exists, a pregnant woman who meets the other requirements
for aid to dependent children shall be eligible for medical
assistance.

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

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

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

(a) Education;

(b) Employment services and other workforce support;

(c) Health and health care coverage;
(d) Financial assistance, including education on credit card financing, banking, and other services;

(e) Housing;

(f) Relationship development; and

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

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

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

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

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

(6) On or before the date the child reaches nineteen eighteen years of age, the department shall provide the child a certified copy of the child's birth certificate and facilitate
securing a federal social security card when the child is eligible for such card. All fees associated with securing the certified copy shall be waived by the state.

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

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

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

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

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

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

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

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

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

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

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

(3) The minor's death.

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

43-2922 For purposes of the Parenting Act:

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

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

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

(4) Child means a minor under nineteen-eighteen years of age;

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

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

(7) Custody includes legal custody and physical custody;

(8) Domestic intimate partner abuse means an act of abuse as defined in section 42-903 and a pattern or history of abuse evidenced by one or more of the following acts: Physical or sexual assault, threats of physical assault or sexual assault, stalking, harassment, mental cruelty, emotional abuse, intimidation, isolation, economic abuse, or coercion against any current or past intimate partner, or an abuser using a child to establish or maintain power and control over any current or past intimate partner, and, when they contribute to the coercion or intimidation of an intimate partner, acts of child abuse or neglect or threats of such acts, cruel mistreatment or cruel neglect of an animal as defined in section 28-1008, or threats of such acts, and other acts of abuse, assault,
or harassment, or threats of such acts against other family or household members. A finding by a child protection agency shall not be considered res judicata or collateral estoppel regarding an act of child abuse or neglect or a threat of such act, and shall not be considered by the court unless each parent is afforded the opportunity to challenge any such determination;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(24) Specialized alternative dispute resolution means a method of nonjudicial intervention in high conflict or domestic intimate partner abuse cases in which an approved specialized mediator facilitates voluntary mutual development of and agreement to a structured parenting plan, provisions for safety, a transition plan, or other related resolution between the parties;
(25) Transition plan means a plan developed to reduce exposure of the child and the adult to ongoing unresolved parental conflict during parenting time, visitation, or other access for the exercise of parental functions; and

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

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

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

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

44-7,103 (1) For purposes of this section, health benefit plan means any expense-incurred individual or group sickness and accident insurance policy, health maintenance organization contract, subscriber contract, or self-funded employee benefit plan to the extent not preempted by federal law, except for any policy or contract that provides coverage only for excepted benefits as defined in the federal Health Insurance Portability and Accountability Act of 1996, 29 U.S.C. 1191b, and regulations adopted pursuant to the act, as such act and regulations existed on January 1, 2009, or any policy or contract that provides coverage for a specified disease or other limited-benefit coverage.
(2) Notwithstanding section 44-3,131, any health benefit plan that provides coverage for children shall provide for continuing coverage for such children as follows:

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

(b) The health benefit plan may require:

(i) A written election from the insured; and

(ii) An additional premium for the child. Such premium shall not vary based upon the health status of the child and shall not exceed the amount the health benefit plan would receive for an identical individual for a single adult insured. No employer shall be required to contribute to any additional premium under this subdivision.
Sec. 66. Section 44-4053, Reissue Revised Statutes of Nebraska, is amended to read:

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

(a) Is at least eighteen years of age;

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

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

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

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

(2) A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the uniform business entity application. Before approving the application, the director shall find that:
(a) The business entity has paid the fees set forth in section 44-4064; and

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

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

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

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

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

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

48-122.01 Compensation under section 48-122 shall be payable in the amount and to the following persons subject to the maximum limits specified in sections 48-122 and 48-122.03:
(1) If there is a widow or widower and no children of the deceased, as defined in section 48-124, to such widow or widower, sixty-six and two-thirds percent of the average weekly wage of the deceased, during widowhood or widowerhood;

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

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

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

(5) The income benefits payable on account of any child under this section shall cease when he or she dies, marries, or reaches the age of nineteen, eighteen, or when a child over such age ceases to be physically or mentally incapable of self-support, or if actually dependent ceases to be actually dependent, or, if enrolled as a full-time student in any accredited educational institution, ceases to be so enrolled or reaches the age of twenty-five. A child
who originally qualified as a dependent by virtue of being less than nineteen-eighteen years of age may, upon reaching age nineteen-eighteen, continue to qualify if he or she satisfies the tests of being physically or mentally incapable of self-support, actual dependency, or enrollment in an educational institution;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Month shall mean calendar month;

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

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

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

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

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

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

(22) State when applied to different states of the United States shall be construed to extend to and include the
District of Columbia and the several territories organized by Congress;

Sworn shall include affirmed in all cases in which an affirmation may be substituted for an oath;

The United States shall include territories, outlying possessions, and the District of Columbia;

Violate shall include failure to comply with;

Writ shall signify an order or citation in writing issued in the name of the state out of a court or by a judicial officer; and

Year shall mean calendar year.

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

53-168.06 No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in the Nebraska Liquor Control Act. Nothing in the act shall prevent (1) the possession of alcoholic liquor legally obtained as provided in the act for the personal use of the possessor and his or her family and guests; (2) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any
hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians; (4) the possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony; (5) persons who are sixteen years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (7) persons who are sixteen years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or (8) persons who are nineteen years old or older from serving or selling alcoholic liquor in the course of their employment.

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

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

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

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

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

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

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

(7) When a minor is arrested for a violation of sections 53-180 to 53-180.02 or subsection (6) of this section, the law
enforcement agency employing the arresting peace officer shall make a
reasonable attempt to notify such minor's parent or guardian of the
arrest.

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

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

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

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

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

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

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

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

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

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

(c) For a third or subsequent offense, such person is guilty of a Class III misdemeanor and the court, as part of the judgment of conviction or adjudication, may (i) prohibit such person from obtaining any permit or any license pursuant to the act for
which such person would otherwise be eligible until twelve months
after the date of such order and (ii) require such person to complete
no fewer than sixty hours of community service, to attend an alcohol
education class, and to submit to an alcohol assessment by a licensed
alcohol and drug counselor.

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

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

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

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

60-4,120.01 (1)(a) Any person who is at least sixteen
years of age but less than eighteen years of age may be issued a provisional operator's permit by the Department of Motor Vehicles. The provisional operator's permit shall expire on the applicant's eighteenth birthday.

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

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

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

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

(2) In order to obtain a provisional operator's permit, the applicant shall present (a)(i) proof of successful completion of a department-approved driver safety course which includes behind-the-wheel driving specifically emphasizing (A) the effects of the consumption of alcohol on a person operating a motor vehicle, (B)
occupant protection systems, (C) risk assessment, and (D) railroad
crossing safety and (ii) proof of successful completion of a written
examination and driving test administered by a driver safety course
instructor or (b) a certificate in a form prescribed by the
department, signed by a parent, guardian, or licensed driver at least
twenty-one years of age, verifying that the applicant has completed
fifty hours of lawful motor vehicle operation including at least ten
hours of motor vehicle operation between sunset and sunrise, under
conditions that reflect department-approved driver safety course
curriculum, with a parent, guardian, or adult at least twenty-one
years of age, who has a current Nebraska operator's license or who is
licensed in another state. If the applicant presents such a
certificate, the applicant shall be required to successfully complete
a driving test administered by the department. The written
examination shall be waived if the applicant has been issued a
Nebraska LPD-learner's permit or has been issued a Nebraska LPE-
learner's permit and such permit is valid or has been expired for no
more than one year. However, the department shall not waive the
written examination if the provisional operator's permit being
applied for contains a class or endorsement which is different from
the class or endorsement of the LPD-learner's or LPE-learner's
permit. Upon presentation by the applicant of a form prescribed by
the department showing successful completion of the driver safety
course, the written examination and driving test may be waived. Upon
presentation of the certificate, the written examination but not the
driving test may be waived. The examiner shall waive the written
examination and the driving test if the applicant has been issued a
school permit and such permit is valid or has expired no more than
one year prior to application. The written examination shall not be
waived if the provisional operator's permit being applied for
contains a class or endorsement which is different from the class or
endorsement of the school permit.

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

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

(c) The holder of a provisional operator's permit shall
not use any type of interactive wireless communication device while
operating a motor vehicle on the highways of this state.
(d) Enforcement of subdivisions (a), (b), and (c) of this
subsection shall be accomplished only as a secondary action when the
holder of the provisional operator's permit has been cited or charged
with a violation of some other law.

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

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

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

(2) No person shall stand on or in proximity to a highway
for the purposes of soliciting the watching or guarding of any
vehicle while parked or about to be parked on a highway.

(3)(a) Any municipality may, by ordinance, allow
pedestrians over the age of eighteen who are at least eighteen years
of age to enter one or more roadways, except roadways that are part
of the state highway system, at specified times and locations and
approach vehicles when stopped by traffic control devices or traffic
control signals for the purpose of soliciting contributions which are
to be devoted to charitable or community betterment purposes.

(b) Any ordinance enacted pursuant to this subsection
shall be a general ordinance which shall not exclude or give
preference to any individual or the members of any organization, association, or group. Any ordinance whose terms or provisions do not strictly comply with this subsection is void.

Sec. 77. Section 60-6,340, Reissue Revised Statutes of Nebraska, is amended to read:

60-6,340 (1) No person under the age of twelve years shall operate a snowmobile in this state unless accompanied by a parent, guardian, or other person over who is at least eighteen years of age.

(2) No person over the age of twelve years and under the age of sixteen years shall operate a snowmobile in this state unless such person (a) holds a valid snowmobile safety certificate, (b) is accompanied by a person fourteen years of age or over who holds a valid snowmobile safety certificate, or (c) is accompanied by a person over the age of eighteen years who is at least eighteen years of age.

(3) The operator of a snowmobile shall not be required to hold an operator's license.

Sec. 78. Section 64-101, Revised Statutes Cumulative Supplement, 2012, is amended to read:

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

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

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

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

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

(6) No appointment shall be made if such applicant has been convicted of (a) a felony or (b) a crime involving fraud or dishonesty within the previous five years.

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

(8) No person shall be appointed a notary public unless he or she resides in the State of Nebraska, except that the Secretary of State may appoint and commission a person as a notary public who
resides in a state that borders the State of Nebraska if such person is employed in or has a regular place of work or business in this state and the Secretary of State has obtained evidence of an address of the physical location of such employment or place of work or business prior to such appointment and commission.

