

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 848

Introduced by Pansing Brooks, 28.

Read first time January 08, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to courts, to amend sections 15-1203, 16-729,
2 24-303, 24-729, 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02,
3 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303,
4 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521,
5 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635, 25-1912,
6 25-21,212, 25-21,228, 25-2205, 25-2207, 25-2208, 25-2211, 25-2213,
7 25-2234, 25-2704, 25-2706, 25-2707, 25-2731, 28-814, 29-1302,
8 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001,
9 29-2023, 29-2315.01, 29-2407, 29-2413, 29-3903, 30-2429.01, 30-2488,
10 31-320, 31-329, 32-1412, 33-106.01, 33-106.02, 33-131, 33-140.03,
11 35-102, 42-372.02, 43-102, 43-2,113, 44-2006, 48-1119, 76-717,
12 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised
13 Statutes of Nebraska, and sections 25-410, 25-21,271, 25-2209,
14 25-2721, 25-3401, 30-2608, 33-106, 37-1283, 42-364, 44-4828, 50-406,
15 60-166, and 71-6903, Revised Statutes Cumulative Supplement, 2014,
16 and sections 29-4007 and 43-2,108, Revised Statutes Supplement,
17 2015; to define terms; to change and eliminate record and recording
18 requirements and change terminology; to provide for, change, and
19 eliminate provisions relating to retention and disposition of
20 records; to change provisions relating to the duties of court
21 clerks; to eliminate a filing requirement for volunteer fire
22 departments; to provide a duty for the State Court Administrator; to
23 harmonize provisions; to repeal the original sections; and to

1 outright repeal sections 24-337, 24-348, 25-1322, 25-2210,
2 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised Statutes of
3 Nebraska, and sections 25-1319, 25-1320, and 25-1321, Revised
4 Statutes Cumulative Supplement, 2014.

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

1 Section 1. Section 15-1203, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 15-1203 (1) Except as provided in subsection (2) of this section,
4 the city clerk, on payment to him or her of the costs of the transcript,
5 shall transmit within fifteen days to the clerk of the district court the
6 filing ~~docket~~ fee and a certified and complete transcript of the
7 proceedings of the city relating to the order or decision appealed. After
8 receipt of such fee and transcript, the clerk of the district court shall
9 file ~~docket~~ the appeal.

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

16 Sec. 2. Section 16-729, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 16-729 The clerk, upon such appeal being taken and being paid the
19 proper fees therefor, including fees for filing the same in the district
20 court, shall make out a transcript of the proceedings of the council,
21 mayor, and other officers as relate to the presentation and allowance or
22 disallowance of such claim and shall file it with the clerk of the
23 district court within thirty days after the decision allowing or
24 disallowing the claim and paying the proper commencement fees. Such
25 appeal shall be entered on the record ~~docket~~ of the court, tried, and
26 determined and costs awarded thereon in the manner provided in sections
27 25-1901 to 25-1937. No appeal bond shall be required of the city by any
28 court in the case of an appeal by the city, and judgment shall be stayed
29 pending such appeal.

30 Sec. 3. Section 24-303, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 24-303 (1) The judges of the district court shall, the last two
2 months in each year, fix the time of holding terms of court in the
3 counties composing their respective districts during the ensuing year,
4 and cause the same to be published throughout the district, if the same
5 can be done without expense. All jury terms of the district court shall
6 be held at the county seat in the courthouse, or other place provided by
7 the county board, but nothing herein contained shall preclude the
8 district court, or a judge thereof, from rendering a judgment or other
9 final order or from directing the entry thereof in any cause, in any
10 county other than where such cause is pending, where the trial or hearing
11 upon which such judgment or other final order is rendered took place in
12 the county in which such cause is pending. Terms of court may be held at
13 the same time in different counties in the same judicial district, by the
14 judge of the district court thereof, if there be more than one, and upon
15 request of the judge or judges of such court, any term in such district
16 may be held by a judge of the district court of any other district of the
17 state. The Supreme Court may order the assignment of judges of the
18 district court to other districts whenever it shall appear that their
19 services are needed to relieve a congested trial docket calendar or to
20 adjust judicial case loads, or on account of the disqualification,
21 absence, disability, or death of a judge, or for other adequate cause.
22 When necessary, a term of the district court sitting in any county may be
23 continued into and held during the time fixed for holding such court in
24 any other county within the district, or may be adjourned and held beyond
25 such time.

26 (2) All nonevidentiary hearings, and any evidentiary hearings
27 approved by the district court and by stipulation of all parties that
28 have filed an appearance, may be heard by the court telephonically or by
29 videoconferencing or similar equipment at any location within the
30 judicial district as ordered by the court and in a manner that ensures
31 the preservation of an accurate record. Such hearings shall not include

1 trials before a jury. Hearings conducted in this manner shall be
2 consistent with the public's access to the courts.

3 Sec. 4. Section 24-729, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 24-729 The Supreme Court of Nebraska is empowered, with the consent
6 of the retired judge, (1) to assign judges of the Supreme Court, Court of
7 Appeals, and district court who are now retired or who may be retired
8 hereafter to (a) sit in any court in the state to relieve congested trial
9 dockets or to prevent the trial docket of such court from becoming
10 congested or (b) sit for the judge of any court who may be incapacitated
11 or absent for any reason whatsoever and (2) to assign any judge of the
12 separate juvenile court, county court, or Nebraska Workers' Compensation
13 Court who is now retired or who may be retired hereafter to (a) sit in
14 any court having the same jurisdiction as one in which any such judge may
15 have previously served to relieve congested trial dockets or to prevent
16 the trial docket of any such court from becoming congested or (b) sit for
17 the judge of any such court who may be incapacitated or absent for any
18 reason. Any judge who has retired on account of disability may not be so
19 assigned.

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

24 Sec. 5. Section 25-410, Revised Statutes Cumulative Supplement,
25 2014, is amended to read:

26 25-410 (1) For the convenience of the parties and witnesses or in
27 the interest of justice, a district court of any county, the transferor
28 court, may transfer any civil action to the district court of any other
29 county in this state, the transferee court. The transfer may occur before
30 or after the entry of judgment, and there shall be no additional fees
31 required for the transfer.

1 (2) To transfer a civil action, the transferor court shall order
2 transfer of the action to the specific transferee court requested. The
3 clerk of the transferor court shall file with the transferee court within
4 ten days after the entry of the transfer order: Certification of the
5 proceedings; all original documents of the action; certification of the
6 transcript of register of actions ~~docket entries~~; and certification of
7 the payment records of any judgment in the action maintained by the
8 transferor court.

9 (3) Upon the filing of such documents by the clerk of the transferor
10 court, the clerk of the transferee court shall enter any judgment in the
11 action on the judgment index ~~record~~ of the transferee court. The
12 judgment, once filed and entered on the judgment index ~~record~~ of the
13 transferee court, shall be a lien on the property of the debtor in any
14 county in which such judgment is filed. Transfer of the action shall not
15 change the obligations of the parties under any judgment entered in the
16 action regardless of the status of the transfer.

17 (4) If the transferred civil action involves a support order that
18 has payment records maintained by the Title IV-D Division as defined in
19 section 43-3341, the transferor court order shall notify the division to
20 make the necessary changes in the support payment records. Support
21 payments shall commence in the transferee court on the first day of the
22 month following the order of transfer, payments made prior to such date
23 shall be considered payment on a judgment entered by the transferor
24 court, and payments made on and after such date shall be considered
25 payment on a judgment entered by the transferee court.

26 Sec. 6. Section 25-412, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 25-412 When an action affecting the title or possession of real
29 estate has been brought in or transferred to any court of a county, other
30 than the county in which the real estate or some portion of it is
31 situated, the clerk of such court must, after final judgment therein,

1 certify such judgment under his or her seal of office, and transmit the
2 same to the corresponding court of the county in which the real estate
3 affected by the action is situated. The clerk receiving such copy must
4 file, ~~docket~~ and record such judgment in the records of the court,
5 briefly designating it as a judgment transferred from court
6 (naming the proper court).

7 Sec. 7. Section 25-533, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-533 No levy of attachment or execution on real estate issued from
10 any other county shall be notice to a subsequent vendee or encumbrancer
11 in good faith, unless the sheriff shall have filed a notice on the record
12 ~~entered in a book, which shall be kept in the office of the clerk of the~~
13 ~~district court by such clerk and called the "encumbrance book," a~~
14 ~~statement~~ that the land, describing it, has been so attached or levied
15 on, the cause in which it was so attached, and when it was done, ~~signed~~
16 ~~by such sheriff. Such book shall be open, as other books kept by such~~
17 ~~clerk, to public inspection.~~

18 Sec. 8. Section 25-602, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 25-602 The plaintiff, in any case pending in the district court or
21 Supreme Court of the state, shall, when no counterclaim or setoff has
22 been filed by the opposite party, have the right in the vacation of any
23 of such ~~said~~ courts to dismiss his or her ~~said~~ action without prejudice,
24 upon payment of costs, which dismissal shall be, by the clerk of any of
25 such ~~said~~ courts, entered upon the record journal and take effect from
26 and after the date thereof.

27 Sec. 9. Section 25-901, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-901 The defendant in an action for the recovery of money only,
30 may, at any time before the trial, serve upon the plaintiff, or his or
31 her attorney, an offer in writing to allow judgment to be taken against

1 him or her for the sum specified therein. If the plaintiff accepts the
2 offer and gives notice thereof to the defendant or his or her attorney,
3 within five days after the offer was served, the offer, and an affidavit
4 that the notice of acceptance was delivered in the time limited, may be
5 filed by the plaintiff, or the defendant may file the acceptance, with a
6 copy of the offer verified by affidavit; and, in either case, the offer
7 and acceptance shall be entered upon the record ~~noted in the journal~~, and
8 judgment shall be rendered accordingly. If the notice of acceptance be
9 not given in the period limited the offer shall be deemed withdrawn, and
10 shall not be given in evidence, or mentioned on the trial. If the
11 plaintiff fails to obtain judgment for more than was offered by the
12 defendant, he or she shall pay the defendant's cost from the time of the
13 offer.

14 Sec. 10. Section 25-915, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 25-915 Orders made out of court shall be forthwith entered by the
17 clerk in the record journal of the court in the same manner as orders
18 made in term.

19 Sec. 11. Section 25-1031.02, Reissue Revised Statutes of Nebraska,
20 is amended to read:

21 25-1031.02 (1) The party seeking garnishment shall advance the costs
22 of transcript and filing ~~docketing~~ the matter in the district court.

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

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

29 25-1121 In every action for the recovery of money only, or specific
30 real property, the jury, in their discretion, may render a general or
31 special verdict. In all other cases the court may direct the jury to find

1 a special verdict, in writing, upon all or any of the issues and in all
2 cases may instruct them, if they render a general verdict, to find upon
3 particular questions of fact to be stated in writing, and may direct a
4 written finding thereon. The special verdict or finding must be filed
5 with the clerk and entered upon the record ~~on the journal~~.

6 Sec. 13. Section 25-1126, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 25-1126 The trial by jury may be waived by the parties in actions
9 arising on contract, and with assent of the court in other actions (1) by
10 the consent of the party appearing, when the other party fails to appear
11 at the trial by himself or herself or attorney; (2) by written consent,
12 in person or by attorney, filed with the clerk; and (3) by oral consent
13 in open court entered upon the record ~~on the journal~~.

