

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 943

Introduced by Hansen, 26.

Read first time January 13, 2016

Committee: Judiciary

1 A BILL FOR AN ACT relating to civil rights; to amend sections 15-1012,
2 18-1724, 21-612, 21-613, 25-305, 25-306, 25-1601, 27-505, 28-382,
3 28-701, 28-714, 28-803, 30-810, 30-2303, 30-2333, 30-2353, 30-3507,
4 36-213, 37-403, 38-1129, 40-103, 42-102, 42-103, 42-109, 42-201,
5 42-202, 42-203, 42-204, 42-206, 42-342, 42-367, 42-377, 42-501,
6 42-503, 42-617, 42-618, 42-619, 43-101, 43-104.08, 43-104.13,
7 43-108, 43-1257, 44-704, 44-705, 44-761, 44-1609, 44-2819, 45-1030,
8 48-122.01, 48-122.03, 48-124, 53-149, 71-601.01, 76-403, 76-409,
9 76-2117, 77-2732, 77-2769, 79-2,116, 80-102, 83-383, 85-171, and
10 85-9,168, Reissue Revised Statutes of Nebraska, sections 37-455,
11 44-710.01, 54-1,111, 76-3415, 77-3506, and 77-3509, Revised Statutes
12 Cumulative Supplement, 2014, and sections 28-707, 32-630, 37-1278,
13 43-2202, 48-1111, and 80-403, Revised Statutes Supplement, 2015; to
14 update references with respect to husband and wife; to harmonize
15 provisions; to repeal the original sections; and to outright repeal
16 section 42-207, Reissue Revised Statutes of Nebraska.
17 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 15-1012, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 15-1012 Notwithstanding any other language in Laws 1947, c. 23,
4 sections 1 to 22, it is specifically provided that the provisions of
5 article 2, Chapter 35, in effect for firemen of cities of the primary
6 class on September 7, 1947, at variance with the provisions of Laws 1947,
7 c. 23, sections 1 to 22, shall be controlling and supersede the
8 provisions of Laws 1947, c. 23, sections 1 to 22, as to all persons who
9 were members of such fire department on such date and the surviving
10 spouses ~~widows~~ and children of all such members.

11 Sec. 2. Section 18-1724, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 18-1724 Notwithstanding any other law or laws heretofore enacted,
14 all cities and villages in this state shall have the power by ordinance
15 to define, regulate, suppress, and prevent discrimination on the basis of
16 race, color, creed, religion, ancestry, sex, marital status, national
17 origin, familial status as defined in section 20-311, handicap as defined
18 in section 20-313, age, or disability in employment, public
19 accommodation, and housing and may provide for the enforcement of such
20 ordinances by providing appropriate penalties for the violation thereof.
21 It shall not be an unlawful employment practice to refuse employment
22 based on a policy of not employing both spouses in a marriage
23 relationship ~~husband and wife~~ if such policy is equally applied to both
24 sexes.

25 Sec. 3. Section 21-612, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 21-612 Fraternal, benevolent and charitable organizations in this
28 state which have or may hereafter be duly incorporated by the laws of the
29 state, are hereby authorized by and through their respective grand bodies
30 issuing charters to their subordinates, to organize and create within
31 their respective organizations, bodies corporate for the purpose of

1 establishing and maintaining homes in this state for the care and
2 maintenance of orphans, surviving spouses widows, aged, and indigent
3 persons, or for the care of such persons, under such rules, regulations,
4 and bylaws as such organization may provide. Such organizations may ~~;~~ and
5 ~~to~~ acquire and receive by donation, bequest, assessment and purchase and
6 other legitimate means, property and funds for such purpose and to hold
7 and invest all such property and funds thus acquired, ~~;~~ ~~to~~ borrow money
8 on its real estate and other property, ~~;~~ ~~to~~ acquire, invest, or reinvest
9 its funds for the endowment of such homes, or its charges or inmates, ~~;~~
10 ~~to~~ invest, reinvest, or exchange its endowment funds upon such securities
11 as its trustees may deem safe, ~~;~~ ~~to~~ take and hold mortgages upon real
12 estate and other securities therefor, and ~~to~~ exchange the same, and ~~to~~ do
13 all things necessary for the purposes and objects of charitable,
14 benevolent, and fraternal care of orphans, surviving spouses widows,
15 aged, and indigent persons who need such care. No ~~But no~~ funds or other
16 property thus acquired by any such fraternal, benevolent, or charitable
17 association shall ever be diverted from the objects and purposes herein
18 stated in this section.

19 Sec. 4. Section 21-613, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 21-613 Any and all fraternal, benevolent, and charitable grand
22 bodies issuing charters to subordinates in this state, which grand bodies
23 have been or may hereafter be incorporated by the laws of this state,
24 may, instead of forming an auxiliary corporation within their respective
25 organizations for the purpose of carrying out the objects of section
26 21-612, proceed to acquire in the name of such grand body all necessary
27 funds and property by donation, gift, bequests, purchase, and other
28 legitimate means, funds and property for the establishment and
29 maintenance of homes for surviving spouses widows, orphans, aged, and
30 indigent persons within this state. Such grand bodies may hold, invest,
31 reinvest, and use all such funds and property in their respective names,

1 and provide by bylaws the number of trustees or directors who shall have
2 the supervision of such funds, property, and home, together with the
3 tenure of office of such trustees or directors, and such grand body may
4 make such rules and regulations for the government and maintenance and
5 control of such homes or funds as may be necessary to promote the
6 fraternal, benevolent, and charitable objects of the same for the care
7 and maintenance of surviving spouses ~~widows~~, orphans, aged, and indigent
8 persons.

9 Sec. 5. Section 25-305, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 25-305 A ~~woman may while~~ married person may sue and be sued in the
12 same manner as if he or she were unmarried.

13 Sec. 6. Section 25-306, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 25-306 If a married couple are ~~husband and wife~~ be sued together,
16 either spouse ~~the wife~~ may defend for his or her own right, ÷ and if one
17 such spouse neglects ~~the husband neglect~~ to defend, the other spouse she
18 may defend for the neglecting spouse's ~~his~~ right also.

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

21 25-1601 (1) All citizens of the United States residing in any of the
22 counties of this state who are over the age of nineteen years, able to
23 read, speak, and understand the English language, and free from all
24 disqualifications set forth under this section and from all other legal
25 exceptions are and shall be competent persons to serve on all grand and
26 petit juries in their respective counties. Persons disqualified to serve
27 as either grand or petit jurors are: (a) Judges of any court, (b) clerks
28 of the Supreme Court or district courts, (c) sheriffs, (d) jailers, (e)
29 persons, or the spouse ~~wife or husband~~ of any such person, who are
30 parties to suits pending in the district court of the county of his, her,
31 or their then residence for trial at that jury panel, (f) persons who

1 have been convicted of a criminal offense punishable by imprisonment in a
2 Department of Correctional Services adult correctional facility, when
3 such conviction has not been set aside or a pardon issued, and (g)
4 persons who are subject to liability for the commission of any offense
5 which by special provision of law does and shall disqualify them. Both
6 spouses in a marriage relationship ~~Persons who are husband and wife~~ shall
7 not be summoned as jurors on the same panel. Persons who are incapable,
8 by reason of physical or mental disability, of rendering satisfactory
9 jury service shall not be qualified to serve on a jury, but a person
10 claiming this disqualification may be required to submit a physician's
11 certificate as to the disability and the certifying physician is subject
12 to inquiry by the court at its discretion. A nursing mother who requests
13 to be excused shall be excused from jury service until she is no longer
14 nursing her child, but the mother may be required to submit a physician's
15 certificate in support of her request.