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

Sec. 79. Section 68-915, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-915 The following persons shall be eligible for medical assistance:

(1) Dependent children as defined in section 43-504;

(2) Aged, blind, and disabled persons as defined in sections 68-1002 to 68-1005;

(3) Children under nineteen years of age who are eligible under section 1905(a)(i) of the federal Social Security Act;

(4) Persons who are presumptively eligible as allowed under sections 1920 and 1920B of the federal Social Security Act;

(5) Children under nineteen years of age with a family income equal to or less than two hundred percent of the Office of Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources, and pregnant women with a family income equal to or less than one hundred eighty-five percent of the Office of
Management and Budget income poverty guideline, as allowed under Title XIX and Title XXI of the federal Social Security Act, without regard to resources. Children described in this subdivision and subdivision (6) of this section shall remain eligible for six consecutive months from the date of initial eligibility prior to redetermination of eligibility. The department may review eligibility monthly thereafter pursuant to rules and regulations adopted and promulgated by the department. The department may determine upon such review that a child is ineligible for medical assistance if such child no longer meets eligibility standards established by the department;

(6) For purposes of Title XIX of the federal Social Security Act as provided in subdivision (5) of this section, children with a family income as follows:

(a) Equal to or less than one hundred fifty percent of the Office of Management and Budget income poverty guideline with eligible children one year of age or younger;

(b) Equal to or less than one hundred thirty-three percent of the Office of Management and Budget income poverty guideline with eligible children over one year of age and under six years of age; or

(c) Equal to or less than one hundred percent of the Office of Management and Budget income poverty guideline with eligible children six years of age or older and less than nineteen eighteen years of age;
(7) Persons who are medically needy caretaker relatives as allowed under 42 U.S.C. 1396d(a)(ii);

(8) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), disabled persons as defined in section 68-1005 with a family income of less than two hundred fifty percent of the Office of Management and Budget income poverty guideline and who, but for earnings in excess of the limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be receiving federal Supplemental Security Income. The department shall apply for a waiver to disregard any unearned income that is contingent upon a trial work period in applying the Supplemental Security Income standard. Such disabled persons shall be subject to payment of premiums as a percentage of family income beginning at not less than two hundred percent of the Office of Management and Budget income poverty guideline. Such premiums shall be graduated based on family income and shall not be less than two percent or more than ten percent of family income;

(9) As allowed under 42 U.S.C. 1396a(a)(10)(A)(ii), persons who:

(a) Have been screened for breast and cervical cancer under the Centers for Disease Control and Prevention breast and cervical cancer early detection program established under Title XV of the federal Public Health Service Act, 42 U.S.C. 300k et seq., in accordance with the requirements of section 1504 of such act, 42 U.S.C. 300n, and who need treatment for breast or cervical cancer, including precancerous and cancerous conditions of the breast or
(b) Are not otherwise covered under creditable coverage as defined in section 2701(c) of the federal Public Health Service Act, 42 U.S.C. 300gg(c);

(c) Have not attained sixty-five years of age; and

(d) Are not eligible for medical assistance under any mandatory categorically needy eligibility group; and

(10) Persons eligible for services described in subsection (3) of section 68-972.

Except as provided in section 68-972, eligibility shall be determined under this section using an income budgetary methodology that determines children's eligibility at no greater than two hundred percent of the Office of Management and Budget income poverty guideline and adult eligibility using adult income standards no greater than the applicable categorical eligibility standards established pursuant to state or federal law. The department shall determine eligibility under this section pursuant to such income budgetary methodology and subdivision (1)(q) of section 68-1713.

Sec. 80. Section 68-1724, Reissue Revised Statutes of Nebraska, is amended to read:

68-1724 (1) Cash assistance shall be provided for a period or periods of time not to exceed a total of sixty months for recipient families with children subject to the following:

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

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

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

(d) The self-sufficiency contract shall be revised and
cash assistance extended when there is no job available for adult
members of the recipient family. It is the intent of the Legislature
that available job shall mean a job which results in an income of at
least equal to the amount of cash assistance that would have been
available if receiving assistance minus unearned income available to
the recipient family.

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

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

(a) Adults in recipient families shall mean individuals
at least nineteen years of age living with and related to a
child under eighteen years of age and shall include
parents, siblings, uncles, aunts, cousins, or grandparents, whether
the relationship is biological, adoptive, or step;

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

(c) The adults in the recipient family shall ensure that
the minor children regularly attend school. Education is a valuable
personal resource. The cash assistance provided to the recipient
family may be reduced when the parent or parents have failed to take
reasonable action to encourage the minor children of the recipient
family ages sixteen and under to regularly attend school. No
reduction of assistance shall be such as may result in extreme
hardship. It is the intent of the Legislature that a process be
developed to insure communication between the case manager, the
parent or parents, and the school to address issues relating to
school attendance;
(d) Two-parent families which would otherwise be eligible under section 43-504 or a federally approved waiver shall receive cash assistance under this section;

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

(f) For adults who are not biological or adoptive parents or stepparents of the child or children in the family, if assistance is requested for the entire family, including the adults, a self-sufficiency contract shall be entered into as provided in section 68-1719. If assistance is requested for only the child or children in such a family, such children shall be eligible after consideration of the family's income and if (i) the family cooperates in pursuing child support and (ii) the minor children of the family regularly attend school.

Sec. 81. Section 68-2002, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-2002 The purposes of the Children's Health and
Treatment Act are to:

(1) Require that the guidelines and criteria that the Department of Health and Human Services utilizes to determine medical necessity for services under the medical assistance program be published by the department on its web site and web sites of its contractors for managed care and administrative services. The treating guidelines and criteria shall be referenced specifically to providers when utilized as a determination of medical necessity under the medical assistance program. Treating guidelines and criteria in effect on July 19, 2012, shall be published on such web sites within thirty days after July 19, 2012. Notice of changes to treating guidelines and criteria shall be given to providers and time for public comment provided at least sixty days prior to implementation of such changes; and

(2) Require that the department collect and report on authorization and denial rates for behavioral health services for children under nineteen-eighteen years of age.

Sec. 82. Section 68-2004, Revised Statutes Cumulative Supplement, 2012, is amended to read:

68-2004 The department shall report electronically to the Health and Human Services Committee of the Legislature on utilization controls, including, but not limited to, the rates of initial service authorizations, reauthorizations subsequent to initial service authorizations, and denials for behavioral health services for children under nineteen-eighteen years of age. The first report shall
be due on October 1, 2012, and shall contain such rates of initial
service authorizations, reauthorizations subsequent to initial
service authorizations, and denials for behavioral health services
for children under nineteen years of age for the first three quarters
of 2012. Thereafter, the department shall report such information on
a quarterly basis on January 1, April 1, and July 1, and October 1 of
each year. The department shall report such rates of initial
service authorizations, reauthorizations subsequent to initial
service authorizations, and denials for behavioral health services
for children under nineteen years of age for the previous calendar
quarter.

Sec. 83. Section 68-2005, Revised Statutes Cumulative
Supplement, 2012, is amended to read:

68-2005 The department shall adopt and promulgate rules
and regulations to carry out the Children's Health and Treatment Act.
On and after April 1, 2013, the department shall not apply medical
necessity criteria to determine medical necessity for children under
nineteen-eighteen years of age that have not been adopted and
promulgated as rules and regulations pursuant to the Administrative
Procedure Act.

Sec. 84. Section 71-629, Reissue Revised Statutes of
Nebraska, is amended to read:

71-629 A certified copy or copies of the certificate of
birth of any such legitimized child may be furnished upon request by
the department. The evidence upon which the new certificate is made
may be furnished upon request to a parent of such legitimized child
or to the legitimized child if such child is nineteen eighteen years
of age or older. The evidence upon which the new certificate is made
shall be available for inspection by any other person only upon the
order of a court of competent jurisdiction, and the original
certificate of birth shall be available for inspection only upon the
order of a court of competent jurisdiction.

Sec. 85. Section 71-808, Reissue Revised Statutes of
Nebraska, is amended to read:

71-808 (1) A regional behavioral health authority shall
be established in each behavioral health region by counties acting
under provisions of the Interlocal Cooperation Act. Each regional
behavioral health authority shall be governed by a regional governing
board consisting of one county board member from each county in the
region. Board members shall serve for staggered terms of three years
and until their successors are appointed and qualified. Board members
shall serve without compensation but shall be reimbursed for their
actual and necessary expenses as provided in sections 81-1174 to
81-1177.

(2) The regional governing board shall appoint a regional
administrator who shall be responsible for the administration and
management of the regional behavioral health authority. Each regional
behavioral health authority shall encourage and facilitate the
involvement of consumers in all aspects of service planning and
delivery within the region and shall coordinate such activities with
the office of consumer affairs within the division. Each regional
behavioral health authority shall establish and utilize a regional
advisory committee consisting of consumers, providers, and other
interested parties and may establish and utilize such other task
forces, subcommittees, or other committees as it deems necessary and
appropriate to carry out its duties under this section.

(3) Each county in a behavioral health region shall
provide funding for the operation of the behavioral health authority
and for the provision of behavioral health services in the region.
The total amount of funding provided by counties under this
subsection shall be equal to one dollar for every three dollars from
the General Fund. The division shall annually certify the total
amount of county matching funds to be provided. At least forty
percent of such amount shall consist of local and county tax revenue,
and the remainder shall consist of other nonfederal sources. The
regional governing board of each behavioral health authority, in
consultation with all counties in the region, shall determine the
amount of funding to be provided by each county under this
subsection. Any General Funds transferred from regional centers for
the provision of community-based behavioral health services after
July 1, 2004, and funds received by a regional behavioral health
authority for the provision of behavioral health services to children
under section 71-826 shall be excluded from any calculation of county
matching funds under this subsection.

Sec. 86. Section 71-824, Reissue Revised Statutes of
Nebraska, is amended to read:

71-824 No later than January 1, 2010, the department shall provide post-adoption and post-guardianship case management services for adoptive and guardianship families of former state wards on a voluntary basis. The department shall notify adoptive parents and guardians of the availability of such services and the process to access such services and that such services are provided on a voluntary basis. Notification shall be in writing and shall be provided at the time of finalization of the adoption agreement or completion of the guardianship and each six months thereafter until dissolution of the adoption, until termination of the guardianship, or until the former state ward attains nineteen eighteen years of age, whichever is earlier. Post-adoption and post-guardianship case management services under this section shall be administered by the Division of Children and Family Services and shall be evaluated. The evaluation shall include, but not be limited to, the number and percentage of persons receiving such services and the degree of problem resolution reported by families receiving such services.

Sec. 87. Section 71-20,120, Reissue Revised Statutes of Nebraska, is amended to read:

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

Sec. 88. Section 71-3405, Reissue Revised Statutes of Nebraska, is amended to read:

71-3405 For purposes of sections 71-3404 to 71-3411:

(1) Child shall mean a person from birth to who is under eighteen years of age;

(2) Investigation shall mean a review of existing records and other information regarding the child from relevant agencies, professionals, and providers of medical, dental, prenatal, and mental health care. The records to be reviewed may include, but not be limited to, medical records, coroner's reports, autopsy reports, social services records, emergency and paramedic records, and law enforcement reports;

(3) Preventable child death shall mean the death of any child which reasonable medical, social, legal, psychological, or educational intervention may have prevented. Preventable child death shall include, but not be limited to, the death of a child from (a) intentional and unintentional injuries, (b) medical misadventures,
including untoward results, malpractice, and foreseeable complications, (c) lack of access to medical care, (d) neglect and reckless conduct, including failure to supervise and failure to seek medical care for various reasons, and (e) preventable premature birth;

(4) Reasonable shall mean taking into consideration the condition, circumstances, and resources available; and

(5) Team shall mean the State Child Death Review Team.