14 Sec. 14. Section 25-1129, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 25-1129 All or any of the issues in the action, whether of fact or
17 law, or both, may be referred to a referee upon the written consent of
18 the parties or upon their oral consent in court entered upon the record
19 ~~journal~~.

20 Sec. 15. Section 25-1149, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 25-1149 The trial of an issue of fact, and the assessment of damages
23 in any case shall be in the order in which they are placed on the trial
24 docket, unless by consent of parties, or the order of the court, they are
25 continued, or placed at the heel of the trial docket, or temporarily
26 postponed. The time of hearing all other cases shall be in the order in
27 which they are placed on the trial docket, unless the court shall
28 otherwise direct. The court may in its discretion hear at any time a
29 motion, may by rule prescribe the time for hearing motions, and provide
30 for dismissing actions without prejudice for want of prosecution.

31 Sec. 16. Section 25-1301, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-1301 (1) A judgment is the final determination of the rights of
3 the parties in an action.

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

7 (3) The entry of a judgment, decree, or final order occurs when the
8 clerk of the court places the file stamp and date upon the judgment,
9 decree, or final order. For purposes of determining the time for appeal,
10 the date stamped on the judgment, decree, or final order shall be the
11 date of entry.

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

17 Sec. 17. Section 25-1301.01, Reissue Revised Statutes of Nebraska,
18 is amended to read:

19 25-1301.01 Within three working days after the entry of any final
20 order ~~civil judgment~~, except judgments by default when service has been
21 obtained by publication ~~or an appearance of the defaulting party has been~~
22 ~~made~~, the clerk of the court shall send the final order ~~a postcard or~~
23 ~~notice~~ by United States mail or by service through the court's electronic
24 case management system to each party whose address appears in the records
25 of the action, or to the party's attorney or attorneys of record,
26 ~~advising that a judgment has been entered and the date of entry.~~

27 Sec. 18. Section 25-1303, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-1303 The transcript of a judgment of any district court in this
30 state may be filed in the office of the clerk of the district court in
31 any county. Such transcript, when so filed and entered on the judgment

1 ~~index record~~, shall be a lien on the property of the debtor in any county
2 in which such transcript is so filed, in the same manner and under the
3 same conditions only as in the county where such judgment was rendered,
4 and execution may be issued on such transcript in the same manner as on
5 the original judgment. Such ; ~~Provided, such~~ transcript shall at no time
6 have any greater validity or effect than the original judgment.

7 Sec. 19. Section 25-1305, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-1305 A transcript of any judgment or decree rendered in a circuit
10 or district court of the United States within the State of Nebraska, may
11 be filed in the office of the clerk of the district court in any county
12 in this state. Such transcript, when so filed and entered on the judgment
13 ~~index record~~, shall be a lien on the property of the debtor in any county
14 in which such transcript is so filed, in the same manner and under the
15 same conditions only as if such judgment or decree had been rendered by
16 the district court of such county. Such ; ~~Provided, such~~ transcript shall
17 at no time have a greater validity or effect than the original judgment.
18 The lands and tenements of the debtor within the county where the
19 judgment is entered shall be bound for the satisfaction thereof from the
20 day on which such judgment is rendered without the filing of a
21 transcript. Orders ; ~~Provided, however, that orders~~ reviving dormant
22 judgments shall become liens upon the lands and tenements of the judgment
23 debtor only when such order is entered on the judgment ~~index record~~ in
24 the same manner as an original judgment.

25 Sec. 20. Section 25-1318, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 25-1318 All judgments and orders must be entered on the record
28 ~~journal~~ of the court, and specify clearly the relief granted or order
29 made in the action.

30 Sec. 21. Section 25-1415, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 25-1415 When it appears to the court by affidavit that either party
2 to an action has been dead, or where a party sues or is sued as a
3 personal representative, that his or her powers have ceased for a period
4 so long that the action cannot be revived in the names of his or her
5 representatives or successor, without the consent of both parties, it
6 shall order the action to be stricken from the trial docket.

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

9 25-1416 At any term of the court succeeding the death of the
10 plaintiff, while the action remains on the trial docket, the defendant
11 having given to the plaintiff's proper representatives, in whose names
12 the action might be revived, ten days' notice of the application
13 therefor, may have an order to strike the action from the trial docket
14 and for costs against the estate of the plaintiff, unless the action is
15 forthwith revived.

16 Sec. 23. Section 25-1504, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 25-1504 The lands and tenements of the debtor within the county
19 where the judgment is entered, shall be bound for the satisfaction
20 thereof only from the day on which such judgments are rendered. All other
21 lands, as well as goods and chattels of the debtor, shall be bound from
22 the time they shall be seized in execution. A ; ~~Provided, that a~~ judgment
23 shall be considered as rendered when such judgment has been entered on
24 the judgment index record.

25 Sec. 24. Section 25-1510, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 25-1510 The sureties for the stay of execution may be taken and
28 approved by the clerk, and the bond shall be recorded on the register of
29 actions ~~in a book kept for that purpose~~, and have the force and effect of
30 a judgment confessed from the date thereof against the property of the
31 sureties, and the clerk shall enter such sureties on the ~~and index the~~

1 ~~same in the proper~~ judgment index docket, as in the case of other
2 judgments.

3 Sec. 25. Section 25-1521, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 25-1521 If the officer, by virtue of any writ of execution issued
6 from any court of record in this state, shall levy the same on any goods
7 and chattels claimed by any person other than the defendant, it shall be
8 the duty of such ~~said~~ officer ~~forthwith~~ to give notice in writing to the
9 court, in which shall be set forth the names of the plaintiff and
10 defendant, together with the name of the claimant; and at the same time
11 he or she shall furnish the court with a schedule of the property
12 claimed. It shall be the duty of the court, immediately upon the filing
13 ~~receipt~~ of such notice and schedule, to ~~make an entry of the same upon~~
14 ~~the docket,~~ and determine the right of the claimant to the property in
15 controversy.

16 Sec. 26. Section 25-1531, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 25-1531 If the court, upon the return of any writ of execution, or
19 order of sale for the satisfaction of which any lands and tenements have
20 been sold, shall, after having carefully examined the proceedings of the
21 officer, be satisfied that the sale has in all respects been made in
22 conformity to the provisions of this chapter and that the ~~said~~ property
23 was sold for fair value, under the circumstances and conditions of the
24 sale, or, that a subsequent sale would not realize a greater amount, the
25 court shall enter upon the record an order ~~direct the clerk to make an~~
26 ~~entry on the journal~~ that the court is satisfied of the legality of such
27 sale, and an order that the officer make the purchaser a deed of such
28 lands and tenements. Prior to the confirmation of sale pursuant to this
29 section, the party seeking confirmation of sale shall, except in the
30 circumstances described in section 40-103, provide notice to the debtor
31 informing him or her of the homestead exemption procedure available

1 pursuant to Chapter 40, article 1. The notice shall be given by certified
2 mailing at least ten days prior to any hearing on confirmation of sale.
3 The officer on making such sale may retain the purchase money in his or
4 her hands until the court shall have examined his or her proceedings as
5 aforesaid, when he or she shall pay the same to the person entitled
6 thereto, agreeable to the order of the court. If such sale pertains to
7 mortgaged premises being sold under foreclosure proceedings and the
8 amount of such sale is less than the amount of the decree rendered in
9 such proceedings, the court may refuse to confirm such sale, if, in its
10 opinion, such mortgaged premises have a fair and reasonable value equal
11 to or greater than the amount of the decree. The court shall in any case
12 condition the confirmation of such sale upon such terms or under such
13 conditions as may be just and equitable. The judge of any district court
14 may confirm any sale at any time after such officer has made his or her
15 return, on motion and ten days' notice to the adverse party or his or her
16 attorney of record, if made in vacation and such notice shall include
17 information on the homestead exemption procedure available pursuant to
18 Chapter 40, article 1. When any sale is confirmed in vacation the judge
19 confirming the same shall cause his or her order to be entered on the
20 record journal by the clerk. Upon application to the court by the
21 judgment debtor within sixty days of the confirmation of any sale
22 confirmed pursuant to this section, such sale shall be set aside if the
23 court finds that the party seeking confirmation of sale failed to provide
24 notice to the judgment debtor regarding homestead exemption procedures at
25 least ten days prior to the confirmation of sale as required by this
26 section.

27 Sec. 27. Section 25-1578, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-1578 The orders to judgment debtors and witnesses, provided for
30 in sections 25-1564 to 25-1580, shall be ~~in writing and signed~~ and filed
31 by the judge making the same, and shall be served as a summons in other

1 cases. The judge shall sign ~~reduce~~ all of his or her orders and such
2 orders shall be to writing, which, together with a minute of his
3 ~~proceedings, signed by himself, shall be~~ filed with the clerk of the
4 court of the county in which the judgment is rendered, or the transcript
5 of the judgment justice filed, and the clerk shall enter on the record
6 ~~his execution docket~~ the date and time of filing the same.

7 Sec. 28. Section 25-1587.04, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 25-1587.04 (a) At the time of the filing of the foreign judgment,
10 the judgment creditor or his or her lawyer shall make and file with the
11 clerk of the court an affidavit setting forth the name and last-known
12 post office address of the judgment debtor and the judgment creditor.

13 (b) Promptly upon the filing of the foreign judgment and the
14 affidavit, the clerk shall mail notice of the filing of the foreign
15 judgment to the judgment debtor at the address given and shall file
16 notice ~~make a note~~ of the mailing on the record in the docket. The notice
17 shall include the name and address of the judgment creditor and the
18 judgment creditor's lawyer, if any, in this state. In addition, the
19 judgment creditor may mail a notice of the filing of the judgment to the
20 judgment debtor and may file proof of mailing with the clerk. Lack of
21 mailing notice of filing by the clerk shall not affect the enforcement
22 proceedings if proof of mailing by the judgment creditor has been filed.

23 Sec. 29. Section 25-1587.06, Reissue Revised Statutes of Nebraska,
24 is amended to read:

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

31 Sec. 30. Section 25-1635, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-1635 (1) It shall be unlawful for a jury commissioner or the
3 officer in charge of the election records, or any clerk or deputy
4 thereof, or any person who may obtain access to any record showing the
5 names of persons drawn to serve as grand or petit jurors to disclose to
6 any person, except to other officers in carrying out official duties or
7 as herein provided, the name of any person so drawn or to permit any
8 person to examine such record or to make a list of such names, except
9 under order of the court. The application for such an order shall be
10 filed in the form of a motion in the office of the clerk of the district
11 court, containing the signature and residence of the applicant or his or
12 her attorney and stating all the grounds on which the request for such
13 order is based. Such order shall not be made except for good cause shown
14 in open court and it shall be spread upon the record journal of the
15 court. Any person violating any of the provisions of this section shall
16 be guilty of a Class IV felony. Notwithstanding the foregoing provisions
17 of this section, the judge or judges in any district may, in his, her, or
18 their discretion, provide by express order for the disclosure of the
19 names of persons drawn from the revised key number list for actual
20 service as grand or petit jurors.

21 (2) Notwithstanding subsection (1) of this section, the Supreme
22 Court or an agent of the Supreme Court acting under the direction and
23 supervision of the Chief Justice shall have access to juror qualification
24 forms for research purposes. The Supreme Court and its agent shall treat
25 such information as confidential, and nothing identifying any individual
26 shall be released.