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

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

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

8 Sec. 8. Section 27-505, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 27-505 (1) Neither spouse ~~husband nor wife~~ can be examined in any
11 case as to any confidential communication made by one spouse to the other
12 while married, nor shall they after the marriage relation ceases be
13 permitted to reveal in testimony any such communication while the
14 marriage subsisted except as otherwise provided by law. This privilege
15 may be waived only with the consent of both spouses. After the death of
16 one spouse, it may be waived by the surviving spouse ~~survivor~~.

17 For purposes of this section (a) a confidential communication shall
18 mean a communication which is made privately by any person to his or her
19 spouse with no intention that such communication be disclosed to any
20 other person and (b) communication shall include any action on the part
21 of a spouse if the action reasonably appears to have been intended to
22 communicate a message from one spouse to the other.

23 (2) During the existence of the marriage, a person ~~husband and wife~~
24 can in no criminal case be a witness against his or her spouse ~~the other~~.
25 This privilege may be waived only with the consent of both spouses.

26 (3) These privileges may not be claimed:

27 (a) In any criminal case where the crime charged is a crime of
28 violence, bigamy, incest, or any crime committed by one against the
29 person or property of the other or of a child of either or in any
30 criminal prosecution for spouse ~~against the husband for wife~~ or child
31 abandonment;

1 (b) In any case brought by either spouse ~~husband or wife~~ against a
2 third person relating to the ~~their~~ marriage relationship of the spouses
3 or the interruption of or interference with such relationship; or

4 (c) In any case brought by either spouse ~~husband or wife~~ against the
5 other for divorce or annulment of the marriage or for support.

6 Sec. 9. Section 28-382, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 28-382 (1) No rule of evidence or other provision of law concerning
9 confidential communications shall apply to prevent reports made pursuant
10 to the Adult Protective Services Act unless otherwise specifically
11 mentioned in the act.

12 (2) Evidence shall not be excluded from any judicial proceeding
13 resulting from a report made pursuant to the Adult Protective Services
14 Act on the ground that it is a confidential communication protected by
15 the privilege granted to spouses ~~husband and wife~~, patient and physician,
16 or client and professional counselor.

17 Sec. 10. Section 28-701, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 28-701 (1) If any married person, having a spouse ~~husband or wife~~
20 living, shall marry any other person, he or she shall be deemed guilty of
21 bigamy, unless as an affirmative defense it appears that at the time of
22 the subsequent marriage:

23 (a) The accused reasonably believes that the prior spouse is dead;
24 or

25 (b) The prior spouse had been continually absent for a period of
26 five years during which the accused did not know the prior spouse to be
27 alive; or

28 (c) The accused reasonably believed that he or she was legally
29 eligible to remarry.

30 (2) Any unmarried person who knowingly marries a person who is
31 married commits bigamy.

1 (3) Bigamy is a Class I misdemeanor.

2 Sec. 11. Section 28-707, Revised Statutes Supplement, 2015, is
3 amended to read:

4 28-707 (1) A person commits child abuse if he or she knowingly,
5 intentionally, or negligently causes or permits a minor child to be:

6 (a) Placed in a situation that endangers his or her life or physical
7 or mental health;

8 (b) Cruelly confined or cruelly punished;

9 (c) Deprived of necessary food, clothing, shelter, or care;

10 (d) Placed in a situation to be sexually exploited by allowing,
11 encouraging, or forcing such minor child to solicit for or engage in
12 prostitution, debauchery, public indecency, or obscene or pornographic
13 photography, films, or depictions;

14 (e) Placed in a situation to be sexually abused as defined in
15 section 28-319, 28-319.01, or 28-320.01; or

16 (f) Placed in a situation to be a trafficking victim as defined in
17 section 28-830.

18 (2) The statutory privilege between patient and physician, between
19 client and professional counselor, and between spouses ~~husband and wife~~
20 shall not be available for excluding or refusing testimony in any
21 prosecution for a violation of this section.

22 (3) Child abuse is a Class I misdemeanor if the offense is committed
23 negligently and does not result in serious bodily injury as defined in
24 section 28-109 or death.

25 (4) Child abuse is a Class IIIA felony if the offense is committed
26 knowingly and intentionally and does not result in serious bodily injury
27 as defined in section 28-109 or death.

28 (5) Child abuse is a Class IIIA felony if the offense is committed
29 negligently and results in serious bodily injury as defined in section
30 28-109.

31 (6) Child abuse is a Class IIA felony if the offense is committed

1 negligently and results in the death of such child.

2 (7) Child abuse is a Class II felony if the offense is committed
3 knowingly and intentionally and results in serious bodily injury as
4 defined in such section.

5 (8) Child abuse is a Class IB felony if the offense is committed
6 knowingly and intentionally and results in the death of such child.

7 (9) For purposes of this section, negligently refers to criminal
8 negligence and means that a person knew or should have known of the
9 danger involved and acted recklessly, as defined in section 28-109, with
10 respect to the safety or health of the minor child.

11 Sec. 12. Section 28-714, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 28-714 The privileged communication between patient and physician,
14 between client and professional counselor, and between spouses ~~husband~~
15 ~~and wife~~ shall not be a ground for excluding evidence in any judicial
16 proceeding resulting from a report of child abuse or neglect required by
17 section 28-711.

18 Sec. 13. Section 28-803, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 28-803 (1) Any person referred to in section 28-802 shall be a
21 competent witness in any prosecution thereunder to testify to any and all
22 matters, including conversation with the accused, or by the accused with
23 third persons, in his or her presence, notwithstanding having married the
24 accused either before or after the violation of any of the provisions of
25 such section; and the act and state of marriage shall not be a defense to
26 any violation of such section.

27 (2) Pandering shall be an exception to the ~~husband-wife~~ privilege as
28 provided in section 27-505.