Sec. 89. Section 71-4808, Reissue Revised Statutes of Nebraska, is amended to read:

71-4808 Any individual of sound mind and seventeen years of age or more may consent to donate whole blood for the purpose of injecting, transfusing, or transplanting such blood in the human body. No person seventeen or eighteen years of age shall receive compensation for any donation of whole blood without parental permission or authorization.

Sec. 90. Section 71-6039.01, Reissue Revised Statutes of Nebraska, is amended to read:

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

(1) Is at least sixteen years of age;

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

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

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

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

Sec. 91. Section 71-9105, Revised Statutes Cumulative Supplement, 2012, is amended to read:

71-9105 (1) Any city, village, business, or nonprofit organization that organizes an athletic activity in which the athletes are nineteen years of age or younger and are required to pay a fee to participate in the athletic activity or whose cost to participate in the athletic activity is sponsored by a business or nonprofit organization shall:

(a) Make available training approved by the chief medical officer on how to recognize the symptoms of a concussion or brain injury and how to seek proper medical treatment for a concussion or brain injury to all coaches; and

(b) Provide information on concussions and brain injuries to all coaches and athletes and to a parent or guardian of each athlete that shall include, but need not be limited to:

(i) The signs and symptoms of a concussion;

(ii) The risks posed by sustaining a concussion; and

(iii) The actions an athlete should take in response to
sustaining a concussion, including the notification of his or her coaches.

(2) (a) An athlete who participates in an athletic activity under subsection (1) of this section shall be removed from a practice or game when he or she is reasonably suspected of having sustained a concussion or brain injury in such practice or game after observation by a coach or a licensed health care professional. Such athlete shall not be permitted to participate in any supervised athletic activities involving physical exertion, including, but not limited to, practices or games, until the athlete (i) has been evaluated by a licensed health care professional, (ii) has received written and signed clearance to resume participation in athletic activities from the licensed health care professional, and (iii) has submitted the written and signed clearance to resume participation in athletic activities to the city, village, business, or nonprofit organization that organized the athletic activity accompanied by written permission to resume participation from the athlete's parent or guardian.

(b) If an athlete is reasonably suspected after observation of having sustained a concussion or brain injury and is removed from an athletic activity under subdivision (2)(a) of this section, the parent or guardian of the athlete shall be notified by the coach or a representative of the city, village, business, or nonprofit organization that organized the athletic activity of the date and approximate time of the injury suffered by the athlete, the
signs and symptoms of a concussion or brain injury that were
observed, and any actions taken to treat the athlete.

(c) Nothing in this subsection shall be construed to
require any city, village, business, or nonprofit organization to
provide for the presence of a licensed health care professional at
any practice or game.

(d) The signature of an individual who represents that he
or she is a licensed health care professional on a written clearance
to resume participation that is provided to a city, village,
business, or nonprofit organization shall be deemed to be conclusive
and reliable evidence that the individual who signed the clearance is
a licensed health care professional. The city, village, business, or
nonprofit organization shall not be required to determine or verify
the individual's qualifications.

Sec. 92. Section 76-1494, Reissue Revised Statutes of
Nebraska, is amended to read:

76-1494 A landlord may adopt rules or regulations,
however described, concerning the tenant's use and occupancy of the
mobile home park. The rules and regulations shall be enforceable
against the tenant only if they are written and if:

(1) Their purpose is to promote the convenience, safety,
or welfare of the tenants in the mobile home park, preserve the
landlord's property from abuse, make a fair distribution of services
and facilities held out for the tenants generally, or facilitate
reasonable mobile home park management;
(2) They are reasonably related to the purpose for which adopted;

(3) They apply to all tenants in the mobile home park in a fair manner;

(4) They are sufficiently explicit in prohibition, direction, or limitation of the tenant's conduct to fairly inform him or her of what must or must not be done to comply;

(5) They are not for the purpose of evading the obligations of the landlord; and

(6) The prospective tenant is given a copy of any existing rules and regulations before entering into the rental agreement.

Notice of all additions, changes, deletions, or amendments to the rules and regulations shall be given to all mobile home tenants sixty days before they become effective. The landlord may change, add, delete, or amend the rules and regulations without sixty days' notice only with the written consent of at least one adult resident from a minimum of sixty percent of the households in the mobile home park. Adult resident shall mean a resident who has achieved the age of majority, as defined in section 43-2101. Any rule or condition of occupancy which does not conform to the requirements of the Mobile Home Landlord and Tenant Act shall be unenforceable. A rule or regulation adopted after the tenant enters into the rental agreement shall be enforceable against the tenant only if it does not conflict with or contradict the tenant's rental agreement. Nothing in
this section shall prohibit a landlord from adopting rules and
regulations applicable to new tenants only and not to persons who are
tenants prior to the effective date of the rules and regulations.

Sec. 93. Section 76-2228.01, Revised Statutes Cumulative
Supplement, 2012, is amended to read:

76-2228.01 (1) To qualify for a credential as a trainee
real property appraiser, an applicant shall:

(a) Be at least nineteen eighteen years of age;

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

(c) Have successfully completed no fewer than seventy-
five class hours in board-approved courses of study which relate to
appraisal and which include completion of the fifteen-hour National
Uniform Standards of Professional Appraisal Practice Course as
approved by the Appraiser Qualifications Board as of January 1, 2012,
or the equivalent of the course as approved by the Real Property
Appraiser Board. The fifteen-hour course shall be taught by a Uniform
Standards of Professional Appraisal Practice Instructor who is
certified by the Appraiser Qualifications Board and who is a state-
certified appraiser in good standing. The courses of study shall be
conducted by an accredited, degree-awarding university, college, or
community college, an appraisal society, institute, or association, a
state or federal agency or commission, a proprietary school, or such
other educational provider as may be approved by the Real Property
Appraiser Board and shall be, at a minimum, fifteen class hours in
length. Each course shall include an examination pertinent to the material presented. The applicant shall have completed the class hours within the five-year period immediately preceding submission of the application and shall have completed the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course within the two-year period immediately preceding submission of the application;

(d) Be subject to direct supervision by a supervising appraiser or appraisers who are certified residential real property appraisers or certified general real property appraisers in good standing. The supervising appraiser shall be responsible for the training and direct supervision of the trainee by accepting responsibility for the appraisal report by signing and certifying the report is in compliance with the Uniform Standards of Professional Appraisal Practice, reviewing the trainee appraisal reports, and personally inspecting each appraised property with the trainee as is consistent with his or her scope of practice until the supervising appraiser determines the trainee is competent in accordance with the competency rule of the Uniform Standards of Professional Appraisal Practice. The trainee shall maintain an appraisal log for each supervising appraiser in accordance with standards set by rule and regulation of the board; and

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

(2) To qualify for an upgraded credential, a trainee real
property appraiser shall satisfy at least one of the appropriate requirements as follows:

(a) For a credential as a licensed residential real property appraiser, he or she shall (i) complete seventy-five additional hours of designated core curriculum education and (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2230;

(b) For a credential as a certified residential real property appraiser, he or she shall (i) complete one hundred twenty-five additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2231.01, and (iii) meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or

(c) For a credential as a certified general real property appraiser, he or she shall (i) complete two hundred twenty-five additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2232, and (iii) meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

(3) If a trainee real property appraiser remains in the classification in excess of two years, the trainee shall be required in the third and successive years to successfully complete no fewer than fourteen hours of instruction in courses or seminars for each year of the period preceding the renewal and shall have completed the
seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, as the course existed on January 1, 2012, or the equivalent of the course as approved by the Real Property Appraiser Board, at a minimum of every two years. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the board. Credit may be granted for educational offerings and for participation other than as a student as approved by the board.

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

Sec. 94. Section 76-2229.01, Revised Statutes Cumulative Supplement, 2012, is amended to read:

76-2229.01 (1) To qualify for a credential as a registered real property appraiser, an applicant shall:

(a) Be at least nineteen years of age;

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

(c) Have successfully completed no fewer than ninety class hours in board-approved courses of study which relate to appraisal and which include the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course as approved by
the Appraiser Qualifications Board as of January 1, 2012, or the
equivalent of the course as approved by the Real Property Appraiser
Board. The courses of study shall be conducted by an accredited,
degree-awarding university, college, or community college, an
appraisal society, institute, or association, or such other
educational provider as may be approved by the Real Property
Appraiser Board and shall be, at a minimum, fifteen class hours in
length. Each course of study shall include an examination pertinent
to the material presented;

(d) Within the twelve months following approval of the
applicant by the Real Property Appraiser Board, pass an examination
approved by the Appraiser Qualifications Board as of January 1, 2012,
and administered by a contracted testing service which demonstrates
that the applicant has:

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

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

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

(iv) Knowledge of the appraisal of various types of and
interests in real property for various functions and purposes;
(v) An understanding of basic real estate law;

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

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

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

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

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

(2) To qualify for an upgraded credential, a registered real property appraiser shall satisfy at least one of the appropriate requirements as follows:

(a) For a credential as a licensed residential real property appraiser, he or she shall (i) complete sixty additional hours of designated core curriculum education and (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2230;

(b) For a credential as a certified residential real property appraiser, he or she shall (i) complete one hundred ten additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2231.01, and (iii) meet the postsecondary educational requirements
pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or

(c) For a credential as a certified general real property appraiser, he or she shall (i) complete two hundred twenty-five additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2232, and (iii) meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

(3) The application for registration shall include the applicant's social security number and such other information as the Real Property Appraiser Board may require.

(4) The scope of practice of a registered real property appraiser shall be limited to the appraisal of noncomplex property having one, two, three, or four residential units having a transaction value of less than two hundred fifty thousand dollars.

(5) An applicant shall receive no more than three successive annual renewals for credentialing as a registered real property appraiser. Notwithstanding any other provision of section 76-2228 to the contrary, the board shall not approve any initial application for credentialing as a registered real property appraiser on and after January 1, 2012.