27 Sec. 31. Section 25-1912, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-1912 (1) The proceedings to obtain a reversal, vacation, or
30 modification of judgments and decrees rendered or final orders made by
31 the district court, including judgments and sentences upon convictions

1 for felonies and misdemeanors, shall be by filing in the office of the
2 clerk of the district court in which such judgment, decree, or final
3 order was rendered, within thirty days after the entry of such judgment,
4 decree, or final order, a notice of intention to prosecute such appeal
5 signed by the appellant or appellants or his, her, or their attorney of
6 record and, except as otherwise provided in sections 25-2301 to 25-2310,
7 29-2306, and 48-641, by depositing with the clerk of the district court
8 the filing ~~docket~~ fee required by section 33-103.

9 (2) A notice of appeal or filing ~~docket~~ fee filed or deposited after
10 the announcement of a decision or final order but before the entry of the
11 judgment, decree, or final order shall be treated as filed or deposited
12 after the entry of the judgment, decree, or final order and on the date
13 of entry.

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

31 (4) Except as otherwise provided in subsection (3) of this section

1 and sections 25-2301 to 25-2310, 29-2306, and 48-641, an appeal shall be
2 deemed perfected and the appellate court shall have jurisdiction of the
3 cause when such notice of appeal has been filed and such filing docket
4 fee deposited in the office of the clerk of the district court, and after
5 being perfected no appeal shall be dismissed without notice, and no step
6 other than the filing of such notice of appeal and the depositing of such
7 filing docket fee shall be deemed jurisdictional.

8 (5) The clerk of the district court shall forward such file docket
9 fee and a certified copy of such notice of appeal to the Clerk of the
10 Supreme Court, and the Clerk of the Supreme Court shall file docket such
11 appeal.

12 (6) Within thirty days after the date of filing of notice of appeal,
13 the clerk of the district court shall prepare and file with the Clerk of
14 the Supreme Court a transcript certified as a true copy of the
15 proceedings contained therein. The Supreme Court shall, by rule, specify
16 the method of ordering the transcript and the form and content of the
17 transcript. Neither the form nor substance of such transcript shall
18 affect the jurisdiction of the Court of Appeals or Supreme Court.

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

24 Sec. 32. Section 25-21,212, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 25-21,212 In any action in which a judgment is rendered in any sum,
27 or for costs, against the claimant, the clerk of the court in which such
28 judgment is rendered shall make and transmit a certified copy thereof on
29 application of the Attorney General, or other counsel on behalf of the
30 state, to the clerk of the district court of any county within the state,
31 and the same shall thereupon be filed and recorded docketed in such court

1 and become and be a judgment thereof; and all judgments against the
2 claimant or plaintiff shall be collected by execution as other judgments
3 in the district courts.

4 Sec. 33. Section 25-21,228, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 25-21,228 The court shall enter the verdict upon the record ~~docket~~,
7 and shall render such judgment in the action as if the facts authorizing
8 the finding of such verdict had been found to be true by the court.

9 Sec. 34. Section 25-21,271, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

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

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

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

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

14 Sec. 35. Section 25-2205, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 25-2205 ~~The It is the duty of the~~ clerk of each of the courts shall
17 maintain and preserve a to file and a record of together and carefully
18 preserve in his office all papers delivered to him or her for that
19 purpose in every action or special proceeding. Retention and disposition
20 of the records shall be determined by the State Records Administrator
21 pursuant to the Records Management Act.

22 Sec. 36. Section 25-2207, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 25-2207 The clerk of the court shall, upon the return of every
25 summons served, enter upon the record ~~docket~~ the name of the defendant or
26 defendants summoned, and the day of the service upon each one. The entry
27 shall be evidence of the service of the summons in case of the loss
28 thereof.

29 Sec. 37. Section 25-2208, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 25-2208 The clerk of the court shall keep the records, books, and

1 papers appertaining to the court, and record its proceedings, under the
2 direction and order of the judge or judges of the judicial district.

3 Sec. 38. Section 25-2209, Revised Statutes Cumulative Supplement,
4 2014, is amended to read:

5 25-2209 (1) The clerk of the district court shall keep records, to
6 be maintained on the court's electronic case management system, called
7 the register of actions appearance docket, the trial docket, the judge's
8 notes, the journal, the complete record, the execution docket, the fee
9 record book, the general index, and the judgment index, and the case file
10 record. Retention and disposition of the records shall be determined by
11 the State Records Administrator pursuant to the Records Management Act.
12 ~~Such records may be compiled, filed, and maintained on a computer system.~~
13 ~~Effective not later than October 1, 1992, provision for dockets and~~
14 ~~records of the district courts shall be established by rule of the~~
15 ~~Supreme Court. The journal may be compiled and filed on microfilm. The~~
16 ~~recording of all instruments by the roll form of microfilm may be~~
17 ~~substituted for the method of recording instruments in books. If this~~
18 ~~method of recording instruments on microfilm is used, a security copy on~~
19 ~~silver negative microfilm in roll form must be maintained and filed off~~
20 ~~premises under safe conditions to insure the protection of the records.~~
21 ~~The internal reference copies or work copies of the instruments recorded~~
22 ~~on microfilm may be in any photographic form to provide the necessary~~
23 ~~information as may be determined by the official in charge, and shall~~
24 ~~meet the microfilm standards as prescribed by the State Records~~
25 ~~Administrator.~~

26 (2) The case file, numbered in chronological order, shall contain
27 the pleadings, orders, court actions, judgments, verdicts, postjudgment
28 actions, and other documents in the case file. The case file may be
29 maintained as an electronic document through the court's electronic case
30 management system. The case file may be maintained in a paper volume and
31 disposed of when determined by the State Records Administrator pursuant

1 to the Records Management Act.

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

4 25-2211 The trial docket shall be available for the court on the
5 first day of each month setting forth each case pending in the order of
6 filing of the complaint to be called for trial ~~made out by the clerk of~~
7 ~~the court at least twelve days before the first day of each term of the~~
8 ~~court; and the actions shall be set for particular days in the order in~~
9 ~~which the issues were made up, whether of law or of fact, and so arranged~~
10 ~~that the cases set for each day shall be tried as nearly as may be on~~
11 ~~that day.~~ For the purpose of arranging the trial docket, an issue shall
12 be considered as made up when either party is in default of a pleading.
13 If the defendant fails to answer, the cause for the purpose of this
14 section shall be deemed to be at issue upon questions of fact, but in
15 every such case the plaintiff may move for and take such judgment as he
16 or she is entitled to, on the defendant's default, on or after the day on
17 which the action is set for trial. No witnesses shall be subpoenaed in
18 any case while the cause stands upon issue of law. Whenever the court
19 regards the answer in any case as frivolous, and put in for delay only,
20 no leave to answer or reply shall be given, unless upon payment of all
21 costs then accrued in the action. When the number of actions filed ~~to be~~
22 ~~docketed~~ exceeds three hundred, the judge or judges of the district court
23 for the county may, by rule or order, classify them in such manner as
24 they may deem expedient and cause them to be placed according to such
25 classifications upon different trial dockets; and the respective trial
26 dockets may be proceeded with and causes thereon tried, heard, or
27 otherwise disposed of, concurrently by one or more of the judges.
28 Provision may be made by rule of court that issues of fact shall not be
29 for trial at any term when the number of pending actions exceeds three
30 hundred, except upon such previous notice of trial as may be prescribed
31 thereby.

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

3 25-2213 (1) The provisions of sections 25-2204 to 25-2211
4 25-2211.02 shall, as far as applicable, apply to clerks of other courts
5 of record.

6 (2) For purposes of such sections:

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

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

13 (c) Judge's notes means the notations of the judge detailing the
14 actions in a court proceeding and the entering of orders and judgments.
15 The judge's notes may be filed and substituted as a written order of the
16 court and recorded in the register of actions. The judge's notes may be
17 maintained as an entry in an electronic format on the court's case
18 management system or as an entry on the register of actions;

19 (d) Judgment index means the alphabetical listing of all judgment
20 debtors and judgment creditors, the date of judgments, the amount of
21 judgment and costs, the case number where all proceedings in such action
22 shall be found, and the date when the judgment and costs are paid and
23 discharged.

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

28 (i) Case type;

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

31 (iii) Names of parties and their counsel;

- 1 (iv) Date of issuance, return date, and return of the summons;
2 (v) Cost summary; and
3 (vi) Posting references to other required records; and
4 (f) Trial docket means a list of pending cases shown in order
5 according to the date of filing of the complaint of the cases to be
6 called for trial.

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

9 25-2234 It shall be the duty of every sheriff to make due return of
10 all legal process to him or her directed and by him or her delivered or
11 served by certified or registered mail, at the proper office and on the
12 proper return day thereof, or if the judgment is recorded ~~docketed~~ in the
13 district court, appealed, or stayed, upon which he or she has an
14 execution, on notice thereof, to return the execution, stating thereon
15 such facts.

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

18 25-2704 (1) In any civil action in county court, the summons,
19 pleadings, and time for filings shall be the same as provided for civil
20 actions in district court. A case shall stand for trial at the earliest
21 available time on the trial court ~~court~~ docket after the issues therein are or,
22 according to the times fixed for pleading, should have been made up.

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

31 Sec. 43. Section 25-2706, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-2706 The county court shall certify proceedings to the district
3 court of the county in which an action is pending (1) when the pleadings
4 or discovery proceedings indicate that the amount in controversy is
5 greater than the jurisdictional amount in subdivision (5) of section
6 24-517 and a party to the action requests the transfer or (2) when the
7 relief requested is exclusively within the jurisdiction of the district
8 court. The county court shall file the following with ~~certify the~~
9 ~~proceedings to the district court~~ within ten days after entry of the
10 transfer order: Certification of the proceedings; all original documents
11 of the action; certification of the transcript of the register of
12 actions; and certification of the court costs and ~~file the original~~
13 ~~papers of such action and a certified transcript of the docket entries~~
14 with the clerk of the district court. The action shall then be tried and
15 determined by the district court as if the proceedings were originally
16 brought in such district court, except that no new pleadings need be
17 filed unless ordered by the district court.

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

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

24 25-2707 Whenever proceedings under sections 25-1011 and 25-1026 to
25 25-1031.01, or under section 25-1056, are had in any county court and it
26 shall appear by the pleadings or other answers to interrogatories filed
27 by the garnishee that there is an amount in excess of the jurisdictional
28 dollar amount specified in section 24-517, or property with a value of
29 more than such amount, the title or ownership of which is in dispute, or
30 when at any time during such proceedings it shall appear from the
31 evidence or other pleadings that there is property of the value of more

1 than the jurisdictional dollar amount specified in section 24-517, the
2 title or ownership of which is in dispute, such court shall proceed no
3 further. Within ten days after entry of the transfer order, the county
4 court shall file with , ~~but shall forthwith certify the proceedings to~~
5 the district court of the county in which the action is pending, all and
6 ~~thereupon shall file the original documents of the action, attachments,~~
7 and certification of the papers, together with a certified transcript of
8 the register of actions and certification of the court costs. The docket
9 ~~entries, in the clerk's office of the district court, the matter shall to~~
10 be tried ~~held for trial~~ and determination by the district court as if the
11 proceedings were originally had in district court, except that no new
12 pleadings need be filed except as ordered by the district court.

13 Sec. 45. Section 25-2721, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 25-2721 (1) Any person having a judgment rendered by a county court
16 may request the clerk of such court to issue execution on the judgment in
17 the same manner as execution is issued upon other judgments rendered in
18 the county court and direct the execution on the judgment to any county
19 in the state. Such person may request that garnishment, attachment, or
20 any other aid to execution be directed to any county without the
21 necessity of filing a transcript of the judgment in the receiving county,
22 and any hearing or proceeding with regard to such execution or aid in
23 execution shall be heard in the court in which the judgment was
24 originally rendered.