29 Sec. 14. Section 30-810, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 30-810 Every such action, as described in section 30-809, shall be

1 commenced within two years after the death of such person. It shall be
2 brought by and in the name of the person's personal representative for
3 the exclusive benefit of the surviving spouse ~~widow or widower~~ and next
4 of kin. The verdict or judgment should be for the amount of damages which
5 the persons in whose behalf the action is brought have sustained. The
6 avails thereof shall be paid to and distributed among the surviving
7 spouse ~~widow or widower~~ and next of kin in the proportion that the
8 pecuniary loss suffered by each bears to the total pecuniary loss
9 suffered by all such persons. A personal representative shall not
10 compromise or settle a claim for damages hereunder until the court by
11 which he or she was appointed has ~~shall first have~~ consented to and
12 approved the terms thereof. The amount so received in settlement or
13 recovered by judgment shall be reported to and, if so ordered, paid into
14 such court for distribution, subject to the order of such court, to the
15 persons entitled thereto after a hearing thereon and after notice of such
16 hearing and of the time and place thereof has been given to all persons
17 interested by publication three successive weeks in a legal newspaper
18 published within the county or, if no legal newspaper is published within
19 the county, then in a legal newspaper published in an adjoining county,
20 except that the court for good cause shown may provide for a different
21 method or time of giving notice and a person, including a guardian ad
22 litem, conservator, or other fiduciary, may waive notice or any other
23 requirement for the mailing or receipt of instruments by a writing signed
24 by him or her and filed in the proceeding. Such amount shall not be
25 subject to any claims against the estate of such decedent. When the
26 amount of such settlement or judgment is ordered to be paid into the
27 court and is five thousand dollars or more, the county court, immediately
28 ~~shall forthwith~~ upon such settlement or payment of such judgment, shall
29 place such amount in interest-bearing certificates of deposit or a
30 savings account in a banking institution pending the entry of an order of
31 distribution by the court, and such interest that may accumulate pending

1 the entry of such order shall be distributed in the same proportions as
2 the settlement or judgment. The hearing to approve the terms of the
3 compromise or settlement and the hearing for distribution of the amount
4 so received in settlement or recovered by judgment may be combined into
5 one hearing.

6 Sec. 15. Section 30-2303, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 30-2303 The part of the intestate estate not passing to the
9 surviving spouse under section 30-2302, or the entire intestate estate if
10 there is no surviving spouse, passes as follows:

11 (1) to the issue of the decedent; if they are all of the same degree
12 of kinship to the decedent they take equally, but if of unequal degree,
13 then those of more remote degree take by representation;

14 (2) if there is no surviving issue, to his or her parent or parents
15 equally;

16 (3) if there is no surviving issue or parent, to the issue of the
17 parents or either of them by representation;

18 (4) if there is no surviving issue, parent, or issue of a parent,
19 but the decedent is survived by one or more grandparents or issue of
20 grandparents, ~~half of the estate passes~~ equally to the ~~paternal~~
21 ~~grandparents if both survive, or to the surviving~~ grandparents ~~paternal~~
22 ~~grandparent,~~ or to the issue of the ~~paternal~~ grandparents if all ~~both~~ are
23 deceased, the issue taking equally if they are all of the same degree of
24 kinship to the decedent, but if of unequal degree those of more remote
25 degree take by representation. ~~If ; and the other half passes to the~~
26 ~~maternal relatives in the same manner; but if there be no surviving~~
27 ~~grandparent or issue of grandparent on either the paternal or the~~
28 ~~maternal side, the entire estate passes to the relatives on the other~~
29 ~~side~~ in the same manner as the half;

30 (5) if there is no surviving issue, parent, issue of a parent,
31 grandparent, or issue of a grandparent, the entire estate passes to the

1 next of kin in equal degree, excepting that when there are two or more
2 collateral kindred in equal degree, but claiming through different
3 ancestors, those who claim through the nearest ancestor shall be
4 preferred to those claiming through a more remote ancestor.

5 Sec. 16. Section 30-2333, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 30-2333 If after executing a will the testator is divorced or his or
8 her marriage dissolved or annulled, the divorce, dissolution, or
9 annulment revokes any disposition or appointment of property made by the
10 will to the former spouse, any provision conferring a general or special
11 power of appointment on the former spouse, and any nomination of the
12 former spouse as executor, trustee, conservator, or guardian, unless the
13 will expressly provides otherwise. Property prevented from passing to a
14 former spouse because of revocation by divorce, dissolution, or annulment
15 passes as if the former spouse failed to survive the decedent, and other
16 provisions conferring some power or office on the former spouse are
17 interpreted as if the spouse failed to survive the decedent. If
18 provisions are revoked solely by this section, they are revived by
19 testator's remarriage to the former spouse. For purposes of this section,
20 divorce, dissolution, or annulment means any divorce, dissolution, or
21 annulment which would exclude the spouse as a surviving spouse within the
22 meaning of section 30-2353. A decree of separation which does not
23 terminate the status of spouses ~~husband and wife~~ is not a divorce for
24 purposes of this section. No change of circumstances other than as
25 described in this section revokes a will.

26 Sec. 17. Section 30-2353, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 30-2353 (a) An individual who is divorced from the decedent or whose
29 marriage to the decedent has been dissolved or annulled by a decree that
30 has become final is not a surviving spouse unless, by virtue of a
31 subsequent marriage, he or she is married to the decedent at the time of

1 death. A decree of separation which does not terminate the status of
2 spouses husband and wife is not a divorce for purposes of this section.

3 (b) For purposes of parts 1, 2, 3, and 4 of this article and of
4 section 30-2412, a surviving spouse does not include:

5 (1) an individual who obtains or consents to a final decree or
6 judgment of divorce from the decedent or an annulment or dissolution of
7 their marriage, which decree or judgment is not recognized as valid in
8 this state, unless they subsequently participate in a marriage ceremony
9 purporting to marry each to the other, or subsequently live together as
10 spouses man and wife;

11 (2) an individual who, following a decree or judgment of divorce or
12 annulment or dissolution of marriage obtained by the decedent,
13 participates in a marriage ceremony with a third individual; or

14 (3) an individual who was a party to a valid proceeding concluded by
15 an order purporting to terminate all marital property rights against the
16 decedent.

17 Sec. 18. Section 30-3507, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 30-3507 (a) Beneficial interests in a custodial trust created for
20 multiple beneficiaries are deemed to be separate custodial trusts of
21 equal undivided interests for each beneficiary. Except in a transfer or
22 declaration for use and benefit of spouses husband and wife, for whom
23 survivorship is presumed, a right of survivorship does not exist unless
24 the instrument creating the custodial trust specifically provides for
25 survivorship.

26 (b) Custodial trust property held under the Nebraska Uniform
27 Custodial Trust Act by the same custodial trustee for the use and benefit
28 of the same beneficiary may be administered as a single custodial trust.

29 (c) A custodial trustee of custodial trust property held for more
30 than one beneficiary shall separately account to each beneficiary
31 pursuant to sections 30-3508 and 30-3516 for the administration of the

1 custodial trust.

2 Sec. 19. Section 32-630, Revised Statutes Supplement, 2015, is
3 amended to read:

4 32-630 (1) Each person who signs a petition shall, at the time of
5 and in addition to signing, personally affix the date, print his or her
6 last name and first name in full, and affix his or her date of birth and
7 address, including the street and number or a designation of a rural
8 route or voting precinct and the city or village or a post office
9 address. A person signing a petition may use his or her initials in place
10 of his or her first name if such person is registered to vote under such
11 initials. No signer shall use ditto marks as a means of personally
12 affixing the date or address to any petition. A married person shall not
13 use his or her spouse's ~~wife shall not use her husband's~~ first name when
14 he or she signs a petition but shall personally affix his or her first
15 name and ~~her first name and her last name by marriage or her~~ surname. Any
16 signature using ditto marks as a means of personally affixing the date or
17 address of any petition or any signature using a spouse's first name
18 instead of his or her own shall be invalid.