Sec. 95. Section 76-2230, Revised Statutes Cumulative Supplement, 2012, is amended to read:

76-2230 (1) To qualify for a credential as a licensed residential real property appraiser, an applicant shall:

(a) Be at least nineteen-eighteen years of age;
(b) Hold a high school diploma or a certificate of high
school equivalency or have education acceptable to the board;
(c) Have successfully completed no fewer than one hundred
fifty class hours, which may include the class hours set forth in
section 76-2229.01, in board-approved courses of study which relate
to appraisal and which include completion of the fifteen-hour
National Uniform Standards of Professional Appraisal Practice Course
as approved by the Appraiser Qualifications Board as of January 1,
2012, or the equivalent of the course as approved by the Real
Property Appraiser Board. The fifteen-hour course shall be taught by
a Uniform Standards of Professional Appraisal Practice Instructor who
is certified by the Appraiser Qualifications Board and who is a
state-certified appraiser in good standing. The courses of study
shall be conducted by an accredited, degree-awarding university,
college, or community college, an appraisal society, institute, or
association, a state or federal agency or commission, a proprietary
school, or such other educational provider as may be approved by the
Real Property Appraiser Board and shall be, at a minimum, fifteen
class hours in length. Each course shall include a closed-book
examination pertinent to the material presented;
(d) Have no fewer than two thousand hours of experience
in any combination of the following: Fee and staff appraisal; ad
valorem tax appraisal; condemnation appraisal; technical review
appraisal; appraisal analysis; real estate consulting; highest-and-
best-use analysis; and feasibility analysis or study. The required
experience shall not be limited to the listed items but shall be acceptable to the board and subject to review and determination as to conformity with the Uniform Standards of Professional Appraisal Practice. The experience shall have occurred during a period of no fewer than twelve months. If requested, evidence acceptable to the board concerning the experience shall be presented by the applicant in the form of written reports or file memoranda;

(e) Within the twelve months following approval of the applicant by the board, pass an examination approved by the Appraiser Qualifications Board as of January 1, 2012, and administered by a contracted testing service which demonstrates that the applicant has:

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

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

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

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

(v) An understanding of basic real estate law;

(vi) An understanding of the types of misconduct for which disciplinary proceedings may be initiated;
(vii) An understanding of the Uniform Standards of Professional Appraisal Practice;

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

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

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

(2) To qualify for an upgraded credential, a licensed residential real property appraiser shall satisfy at least one of the appropriate requirements as follows:

(a) For a credential as a certified residential real property appraiser, he or she shall (i) complete fifty additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2231.01, and (iii) meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2231.01; or

(b) For a credential as a certified general real property appraiser, he or she shall (i) complete one hundred fifty additional hours of designated core curriculum education, (ii) meet the experience requirements pursuant to subdivision (1)(d) of section 76-2232, and (iii) meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

(3) The scope of practice for a licensed residential real
property appraiser shall be limited to the appraisal of noncomplex property having one, two, three, or four residential units with a transaction value of less than one million dollars and complex property having one, two, three, or four residential units with a transaction value of less than two hundred fifty thousand dollars.

(4) If an applicant is applying for renewal of a credential as a licensed residential real property appraiser, the applicant shall have successfully completed no fewer than fourteen hours of instruction in courses or seminars for each year of the two-year continuing education period during which the application is submitted and shall have completed the seven-hour National Uniform Standards of Professional Appraisal Practice Update Course as approved by the Appraiser Qualifications Board as of January 1, 2012, or the equivalent of the course as approved by the Real Property Appraiser Board, at a minimum of every two years. The seven-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. Credit toward a classroom hour requirement may be granted only when the length of the educational offering is at least two hours. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the Real Property Appraiser Board.
Credit may be granted for educational offerings and for participation other than as a student as approved by the board.

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

Sec. 96. Section 76-2231.01, Revised Statutes Cumulative Supplement, 2012, is amended to read:

76-2231.01 (1) To qualify for a credential as a certified residential real property appraiser, an applicant shall:

(a) Be at least nineteen eighteen years of age;

(b)(i) Hold an associate degree, or higher, from an accredited, degree-awarding university, college, or community college; or

(ii) Have successfully completed, as verified by the board, twenty-one semester hours of coursework or its equivalent from an accredited, degree-awarding university, college, or community college that shall have included English composition; principles of macroeconomics or microeconomics; finance; algebra, geometry, or higher mathematics; statistics; introduction to computers, including word processing and spread sheets; and business or real estate law;

(c) Have successfully completed no fewer than two hundred class hours, which may include the class hours set forth in sections 76-2229.01 and 76-2230, in board-approved courses of study which relate to appraisal and which include completion of the fifteen-hour
National Uniform Standards of Professional Appraisal Practice Course as approved by the Appraiser Qualifications Board as of January 1, 2012, or the equivalent of the course as approved by the Real Property Appraiser Board. The fifteen-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the Real Property Appraiser Board and shall be, at a minimum, fifteen class hours in length. Each course shall include a closed-book examination pertinent to the material presented;

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

(e) Within the twelve months following approval of the applicant by the board, pass an examination approved by the Appraiser Qualifications Board as of January 1, 2012, and administered by a contracted testing service which demonstrates that the applicant has:

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

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

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

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

(v) An understanding of basic real estate law;

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

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

(viii) An understanding of the recognized methods and techniques necessary for the development and communication of a credible appraisal; and
(ix) Knowledge of such other principles and procedures as may be appropriate to produce a credible appraisal; and

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

(2) To qualify for an upgraded credential as a certified general real property appraiser, a certified residential real property appraiser shall satisfy the following requirements:

(a) Complete one hundred additional hours of designated core curriculum education;

(b) Meet the experience requirements pursuant to subdivision (1)(d) of section 76-2232; and

(c) Meet the postsecondary educational requirements pursuant to subdivision (1)(b)(i) or (ii) of section 76-2232.

(3) The scope of practice of a certified residential real property appraiser shall be limited to the appraisal of property having one, two, three, or four residential units without regard to transaction value or complexity.

(4) If an applicant is applying for renewal of a credential as a certified residential real property appraiser, the applicant shall have successfully completed no fewer than fourteen hours of instruction in courses or seminars for each year of the two-year continuing education period during which the application is submitted and shall have completed the seven-hour National Uniform Standards of Professional Appraisal Practice Update Course as approved by the Appraiser Qualifications Board as of January 1, 2012,
or the equivalent of the course as approved by the Real Property Appraiser Board, at a minimum of every two years. The seven-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. Credit toward a classroom hour requirement may be granted only if the length of the educational offering is at least two hours. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the Real Property Appraiser Board. Credit may be granted for educational offerings and for participation other than as a student as approved by the board.

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

Sec. 97. Section 76-2232, Revised Statutes Cumulative Supplement, 2012, is amended to read:

76-2232 (1) To qualify for a credential as a certified general real property appraiser, an applicant shall:

(a) Be at least nineteen eighteen years of age;

(b)(i) Hold a bachelor's degree, or higher, from an accredited, degree-awarding university or college; or
(ii) Have successfully completed, as verified by the board, thirty semester hours of coursework or its equivalent from an accredited, degree-awarding university or college that shall have included English composition; macroeconomics; microeconomics; finance; algebra, geometry, or higher mathematics; statistics; introduction to computers, including word processing and spread sheets; business or real estate law; and two elective courses in accounting, geography, agricultural economics, business management, or real estate;

(c) Have successfully completed no fewer than three hundred class hours, which may include the class hours set forth in sections 76-2229.01, 76-2230, and 76-2231.01, in board-approved courses of study which relate to appraisal and which include completion of the fifteen-hour National Uniform Standards of Professional Appraisal Practice Course as approved by the Appraiser Qualifications Board as of January 1, 2012, or the equivalent of the course as approved by the Real Property Appraiser Board. The fifteen-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the Real Property Appraiser Board and
shall be, at a minimum, fifteen class hours in length. Each course shall include a closed-book examination pertinent to the material presented;

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

(e) Within the twelve months following approval of the applicant by the board, pass an examination approved by the Appraiser Qualifications Board as of January 1, 2012, and administered by a contracted testing service which demonstrates that the applicant has:

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

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

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

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

(v) An understanding of basic real estate law;

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

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

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

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

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

(2) If an applicant is applying for renewal of a credential as a certified general real property appraiser, the applicant shall have successfully completed no fewer than fourteen hours of instruction in courses or seminars for each year of the two-year continuing education period during which the application is submitted and shall have completed the seven-hour National Uniform Standards of Professional Appraisal Practice Update Course as approved by the Appraiser Qualifications Board as of January 1, 2012,
or the equivalent of the course as approved by the Real Property Appraiser Board, at a minimum of every two years. The seven-hour course shall be taught by a Uniform Standards of Professional Appraisal Practice Instructor who is certified by the Appraiser Qualifications Board and who is a state-certified appraiser in good standing. Credit toward a classroom hour requirement may be granted only if the length of the educational offering is at least two hours. The courses of study shall be conducted by an accredited, degree-awarding university, college, or community college, an appraisal society, institute, or association, a state or federal agency or commission, a proprietary school, or such other educational provider as may be approved by the Real Property Appraiser Board. Credit may be granted for educational offerings and for participation other than as a student as approved by the board.

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

Sec. 98. Section 77-2704.63, Revised Statutes Cumulative Supplement, 2012, is amended to read:

77-2704.63 (1) Sales and use taxes shall not be imposed on the gross receipts from the sale, use, or other consumption of amounts charged to participate in a youth sports event, youth sports league, or youth competitive educational activity by political subdivisions or organizations that are exempt from income tax under section 501(c)(3) of the Internal Revenue Code.
(2) For purposes of this section:

(a) Competitive educational activity means a tournament or a single competition that occurs over a limited period of time annually or intermittently where the participants engage in a competitive educational activity;

(b) Sports event means a tournament or a single competition that occurs over a limited period of time annually or intermittently where the participants engage in a sport;

(c) Sports league means an organized series of sports competitions taking place over several weeks or months between teams or individuals that are members of the league; and

(d) Youth sports event, youth sports league, or youth competitive educational activity means an event, league, or activity that is restricted to participants who are less than nineteen eighteen years of age.

Sec. 99. Section 79-215, Revised Statutes Cumulative Supplement, 2012, is amended to read:

79-215 (1) Except as otherwise provided in this section, a student is a resident of the school district where he or she resides and shall be admitted to any such school district upon request without charge.

(2) A school board shall admit a student upon request without charge if at least one of the student's parents resides in the school district.

(3) A school board shall admit any homeless student upon
request without charge.

(4) A school board may allow a student whose residency in
the district ceases during a school year to continue attending school
in such district for the remainder of that school year.

(5) A school board may admit nonresident students to the
school district pursuant to a contract with the district where the
student is a resident and shall collect tuition pursuant to the
contract.

(6) A school board may admit nonresident students to the
school district pursuant to the enrollment option program as
authorized by sections 79-232 to 79-246, and such admission shall be
without charge.

(7) A school board of any school district that is a
member of a learning community shall admit nonresident students to
the school district pursuant to the open enrollment provisions of a
diversity plan in a learning community as authorized by section
79-2110, and such admission shall be without charge.

(8) A school board may admit a student who is a resident
of another state to the school district and collect tuition in
advance at a rate determined by the school board.

(9) When a student as a ward of the state or as a ward of
any court (a) has been placed in a school district other than the
district in which he or she resided at the time he or she became a
ward and such ward does not reside in a foster family home licensed
or approved by the Department of Health and Human Services or a
foster home maintained or used pursuant to section 83-108.04 or (b) has been placed in any institution which maintains a special education program which has been approved by the State Department of Education and such institution is not owned or operated by the district in which he or she resided at the time he or she became a ward, the cost of his or her education and the required transportation costs associated with the student's education shall be paid by the state, but not in advance, to the receiving school district or approved institution under rules and regulations prescribed by the Department of Health and Human Services and the student shall remain a resident of the district in which he or she resided at the time he or she became a ward. Any student who is a ward of the state or a ward of any court who resides in a foster family home licensed or approved by the Department of Health and Human Services or a foster home maintained or used pursuant to section 83-108.04 shall be deemed a resident of the district in which he or she resided at the time he or she became a foster child, unless it is determined under section 43-1311 or 43-1312 that he or she will not attend such district in which case he or she shall be deemed a resident of the district in which the foster family home or foster home is located.