25 (2) Any person having a judgment rendered by a county court may
26 cause a transcript thereof to be filed in the office of the clerk of the
27 district court in any county of this state. When the transcript is so
28 filed and entered upon the judgment index record, such judgment shall be
29 a lien on real estate in the county where the transcript is filed, and
30 when the transcript is so filed and entered upon such judgment index
31 ~~record~~, the clerk of such court may issue execution thereupon in like

1 manner as execution is issued upon judgments rendered in the district
2 court.

3 Sec. 46. Section 25-2731, Reissue Revised Statutes of Nebraska, is
4 amended to read:

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

11 (2) The Supreme Court shall, by rule and regulation, specify the
12 method of ordering the transcript and the form and content of the
13 transcript.

14 Sec. 47. Section 25-3401, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 25-3401 (1) For purposes of this section:

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

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

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

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

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

1 (2)(a) A prisoner who has filed three or more civil actions,
2 commenced after July 19, 2012, that have been found to be frivolous by a
3 court of this state or a federal court for a case originating in this
4 state shall not be permitted to proceed in forma pauperis for any further
5 civil actions without leave of court. A court shall permit the prisoner
6 to proceed in forma pauperis if the court determines that the person is
7 in danger of serious bodily injury.

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

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

12 (d) This subsection does not apply to judicial review of
13 disciplinary procedures in adult institutions administered by the
14 Department of Correctional Services governed by sections 83-4,109 to
15 83-4,123.

16 Sec. 48. Section 28-814, Reissue Revised Statutes of Nebraska, is
17 amended to read:

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

22 (2) The judge shall instruct the jury that the guidelines in
23 determining whether a work, material, conduct, or live exhibition is
24 obscene are: (a) The average person applying contemporary community
25 standards would find the work taken as a whole goes substantially beyond
26 contemporary limits of candor in description or presentation of such
27 matters and predominantly appeals to the prurient, shameful, or morbid
28 interest; (b) the work depicts in a patently offensive way sexual conduct
29 specifically referred to in sections 28-807 to 28-829; (c) the work as a
30 whole lacks serious literary, artistic, political, or scientific value;
31 and (d) in applying these guidelines to the determination of whether or

1 not the work, material, conduct, or live exhibition is obscene, each
2 element of each guideline must be established beyond a reasonable doubt.

3 (3) In any proceeding, civil or criminal, under sections 28-807 to
4 28-829, where there is an issue as to whether or not the matter is
5 obscene, either party shall have the right to introduce, in addition to
6 all other relevant evidence, the testimony of expert witnesses on such
7 issue as to any artistic, literary, scientific, political, or other
8 societal value in the determination of the issue of obscenity.

9 Sec. 49. Section 29-1302, Reissue Revised Statutes of Nebraska, is
10 amended to read:

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

28 Sec. 50. Section 29-1407.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

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

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

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

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

18 Sec. 51. Section 29-1414, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 29-1414 No grand juror or officer of the court shall disclose that
21 an indictment has been found against any person not in custody or under
22 bail, except by the issuing of process, until the indictment is filed ~~and~~
23 ~~the case docketed.~~

24 Sec. 52. Section 29-1418, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 29-1418 (1) Indictments returned by a grand jury shall be presented
27 by their foreman to the court, and shall be filed with the clerk, who
28 shall endorse thereon the day of their filing, and shall enter each case
29 upon the register of actions and the date when appearance docket, and
30 ~~also upon the trial docket of the term, as soon as the parties indicted~~
31 have been arrested.

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

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

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

12 Sec. 53. Section 29-1705, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-1705 When any person shall have been indicted for a felony, and
15 the person so indicted shall not have been arrested or recognized to
16 appear before the court, the court may make an entry of the cause upon
17 the record ~~on the journal~~, and may order the amount in which the party
18 indicted may be recognized for his or her appearance by any officer
19 charged with the duty of arresting him or her.

20 Sec. 54. Section 29-1802, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 29-1802 The clerk of the district court shall, upon the filing of
23 any indictment with him or her, and after the person indicted is in
24 custody or let to bail, cause the same to be entered on the ~~of~~ record ~~on~~
25 ~~the journal~~ of the court; and in case of the loss of the original, such
26 record or a certified copy thereof shall be used in place thereof upon
27 the trial of the cause. Within twenty-four hours after the filing of an
28 indictment for felony, and in every other case on request, the clerk
29 shall make and deliver to the sheriff and ~~7~~ the defendant or his or her
30 counsel a copy of the indictment, and the sheriff on receiving such copy
31 shall serve the same upon the defendant. No one shall be, without his or

1 her assent, arraigned or called on to answer to any indictment until one
2 day shall have elapsed, after receiving in person or by counsel, or
3 having an opportunity to receive a copy of such indictment ~~as aforesaid~~.

4 Sec. 55. Section 29-1816.01, Reissue Revised Statutes of Nebraska,
5 is amended to read:

6 29-1816.01 On the arraignment in the district court of any person
7 accused of a felony, the court may require the official reporter of the
8 ~~said~~ court to make a stenographic report of the proceedings had in such
9 court incident to such arraignment and the disposition of the charge made
10 against the accused including sentence in the event of conviction. The
11 court may further require the court reporter to prepare a transcript of
12 his or her report of the ~~said~~ proceedings, authenticate the ~~said~~
13 transcript with an appropriate certificate to be attached thereto, and
14 cause the same to be filed in the office of the clerk of the ~~said~~ court.
15 Such transcript ~~need not be copied in either the journal of said court or~~
16 ~~the complete record in said office,~~ but shall be kept in a special file
17 and not removed from the office of the clerk of the district court,
18 except on an order of a judge of the ~~said~~ court expressly authorizing
19 removal. In the event that the transcript is so made, authenticated and
20 filed, it, or a duly certified copy thereof, shall become and be
21 competent and lawful evidence and admissible as such in any of the courts
22 of this state.

23 Sec. 56. Section 29-2001, Reissue Revised Statutes of Nebraska, is
24 amended to read:

25 29-2001 No person indicted for a felony shall be tried unless
26 personally present during the trial. Persons indicted for a misdemeanor
27 may, at their own request, by leave of the court be put on trial in their
28 absence. The request shall be in writing and entered on the record
29 ~~journal~~ of the court.

30 Sec. 57. Section 29-2023, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 29-2023 In case a jury shall be discharged on account of sickness of
2 a juror, or other accident or calamity requiring their discharge, or
3 after they have been kept so long together that there is no probability
4 of agreeing, the court shall, upon directing the discharge, order that
5 the reasons for such discharge shall be entered upon the record journal;
6 and such discharge shall be without prejudice to the prosecution.

7 Sec. 58. Section 29-2315.01, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 29-2315.01 The prosecuting attorney may take exception to any ruling
10 or decision of the court made during the prosecution of a cause by
11 presenting to the trial court the application for leave to file ~~docket~~ an
12 appeal with reference to the rulings or decisions of which complaint is
13 made. Such application shall contain a copy of the ruling or decision
14 complained of, the basis and reasons for objection thereto, and a
15 statement by the prosecuting attorney as to the part of the record he or
16 she proposes to present to the appellate court. Such application shall be
17 presented to the trial court within twenty days after the final order is
18 entered in the cause, and upon presentation, if the trial court finds it
19 is in conformity with the truth, the judge of the trial court shall sign
20 the same and shall further indicate thereon whether in his or her opinion
21 the part of the record which the prosecuting attorney proposes to present
22 to the appellate court is adequate for a proper consideration of the
23 matter. The prosecuting attorney shall then present such application to
24 the appellate court within thirty days from the date of the final order.
25 If the application is granted, the prosecuting attorney shall within
26 thirty days from such granting order a bill of exceptions in accordance
27 with section 29-2020 if such bill of exceptions is desired and otherwise
28 proceed to obtain a review of the case as provided in section 25-1912.

29 Sec. 59. Section 29-2407, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 29-2407 Judgments for fines and costs in criminal cases shall be a

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

12 Sec. 60. Section 29-2413, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-2413 In every case, whenever it is desirable to obtain execution
15 to be issued to another county, or against the lands or real estate of
16 any person against whom a judgment for fine or costs has been rendered by
17 a magistrate, the magistrate may file with the clerk of the district
18 court of the county wherein such magistrate holds his office, a
19 transcript of the judgment and proceedings in the cause, whereupon such
20 clerk shall enter the cause upon the register of actions and shall file
21 with the clerk of such court a praecipe and proper docket ~~for~~ execution
22 to be forthwith issued thereon by such clerk, and served in all respects
23 as though the judgment had been rendered in the district court of such
24 county.

25 Sec. 61. Section 29-3903, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 29-3903 At a felony defendant's first appearance before a judge, the
28 judge shall advise him or her of the right to court-appointed counsel if
29 such person is indigent. If he or she asserts indigency, the court shall
30 make a reasonable inquiry to determine such person's financial condition
31 and shall require him or her to execute an affidavit of indigency for

1 filing with the clerk of the court.

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

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

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

26 Sec. 62. Section 29-4007, Revised Statutes Supplement, 2015, is
27 amended to read:

28 29-4007 (1) When sentencing a person convicted of a registrable
29 offense under section 29-4003, the court shall:

30 (a) Provide written notification of the duty to register under the
31 Sex Offender Registration Act at the time of sentencing to any defendant

1 who has pled guilty or has been found guilty of a registrable offense
2 under section 29-4003. The written notification shall:

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

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

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

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

24 (v) Inform the defendant that if he or she moves to another state,
25 he or she must report, in person, the change of address to the county
26 sheriff of the county in which he or she has been residing, has had a
27 temporary domicile, or has had a habitual living location and must comply
28 with the registration requirements of the state to which he or she is
29 moving. The notice must be given within three working days before his or
30 her move;

31 (vi) Inform the defendant that he or she shall (A) inform the

1 sheriff of the county in which he or she resides, has a temporary
2 domicile, or is habitually living, in person, of each educational
3 institution at which he or she is employed, carries on a vocation, or
4 attends school, within three working days after such employment or
5 attendance, and (B) notify the sheriff of any change in such employment
6 or attendance status of such person at such educational institution,
7 within three working days;

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

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

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

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

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

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

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

30 (d) Provide a copy of the filed ~~signed, written~~ notification, the
31 ~~judgment and sentence~~, the information or amended information, and the

1 ~~sentencing order journal entry~~ of the court to the county attorney, the
2 defendant, the sex offender registration and community notification
3 division of the Nebraska State Patrol, and the county sheriff of the
4 county in which the defendant resides, has a temporary domicile, or has a
5 habitual living location.

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

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

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

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

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

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

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

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

23 (vii) Inform the person that he or she shall (A) inform the sheriff
24 of the county in which the employment site is located, in person, of the
25 name and address of any place where he or she is or will be an employee,
26 within three working days after such employment, and (B) inform the
27 sheriff of the county in which the employment site is located, in person,
28 of any change in his or her employment;

29 (viii) Inform the person that if he or she goes to another state to
30 work or goes to another state as a student and still resides, has a
31 temporary domicile, or has a habitual living location in this state, he

1 or she must comply with the registration requirements of both states;

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

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

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

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

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

14 (ii) Retain a signed copy of the written notification to register;
15 and

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

19 (4) If a person is convicted of a registrable offense under section
20 29-4003 and is immediately incarcerated, he or she shall be registered as
21 required under the act prior to discharge, parole, or work release.