19 (2) Each circulator of a petition shall personally witness the
20 signatures on the petition and shall sign the circulator's affidavit.

21 (3) No person shall:

22 (a) Sign any name other than his or her own to any petition;

23 (b) Knowingly sign his or her name more than once for the same
24 petition effort or measure;

25 (c) Sign a petition if he or she is not a registered voter and
26 qualified to sign the same except as provided in section 32-1404;

27 (d) Falsely swear to any signature upon any such petition;

28 (e) Accept money or other thing of value for signing any petition;

29 or

30 (f) Offer money or other thing of value in exchange for a signature
31 upon any petition.

1 Sec. 20. Section 36-213, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 36-213 Except as provided in the Income Withholding for Child
4 Support Act, every assignment of the wages or earnings of the head of a
5 family and every contract or agreement intending or purporting to have
6 the effect of such assignment shall be void unless such contract,
7 agreement, assignment, or transfer is executed and acknowledged by both
8 spouses ~~husband and wife~~ in the same manner that conveyances of real
9 estate are required to be signed and acknowledged by the laws of this
10 state and shall be limited to a percentage of the wages of the head of
11 household not greater than that subject to the operation of attachment,
12 execution, and garnishee process as provided in section 25-1558. Nothing
13 contained in this section shall be construed to void payroll deductions
14 by the employer if such wages or earnings so deducted are for (1)
15 purchase of government bonds, (2) contributions to charity, or (3)
16 payment of employee organization dues, of group or individual insurance
17 premiums, of pension assessments, to credit unions, or for a savings
18 plan, in accordance with a written order of the employee which has been
19 accepted by the employer. Every such assignment shall specify the
20 employer who will pay the wages that are the subject of the assignment,
21 and the assignment shall be valid only as to wages due from the employer
22 or employers so specified. It shall be unlawful for any person, firm,
23 corporation, company, partnership, limited liability company, or business
24 institution to cause any employer by any such void assignment or by
25 notice of any such void assignment to withhold the payment of any wages
26 due the head of a family.

27 Sec. 21. Section 37-403, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 37-403 Any person who owns or operates farm or ranch land and who
30 actually resides on a portion of such farm or ranch land, together with
31 members of his or her immediate family also residing on such land, may

1 hunt and possess, within duly established season bag and possession
2 limits, upland game birds and all game except migratory waterfowl, shore
3 birds, elk, deer, antelope, wild turkey, and mountain sheep without
4 paying a fee and without obtaining a hunting permit as required in
5 sections 37-401 and 37-411 or a habitat stamp as required in sections
6 37-426 to 37-433. For purposes of this exemption, immediate family means
7 and is limited to spouses ~~husband and wife~~ and their children and upland
8 game means and is limited to cottontail rabbits, squirrels, grouse,
9 partridges, pheasants, prairie chickens, and quail. Such exemption shall
10 only apply to hunting done on land owned or operated by such person and
11 shall not apply when hunting on the land of other persons. The commission
12 may by rule and regulation require a person hunting without a permit
13 claiming to come under this exemption to sign a statement presented by a
14 conservation officer which states facts which verify that the person
15 comes within this exemption.

16 A violation of this section shall be a Class IV misdemeanor.

17 Sec. 22. Section 37-455, Revised Statutes Cumulative Supplement,
18 2014, is amended to read:

19 37-455 (1) The commission may issue a limited permit for deer,
20 antelope, wild turkey, or elk to a person who is a qualifying landowner
21 or leaseholder and his or her immediate family as described in this
22 section. The commission may issue nonresident landowner limited permits
23 after preference has been given for the issuance of resident permits as
24 provided in rules and regulations adopted and promulgated by the
25 commission. A permit shall be valid during the predetermined period
26 established by the commission pursuant to sections 37-447 to 37-450,
27 37-452, 37-456, or 37-457. Upon receipt of an application in proper form
28 as prescribed by the rules and regulations of the commission, the
29 commission may issue (a) a limited deer, antelope, or wild turkey permit
30 valid for hunting on all of the land which is owned or leased by the
31 qualifying landowner or leaseholder if such lands are identified in the

1 application or (b) a limited elk permit valid for hunting on the entire
2 elk management unit of which the land of the qualifying landowner or
3 leaseholder included in the application is a part.

4 (2)(a) The commission shall adopt and promulgate rules and
5 regulations prescribing procedures and forms and create requirements for
6 documentation by an applicant or permittee to determine whether the
7 applicant or permittee is a Nebraska resident and is a qualifying
8 landowner or leaseholder of the described property or is a member of the
9 immediate family of such qualifying landowner or leaseholder. The
10 commission may adopt and promulgate rules and regulations that create
11 requirements for documentation to designate one qualifying landowner
12 among partners of a partnership or officers or shareholders of a
13 corporation that owns or leases eighty acres or more of farm or ranch
14 land for agricultural purposes and among beneficiaries of a trust that
15 owns or leases eighty acres or more of farm or ranch land for
16 agricultural purposes. Only a person who is a qualifying landowner or
17 leaseholder and such person's immediate family may apply for a limited
18 permit. An applicant may apply for no more than one permit per species
19 per year except as otherwise provided in the rules and regulations of the
20 commission. For purposes of this section, immediate family means and is
21 limited to spouses ~~a husband and wife~~ and their children or siblings
22 sharing ownership in the property.

23 (b) The conditions applicable to permits issued pursuant to sections
24 37-447 to 37-450, 37-452, 37-456, or 37-457, whichever is appropriate,
25 shall apply to limited permits issued pursuant to this section, except
26 that the commission may pass commission orders for species harvest
27 allocation pertaining to the sex and age of the species harvested which
28 are different for a limited permit than for other hunting permits. For
29 purposes of this section, white-tailed deer and mule deer shall be
30 treated as one species.

31 (3)(a) To qualify for a limited permit to hunt deer or antelope, the

1 applicant shall be a Nebraska resident who (i) owns or leases eighty
2 acres or more of farm or ranch land for agricultural purposes or a member
3 of such person's immediate family or (ii) is the partner, officer,
4 shareholder, or beneficiary designated as the qualifying landowner by a
5 partnership, corporation, or trust as provided in the rules and
6 regulations under subdivision (2)(a) of this section or a member of the
7 immediate family of the partner, officer, shareholder, or beneficiary.
8 The number of limited permits issued annually per species for each farm
9 or ranch shall not exceed the total acreage of the farm or ranch divided
10 by eighty. The fee for a limited permit to hunt deer or antelope shall be
11 one-half the fee for the regular permit for such species.