(10)(a) When a student is not a ward of the state or a ward of any court and is residing in a residential setting located in Nebraska for reasons other than to receive an education and the residential setting is operated by a service provider which is
certified or licensed by the Department of Health and Human Services
or is enrolled in the medical assistance program established pursuant
to the Medical Assistance Act and Title XIX or XXI of the federal
Social Security Act, as amended, the student shall remain a resident
of the district in which he or she resided immediately prior to
residing in such residential setting. The resident district for a
student who is not a ward of the state or a ward of any court does
not change when the student moves from one residential setting to
another.

(b) If a student is residing in a residential setting as
described in subdivision (10)(a) of this section and such residential
setting does not maintain an interim-program school as defined in
section 79-1119.01 or an approved or accredited school, the resident
school district shall contract with the district in which such
residential setting is located for the provision of all educational
services, including all special education services and support
services as defined in section 79-1125.01, unless a parent or
guardian and the resident school district agree that an appropriate
education will be provided by the resident school district while the
student is residing in such residential setting. If the resident
school district is required to contract, the district in which such
residential setting is located shall contract with the resident
district and provide all educational services, including all special
education services, to the student. If the two districts cannot agree
on the amount of the contract, the State Department of Education
shall determine the amount to be paid by the resident district to the
district in which such residential setting is located based on the
needs of the student, approved special education rates, the
department's general experience with special education budgets, and
the cost per student in the district in which such residential
setting is located. Once the contract has been entered into, all
legal responsibility for special education and related services shall
be transferred to the school district in which the residential
setting is located.

(c) If a student is residing in a residential setting as
described in subdivision (10)(a) of this section and such residential
setting maintains an interim-program school as defined in section
79-1119.01 or an approved or accredited school, the department shall
reimburse such residential setting for the provision of all
educational services, including all special education services and
support services, with the amount of payment for all educational
services determined pursuant to the average per pupil cost of the
service agency as defined in section 79-1116. The resident school
district shall retain responsibility for such student's
individualized education plan, if any. The educational services may
be provided through (i) such interim-program school or approved or
accredited school, (ii) a contract between the residential setting
and the school district in which such residential setting is located,
(iii) a contract between the residential setting and another service
agency as defined in section 79-1124, or (iv) a combination of such
educational service providers.

(d) If a school district pays a school district in which a residential setting is located for educational services provided pursuant to subdivision (10)(b) of this section and it is later determined that a different school district was the resident school district for such student at the time such educational services were provided, the school district that was later determined to be the resident school district shall reimburse the school district that initially paid for the educational services one hundred ten percent of the amount paid.

(e) A student residing in a residential setting described in this subsection shall be defined as a student with a handicap pursuant to Article VII, section 11, of the Constitution of Nebraska, and as such the state and any political subdivision may contract with institutions not wholly owned or controlled by the state or any political subdivision to provide the educational services to the student if such educational services are nonsectarian in nature.

(11) In the case of any individual under eighteen years of age or younger who is a ward of the state or any court and who is placed in a county detention home established under section 43-2,110, the cost of his or her education shall be paid by the state, regardless of the district in which he or she resided at the time he or she became a ward, to the agency or institution which: (a) Is selected by the county board with jurisdiction over such detention home; (b) has agreed or contracted with such county board to provide
educational services; and (c) has been approved by the State Department of Education pursuant to rules and regulations prescribed by the State Board of Education.

(12) No tuition shall be charged for students who may be by law allowed to attend the school without charge.

(13) On a form prescribed by the State Department of Education, an adult with legal or actual charge or control of a student shall provide the name of the student, the name of the adult with legal or actual charge or control of the student, the address where the student is residing, and the telephone number and address where the adult may generally be reached during the school day. If the student is homeless or if the adult does not have a telephone number and address where he or she may generally be reached during the school day, those parts of the form may be left blank and a box may be marked acknowledging that these are the reasons these parts of the form were left blank. The adult with legal or actual charge or control of the student shall also sign the form.

(14) The department may adopt and promulgate rules and regulations to carry out the department's responsibilities under this section.

Sec. 100. Section 79-267, Revised Statutes Cumulative Supplement, 2012, is amended to read:

79-267 The following student conduct shall constitute grounds for long-term suspension, expulsion, or mandatory reassignment, subject to the procedural provisions of the Student
Discipline Act, when such activity occurs on school grounds, in a vehicle owned, leased, or contracted by a school being used for a school purpose or in a vehicle being driven for a school purpose by a school employee or by his or her designee, or at a school-sponsored activity or athletic event:

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

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

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

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

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

(6) Engaging in the unlawful possession, selling, dispensing, or use of a controlled substance or an imitation controlled substance, as defined in section 28-401, a substance
represented to be a controlled substance, or alcoholic liquor as
defined in section 53-103.02 or being under the influence of a
controlled substance or alcoholic liquor;

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

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

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

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

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

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

Sec. 101. Section 79-296, Reissue Revised Statutes of Nebraska, is amended to read:

79-296 (1) In addition to the penalties provided in the Uniform Controlled Substances Act and section 79-267, any person under nineteen years of age who is a student at any public elementary, secondary, or postsecondary educational institution in this state who possesses, dispenses, delivers, or administers anabolic steroids as defined in section 28-401 in violation of the Uniform Controlled Substances Act may be prohibited from participating in any extracurricular activities for not more than thirty consecutive days for the first offense. For the second or any subsequent offense, the student may be barred from participation in such activities for any period of time the institution deems appropriate pursuant to the written policy of the institution.

(2) Any sanction imposed pursuant to this section shall be in accordance with a written policy of the institution. The institution shall post the written policy in a conspicuous place and shall make a copy of the policy available to any student upon request.

Sec. 102. Section 79-1003, Revised Statutes Cumulative Supplement, 2012, is amended to read:
For purposes of the Tax Equity and Educational Opportunities Support Act:

(1) Adjusted general fund operating expenditures means
(a) for school fiscal years 2010-11 through 2012-13, the difference of the general fund operating expenditures as calculated pursuant to subdivision (22) of this section increased by, or for aid calculated for school fiscal year 2010-11 multiplied by, the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, elementary class size allowance, summer school allowance, instructional time allowance, teacher education allowance, and focus school and program allowance, and (b) for school fiscal year 2013-14 and each school fiscal year thereafter, the difference of the general fund operating expenditures as calculated pursuant to subdivision (22) of this section increased by the cost growth factor calculated pursuant to section 79-1007.10, minus the transportation allowance, special receipts allowance, poverty allowance, limited English proficiency allowance, distance education and telecommunications allowance, elementary site allowance, summer school allowance, instructional time allowance, teacher education allowance, and focus school and program allowance;

(2) Adjusted valuation means the assessed valuation of taxable property of each local system in the state, adjusted pursuant
to the adjustment factors described in section 79-1016. Adjusted valuation means the adjusted valuation for the property tax year ending during the school fiscal year immediately preceding the school fiscal year in which the aid based upon that value is to be paid. For purposes of determining the local effort rate yield pursuant to section 79-1015.01, adjusted valuation does not include the value of any property which a court, by a final judgment from which no appeal is taken, has declared to be nontaxable or exempt from taxation;

(3) Allocated income tax funds means the amount of assistance paid to a local system pursuant to section 79-1005.01 as adjusted by the minimum levy adjustment pursuant to section 79-1008.02;

(4) Average daily membership means the average daily membership for grades kindergarten through twelve attributable to the local system, as provided in each district's annual statistical summary, and includes the proportionate share of students enrolled in a public school instructional program on less than a full-time basis;

(5) Base fiscal year means the first school fiscal year following the school fiscal year in which the reorganization or unification occurred;

(6) Board means the school board of each school district;

(7) Categorical funds means funds limited to a specific purpose by federal or state law, including, but not limited to, Title I funds, Title VI funds, federal vocational education funds, federal school lunch funds, Indian education funds, Head Start funds, and
funds from the Education Innovation Fund. Categorical funds does not include funds received pursuant to section 79-1028.02 or 79-1028.04;

(8) Consolidate means to voluntarily reduce the number of school districts providing education to a grade group and does not include dissolution pursuant to section 79-498;

(9) Converted contract means an expired contract that was in effect for at least fifteen school years beginning prior to school year 2012-13 for the education of students in a nonresident district in exchange for tuition from the resident district when the expiration of such contract results in the nonresident district educating students, who would have been covered by the contract if the contract were still in effect, as option students pursuant to the enrollment option program established in section 79-234;

(10) Converted contract option student means a student who will be an option student pursuant to the enrollment option program established in section 79-234 for the school fiscal year for which aid is being calculated and who would have been covered by a converted contract if the contract were still in effect and such school fiscal year is the first school fiscal year for which such contract is not in effect;

(11) Department means the State Department of Education;

(12) District means any Class I, II, III, IV, V, or VI school district and, beginning with the calculation of state aid for school fiscal year 2011-12 and each school fiscal year thereafter, a unified system as defined in section 79-4,108;
(13) ensuing school fiscal year means the school fiscal year following the current school fiscal year;
(14) equalization aid means the amount of assistance calculated to be paid to a local system pursuant to sections 79-1007.11 to 79-1007.23, 79-1008.01 to 79-1022, 79-1022.02, 79-1028.02, and 79-1028.04;
(15) fall membership means the total membership in kindergarten through grade twelve attributable to the local system as reported on the fall school district membership reports for each district pursuant to section 79-528;
(16) fiscal year means the state fiscal year which is the period from July 1 to the following June 30;
(17) formula students means:
  (a) for state aid certified pursuant to section 79-1022, the sum of the product of fall membership from the school fiscal year immediately preceding the school fiscal year in which the aid is to be paid multiplied by the average ratio of average daily membership to fall membership for the second school fiscal year immediately preceding the school fiscal year in which the aid is to be paid and the prior two school fiscal years plus sixty percent of the qualified early childhood education fall membership plus tuitioned students from the school fiscal year immediately preceding the school fiscal year in which aid is to be paid minus the product of the number of students enrolled in kindergarten that is not full-day kindergarten from the fall membership multiplied by 0.5; and
(b) For the final calculation of state aid pursuant to section 79-1065, the sum of average daily membership plus sixty percent of the qualified early childhood education average daily membership plus tuitioned students minus the product of the number of students enrolled in kindergarten that is not full-day kindergarten from the average daily membership multiplied by 0.5 from the school fiscal year immediately preceding the school fiscal year in which aid was paid;

(18) Free lunch and free milk student means a student who qualified for free lunches or free milk from the most recent data available on November 1 of the school fiscal year immediately preceding the school fiscal year in which aid is to be paid;

(19) Full-day kindergarten means kindergarten offered by a district for at least one thousand thirty-two instructional hours;

(20) General fund budget of expenditures means the total budget of disbursements and transfers for general fund purposes as certified in the budget statement adopted pursuant to the Nebraska Budget Act, except that for purposes of the limitation imposed in section 79-1023 and the calculation pursuant to subdivision (2) of section 79-1027.01, the general fund budget of expenditures does not include any special grant funds, exclusive of local matching funds, received by a district;

(21) General fund expenditures means all expenditures from the general fund;