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

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

28 Sec. 63. Section 30-2429.01, Reissue Revised Statutes of Nebraska,
29 is amended to read:

30 30-2429.01 (1) If there is an objection to probate of a will or if a
31 petition is filed to set aside an informal probate of a will or to

1 prevent informal probate of a will which is the subject of a pending
2 application, the county court shall continue the originally scheduled
3 hearing for at least fourteen days from the date of the hearing. At any
4 time prior to the continued hearing date any party may transfer the
5 proceeding to determine whether the decedent left a valid will to the
6 district court by filing with the county court a notice of transfer,
7 depositing with the clerk of the county court a filing docket fee in the
8 amount of the filing fee in district court for cases originally commenced
9 in district court, and paying to the clerk of the county court a fee of
10 twenty dollars.

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

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

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

26 (5) The final decision and judgment in the matter transferred shall
27 be certified to the county court, and proceedings shall be had thereon
28 necessary to carry the final decision and judgment into execution.

29 Sec. 64. Section 30-2488, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 30-2488 (a) As to claims presented in the manner described in

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

18 (b) At any time within fourteen days of the filing of a petition for
19 allowance of a claim, the personal representative may transfer the claim
20 to the regular docket of the county court by filing with the court a
21 notice of transfer. The county court shall hear and determine the claim
22 in the same manner as actions originally filed in the county court on the
23 regular docket. The county court may order such additional pleadings as
24 are necessary. If the claim is greater than the jurisdictional amount in
25 subdivision (5) of section 24-517 and the personal representative
26 requests transfer of the claim to the district court, upon payment by the
27 personal representative to the clerk of the district court of a ~~docket~~
28 ~~fee in the amount of~~ the filing fee in district court, the county court
29 shall transfer the claim to the district court as provided in section
30 25-2706. If the claim is transferred to the district court, a jury trial
31 is allowed unless waived by the parties as provided under section

1 25-1104.

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

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

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

18 Sec. 65. Section 30-2608, Revised Statutes Cumulative Supplement,
19 2014, is amended to read:

20 30-2608 (a) The father and mother are the natural guardians of their
21 minor children and are duly entitled to their custody and to direct their
22 education, being themselves competent to transact their own business and
23 not otherwise unsuitable. If either dies or is disqualified for acting,
24 or has abandoned his or her family, the guardianship devolves upon the
25 other except as otherwise provided in this section.

26 (b) In the appointment of a parent as a guardian when the other
27 parent has died and the child was born out of wedlock, the court shall
28 consider the wishes of the deceased parent as expressed in a valid will
29 executed by the deceased parent. If in such valid will the deceased
30 parent designates someone other than the other natural parent as guardian
31 for the minor children, the court shall take into consideration the

1 designation by the deceased parent. In determining whether or not the
2 natural parent should be given priority in awarding custody, the court
3 shall also consider the natural parent's acknowledgment of paternity,
4 payment of child support, and whether the natural parent is a fit,
5 proper, and suitable custodial parent for the child.

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

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

24 (e) The petition and all other court filings for a guardianship
25 proceeding shall be filed with the clerk of the county court. The party
26 shall state in the petition whether such party requests that the
27 proceeding be heard by the county court or, in cases in which a separate
28 juvenile court already has jurisdiction over the child in need of a
29 guardian under the Nebraska Juvenile Code, such separate juvenile court.
30 Such proceeding is considered a county court proceeding even if heard by
31 a separate juvenile court judge, and an order of the separate juvenile

1 court in such guardianship proceeding has the force and effect of a
2 county court order. The testimony in a guardianship proceeding heard
3 before a separate juvenile court judge shall be preserved as in any other
4 separate juvenile court proceeding. ~~The clerks of the district courts~~
5 ~~shall transfer all guardianship petitions and other guardianship filings~~
6 ~~which were filed with such clerks prior to August 28, 1999, to the clerk~~
7 ~~of the county court where the separate juvenile court which heard the~~
8 ~~proceeding is situated. The clerk of such county court shall file and~~
9 ~~docket such petitions and other filings.~~

10 Sec. 66. Section 31-320, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 31-320 If, upon the filing of the report of the engineer, together
13 with his estimates as provided in section 31-311, it shall appear that
14 lands, other than those incorporated by the court in the district, will
15 be benefited by the drainage improvements of the district, it shall be
16 the duty of the chairman of the board of supervisors to file a petition
17 in the district court of the county where the district was originally
18 organized, containing a description of the lands, the name or names of
19 the owners as they appear on the tax duplicate of the county in which the
20 lands are situated and their place or places of residence, and alleging
21 that such land will be benefited by the improvements and ought in justice
22 bear its proportion of the expense and cost of such improvement, and that
23 such land was not incorporated within the limits of the ~~said~~ drainage
24 district as originally established by the court. If the names of the
25 owners of any such tract or tracts of land are unknown, this fact shall
26 be stated. The prayer of the petition shall be that such tract or tracts
27 of land may be incorporated and made a part of the district. Upon the
28 filing of such petition, duly verified, as herein provided, the clerk of
29 the district court shall issue summons or notice to the parties
30 interested as provided by section 31-303 with reference to the original
31 petition for the establishment of the district, the same proceedings

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

20 Sec. 67. Section 31-329, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 31-329 Any person or corporation who has filed objections and had a
23 hearing as herein provided for, feeling aggrieved by the decision and
24 judgment of the board of supervisors, may appeal to the district court
25 within and for the county in which the drainage district was originally
26 established, upon giving a bond conditioned the same as in appeals to the
27 district court as from civil actions in county court in this state and
28 payable to the drainage district, and in addition thereto conditioned
29 that he will pay all damages which may accrue to the drainage district by
30 reason of such appeal. The bond shall be approved by the secretary of the
31 board of supervisors, and filed with the secretary within ten days after

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

17 Sec. 68. Section 32-1412, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 32-1412 (1) If the Secretary of State refuses to place on the ballot
20 any measure proposed by an initiative petition presented at least four
21 months preceding the date of the election at which the proposed law or
22 constitutional amendment is to be voted upon or a referendum petition
23 presented within ninety days after the Legislature enacting the law to
24 which the petition applies adjourns sine die or for a period longer than
25 ninety days, any resident may apply, within ten days after such refusal,
26 to the district court of Lancaster County for a writ of mandamus. If it
27 is decided by the court that such petition is legally sufficient, the
28 Secretary of State shall order the issue placed upon the ballot at the
29 next general election.

30 (2) On a showing that an initiative or referendum petition is not
31 legally sufficient, the court, on the application of any resident, may

1 enjoin the Secretary of State and all other officers from certifying or
2 printing on the official ballot for the next general election the ballot
3 title and number of such measure. If a suit is filed against the
4 Secretary of State seeking to enjoin him or her from placing the measure
5 on the official ballot, the person who is the sponsor of record of the
6 petition shall be a necessary party defendant in such suit.

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

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

14 Sec. 69. Section 33-106, Revised Statutes Cumulative Supplement,
15 2014, is amended to read:

16 33-106 (1) In addition to the judges retirement fund fee provided in
17 section 24-703 and the fee provided in section 33-106.03 and except as
18 otherwise provided by law, the fees of the clerk of the district court
19 shall be as follows: There shall be a filing docket fee of forty-two
20 dollars for each civil and criminal case except (a) a case commenced by
21 filing a transcript of judgment as hereinafter provided, (b) proceedings
22 under the Nebraska Workers' Compensation Act and the Employment Security
23 Law, when provision is made for the fees that may be charged, and (c) a
24 criminal case appealed to the district court from any court inferior
25 thereto as hereinafter provided. There shall be a filing docket fee of
26 twenty-five dollars for each case commenced by filing a transcript of
27 judgment from another court in this state for the purpose of obtaining a
28 lien. There shall be a filing docket fee of twenty-seven dollars for each
29 criminal case appealed to the district court from any court inferior
30 thereto.

31 (2) In all cases, other than those appealed from an inferior court

1 or original filings which are within jurisdictional limits of an inferior
2 court and when a jury is demanded in district court, the filing docket
3 fee shall cover all fees of the clerk, except that the clerk shall be
4 paid for each copy or transcript ordered of any pleading, record, or
5 other paper and that the clerk shall be entitled to a fee of fifteen
6 dollars for a records management fee which will be taxed as costs of the
7 case making a complete record of a case.

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

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

18 Sec. 70. Section 33-106.01, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 33-106.01 Each clerk of the district court shall keep a record of
21 ~~docket in which he shall enter~~ the costs chargeable and taxable against
22 each party in any suit pending in each of the said courts ~~respectively.~~
23 He or she is empowered at any time to make out a statement of such fees
24 specifying each item of the fees so charged and taxed under seal of the
25 court, which fee bill, so made under the seal of the said court, shall
26 have the same force and effect as an execution. The sheriff to whom the
27 ~~said~~ fee bill shall be issued shall execute the same as an execution, and
28 have the same fees therefor. The clerk shall not enter on the record in
29 ~~such docket~~ any fees of any officer claiming the same, unless such
30 officer shall duly return an itemized bill of the same.

31 Sec. 71. Section 33-106.02, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 33-106.02 (1) The clerk of the district court of each county shall
3 not retain for his or her own use any fees, revenue, perquisites, or
4 receipts, fixed, enumerated, or provided in this or any other section of
5 the statutes of the State of Nebraska or any fees authorized by federal
6 law to be collected or retained by a county official. The clerk shall on
7 or before the fifteenth day of each month make a report to the county
8 board, under oath, showing the different items of such fees, revenue,
9 perquisites, or receipts received, from whom, at what time, and for what
10 service, and the total amount received by such officer since the last
11 report, and also the amount received for the current year.

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

16 (a) Of the forty-two-dollar filing ~~docket~~ fee imposed pursuant to
17 section 33-106, five dollars shall be remitted to the State Treasurer for
18 credit to the General Fund and two dollars shall be remitted to the State
19 Treasurer for credit to the Nebraska Retirement Fund for Judges;

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

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

26 Sec. 72. Section 33-131, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 ~~33-131 The clerks of the district court,~~ sheriffs, county judges,
29 county treasurers, county clerks, and registers of deeds of the several
30 counties of the state shall each keep a book, unless authorized to use a
31 computerized system, which shall be provided by the county, which shall

1 be known as the fee book, which shall be a part of the records of such
2 office, and in which shall be entered each and every item of fees
3 collected showing in separate columns the name of the party from whom
4 received, the date of receiving the same, the amount received, and for
5 what service the same was charged. The clerks of the district court shall
6 use the court's electronic case management system provided by the state
7 which shall be the record of receipts and reimbursements.

8 Sec. 73. Section 33-140.03, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 33-140.03 The county board shall examine the books and records
11 ~~dockets~~ of the clerk of the county and district courts of the county. If
12 the board finds that a clerk has failed to report or pay over any of the
13 fees required by section 33-140 to be paid over or reported, the board
14 shall notify the clerk to pay over the fees at once. If the clerk fails
15 to pay over such fees to the county treasurer, the county board shall
16 commence suit in any court having jurisdiction against the clerk and the
17 person who issued the clerk's bond. The action shall be commenced in the
18 name of the county for the benefit of the common schools of the county.