12 (b) A nonresident of Nebraska who owns three hundred twenty acres or
13 more of farm or ranch land in the State of Nebraska for agricultural
14 purposes or a member of such person's immediate family may apply for a
15 limited deer or antelope permit. The number of limited permits issued
16 annually per species for each farm or ranch shall not exceed the total
17 acreage of the farm or ranch divided by three hundred twenty. The fee for
18 such a permit to hunt deer or antelope shall be one-half the fee for a
19 nonresident permit to hunt such species.

20 (c) The commission may adopt and promulgate rules and regulations
21 providing for the issuance of an additional limited deer permit to a
22 qualified individual for the taking of a deer without antlers at a fee
23 equal to or less than the fee for the original limited permit.

24 (4)(a) To qualify for a limited permit to hunt wild turkey, the
25 applicant shall be a Nebraska resident who (i) owns or leases eighty
26 acres or more of farm or ranch land for agricultural purposes or a member
27 of such person's immediate family or (ii) is the partner, officer,
28 shareholder, or beneficiary designated as the qualifying landowner by a
29 partnership, corporation, or trust as provided in the rules and
30 regulations under subdivision (2)(a) of this section or a member of the
31 immediate family of the partner, officer, shareholder, or beneficiary.

1 The number of limited permits issued annually per season for each farm or
2 ranch shall not exceed the total acreage of the farm or ranch divided by
3 eighty. An applicant may apply for no more than one limited permit per
4 season. The fee for a limited permit to hunt wild turkey shall be one-
5 half the fee for the regular permit to hunt wild turkey.

6 (b) A nonresident of Nebraska who owns three hundred twenty acres or
7 more of farm or ranch land in the State of Nebraska for agricultural
8 purposes or a member of such person's immediate family may apply for a
9 limited permit to hunt wild turkey. Only one limited wild turkey permit
10 per three hundred twenty acres may be issued annually for each wild
11 turkey season under this subdivision. The fee for such a permit to hunt
12 shall be one-half the fee for a nonresident permit to hunt wild turkey.

13 (5) To qualify for a limited permit to hunt elk, (a) the applicant
14 shall be (i) a Nebraska resident who owns three hundred twenty acres or
15 more of farm or ranch land for agricultural purposes, (ii) a Nebraska
16 resident who leases six hundred forty acres or more of farm or ranch land
17 for agricultural purposes or has a leasehold interest and an ownership
18 interest in farm or ranch land used for agricultural purposes which when
19 added together totals at least six hundred forty acres, (iii) a
20 nonresident of Nebraska who owns at least one thousand two hundred eighty
21 acres of farm or ranch land for agricultural purposes, or (iv) a member
22 of such owner's or lessee's immediate family and (b) the qualifying farm
23 or ranch land of the applicant shall be within an area designated as an
24 elk management zone by the commission in its rules and regulations. An
25 applicant shall not be issued a limited bull elk permit more than once
26 every three years, and the commission may give preference to a person who
27 did not receive a limited elk permit or a specified type of limited elk
28 permit during the previous years. The fee for a resident landowner
29 limited permit to hunt elk shall not exceed one-half the fee for the
30 regular permit to hunt elk. The fee for a nonresident landowner limited
31 permit to hunt elk shall not exceed three times the cost of a resident

1 elk permit. The number of applications allowed for limited elk permits
2 for each farm or ranch shall not exceed the total acreage of the farm or
3 ranch divided by the minimum acreage requirements established for the
4 property. No more than one person may qualify for the same described
5 property.

6 Sec. 23. Section 37-1278, Revised Statutes Supplement, 2015, is
7 amended to read:

8 37-1278 (1) Application for a certificate of title shall be
9 presented to the county treasurer, shall be made upon a form prescribed
10 by the Department of Motor Vehicles, and shall be accompanied by the fee
11 prescribed in section 37-1287. The owner of a motorboat for which a
12 certificate of title is required shall obtain a certificate of title
13 prior to registration required under section 37-1214.

14 (2)(a) If a certificate of title has previously been issued for the
15 motorboat in this state, the application for a new certificate of title
16 shall be accompanied by the certificate of title duly assigned. If a
17 certificate of title has not previously been issued for the motorboat in
18 this state, the application shall be accompanied by a certificate of
19 number from this state, a manufacturer's or importer's certificate, a
20 duly certified copy thereof, proof of purchase from a governmental agency
21 or political subdivision, a certificate of title from another state, or a
22 court order issued by a court of record, a manufacturer's certificate of
23 origin, or an assigned registration certificate, if the motorboat was
24 brought into this state from a state which does not have a certificate of
25 title law. The county treasurer shall retain the evidence of title
26 presented by the applicant on which the certificate of title is issued.
27 When the evidence of title presented by the applicant is a certificate of
28 title or an assigned registration certificate issued by another state,
29 the department shall notify the state of prior issuance that the
30 certificate has been surrendered. If a certificate of title has not
31 previously been issued for the motorboat in this state and the applicant

1 is unable to provide such documentation, the applicant may apply for a
2 bonded certificate of title as prescribed in section 37-1278.01.

3 (b) This subdivision applies beginning on an implementation date
4 designated by the Director of Motor Vehicles. The director shall
5 designate an implementation date which is on or before January 1, 2020.
6 In addition to the information required under subdivision (2)(a) of this
7 section, the application for a certificate of title shall contain (i) the
8 full legal name as defined in section 60-468.01 of each owner and (ii)(A)
9 the motor vehicle operator's license number or state identification card
10 number of each owner, if applicable, and one or more of the
11 identification elements as listed in section 60-484 of each owner, if
12 applicable, and (B) if any owner is a business entity, a nonprofit
13 organization, an estate, a trust, or a church-controlled organization,
14 its tax identification number.

15 (3) The county treasurer shall use reasonable diligence in
16 ascertaining whether or not the statements in the application for a
17 certificate of title are true by checking the application and documents
18 accompanying the same with the records of motorboats in his or her
19 office. If he or she is satisfied that the applicant is the owner of the
20 motorboat and that the application is in the proper form, the county
21 treasurer shall issue a certificate of title over his or her signature
22 and sealed with his or her seal.

23 (4) In the case of the sale of a motorboat, the certificate of title
24 shall be obtained in the name of the purchaser upon application signed by
25 the purchaser, except that for titles to be held by both spouses ~~husband~~
26 ~~and wife~~, applications may be accepted by the county treasurer upon the
27 signature of either spouse as a signature for himself or herself and as
28 an agent for his or her spouse.

29 (5) In all cases of transfers of motorboats, the application for a
30 certificate of title shall be filed within thirty days after the delivery
31 of the motorboat. A dealer need not apply for a certificate of title for

1 a motorboat in stock or acquired for stock purposes, but upon transfer of
2 a motorboat in stock or acquired for stock purposes, the dealer shall
3 give the transferee a reassignment of the certificate of title on the
4 motorboat or an assignment of a manufacturer's or importer's certificate.
5 If all reassignments printed on the certificate of title have been used,
6 the dealer shall obtain title in his or her name prior to any subsequent
7 transfer.