(22) General fund operating expenditures means:
LB 355

(a) For state aid calculated for school fiscal years 2010-11 and 2011-12, as reported on the annual financial report for the second school fiscal year immediately preceding the school fiscal year in which aid is to be paid, the total general fund expenditures minus (i) the amount of all receipts to the general fund, to the extent that such receipts are not included in local system formula resources, from early childhood education tuition, summer school tuition, educational entities as defined in section 79-1201.01 for providing distance education courses through the Educational Service Unit Coordinating Council to such educational entities, private foundations, individuals, associations, charitable organizations, the textbook loan program authorized by section 79-734, federal impact aid, and levy override elections pursuant to section 77-3444, (ii) the amount of expenditures for categorical funds, tuition paid, transportation fees paid to other districts, adult education, community services, redemption of the principal portion of general fund debt service, retirement incentive plans authorized by section 79-855, and staff development assistance authorized by section 79-856, (iii) the amount of any transfers from the general fund to any bond fund and transfers from other funds into the general fund, (iv) any legal expenses in excess of fifteen-hundredths of one percent of the formula need for the school fiscal year in which the expenses occurred, (v) expenditures to pay for sums agreed to be paid by a school district to certificated employees in exchange for a voluntary termination occurring prior to July 1, 2009, and (vi)(A)
expenditures in school fiscal years 2009-10 through 2013-14 to pay
for employer contributions pursuant to subsection (2) of section
79-958 to the School Employees Retirement System of the State of
Nebraska to the extent that such expenditures exceed the employer
contributions under such subsection that would have been made at a
collection rate of seven and thirty-five hundredths percent or (B)
expenditures in school fiscal years 2009-10 through 2013-14 to pay
for school district contributions pursuant to subdivision (1)(c)(i)
of section 79-9,113 to the retirement system established pursuant to
the Class V School Employees Retirement Act to the extent that such
expenditures exceed the school district contributions under such
subdivision that would have been made at a contribution rate of seven
and thirty-seven hundredths percent; and

(b) For state aid calculated for school fiscal years
2012-13 and each school fiscal year thereafter, as reported on the
annual financial report for the second school fiscal year immediately
preceding the school fiscal year in which aid is to be paid, the
total general fund expenditures minus (i) the amount of all receipts
to the general fund, to the extent that such receipts are not
included in local system formula resources, from early childhood
education tuition, summer school tuition, educational entities as
defined in section 79-1201.01 for providing distance education
courses through the Educational Service Unit Coordinating Council to
such educational entities, private foundations, individuals,
associations, charitable organizations, the textbook loan program
authorized by section 79-734, federal impact aid, and levy override
elections pursuant to section 77-3444, (ii) the amount of
expenditures for categorical funds, tuition paid, transportation fees
paid to other districts, adult education, community services,
redemption of the principal portion of general fund debt service,
retirement incentive plans authorized by section 79-855, and staff
development assistance authorized by section 79-856, (iii) the amount
of any transfers from the general fund to any bond fund and transfers
from other funds into the general fund, (iv) any legal expenses in
excess of fifteen-hundredths of one percent of the formula need for
the school fiscal year in which the expenses occurred, (v)
expenditures to pay for sums agreed to be paid by a school district
to certificated employees in exchange for a voluntary termination
occurring prior to July 1, 2009, or occurring on or after the last
day of the 2010-11 school year and prior to the first day of the
2013-14 school year, (vi)(A) expenditures in school fiscal years
2009-10 through 2016-17 to pay for employer contributions pursuant to
subsection (2) of section 79-958 to the School Employees Retirement
System of the State of Nebraska to the extent that such expenditures
exceed the employer contributions under such subsection that would
have been made at a contribution rate of seven and thirty-five
hundredths percent or (B) expenditures in school fiscal years 2009-10
through 2016-17 to pay for school district contributions pursuant to
subdivision (1)(c)(i) of section 79-9,113 to the retirement system
established pursuant to the Class V School Employees Retirement Act
to the extent that such expenditures exceed the school district contributions under such subdivision that would have been made at a contribution rate of seven and thirty-seven hundredths percent, and (vii) any amounts paid by the district for lobbyist fees and expenses reported to the Clerk of the Legislature pursuant to section 49-1483.

For purposes of this subdivision (22) of this section, receipts from levy override elections shall equal ninety-nine percent of the difference of the total general fund levy minus a levy of one dollar and five cents per one hundred dollars of taxable valuation multiplied by the assessed valuation for school districts that have voted pursuant to section 77-3444 to override the maximum levy provided pursuant to section 77-3442;

(23) High school district means a school district providing instruction in at least grades nine through twelve;

(24) Income tax liability means the amount of the reported income tax liability for resident individuals pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(25) Income tax receipts means the amount of income tax collected pursuant to the Nebraska Revenue Act of 1967 less all nonrefundable credits earned and refunds made;

(26) Limited English proficiency students means the number of students with limited English proficiency in a district from the most recent data available on November 1 of the school fiscal year preceding the school fiscal year in which aid is to be
paid plus the difference of such students with limited English
proficiency minus the average number of limited English proficiency
students for such district, prior to such addition, for the three
immediately preceding school fiscal years if such difference is
greater than zero;

(27) Local system means a learning community for purposes
of calculation of state aid for the second full school fiscal year
after becoming a learning community and each school fiscal year
thereafter, a unified system, a Class VI district and the associated
Class I districts, or a Class II, III, IV, or V district and any
affiliated Class I districts or portions of Class I districts. The
membership, expenditures, and resources of Class I districts that are
affiliated with multiple high school districts will be attributed to
local systems based on the percent of the Class I valuation that is
affiliated with each high school district;

(28) Low-income child means a child under nineteen
eighteen years of age living in a household having an annual adjusted
gross income for the second calendar year preceding the beginning of
the school fiscal year for which aid is being calculated equal to or
less than the maximum household income that would allow a student
from a family of four people to be a free lunch and free milk student
during the school fiscal year immediately preceding the school fiscal
year for which aid is being calculated;

(29) Low-income students means the number of low-income
children within the district multiplied by the ratio of the formula
students in the district divided by the total children under nineteen
eighteen years of age residing in the district as derived from income
tax information;

(30) Most recently available complete data year means the
most recent single school fiscal year for which the annual financial
report, fall school district membership report, annual statistical
summary, Nebraska income tax liability by school district for the
calendar year in which the majority of the school fiscal year falls,
and adjusted valuation data are available;

(31) Poverty students means the number of low-income
students or the number of students who are free lunch and free milk
students in a district plus the difference of the number of low-
income students or the number of students who are free lunch and free
milk students in a district, whichever is greater, minus the average
number of poverty students for such district, prior to such addition,
for the three immediately preceding school fiscal years if such
difference is greater than zero;

(32) Qualified early childhood education average daily
membership means the product of the average daily membership for
school fiscal year 2006-07 and each school fiscal year thereafter of
students who will be eligible to attend kindergarten the following
school year and are enrolled in an early childhood education program
approved by the department pursuant to section 79-1103 for such
school district for such school year multiplied by the ratio of the
actual instructional hours of the program divided by one thousand
thirty-two if: (a) The program is receiving a grant pursuant to such
section for the third year; (b) the program has already received
grants pursuant to such section for three years; or (c) the program
has been approved pursuant to subsection (5) of section 79-1103 for
such school year and the two preceding school years, including any
such students in portions of any of such programs receiving an
expansion grant;

(33) Qualified early childhood education fall membership
means the product of membership on the last Friday in September 2006
and each year thereafter of students who will be eligible to attend
kindergarten the following school year and are enrolled in an early
childhood education program approved by the department pursuant to
section 79-1103 for such school district for such school year
multiplied by the ratio of the planned instructional hours of the
program divided by one thousand thirty-two if: (a) The program is
receiving a grant pursuant to such section for the third year; (b)
the program has already received grants pursuant to such section for
three years; or (c) the program has been approved pursuant to
subsection (5) of section 79-1103 for such school year and the two
preceding school years, including any such students in portions of
any of such programs receiving an expansion grant;

(34) Regular route transportation means the
transportation of students on regularly scheduled daily routes to and
from the attendance center;

(35) Reorganized district means any district involved in
a consolidation and currently educating students following consolidation;

(36) School year or school fiscal year means the fiscal year of a school district as defined in section 79-1091;

(37) Sparse local system means a local system that is not a very sparse local system but which meets the following criteria:

(a)(i) Less than two students per square mile in the county in which each high school is located, based on the school district census, (ii) less than one formula student per square mile in the local system, and (iii) more than ten miles between each high school attendance center and the next closest high school attendance center on paved roads;

(b)(i) Less than one and one-half formula students per square mile in the local system and (ii) more than fifteen miles between each high school attendance center and the next closest high school attendance center on paved roads;

(c)(i) Less than one and one-half formula students per square mile in the local system and (ii) more than two hundred seventy-five square miles in the local system; or

(d)(i) Less than two formula students per square mile in the local system and (ii) the local system includes an area equal to ninety-five percent or more of the square miles in the largest county in which a high school attendance center is located in the local system;

(38) Special education means specially designed
kindergarten through grade twelve instruction pursuant to section 79-1125, and includes special education transportation;

(39) Special grant funds means the budgeted receipts for grants, including, but not limited to, categorical funds, reimbursements for wards of the court, short-term borrowings including, but not limited to, registered warrants and tax anticipation notes, interfund loans, insurance settlements, and reimbursements to county government for previous overpayment. The state board shall approve a listing of grants that qualify as special grant funds;

(40) State aid means the amount of assistance paid to a district pursuant to the Tax Equity and Educational Opportunities Support Act;

(41) State board means the State Board of Education;

(42) State support means all funds provided to districts by the State of Nebraska for the general fund support of elementary and secondary education;

(43) Statewide average basic funding per formula student means the statewide total basic funding for all districts divided by the statewide total formula students for all districts;

(44) Statewide average general fund operating expenditures per formula student means the statewide total general fund operating expenditures for all districts divided by the statewide total formula students for all districts;

(45) Teacher has the definition found in section 79-101;
(46) Temporary aid adjustment factor means (a) for school fiscal years before school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, the local system's special receipts allowance, and the product of the local system's adjusted formula students multiplied by the average formula cost per student in the local system's cost grouping and (b) for school fiscal year 2007-08, one and one-fourth percent of the sum of the local system's transportation allowance, special receipts allowance, and distance education and telecommunications allowance and the product of the local system's adjusted formula students multiplied by the average formula cost per student in the local system's cost grouping;

(47) Tuition receipts from converted contracts means tuition receipts received by a district from another district in the most recently available complete data year pursuant to a converted contract prior to the expiration of the contract;

(48) Tuitioned students means students in kindergarten through grade twelve of the district whose tuition is paid by the district to some other district or education agency; and

(49) Very sparse local system means a local system that has:

(a)(i) Less than one-half student per square mile in each county in which each high school attendance center is located based on the school district census, (ii) less than one formula student per square mile in the local system, and (iii) more than fifteen miles
between the high school attendance center and the next closest high
school attendance center on paved roads; or

(b)(i) More than four hundred fifty square miles in the
local system, (ii) less than one-half student per square mile in the
local system, and (iii) more than fifteen miles between each high
school attendance center and the next closest high school attendance
center on paved roads.