19 Sec. 74. Section 35-102, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 35-102 No volunteer fire department shall have upon its rolls at one
22 time more than twenty-five persons, for each engine and hose company in
23 the said fire department, and no hook and ladder company shall have upon
24 its rolls at any one time more than twenty-five members. ~~The foreman and~~
25 ~~secretary of every such company shall, on the first day of April and~~
26 ~~October in each year, file in the office of the clerk of the district~~
27 ~~court in and for the respective counties a certified copy of the rolls of~~
28 ~~their respective companies so as to obtain for the members thereof the~~
29 ~~privilege of the exemption mentioned in section 35-101.~~ No organization
30 shall be deemed to be a bona fide fire, or hook and ladder company until
31 it shall have procured for active service apparatus for the

1 extinguishment or prevention of fires, in case of a hose company, to the
2 value of seven hundred dollars, and of a hook and ladder company to the
3 value of five hundred dollars.

4 Sec. 75. Section 37-1283, Revised Statutes Cumulative Supplement,
5 2014, is amended to read:

6 37-1283 (1) In the event of the transfer of ownership of a motorboat
7 by operation of law as upon inheritance, devise, or bequest, order in
8 bankruptcy, insolvency, replevin, or execution sale, (2) whenever a
9 motorboat is sold to satisfy storage or repair charges, or (3) whenever
10 repossession is had upon default in performance of the terms of a chattel
11 mortgage, trust receipt, conditional sales contract, or other like
12 agreement, the county treasurer of any county or the Department of Motor
13 Vehicles, upon the surrender of the prior certificate of title or the
14 manufacturer's or importer's certificate, or when that is not possible,
15 upon presentation of satisfactory proof of ownership and right of
16 possession to the motorboat, and upon payment of the fee prescribed in
17 section 37-1287 and the presentation of an application for certificate of
18 title, may issue to the applicant a certificate of title thereto. If the
19 prior certificate of title issued for the motorboat provided for joint
20 ownership with right of survivorship, a new certificate of title shall be
21 issued to a subsequent purchaser upon the assignment of the prior
22 certificate of title by the surviving owner and presentation of
23 satisfactory proof of death of the deceased owner. Only an affidavit by
24 the person or agent of the person to whom possession of the motorboat has
25 so passed, setting forth facts entitling him or her to such possession
26 and ownership, together with a copy of ~~a the journal entry,~~ court order,
27 or instrument upon which such claim of possession and ownership is
28 founded shall be considered satisfactory proof of ownership and right of
29 possession, except that if the applicant cannot produce such proof of
30 ownership, he or she may submit to the department such evidence as he or
31 she may have and the department may thereupon, if it finds the evidence

1 sufficient, issue the certificate of title or authorize any county
2 treasurer to issue a certificate of title, as the case may be. If from
3 the records of the county treasurer or the department there appear to be
4 any liens on the motorboat, the certificate of title shall comply with
5 section 37-1282 regarding the liens unless the application is accompanied
6 by proper evidence of their satisfaction or extinction.

7 Sec. 76. Section 42-364, Revised Statutes Cumulative Supplement,
8 2014, is amended to read:

9 42-364 (1)(a) In an action under Chapter 42 involving child support,
10 child custody, parenting time, visitation, or other access, the parties
11 and their counsel, if represented, shall develop a parenting plan as
12 provided in the Parenting Act. If the parties and counsel do not develop
13 a parenting plan, the complaint shall so indicate as provided in section
14 42-353 and the case shall be referred to mediation or specialized
15 alternative dispute resolution as provided in the Parenting Act. For good
16 cause shown and (i) when both parents agree and such parental agreement
17 is bona fide and not asserted to avoid the purposes of the Parenting Act,
18 or (ii) when mediation or specialized alternative dispute resolution is
19 not possible without undue delay or hardship to either parent, the
20 mediation or specialized alternative dispute resolution requirement may
21 be waived by the court. In such a case where waiver of the mediation or
22 specialized alternative dispute resolution is sought, the court shall
23 hold an evidentiary hearing and the burden of proof for the party or
24 parties seeking waiver is by clear and convincing evidence.

25 (b) The decree in an action involving the custody of a minor child
26 shall include the determination of legal custody and physical custody
27 based upon the best interests of the child, as defined in the Parenting
28 Act, and child support. Such determinations shall be made by
29 incorporation into the decree of (i) a parenting plan developed by the
30 parties, if approved by the court, or (ii) a parenting plan developed by
31 the court based upon evidence produced after a hearing in open court if

1 no parenting plan is developed by the parties or the plan developed by
2 the parties is not approved by the court. The decree shall conform to the
3 Parenting Act.

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

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

14 (3) Custody of a minor child may be placed with both parents on a
15 joint legal custody or joint physical custody basis, or both, (a) when
16 both parents agree to such an arrangement in the parenting plan and the
17 court determines that such an arrangement is in the best interests of the
18 child or (b) if the court specifically finds, after a hearing in open
19 court, that joint physical custody or joint legal custody, or both, is in
20 the best interests of the minor child regardless of any parental
21 agreement or consent.

22 (4) In determining the amount of child support to be paid by a
23 parent, the court shall consider the earning capacity of each parent and
24 the guidelines provided by the Supreme Court pursuant to section
25 42-364.16 for the establishment of child support obligations. Upon
26 application, hearing, and presentation of evidence of an abusive
27 disregard of the use of child support money or cash medical support paid
28 by one party to the other, the court may require the party receiving such
29 payment to file a verified report with the court, as often as the court
30 requires, stating the manner in which child support money or cash medical
31 support is used. Child support money or cash medical support paid to the

1 party having physical custody of the minor child shall be the property of
2 such party except as provided in section 43-512.07. The clerk of the
3 district court shall maintain a record, ~~separate from all other judgment~~
4 ~~dockets,~~ of all decrees and orders in which the payment of child support,
5 cash medical support, or spousal support has been ordered, whether
6 ordered by a district court, county court, separate juvenile court, or
7 county court sitting as a juvenile court. Orders for child support or
8 cash medical support in cases in which a party has applied for services
9 under Title IV-D of the federal Social Security Act, as amended, shall be
10 reviewed as provided in sections 43-512.12 to 43-512.18.

11 (5) Whenever termination of parental rights is placed in issue the
12 court shall transfer jurisdiction to a juvenile court established
13 pursuant to the Nebraska Juvenile Code unless a showing is made that the
14 county court or district court is a more appropriate forum. In making
15 such determination, the court may consider such factors as cost to the
16 parties, undue delay, congestion of trial dockets, and relative resources
17 available for investigative and supervisory assistance. A determination
18 that the county court or district court is a more appropriate forum shall
19 not be a final order for the purpose of enabling an appeal. If no such
20 transfer is made, the court shall conduct the termination of parental
21 rights proceeding as provided in the Nebraska Juvenile Code.

22 (6) Modification proceedings relating to support, custody, parenting
23 time, visitation, other access, or removal of children from the
24 jurisdiction of the court shall be commenced by filing a complaint to
25 modify. Modification of a parenting plan is governed by the Parenting
26 Act. Proceedings to modify a parenting plan shall be commenced by filing
27 a complaint to modify. Such actions shall be referred to mediation or
28 specialized alternative dispute resolution as provided in the Parenting
29 Act. For good cause shown and (a) when both parents agree and such
30 parental agreement is bona fide and not asserted to avoid the purposes of
31 the Parenting Act, or (b) when mediation or specialized alternative

1 dispute resolution is not possible without undue delay or hardship to
2 either parent, the mediation or specialized alternative dispute
3 resolution requirement may be waived by the court. In such a case where
4 waiver of the mediation or specialized alternative dispute resolution is
5 sought, the court shall hold an evidentiary hearing and the burden of
6 proof for the party or parties seeking waiver is by clear and convincing
7 evidence. Service of process and other procedure shall comply with the
8 requirements for a dissolution action.

9 (7) In any proceeding under this section relating to custody of a
10 child of school age, certified copies of school records relating to
11 attendance and academic progress of such child are admissible in
12 evidence.

13 Sec. 77. Section 42-372.02, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-372.02 (1) When a decree of dissolution of marriage assigns real
16 estate to either party, the party to whom the real estate is assigned may
17 (a) prepare and file with the clerk of the district court an affidavit
18 identifying the real estate by legal description and affirmatively
19 identifying the person entitled to the real estate and (b) prepare for
20 signature and seal by the clerk one or more certificates in a form
21 substantially similar to the following:

22 CERTIFICATE OF DISSOLUTION OF MARRIAGE
23, Clerk of the District Court of
24 County, Nebraska, certifies that in Case No., ~~Docket~~
25 ~~Page~~, in such Court, entitled
26 vs., the Court entered its decree of dissolution
27 of marriage in which the interest of in the
28 following described real estate in County, Nebraska:
29
30
31

1
2

3 has been assigned to

4 Dated:

5 (SEAL) Clerk of the District Court

6 County, Nebraska.

7 (2) A certificate may include more than one parcel of real estate,
8 but there shall be separate certificates for each party to whom real
9 estate is assigned and separate certificates for each county in which
10 real estate is located. The certificate or certificates shall be
11 delivered by the clerk to the person applying for the same, and such
12 person shall be responsible for recording the certificate or certificates
13 with the register of deeds in the appropriate county or counties as
14 provided in section 76-248.01.

15 Sec. 78. Section 43-102, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 43-102 Except as otherwise provided in the Nebraska Indian Child
18 Welfare Act, any person or persons desiring to adopt a minor child or an
19 adult child shall file a petition for adoption signed and sworn to by the
20 person or persons desiring to adopt. The consent or consents required by
21 sections 43-104 and 43-105 or section 43-104.07, the documents required
22 by section 43-104.07 or the documents required by sections 43-104.08 to
23 43-104.25, and a completed preplacement adoptive home study if required
24 by section 43-107 shall be filed prior to the hearing required in section
25 43-103.

26 The county court of the county in which the person or persons
27 desiring to adopt a child reside has jurisdiction of adoption
28 proceedings, except that if a separate juvenile court already has
29 jurisdiction over the child to be adopted under the Nebraska Juvenile
30 Code, such separate juvenile court has concurrent jurisdiction with the
31 county court in such adoption proceeding. If a child to be adopted is a
ward of any court or a ward of the state at the time of placement and at

1 the time of filing an adoption petition, the person or persons desiring
2 to adopt shall not be required to be residents of Nebraska. The petition
3 and all other court filings for an adoption proceeding shall be filed
4 with the clerk of the county court. The party shall state in the petition
5 whether such party requests that the proceeding be heard by the county
6 court or, in cases in which a separate juvenile court already has
7 jurisdiction over the child to be adopted under the Nebraska Juvenile
8 Code, such separate juvenile court. Such proceeding is considered a
9 county court proceeding even if heard by a separate juvenile court judge
10 and an order of the separate juvenile court in such adoption proceeding
11 has the force and effect of a county court order. The testimony in an
12 adoption proceeding heard before a separate juvenile court judge shall be
13 preserved as in any other separate juvenile court proceeding. ~~The clerks~~
14 ~~of the district courts shall transfer all adoption petitions and other~~
15 ~~adoption filings which were filed with such clerks prior to August 28,~~
16 ~~1999, to the clerk of the county court where the separate juvenile court~~
17 ~~which heard the proceeding is situated. The clerk of such county court~~
18 ~~shall file and docket such petitions and other filings.~~

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

24 Sec. 79. Section 43-2,108, Revised Statutes Supplement, 2015, is
25 amended to read:

26 43-2,108 (1) The juvenile court judge shall keep a record minute
27 book in which he or she shall enter minutes of all proceedings of the
28 court in each case, including appearances, findings, orders, decrees, and
29 judgments, and any evidence which he or she feels it is necessary and
30 proper to record. The case file shall contain the pleadings, orders,
31 court actions, judgments, postjudgment actions, and other documents. The

1 case file may be maintained as an electronic document through the court's
2 electronic case management system. The case file may also be maintained
3 in a paper volume and disposed of when determined by the State Records
4 Administrator pursuant to the Records Management Act ~~Juvenile court legal~~
5 ~~records shall be deposited in files and shall include the petition,~~
6 ~~summons, notice, certificates or receipts of mailing, minutes of the~~
7 ~~court, findings, orders, decrees, judgments, and motions.~~

8 (2) Except as provided in subsections (3), (4), and (5) of this
9 section, the medical, psychological, psychiatric, and social welfare
10 reports and the records of juvenile probation officers as they relate to
11 individual proceedings in the juvenile court shall not be open to
12 inspection, without order of the court. Such records shall be made
13 available to a district court of this state or the District Court of the
14 United States on the order of a judge thereof for the confidential use of
15 such judge or his or her probation officer as to matters pending before
16 such court but shall not be made available to parties or their counsel;
17 and such district court records shall be made available to a county court
18 or separate juvenile court upon request of the county judge or separate
19 juvenile judge for the confidential use of such judge and his or her
20 probation officer as to matters pending before such court, but shall not
21 be made available by such judge to the parties or their counsel.