8 Sec. 24. Section 38-1129, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 38-1129 No person shall operate any place in which dentistry is
11 practiced under any other name than his or her own or display in
12 connection with his or her practice or on any advertising matter any
13 other than his or her own name. Two or more licensed dentists who are
14 associated in the practice may use all of their names. A surviving spouse
15 or an ~~widow, widower,~~ or heir of a deceased dentist may operate such
16 office under the name of the deceased dentist for a period of not longer
17 than one year from the date of death.

18 Sec. 25. Section 40-103, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 40-103 The homestead is subject to execution or forced sale in
21 satisfaction of judgments obtained (1) on debts secured by mechanics',
22 laborers', or vendors' liens upon the premises and (2) on debts secured
23 by mortgages or trust deeds upon the premises executed and acknowledged
24 by both spouses ~~husband and wife~~, or an unmarried claimant.

25 Sec. 26. Section 42-102, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 42-102 At the time of the marriage, both persons entering into the
28 marriage relationship ~~the male~~ must be of the age of seventeen years or
29 upward, ~~and the female of the age of seventeen years or upward~~. No person
30 who is afflicted with a venereal disease shall marry in this state.

31 Sec. 27. Section 42-103, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 42-103 Marriages are void (1) when either party has a spouse ~~husband~~
3 ~~or wife~~ living at the time of the marriage, (2) when either party, at the
4 time of marriage, is mentally incompetent to enter into the marriage
5 relation, and (3) when the parties are related to each other as parent
6 and child, grandparent and grandchild, siblings ~~brother and sister~~ of
7 half as well as whole blood, first cousins when of whole blood, and ~~uncle~~
8 or aunt and the child of his or her sibling and niece, and aunt and
9 ~~nephew~~. This subdivision extends to children and relatives born out of
10 wedlock as well as those born in wedlock.

11 Sec. 28. Section 42-109, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-109 In the solemnization of marriage no particular form shall be
14 required, except that the parties shall solemnly declare in the presence
15 of the magistrate or minister and the attending witnesses, that they take
16 each other as spouse ~~husband and wife~~; and in any case there shall be at
17 least two witnesses, besides the minister or magistrate present at the
18 ceremony.

19 Sec. 29. Section 42-201, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 42-201 The property, real and personal, which any person ~~woman~~ in
22 the state may own at the time of his or her marriage, rents, issues,
23 profits, or proceeds thereof and real, personal, or mixed property which
24 shall come to him or her by descent, devise, or the gift of any person
25 except his or her spouse ~~her husband~~ or which he or she shall acquire by
26 purchase or otherwise shall remain such person's ~~her~~ sole and separate
27 property, notwithstanding the ~~her~~ marriage, and shall not be subject to
28 disposal by the spouse ~~her husband~~ or liable for the spouse's ~~his~~ debts.
29 All ; ~~Provided~~, ~~all~~ property of a married person ~~woman~~, except ninety
30 percent of his or her wages, not exempt by statute from sale on execution
31 or attachment, regardless of when or how said property has been or may

1 hereafter be acquired, shall be liable for the payment of all debts
2 contracted for necessities furnished the family of such married person
3 ~~said married woman~~ after execution against his or her spouse ~~the husband~~
4 for such indebtedness has been returned unsatisfied for want of goods and
5 chattels, lands and tenements whereon to levy and make the same.

6 Sec. 30. Section 42-202, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 42-202 A married person ~~woman~~ may bargain, sell, and convey his or
9 her real and personal property. Such person ~~a woman~~ may enter into any
10 contract in the same manner, to the same extent, and with like effect as
11 any other married person, and the a married man. The obligations of his
12 or her contracts shall be the same ~~as a married man.~~

13 Sec. 31. Section 42-203, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 42-203 Any married person ~~woman~~ may carry on trade or business, and
16 perform any labor or services on his or her sole and separate account;
17 and the earnings of any married person ~~woman~~, from his or her trade,
18 business, labor, or services, shall be his or her sole and separate
19 property, and may be used and invested by him or her in his or her own
20 name.

21 Sec. 32. Section 42-204, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 42-204 Any person ~~woman~~ who has ~~shall have~~ been married out of this
24 state shall, if his or her spouse ~~husband~~ afterwards becomes a resident
25 of this state, enjoy all the rights as to property which he or she may
26 have acquired by the laws of any other state, territory, or country, or
27 which he or she may have acquired by virtue of any marriage contract or
28 settlement made out of this state.

29 Sec. 33. Section 42-206, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 42-206 The property of a married person ~~the husband~~ shall not be

1 liable for any debts contracted by his or her spouse ~~the wife~~ before
2 marriage.

3 Sec. 34. Section 42-342, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 42-342 Proof that a person obtaining a divorce or dissolution of
6 marriage ~~from the bonds of matrimony~~ in another jurisdiction was (1)
7 domiciled in this state within twelve months prior to the commencement of
8 the proceeding therefor, and resumed residence in this state within
9 eighteen months after the date of his or her departure therefrom, or (2)
10 at all times after his or her departure from this state, and until his or
11 her return maintained a place of residence within this state, shall be
12 prima facie evidence that the person was domiciled in this state when the
13 divorce or dissolution proceeding was commenced.

14 Sec. 35. Section 42-367, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 42-367 In every action for dissolution of marriage or legal
17 separation, the court may require a spouse ~~the husband~~ to pay any sum
18 necessary to enable his or her spouse ~~the wife~~ to maintain the action
19 during its pendency. When dissolution of marriage or a legal separation
20 is decreed, the court may decree costs against either party and award
21 execution for the same, or it may direct such costs to be paid out of any
22 property sequestered, or in the power of the court, or in the hands of a
23 receiver.

24 Sec. 36. Section 42-377, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 42-377 Children born to one or both of the parties, ~~or to the wife,~~
27 in a marriage relationship which may be dissolved or annulled pursuant to
28 sections 42-347 to 42-381 shall be legitimate unless otherwise decreed by
29 the court, and in every case the legitimacy of all children conceived
30 before the commencement of the suit shall be presumed until the contrary
31 is shown.

1 Sec. 37. Section 42-501, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 42-501 When either spouse ~~husband or wife~~ is mentally incompetent
4 and incapable of executing a mortgage relinquishing or encumbering his or
5 her right to the homestead or any other real property of the other
6 spouse, the other spouse may file a complaint in the district court of
7 the county of his or her residence or of the county where the real estate
8 to be encumbered is situated, setting forth the facts and praying for an
9 order authorizing the applicant or some other person to execute a
10 mortgage and relinquish or encumber by such mortgage the interest of the
11 mentally incompetent person in such homestead or other real estate. The
12 court shall not authorize the execution of any mortgage on the homestead
13 of the parties for an amount greater than is necessary to pay or redeem
14 the lien of an existing mortgage on such homestead.

15 Sec. 38. Section 42-503, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 42-503 Upon the hearing of the complaint filed pursuant to section
18 42-501, if the court is satisfied that it is made in good faith by the
19 plaintiff, that he or she or some other person selected by the court is a
20 proper person to exercise the power and make the mortgage, and that it is
21 necessary and proper, the court shall enter a decree authorizing the
22 execution of a mortgage for and in the name of such mentally incompetent
23 spouse of the plaintiff ~~husband or wife~~ by the plaintiff or such other
24 person as the court may appoint.