Sec. 103. Section 80-403, Reissue Revised Statutes of
Nebraska, is amended to read:

80-403 (1) All money disbursed through the Director of
Veterans' Affairs shall be expended by him or her in furnishing food,
shelter, fuel, wearing apparel, or medical or surgical aid or in
assisting with the funeral expenses of discharged veterans who come
within one of the classes described in subsection (2) or (3) of this
section.

(2) Such aid shall be provided upon application to
veterans as defined in section 80-401.03, their widows, widowers,
spouses, and their children age eighteen—or younger or
until age twenty-three if attending school full time, and at any age
if the child was permanently incapable of self-support at age
eighteen—or (a) who are legal residents of this state on the
date of such application and (b) who may be in need of such aid.

(3) In cases in which an eligible veteran or widow or
widower dies leaving no next of kin to apply for payment of expenses
of last illness and burial, a recognized veterans organization or a
county veterans service officer may apply, on behalf of the deceased, for assistance in paying such expenses. All such payments shall be made by the director. There may be expended, for purposes other than those set forth in this section, such sum or sums as may be specifically appropriated by the Legislature for such purposes.

Sec. 104. Section 81-6,120, Revised Statutes Cumulative Supplement, 2012, is amended to read:

81-6,120 (1) No individual who has been convicted of a felony or of any crime involving moral turpitude, or who has been charged with or indicted for a felony or crime involving moral turpitude and there has been no final resolution of the prosecution of the crime, shall provide transportation services under contract with the Department of Health and Human Services, whether as an employee or as a volunteer, for vulnerable adults as defined in section 28-371 or for persons under nineteen eighteen years of age.

(2) In order to assure compliance with subsection (1) of this section, any individual who will be providing such transportation services to such vulnerable adults or persons under nineteen eighteen years of age and any individual who is providing such services on August 30, 2009, shall be subject to a national criminal history record information check by the Department of Health and Human Services through the Nebraska State Patrol.

(3) In addition to the national criminal history record information check required in subsection (2) of this section, all individuals employed to provide transportation services under
contract with the Department of Health and Human Services to
vulnerable adults or persons under nineteen eighteen years of age
shall submit to a national criminal history record information check
every two years during the period of such employment.

(4) Individuals shall submit two full sets of
typeprints to the Nebraska State Patrol to be submitted to the
Federal Bureau of Investigation for the national criminal history
record information check required under this section. The individual
shall pay the actual cost of fingerprinting and the national criminal
history record information check.

(5)(a) Individuals shall authorize release of the results
and contents of a national criminal history record information check
under this section to the employer and the Department of Health and
Human Services as provided in this section.

(b) The Nebraska State Patrol shall not release the
contents of a national criminal history record information check
under this section to the employer or the individual but shall only
indicate in writing to the employer and the individual whether the
individual has a criminal record.

(c) The Nebraska State Patrol shall release the results
and the contents of a national criminal history record information
check under this section in writing to the department in accordance
with applicable federal law.

(6) The Department of Health and Human Services may
develop and implement policies that provide for administrative
exceptions to the prohibition in subsection (1) of this section, including, but not limited to, situations in which relatives of the vulnerable adult or person under nineteen eighteen years of age provide transportation services for such vulnerable adult or person under nineteen eighteen years of age or situations in which the circumstances of the crime or the elapsed time since the commission of the crime do not warrant the prohibition. Any decision made by the department regarding an administrative exception under this section is discretionary and is not appealable.

(7) An individual who does not comply with this section is guilty of a Class V misdemeanor.

Sec. 105. Section 81-885.13, Reissue Revised Statutes of Nebraska, is amended to read:

81-885.13 (1) No broker's or salesperson's license shall be issued to any person who has not attained the age of nineteen eighteen years. No broker's or salesperson's license shall be issued to any person who is not a high school graduate or the holder of a certificate of high school equivalency.

(2) Each applicant for a salesperson's license shall furnish evidence that he or she has completed two courses in real estate subjects, approved by the commission, composed of not less than sixty class hours of study or, in lieu thereof, courses delivered in a distance education format approved by the commission.

(3) Each applicant for a broker's license shall either (a) have first served actively for two years as a licensed
salesperson or broker and shall furnish evidence of completion of sixty class hours in addition to the hours required by subsection (2) of this section in a course of study approved by the commission or, in lieu thereof, courses delivered in a distance education format approved by the commission, or (b) furnish a certificate that he or she has passed a course of at least eighteen credit hours in subjects related to real estate at an accredited university or college, or completed six courses in real estate subjects composed of not less than one hundred eighty class hours in a course of study approved by the commission or, in lieu thereof, courses delivered in a distance education format approved by the commission.

(4) Each applicant for a broker's license must pass a written examination covering generally the matters confronting real estate brokers, and each applicant for a salesperson's license must pass a written examination covering generally the matters confronting real estate salespersons. Such examination may be taken before the commission or any person designated by the commission. Failure to pass the examination shall be grounds for denial of a license without further hearing. The commission may prepare and distribute to licensees under the Nebraska Real Estate License Act informational material deemed of assistance in the conduct of their business.

(5) An applicant for an original broker's or salesperson's license shall be subject to fingerprinting and a check of his or her criminal history record information maintained by the Federal Bureau of Investigation through the Nebraska State Patrol.
Each applicant shall furnish to the Nebraska State Patrol a full set of fingerprints to enable a criminal background investigation to be conducted. The applicant shall request that the Nebraska State Patrol submit the fingerprints to the Federal Bureau of Investigation for a national criminal history record check. The applicant shall pay the actual cost, if any, of the fingerprinting and check of his or her criminal history record information. The applicant shall authorize release of the national criminal history record check to the commission. The criminal history record information check shall be completed within ninety days preceding the date the original application for a license is received in the commission's office, and if not, the application shall be returned to the applicant.

(6) Courses of study, referred to in subsections (2) and (3) of this section, shall include courses offered by private proprietary real estate schools when such courses are prescribed by the commission and are taught by instructors approved by the commission. The commission shall monitor schools offering approved real estate courses and for good cause shall have authority to suspend or withdraw approval of such courses or instructors.

Sec. 106. Section 81-1916, Reissue Revised Statutes of Nebraska, is amended to read:

81-1916 (1) Each applicant for a truth and deception examiner's license to operate a polygraph instrument shall submit to the Secretary of State a sworn affidavit that the applicant:

(a) Is at least nineteen eighteen years of age;
(b) Is a citizen of the United States and a resident of the State of Nebraska;

(c) Has not been under sentence for the commission of a felony within five years prior to such application, including parole, probation, or actual incarceration, and has never been convicted of a felony or a misdemeanor involving moral turpitude;

(d) Has an academic degree at the baccalaureate level from an accredited college or university, has at least four years of investigative experience at the federal, state, political subdivision, or private licensed investigator level immediately prior to application, or has had at least four years experience administering polygraph examinations;

(e) Has satisfactorily completed a minimum of two hundred fifty classroom hours of formal polygraph instructions from an institution recognized and approved by the secretary and satisfactorily completed not less than one year of internship training or its equivalent as approved by the secretary; and

(f) Has not previously had an examiner's license or its equivalent refused, revoked, or suspended, or otherwise invalidated for any cause which would also represent lawful grounds for revoking or denying the applicant's license under sections 81-1901 to 81-1936.

(2) Each applicant shall also:

(a) Furnish the secretary with satisfactory proof that he or she has had suitable experience in the personal administration of polygraph examinations during his or her internship or its
equivalent;

(b) Furnish the secretary with completed fingerprint cards, in duplicate, bearing the applicant's fingerprints and such other identifying information or certification as to the authenticity thereof as the secretary may reasonably require; and

(c) After satisfying all of the other requirements of this section, be required to satisfactorily pass a written examination regarding the polygraph, conducted by the secretary or under his or her supervision, given to determine competency to practice as an examiner.

Sec. 107. Section 81-1917, Revised Statutes Cumulative Supplement, 2012, is amended to read:

81-1917 (1) Each applicant for a truth and deception examiner's license to operate a voice stress analysis instrument shall submit to the Secretary of State a sworn affidavit that the applicant:

(a) Is at least nineteen years of age;

(b) Is a citizen of the United States and a resident of the State of Nebraska;

(c) Has not been under sentence for the commission of a felony within five years prior to application, including parole, probation, or actual incarceration, and has never been convicted of a felony or a misdemeanor involving moral turpitude;

(d) Has an academic degree at the baccalaureate level from an accredited college or university, has at least four years of
investigative experience at the federal, state, political subdivision, or private licensed investigator level immediately prior to application, or has had at least four years experience administering voice stress examinations;

(e) Has satisfactorily completed a minimum of sixty classroom hours of formal voice stress analysis instruction recognized and approved by the secretary and has satisfactorily completed at least one year of internship training or its equivalent as approved by the secretary; and

(f) Has not previously had an examiner's license or its equivalent refused or revoked, or otherwise invalidated for cause duly shown which would also represent lawful grounds for revoking or denying the applicant's license under the Licensing of Truth and Deception Examiners Act.

(2) Each applicant shall also:

(a) Provide the secretary with proof that the applicant has completed a course of study at a training facility approved pursuant to subdivision (e) of subsection (1) of this section;

(b) Furnish the secretary with satisfactory proof that he or she has had suitable experience in the personal administration of voice stress analysis examinations during his or her training course;

(c) Furnish the secretary with completed fingerprint cards, in duplicate, bearing the applicant's fingerprints and such other identifying information or certification as to the authenticity thereof as the secretary may reasonably require; and
(d) After satisfying all of the other requirements of this section, be required to satisfactorily pass a written examination regarding the voice stress analysis instruments, conducted by the secretary or under his or her supervision, given to determine competency to practice as an examiner.

Sec. 108. Section 81-1936, Reissue Revised Statutes of Nebraska, is amended to read:

81-1936 An applicant who is a truth and deception examiner licensed under laws of another state or territory of the United States may be issued an appropriate license by the secretary without examination if the secretary, in his or her discretion, determines the applicant has produced satisfactory proof that:

(1) He or she is at least nineteen years of age;
(2) He or she is of good moral character;
(3) The requirements for licensing of a truth and deception examiner in such state or territory of the United States were at the date of the applicant's licensing therein substantially equivalent to the requirements of sections 81-1901 to 81-1936;
(4) The applicant has lawfully engaged in the administration of truth and deception examinations under the laws of such state or territory for at least six months prior to the application for license;
(5) The other state or territory grants similar reciprocity to the license holders of this state;
(6) The applicant has complied with section 81-1930; and
(7) The applicant has paid the required fee.

Sec. 109. Section 81-2026, Revised Statutes Cumulative Supplement, 2012, is amended to read:

81-2026 (1)(a) Any officer qualified for an annuity as provided in section 81-2025 for reasons other than disability shall be entitled to receive a monthly annuity for the remainder of the officer's life. The annuity payments shall continue until the end of the calendar month in which the officer dies. The amount of the annuity shall be a percentage of the officer's final average monthly compensation. For retirement on or after the fifty-fifth birthday of the member or on or after the fiftieth birthday of a member who has been in the employ of the state for twenty-five years, as calculated in section 81-2033, the percentage shall be three percent multiplied by the number of years of creditable service, as calculated in section 81-2033, except that the percentage shall never be greater than seventy-five percent.