22 (3) As used in this section, confidential record information means
23 all ~~docket~~ records, other than the pleadings, orders, decrees, and
24 judgments; case files and records; reports and records of probation
25 officers; and information supplied to the court of jurisdiction in such
26 cases by any individual or any public or private institution, agency,
27 facility, or clinic, which is compiled by, produced by, and in the
28 possession of any court. In all cases under subdivision (3)(a) of section
29 43-247, access to all confidential record information in such cases shall
30 be granted only as follows: (a) The court of jurisdiction may, subject to
31 applicable federal and state regulations, disseminate such confidential

1 record information to any individual, or public or private agency,
2 institution, facility, or clinic which is providing services directly to
3 the juvenile and such juvenile's parents or guardian and his or her
4 immediate family who are the subject of such record information; (b) the
5 court of jurisdiction may disseminate such confidential record
6 information, with the consent of persons who are subjects of such
7 information, or by order of such court after showing of good cause, to
8 any law enforcement agency upon such agency's specific request for such
9 agency's exclusive use in the investigation of any protective service
10 case or investigation of allegations under subdivision (3)(a) of section
11 43-247, regarding the juvenile or such juvenile's immediate family, who
12 are the subject of such investigation; and (c) the court of jurisdiction
13 may disseminate such confidential record information to any court, which
14 has jurisdiction of the juvenile who is the subject of such information
15 upon such court's request.

16 (4) The court shall provide copies of predispositional reports and
17 evaluations of the juvenile to the juvenile's attorney and the county
18 attorney or city attorney prior to any hearing in which the report or
19 evaluation will be relied upon.

20 (5) In all cases under sections 43-246.01 and 43-247, the court or
21 the probation officer shall disseminate confidential record information
22 to (a) the office of Inspector General of Nebraska Child Welfare upon
23 request for the exclusive use in an investigation pursuant to the Office
24 of Inspector General of Nebraska Child Welfare Act and (b) the Foster
25 Care Review Office pursuant to the Foster Care Review Act. Nothing in
26 this subsection shall prevent the notification of death or serious injury
27 of a juvenile to the Inspector General of Nebraska Child Welfare pursuant
28 to section 43-4318 as soon as reasonably possible after the Office of
29 Probation Administration learns of such death or serious injury.

30 (6) Nothing in subsections (3) and (5) of this section shall be
31 construed to restrict the dissemination of confidential record

1 information between any individual or public or private agency,
2 institute, facility, or clinic, except any such confidential record
3 information disseminated by the court of jurisdiction pursuant to this
4 section shall be for the exclusive and private use of those to whom it
5 was released and shall not be disseminated further without order of such
6 court.

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

14 (b) Upon application by the county attorney or by the director of
15 the facility where the juvenile is placed and upon a showing of good
16 cause therefor, a judge of the juvenile court having jurisdiction over
17 the juvenile or of the county where the facility is located may order
18 that the records shall not be made available to the juvenile if, in the
19 judgment of the court, the availability of such records to the juvenile
20 will adversely affect the juvenile's mental state and the treatment
21 thereof.

22 Sec. 80. Section 43-2,113, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 43-2,113 (1) In counties where a separate juvenile court is
25 established, the county board of the county shall provide suitable rooms
26 and offices for the accommodation of the judge of the separate juvenile
27 court and the officers and employees appointed by such judge or by the
28 probation administrator pursuant to subsection (4) of section 29-2253.
29 Such separate juvenile court and the judge, officers, and employees of
30 such court shall have the same and exclusive jurisdiction, powers, and
31 duties that are prescribed in the Nebraska Juvenile Code, concurrent

1 jurisdiction under section 83-223, and such other jurisdiction, powers,
2 and duties as specifically provided by law.

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

13 (3) All orders issued by a separate juvenile court or a county court
14 which provide for child support or spousal support as defined in section
15 42-347 shall be governed by sections 42-347 to 42-381 and 43-290 relating
16 to such support. Certified copies of such orders shall be filed by the
17 clerk of the separate juvenile or county court with the clerk of the
18 district court who shall maintain a record as provided in subsection (4)
19 of section 42-364. There shall be no fee charged for the filing of such
20 certified copies.

21 Sec. 81. Section 44-2006, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 44-2006 The Attorney General upon request of the Director of
24 Insurance may proceed in the courts of this state or any reciprocal state
25 to enforce an order or decision in any court proceeding or in any
26 administrative proceeding before the director.

27 (1) As used in this section:

28 (a) Reciprocal state shall mean any state or territory of the United
29 States the laws of which contain procedures substantially similar to
30 those specified in this section for the enforcement of decrees or orders
31 in equity issued by courts located in other states or territories of the

1 United States against any insurer incorporated or authorized to do
2 business in such state or territory;

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

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

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

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

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

26 (b) Promptly upon the filing of the foreign decree and the
27 affidavit, the clerk of the court shall mail notice of the filing of the
28 foreign decree to the defendant at the address given and to the Director
29 of Insurance and shall file notice ~~make a note~~ of the mailing on the
30 record ~~in the docket~~. In addition, the Attorney General may mail a notice
31 of the filing of the foreign decree to the defendant and to the Director

1 of Insurance and may file proof of mailing with the clerk. Lack of
2 mailing notice of filing by the clerk shall not affect the enforcement
3 proceedings if proof of mailing by the Attorney General has been filed.

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

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

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

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

23 Sec. 82. Section 44-4828, Revised Statutes Cumulative Supplement,
24 2014, is amended to read:

25 44-4828 (1)(a) A preference shall mean a transfer of any of the
26 property of an insurer to or for the benefit of a creditor, for or on
27 account of an antecedent debt, made or suffered by the insurer within one
28 year before the filing of a successful petition for liquidation under the
29 Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act the
30 effect of which transfer may be to enable the creditor to obtain a
31 greater percentage of such debt than another creditor of the same class

1 would receive. If a liquidation order is entered while the insurer is
2 already subject to a rehabilitation order, such transfers shall be deemed
3 preferences if made or suffered within one year before the filing of the
4 successful petition for rehabilitation or within two years before the
5 filing of the successful petition for liquidation, whichever time is
6 shorter.

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) A lien obtainable by legal or equitable proceedings could become
31 superior to the rights of a transferee or a purchaser could obtain rights

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

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

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

29 (6) The property affected by any lien deemed voidable under
30 subsections (1) and (5) of this section shall be discharged from such
31 lien, and that property and any of the indemnifying property transferred

1 to or for the benefit of a surety shall pass to the liquidator, except
2 that the court may on due notice order any such lien to be preserved for
3 the benefit of the estate and the court may direct that such conveyance
4 be executed as may be proper or adequate to evidence the title of the
5 liquidator.

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

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

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

31 (10) If an insurer, directly or indirectly, within four months

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

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

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

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

27 Sec. 83. Section 48-1119, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 48-1119 (1) In case of failure to eliminate any unlawful employment
30 practice by informal methods of conference, conciliation, persuasion,
31 mediation, or arbitration, the commission may order a public hearing. If

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

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

1 documentary or otherwise, under oath. Nothing in this subsection shall be
2 construed as precluding any person from claiming any right or privilege
3 available to such person under the fifth amendment to the Constitution of
4 the United States.

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

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

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

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

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

28 Sec. 84. Section 50-406, Revised Statutes Cumulative Supplement,
29 2014, is amended to read:

30 50-406 In the discharge of any duty imposed by the Legislative
31 Council, by statute, or by a resolution of the Legislature, the council,

1 any committee thereof, and any standing or special committee created by
2 statute or resolution of the Legislature may hold public hearings and may
3 administer oaths, issue subpoenas when the committee has received prior
4 approval by a majority vote of the Executive Board of the Legislative
5 Council to issue subpoenas in connection with the specific inquiry or
6 investigation in question, compel the attendance of witnesses and the
7 production of any papers, books, accounts, documents, and testimony, and
8 cause the depositions of witnesses to be taken in the manner prescribed
9 by law for taking depositions in civil actions in the district court. The
10 council or the committee may require any state agency, political
11 subdivision, or person to provide information relevant to the committee's
12 work, and the state agency, political subdivision, or person shall
13 provide the information requested within thirty days after the request
14 except as provided for in a subpoena. The statute or resolution creating
15 a committee may prescribe limitations on the authority granted by this
16 section.

17 Litigation to compel or quash compliance with authority exercised
18 pursuant to this section shall be advanced on the trial court ~~court~~ docket and
19 heard and decided by the court as quickly as possible. Either party may
20 appeal to the Court of Appeals within ten days after a decision is
21 rendered.

22 The district court of Lancaster County has jurisdiction over all
23 litigation arising under this section. In all such litigation the
24 executive board shall provide for legal representation for the council or
25 committee.

26 Sec. 85. Section 60-166, Revised Statutes Cumulative Supplement,
27 2014, is amended to read:

28 60-166 (1) In the event of (a) the transfer of ownership of a
29 vehicle by operation of law as upon inheritance, devise, or bequest,
30 order in bankruptcy, insolvency, replevin, or execution sale or as
31 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,

1 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by
2 another engine, (c) a vehicle being sold to satisfy storage or repair
3 charges, or (d) repossession being had upon default in performance of the
4 terms of a chattel mortgage, trust receipt, conditional sales contract,
5 or other like agreement, the county treasurer of any county or the
6 department, upon the surrender of the prior certificate of title or the
7 manufacturer's or importer's certificate, or when that is not possible,
8 upon presentation of satisfactory proof of ownership and right of
9 possession to such vehicle, and upon payment of the appropriate fee and
10 the presentation of an application for certificate of title, may issue to
11 the applicant a certificate of title thereto. If the prior certificate of
12 title issued for such vehicle provided for joint ownership with right of
13 survivorship, a new certificate of title shall be issued to a subsequent
14 purchaser upon the assignment of the prior certificate of title by the
15 surviving owner and presentation of satisfactory proof of death of the
16 deceased owner. Only an affidavit by the person or agent of the person to
17 whom possession of such vehicle has so passed, setting forth facts
18 entitling him or her to such possession and ownership, together with a
19 copy of a the journal entry, court order, or instrument upon which such
20 claim of possession and ownership is founded, shall be considered
21 satisfactory proof of ownership and right of possession, except that if
22 the applicant cannot produce such proof of ownership, he or she may
23 submit to the department such evidence as he or she may have, and the
24 department may thereupon, if it finds the evidence sufficient, issue the
25 certificate of title or authorize any county treasurer to issue a
26 certificate of title, as the case may be.