25 Sec. 39. Section 42-617, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 42-617 As used in sections 42-603 and 42-617 to 42-620, the words
28 property acquired shall mean (1) all property acquired by either ~~husband~~
29 ~~or wife~~, or both spouses , during marriage, and on and after September 7,
30 1947, and prior to April 20, 1949, and (2) all property acquired after
31 April 20, 1949, (a) by exchange for, (b) by the increase of, (c) with the

1 proceeds of, or (d) with the income from, any property defined in
2 subdivision (1) of this section.

3 Sec. 40. Section 42-618, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 42-618 Notwithstanding that any property may in fact be community
6 property, a spouse ~~husband or wife~~ shall have power to receive, manage,
7 control, and dispose of or otherwise deal with property standing in his
8 or her name or under his or her management or control, in such manner as
9 he or she would be so entitled to deal therewith by law, had Chapter 156,
10 Session Laws of Nebraska, 1947, never been enacted.

11 Sec. 41. Section 42-619, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 42-619 The Legislature recognizes that many spouses ~~husbands and~~
14 ~~wives~~ have failed to keep proper records; that community income and
15 separate funds have been commingled; that property has been acquired by a
16 spouse ~~husband or wife~~ on or after September 7, 1947, in many cases with
17 separate funds; that to protect property rights against loss of evidence,
18 it is necessary that claims that property acquired, as defined in section
19 42-617, was, or is, community property should be filed or recorded. Any
20 claim or defense by either spouse ~~husband or wife~~ or other person, in any
21 action, proceeding, or controversy, that any property acquired, as
22 defined in section 42-617, was or is community property, shall be barred
23 one year from April 20, 1949, unless, within one year from April 20,
24 1949, an affidavit by either spouse ~~the husband or wife~~, or other
25 interested person, asserting that the property therein described was or
26 is community property has been filed or recorded as ~~herein~~ provided in
27 this section. In case of real estate, such affidavit shall be recorded in
28 the office of the register of deeds of the county in which the real
29 estate is situated; in case of stocks, the affidavit shall be filed with
30 the corporation issuing the same; in case of bonds, notes, secured or
31 unsecured, securities, or other evidences of indebtedness or other debts,

1 the affidavit shall be delivered to the debtor; in case of life
2 insurance, the affidavit shall be filed with the home office of the
3 insurer; and in case of all other personal property the affidavit shall
4 be filed with the county clerk of the county in which the spouses reside
5 ~~husband resides~~ or last resided in Nebraska. The filing or recording of
6 an affidavit as provided in sections 42-603 and 42-617 to 42-620~~7~~ shall
7 not constitute notice to purchasers, mortgagees, pledgees, or assignees
8 for value~~7~~ that such property is claimed to be community property. This
9 section shall not apply to claims of any person in exclusive possession
10 of property under claim of right, on April 20, 1949.

11 Sec. 42. Section 43-101, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 43-101 (1) Except as otherwise provided in the Nebraska Indian Child
14 Welfare Act, any minor child may be adopted by any adult person or
15 persons and any adult child may be adopted by the spouse of such child's
16 parent in the cases and subject to sections 43-101 to 43-115, except that
17 no person having a spouse ~~husband or wife~~ may adopt a minor child unless
18 such spouse ~~the husband or wife~~ joins in the petition therefor. If the
19 spouse ~~husband or wife~~ so joins in the petition therefor, the adoption
20 shall be by them jointly, except that an adult spouse ~~husband or wife~~ may
21 adopt a child of the other spouse whether born in or out of wedlock.

22 (2) Any adult child may be adopted by any person or persons subject
23 to sections 43-101 to 43-115, except that no person having a spouse
24 ~~husband or wife~~ may adopt an adult child unless such spouse ~~the husband~~
25 ~~or wife~~ joins in the petition therefor. If such spouse ~~the husband or~~
26 ~~wife~~ so joins the petition therefor, the adoption shall be by them
27 jointly. The adoption of an adult child by another adult or adults who
28 are not the stepparent of the adult child may be permitted if the adult
29 child has had a parent-child relationship with the prospective parent or
30 parents for a period of at least six months next preceding the adult
31 child's age of majority and (a) the adult child has no living parents,

1 (b) the adult child's parent or parents had been deprived of parental
2 rights to such child by the order of any court of competent jurisdiction,
3 (c) the parent or parents, if living, have relinquished the adult child
4 for adoption by a written instrument, (d) the parent or parents had
5 abandoned the child for at least six months next preceding the adult
6 child's age of majority, or (e) the parent or parents are incapable of
7 consenting. The substitute consent provisions of section 43-105 do not
8 apply to adoptions under this subsection.

9 Sec. 43. Section 43-104.08, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 43-104.08 Whenever a child is claimed to be born out of wedlock and
12 the biological mother contacts an adoption agency or attorney to
13 relinquish her rights to the child, or the biological mother joins in a
14 petition for adoption to be filed by her spouse ~~husband~~, the agency or
15 attorney contacted shall attempt to establish the identity of the
16 biological father and further attempt to inform the biological father of
17 his right to execute a relinquishment and consent to adoption, or a
18 denial of paternity and waiver of rights, in the form mandated by section
19 43-106, pursuant to sections 43-104.08 to 43-104.25.

20 Sec. 44. Section 43-104.13, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 43-104.13 The notice sent by the agency or attorney pursuant to
23 section 43-104.12 shall be served sufficiently in advance of the birth of
24 the child, whenever possible, to allow compliance with subdivision (1) of
25 section 43-104.02 and shall state:

26 (1) The biological mother's name, the fact that she is pregnant or
27 has given birth to the child, and the expected or actual date of
28 delivery;

29 (2) That the child has been relinquished by the biological mother,
30 that she intends to execute a relinquishment, or that the biological
31 mother has joined or plans to join in a petition for adoption to be filed

1 by her spouse husband;

2 (3) That the person being notified has been identified as a possible
3 biological father of the child;

4 (4) That the possible biological father may have certain rights with
5 respect to such child if he is in fact the biological father;

6 (5) That the possible biological father has the right to (a) deny
7 paternity, (b) waive any parental rights he may have, (c) relinquish and
8 consent to adoption of the child, (d) file a Notice of Objection to
9 Adoption and Intent to Obtain Custody pursuant to section 43-104.02, or
10 (e) object to the adoption in a proceeding before any Nebraska court
11 which has, prior to his receipt of this notice, adjudicated him to be the
12 biological father of the child;

13 (6) That to deny paternity, to waive his parental rights, or to
14 relinquish and consent to the adoption, the biological father must
15 contact the undersigned agency or attorney representing the biological
16 mother, and that if he wishes to object to the adoption and seek custody
17 of the child he should seek legal counsel from his own attorney
18 immediately; and

19 (7) That if he is the biological father and if the child is not
20 relinquished for adoption, he has a duty to contribute to the support and
21 education of the child and to the pregnancy-related expenses of the
22 mother and a right to seek a court order for custody, parenting time,
23 visitation, or other access with the child.