(b) For retirement pursuant to subsection (2) of section 81-2025 on or after the fiftieth birthday of the member but prior to the fifty-fifth birthday of the member who has been in the employ of the state for less than twenty-five years, as calculated in section 81-2033, the annuity which would apply if the member were age fifty-five at the date of retirement shall be reduced by five-ninths of one percent for each month by which the early retirement date precedes age fifty-five or for each month by which the early retirement date precedes the date upon which the member has served for twenty-five
years, whichever is earlier. Any officer who has completed thirty
years of creditable service with the Nebraska State Patrol shall have
retirement benefits computed as if the officer had reached age fifty-
five.

(c) For purposes of this computation, final average
monthly compensation shall mean the sum of the officer's total
compensation during the three twelve-month periods of service as an
officer in which compensation was the greatest divided by thirty-six,
and for any officer employed on or before January 4, 1979, the
officer's total compensation shall include payments received for
unused vacation and sick leave accumulated during the final three
years of service.

(2) Any officer qualified for an annuity as provided in
section 81-2025 for reasons of disability shall be entitled to
receive a monthly annuity for the remainder of the period of
disability as provided in sections 81-2028 to 81-2030. The amount of
the annuity shall be fifty percent of the officer's monthly
compensation at the date of disablement if the officer has completed
seventeen or fewer years of creditable service. If the officer has
completed more than seventeen years of creditable service, the amount
of the annuity shall be three percent of the final monthly
compensation at the date of disablement multiplied by the total years
of creditable service but not to exceed seventy-five percent of the
final average monthly compensation as defined in subsection (1) of
this section. The date of disablement shall be the date on which the
benefits as provided in section 81-2028 have been exhausted.

(3) Upon the death of an officer after retirement for reasons other than disability, benefits shall be provided as a percentage of the amount of the officer's annuity, calculated as follows:

(a) If there is a surviving spouse but no dependent child or children of the officer under nineteen eighteen years of age, the surviving spouse shall receive a benefit equal to seventy-five percent of the amount of the officer's annuity for the remainder of the surviving spouse's life;

(b) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen eighteen years of age and there is no other dependent child or children of the officer not in the care of the surviving spouse under nineteen eighteen years of age, the benefit shall be equal to one hundred percent of the officer's annuity. When there is no remaining dependent child of the officer under nineteen eighteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(c) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen eighteen years of age or there is another dependent child or children of the officer under nineteen eighteen years of age not in the care of the surviving spouse, the benefit
shall be twenty-five percent of the amount of the officer's annuity to the surviving spouse and seventy-five percent of the amount of the officer's annuity to the dependent children of the officer under nineteen-eighteen years of age to be divided equally among such dependent children but in no case shall the benefit received by a surviving spouse and dependent children residing with such spouse be less than fifty percent of the amount of the officer's annuity. At such time as any dependent child of the officer attains nineteen-eighteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen-eighteen years of age. When there is no remaining dependent child of the officer under nineteen-eighteen years of age, the benefit shall be seventy-five percent of the amount of the officer's annuity to the surviving spouse for the remainder of the surviving spouse's life;

(d) If there is no surviving spouse and a dependent child or children of the officer under nineteen-eighteen years of age, the benefit shall be equal to seventy-five percent of the officer's annuity to the dependent children of the officer under nineteen-eighteen years of age to be divided equally among such dependent children. At such time as any dependent child of the officer attains nineteen-eighteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen-eighteen years of age; and

(e) If there is no surviving spouse or no dependent child

-211-
or children of the officer under nineteen years of age, the amount of benefit such officer has received under the Nebraska State Patrol Retirement Act shall be computed. If such amount is less than the contributions to the State Patrol Retirement Fund made by such officer, plus regular interest, the difference shall be paid to the officer's designated beneficiary or estate.

(4) Upon the death of an officer after retirement for reasons of disability, benefits shall be provided as if the officer had retired for reasons other than disability.

(5) Upon the death of an officer before retirement, benefits shall be provided as if the officer had retired for reasons of disability on the date of such officer's death, calculated as follows:

(a) If there is a surviving spouse but no dependent child or children of the officer under nineteen years of age, the surviving spouse shall receive a benefit equal to seventy-five percent of the amount of the officer's annuity for the remainder of the surviving spouse's life;

(b) If there is a surviving spouse and the surviving spouse has in his or her care a dependent child or children of the officer under nineteen years of age and there is no other dependent child or children of the officer not in the care of the surviving spouse under nineteen years of age, the benefit shall be equal to one hundred percent of the officer's annuity. When there is no remaining dependent child of the officer under nineteen
eighteen years of age, the benefit shall be seventy-five percent of
the amount of the officer's annuity to the surviving spouse for the
remainder of the surviving spouse's life;

(c) If there is a surviving spouse and the surviving
spouse has in his or her care a dependent child or children of the
officer under nineteen eighteen years of age or there is another
dependent child or children of the officer under nineteen eighteen
years of age not in the care of the surviving spouse, the benefit
shall be twenty-five percent of the amount of the officer's annuity
to the surviving spouse and seventy-five percent of the amount of the
officer's annuity to the dependent children of the officer under
nineteen eighteen years of age to be divided equally among such
dependent children but in no case shall the benefit received by a
surviving spouse and dependent children residing with such spouse be
less than fifty percent of the amount of the officer's annuity. At
such time as any dependent child of the officer attains nineteen
eighteen years of age, the benefit shall be divided equally among the
remaining dependent children of the officer who have not yet attained
nineteen eighteen years of age. When there is no remaining dependent
child of the officer under nineteen eighteen years of age, the
benefit shall be seventy-five percent of the amount of the officer's
annuity to the surviving spouse for the remainder of the surviving
spouse's life;

(d) If there is no surviving spouse and a dependent child
or children of the officer under nineteen eighteen years of age, the
benefit shall be equal to seventy-five percent of the officer's annuity to the dependent children of the officer under nineteen eighteen years of age to be divided equally among such dependent children. At such time as any dependent child of the officer attains nineteen eighteen years of age, the benefit shall be divided equally among the remaining dependent children of the officer who have not yet attained nineteen eighteen years of age; and

(e) If no benefits are paid to a surviving spouse or dependent child or children of the officer, benefits will be paid as described in subsection (1) of section 81-2031.

(6) A lump-sum death benefit paid to the member's beneficiary, other than the member's estate, that is an eligible distribution may be distributed in the form of a direct transfer to a retirement plan eligible to receive such transfer under the provisions of the Internal Revenue Code.

(7) For any member whose death occurs on or after January 1, 2007, while performing qualified military service as defined in section 414(u) of the Internal Revenue Code, the member's beneficiary shall be entitled to any additional death benefit that would have been provided, other than the accrual of any benefit relating to the period of qualified military service. The additional death benefit shall be determined as if the member had returned to employment with the Nebraska State Patrol and such employment had terminated on the date of the member's death.

(8) Any changes made to this section by Laws 2004, LB
1097, shall apply only to retirements, disabilities, and deaths occurring on or after July 16, 2004.

Sec. 110. Section 81-2036, Reissue Revised Statutes of Nebraska, is amended to read:

81-2036 After the adjustment prescribed in section 81-2035 is made, any annuity paid pursuant to sections 81-2014 to 81-2034 to any officer or surviving spouse qualified to receive such payment shall be adjusted on May 27, 1989, to reflect changes in the cost of living and wage levels which have occurred subsequent to the date of retirement up to an annuity total amount equal to five thousand nine hundred eighty dollars for a one-member family unit. For each additional member of the family unit the amount shall be increased by two thousand forty dollars. The annuity shall be adjusted to reflect any changes in the family unit when the change occurs. A change in the family unit after retirement occurs (1) upon the death of the officer, (2) upon the death of the spouse or a dependent child, (3) upon the birth of a dependent child, (4) upon the divorce of the officer and his or her spouse, (5) when the officer no longer provides support for a dependent child, and (6) when a dependent child becomes nineteen eighteen years of age. Each officer or surviving spouse whose annuity is adjusted pursuant to this section shall file an annual report with the retirement system, on a form prescribed by the Public Employees Retirement Board, to verify the size of the family unit. For purposes of this section, family unit shall include the officer, his or her spouse at the time
of retirement, the officer's legal dependent children under nineteen
eighteen years of age, and the officer's dependent handicapped
children.

Sec. 111. Section 83-383, Reissue Revised Statutes of
Nebraska, is amended to read:

83-383 (1) An application for admission shall be made in
writing by one of the following persons:

(a) If the person applying for admission has a court-
appointed guardian, the application shall be made by the guardian;
and

(b) If the person applying for admission does not have a
court-appointed guardian and has not reached the age of majority, as
established by section 43-2101, as such section may from time to time
be amended, the application shall be made by both parents if they are
living together or by the parent having custody of such person if
both parents are not then living or are not then living together.

(2) The county court of the county of residence of any
person with mental retardation or the county court of the county in
which a state residential facility is located shall have authority to
appoint a guardian for any person with mental retardation upon the
petition of the husband, wife, parent, person standing in loco
parentis to such person, a county attorney, or any authorized
official of the department. If the guardianship proceedings are
initiated by an official of the department, the costs thereof may be
taxed to and paid by the department if the person with mental
retardation is without means to pay the costs. The department shall
pay such costs upon presentation of a proper claim by the judge of
the county court in which the proceedings were initiated. The costs
of such proceedings shall include court costs, attorneys' fees,
sheriffs' fees, psychiatric fees, and other necessary expenses of the
guardianship.

Sec. 112. Section 83-388, Reissue Revised Statutes of
Nebraska, is amended to read:

83-388 No person admitted to a residential facility upon
the application of his or her parent or parents shall be detained in
a residential facility after attaining the age of majority as
established by section 43-2101, as such section may from time to time
be amended, unless a guardian for such person makes an application
for continued residence for such person in the facility under section
83-383 or such person is committed as provided by law for involuntary
commitments.

Sec. 113. This act becomes operative on January 1, 2014.

Sec. 114. Original sections 2-1207, 8-2602, 9-255.06,
9-255.09, 9-334, 9-633, 9-646, 9-810, 9-814, 9-823, 9-826, 13-317,
20-403, 21-1724, 21-1781, 23-1213.01, 23-1824, 25-1601, 28-319,
28-320.01, 28-457, 28-833, 29-2270, 30-2412, 30-2603, 30-3402,
30-3502, 38-165, 38-1710, 38-2421, 38-3122, 42-371.01, 43-104.09,
43-117.01, 43-284.02, 43-289, 43-290, 43-294, 43-504, 43-2721,
43-3703, 44-7,103, 44-4053, 44-5238, 48-122.01, 48-124, 49-801,
53-168.06, 53-181, 53-1,122, 60-4,120.01, 60-6,157, 60-6,340,
Sec. 115. The following sections are outright repealed:
Sections 44-706.01 and 71-826, Reissue Revised Statutes of Nebraska, and section 43-2101, Revised Statutes Cumulative Supplement, 2012.