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

1 Sec. 86. Section 71-6903, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-6903 (1) The requirements and procedures under this section are
4 available to pregnant women whether or not they are residents of this
5 state.

6 (2) If a pregnant woman elects not to obtain the consent of her
7 parents or guardians, a judge of a district court, separate juvenile
8 court, or county court sitting as a juvenile court shall, upon petition
9 or motion and after an appropriate hearing, authorize a physician to
10 perform the abortion if the court determines by clear and convincing
11 evidence that the pregnant woman is both sufficiently mature and well-
12 informed to decide whether to have an abortion. If the court does not
13 make the finding specified in this subsection or subsection (3) of this
14 section, it shall dismiss the petition.

15 (3) If the court finds, by clear and convincing evidence, that there
16 is evidence of abuse as defined in section 28-351, sexual abuse as
17 defined in section 28-367, or child abuse or neglect as defined in
18 section 28-710 of the pregnant woman by a parent or a guardian or that an
19 abortion without the consent of a parent or a guardian is in the best
20 interest of the pregnant woman, the court shall issue an order
21 authorizing the pregnant woman to consent to the performance or
22 inducement of an abortion without the consent of a parent or a guardian.
23 If the court does not make the finding specified in this subsection or
24 subsection (2) of this section, it shall dismiss the petition.

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

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

1 (4 6) The pregnant woman may commence an action for waiver of the
2 consent requirement by the filing of a petition or motion personally, by
3 mail, or by facsimile on a form provided by the State Court
4 Administrator.

5 (5 7) The State Court Administrator shall develop the petition form
6 and accompanying instructions on the procedure for petitioning the court
7 for a waiver of consent, including the name, address, telephone number,
8 and facsimile number of each court in the state. A sufficient number of
9 petition forms and instructions shall be made available in each
10 courthouse in such place that members of the general public may obtain a
11 form and instructions without requesting such form and instructions from
12 the clerk of the court or other court personnel. The State Court
13 Administrator shall also make such forms and instructions available on a
14 web site maintained by the Supreme Court. The clerk of the court shall,
15 ~~upon request,~~ assist in administrative matters ~~completing~~ and filing the
16 petition for waiver of consent.

17 (6 8) Proceedings in court pursuant to this section shall be
18 confidential and shall ensure the anonymity of the pregnant woman. The
19 pregnant woman shall have the right to file her petition in the court
20 using a pseudonym or using solely her initials. Proceedings shall be held
21 in camera. Only the pregnant woman, the pregnant woman's guardian ad
22 litem, the pregnant woman's attorney, and a person whose presence is
23 specifically requested by the pregnant woman or the pregnant woman's
24 attorney may attend the hearing on the petition. All testimony, all
25 documents, all other evidence presented to the court, the petition and
26 any order entered, and all records of any nature and kind relating to the
27 matter shall be maintained and sealed by the clerk of the court and shall
28 not be open to any person except upon order of the court for good cause
29 shown. ~~A separate docket for the purposes of this section shall be~~
30 ~~maintained by the clerk of the court and shall likewise be sealed and not~~
31 ~~opened to inspection by any person except upon order of the court for~~

1 ~~good cause shown.~~

2 (7 9) A pregnant woman who is subject to this section may
3 participate in the court proceedings on her own behalf, and the court may
4 appoint a guardian ad litem for her. The court shall advise the pregnant
5 woman that she has a right to court-appointed counsel and shall, upon her
6 request, provide her with such counsel. Such counsel shall receive a fee
7 to be fixed by the court and to be paid out of the treasury of the county
8 in which the proceeding was held.

9 (8 10) Proceedings in court pursuant to this section shall be given
10 such precedence on the trial docket over other pending matters so that
11 the court may reach a decision promptly and without delay to serve the
12 best interest of the pregnant woman. In no case shall the court fail to
13 rule within seven calendar days from the time the petition is filed. If
14 the court fails to rule within the required time period, the pregnant
15 woman may file an application for a writ of mandamus with the Supreme
16 Court. If cause for a writ of mandamus exists, the writ shall issue
17 within three days.

18 (9 11) The court shall issue a written order which includes specific
19 factual findings and legal conclusions supporting its decision which
20 shall be provided immediately to the pregnant woman, the pregnant woman's
21 guardian ad litem, the pregnant woman's attorney, and any other person
22 designated by the pregnant woman to receive the order. Further, the court
23 shall order that a confidential record of the evidence and the judge's
24 findings and conclusions be maintained. At the hearing, the court shall
25 hear evidence relating to the emotional development, maturity, intellect,
26 and understanding of the pregnant woman.

27 Sec. 87. Section 76-717, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 76-717 Within thirty days after the filing of such notice of appeal,
30 the county judge shall prepare and transmit to the clerk of the district
31 court a duly certified transcript of all proceedings had concerning the

1 parcel or parcels of land as to which the particular condemnee takes the
2 appeal upon payment of the fees provided by law for preparation thereof.
3 When notice of appeal is filed by both the condemner and the condemnee,
4 such transcript shall be prepared only in response to the first notice of
5 appeal. The transcript prepared in response to the second notice of
6 appeal shall contain only a copy of such notice and the proceedings shall
7 be filed ~~docketed~~ in the district court as a single cause of action.

8 The filing of the notice of appeal shall confer jurisdiction on the
9 district court. The first party to perfect an appeal shall file a
10 petition on appeal in the district court within fifty days after the
11 filing of the notice of appeal. If no petition is filed, the court shall
12 direct the first party to perfect an appeal to file a petition and impose
13 such sanctions as are reasonable. The appeal shall be tried de novo in
14 the district court. Such appeal shall not delay the acquisition of the
15 property and placing of same to a public use if the condemner shall first
16 deposit with the county judge the amount assessed by the appraisers.

17 Sec. 88. Section 76-723, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 76-723 The appraisers shall each receive a reasonable fee for their
20 services, to be fixed by the county judge or clerk magistrate, and the
21 same shall be taxed as costs. The fee shall not exceed four hundred
22 twenty-five dollars for each appraiser exclusive of mileage for each day
23 actually employed in attendance on the board of appraisers. The condemner
24 may appeal from the allowance of any fee so fixed to the district court.
25 Such an appeal shall be filed ~~docketed~~ apart from and shall be considered
26 separately and independently from the rights between the condemnee and
27 condemner. All costs of the first appraisal shall be paid by the
28 condemner. In addition, the appraiser shall receive mileage at the rate
29 provided in section 81-1176 for each mile necessarily traveled.

30 Sec. 89. Section 81-8,211, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 81-8,211 Authority is hereby conferred upon the Risk Manager and
2 State Claims Board, acting on behalf of the State of Nebraska, to
3 consider, ascertain, adjust, compromise, settle, determine, and allow any
4 tort claim. Any claimant dissatisfied with a decision of the Risk Manager
5 may make application for review of the decision by the State Claims Board
6 by filing an application for review with the Risk Manager within sixty
7 days after receipt of notice of the Risk Manager's decision. If any tort
8 claim is compromised, settled, or allowed in an amount of more than five
9 thousand dollars, the approval of the State Claims Board is required. If
10 any tort claim is compromised, settled, or allowed in an amount of more
11 than ten thousand dollars, the unanimous approval of all members of the
12 State Claims Board shall be required. If any tort claim is compromised,
13 settled, or allowed in an amount of more than twenty-five thousand
14 dollars, the claim shall also be submitted for approval by the district
15 court for Lancaster County. When approval of the district court is
16 required, the Attorney General shall make application for such approval
17 and shall file with the application a transcript ~~complete record~~ of the
18 action of the State Claims Board on such claim. The claimant may join in
19 such application, and if the claimant does so, the court may proceed to
20 act on the application without further notice to either party. If the
21 claimant does not join in the application, the court shall require actual
22 notice to all parties before acting on the application. The court may
23 deny the application for any legal and sufficient reason or may direct
24 the State Claims Board to conduct further hearings on any material
25 issues. The fees of the clerk of the district court for filing,
26 ~~docketing, and indexing~~ such application shall be five dollars.

27 Sec. 90. Section 81-1848.03, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 81-1848.03 Victim's rights under sections 81-1843 to 81-1851 may be
30 waived by the victim at any time by (1) written consent, in person or by
31 attorney, filed with the clerk of the court or (2) oral consent in open

1 court entered on the record journal.

2 Sec. 91. Section 84-712.03, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 84-712.03 (1) Any person denied any rights granted by sections
5 84-712 to 84-712.03 may elect to:

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

10 (b) Petition the Attorney General to review the matter to determine
11 whether a record may be withheld from public inspection or whether the
12 public body that is custodian of such record has otherwise failed to
13 comply with such sections, including whether the fees estimated or
14 charged by the custodian are actual added costs or special service
15 charges as provided under section 84-712. This determination shall be
16 made within fifteen calendar days after the submission of the petition.
17 If the Attorney General determines that the record may not be withheld or
18 that the public body is otherwise not in compliance, the public body
19 shall be ordered to disclose the record immediately or otherwise comply.
20 If the public body continues to withhold the record or remain in
21 noncompliance, the person seeking disclosure or compliance may (i) bring
22 suit in the trial court of general jurisdiction or (ii) demand in writing
23 that the Attorney General bring suit in the name of the state in the
24 trial court of general jurisdiction for the same purpose. If such demand
25 is made, the Attorney General shall bring suit within fifteen calendar
26 days after its receipt. The requester shall have an absolute right to
27 intervene as a full party in the suit at any time.

28 (2) In any suit filed under this section, the court has jurisdiction
29 to enjoin the public body from withholding records, to order the
30 disclosure, and to grant such other equitable relief as may be proper.
31 The court shall determine the matter de novo and the burden is on the

1 public body to sustain its action. The court may view the records in
2 controversy in camera before reaching a decision, and in the discretion
3 of the court other persons, including the requester, counsel, and
4 necessary expert witnesses, may be permitted to view the records, subject
5 to necessary protective orders.

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

11 Sec. 92. Original sections 15-1203, 16-729, 24-303, 24-729, 25-412,
12 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121, 25-1126, 25-1129,
13 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305, 25-1318, 25-1415,
14 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578, 25-1587.04,
15 25-1587.06, 25-1635, 25-1912, 25-21,212, 25-21,228, 25-2205, 25-2207,
16 25-2208, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2731,
17 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418, 29-1705, 29-1802,
18 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2407, 29-2413, 29-3903,
19 30-2429.01, 30-2488, 31-320, 31-329, 32-1412, 33-106.01, 33-106.02,
20 33-131, 33-140.03, 35-102, 42-372.02, 43-102, 43-2,113, 44-2006, 48-1119,
21 76-717, 76-723, 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised
22 Statutes of Nebraska, and sections 25-410, 25-21,271, 25-2209, 25-2721,
23 25-3401, 30-2608, 33-106, 37-1283, 42-364, 44-4828, 50-406, 60-166, and
24 71-6903, Revised Statutes Cumulative Supplement, 2014, and sections
25 29-4007 and 43-2,108, Revised Statutes Supplement, 2015, are repealed.

26 Sec. 93. The following sections are outright repealed: Sections
27 24-337, 24-348, 25-1322, 25-2210, 25-2211.01, 25-2211.02, and 25-2616,
28 Reissue Revised Statutes of Nebraska, and sections 25-1319, 25-1320, and
29 25-1321, Revised Statutes Cumulative Supplement, 2014.