24 The agency or attorney representing the biological mother may
25 enclose with the notice a document which is an admission or denial of
26 paternity and a waiver of rights by the biological father, which the
27 biological father may choose to complete, in the form mandated by section
28 43-106, and return to the agency or attorney.

29 Sec. 45. Section 43-108, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 43-108 The minor child to be adopted, unless such child is over

1 fourteen years of age, and the person or persons desiring to adopt the
2 child must appear in person before the judge at the time of hearing,
3 except that when the petitioners are married to each other ~~husband and~~
4 ~~wife~~ and one of them is present in court, the court, in its discretion,
5 may accept the affidavit of an absent spouse who is in the armed forces
6 of the United States and it appears to the court the absent spouse will
7 not be able to be present in court for more than a year because of his or
8 her military assignment, which affidavit sets forth that the absent
9 spouse favors the adoption.

10 Sec. 46. Section 43-1257, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 43-1257 (a) Unless the court issues a temporary emergency order
13 pursuant to section 43-1241, upon a finding that a petitioner is entitled
14 to immediate physical custody of the child, the court shall order that
15 the petitioner may take immediate physical custody of the child unless
16 the respondent establishes that:

17 (1) the child custody determination has not been registered and
18 confirmed under section 43-1252 and that:

19 (A) the issuing court did not have jurisdiction under sections
20 43-1238 to 43-1247;

21 (B) the child custody determination for which enforcement is sought
22 has been vacated, stayed, or modified by a court of a state having
23 jurisdiction to do so under such sections; or

24 (C) the respondent was entitled to notice, but notice was not given
25 in accordance with the standards of section 43-1233, in the proceedings
26 before the court that issued the order for which enforcement is sought;
27 or

28 (2) the child custody determination for which enforcement is sought
29 was registered and confirmed under section 43-1252 but has been vacated,
30 stayed, or modified by a court of a state having jurisdiction to do so
31 under sections 43-1238 to 43-1247.

1 (b) The court shall award the fees, costs, and expenses authorized
2 under section 43-1259 and may grant additional relief, including a
3 request for the assistance of law enforcement officials, and set a
4 further hearing to determine whether additional relief is appropriate.

5 (c) If a party called to testify refuses to answer on the ground
6 that the testimony may be self-incriminating, the court may draw an
7 adverse inference from the refusal.

8 (d) A privilege against disclosure of communications between spouses
9 and a defense of immunity based on the spousal relationship ~~of husband~~
10 ~~and wife~~ or relationship of parent and child may not be invoked in a
11 proceeding under sections 43-1248 to 43-1264.

12 Sec. 47. Section 43-2202, Revised Statutes Supplement, 2015, is
13 amended to read:

14 43-2202 For purposes of sections 43-2201 to 43-2209:

15 (1) Department means the Department of Health and Human Services;

16 (2) Family finding means the process described in section 43-2203;

17 (3) Family member means:

18 (a) A person related to a child by blood, adoption, or affinity
19 within the fifth degree of kinship;

20 (b) A stepparent;

21 (c) A stepsibling;

22 (d) The spouse, surviving spouse ~~widow, widower~~, or former spouse of
23 any of the persons described in subdivisions (a) through (c) of this
24 subdivision; and

25 (e) Any individual who is a primary caretaker or trusted adult in a
26 kinship home and who, as a primary caretaker, has lived with the child
27 or, as a trusted adult, has a preexisting, significant relationship with
28 the child;

29 (4) Kinship home means a home in which a child receives foster care
30 and at least one of the primary caretakers has previously lived with or
31 is a trusted adult that has a preexisting, significant relationship with

1 the child;

2 (5) Provider means an organization providing services as a child-
3 placing agency; and

4 (6) Service area means a geographic area administered by the
5 department and designated pursuant to section 81-3116.

6 Sec. 48. Section 44-704, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 44-704 (1) Except as provided in subsection (2) of this section, no
9 policy of insurance shall be issued upon the person of any individual
10 except upon the application of the individual insured or with the written
11 consent of the individual insured. Nothing in this section shall be
12 deemed to prohibit the immediate transfer or assignment of a life
13 insurance policy or annuity contract so issued.

14 (2) Notwithstanding the provisions of subsection (1) of this
15 section, (a) a married person ~~husband or wife~~ may effectuate a policy of
16 insurance upon the person of his or her spouse ~~the other~~ and (b) any
17 person may effectuate a policy of insurance upon the person of a child.

18 (3) The term policy of insurance as used in this section shall
19 include any life insurance policy, annuity contract, and contract of
20 sickness and accident insurance but shall not include a contract of group
21 life insurance or a contract of blanket or group sickness and accident
22 insurance.

23 (4) Nothing in Chapter 44 shall prohibit an organization or entity
24 described in section 501(c)(3) of the Internal Revenue Code or to whom a
25 charitable contribution could be made under section 170(c) of the code or
26 a trust all of whose beneficiaries are organizations or entities
27 described in section 501(c)(3) of the code or to whom a charitable
28 contribution could be made under section 170(c) of the code from
29 procuring, effectuating, or causing to be procured or effectuated the
30 ownership of any life insurance policy or annuity contract upon the life
31 of an individual if such individual gives written consent to the issuance

1 of such policy or contract when such organization, entity, or trust is
2 the owner of such policy or contract. Nothing in Chapter 44 shall require
3 such organization, entity, or trust to have an insurable interest as
4 defined in section 44-103 in the life of such individual in order for a
5 policy or contract to be procured or effectuated pursuant to this
6 subsection. This subsection shall apply to all policies and contracts in
7 force on or after April 16, 1992. The changes made to this subsection by
8 Laws 2004, LB 980, shall apply to all policies and contracts in force on
9 or after July 16, 2004.

10 (5) Except as provided in subsection (4) of this section, nothing in
11 this section shall be construed to permit a person to procure,
12 effectuate, or cause to be procured or effectuated, directly or by
13 assignment or otherwise, any policy of insurance upon the person of a
14 child or other individual unless the benefits under such policy are
15 payable to the child or other individual insured, to his or her personal
16 representative, or to a person having, at the time such policy is issued,
17 an insurable interest in the child or other individual insured.

18 Sec. 49. Section 44-705, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 44-705 A minor not less than ten years of age, as determined by
21 nearest birthday, shall not be deemed incompetent by reason of such
22 minority to contract for or with respect to insurance or annuities upon
23 his or her life or against bodily injury or death by accident or
24 disability from sickness, for the benefit of himself or herself or his or
25 her estate, or for the benefit of the parent, spouse ~~father, mother,~~
26 ~~husband, wife,~~ brother, or sister of such minor. Such ~~;~~ ~~nor shall~~ such
27 minor shall not be deemed incompetent by reason of such minority to
28 surrender such insurance or give a valid discharge on account of any
29 benefit accruing or for money payable under the contract, except that, ~~;~~
30 ~~Provided,~~ such surrender or discharge shall be approved in writing by the
31 parent of such minor or person liable for his or her support.

1 Sec. 50. Section 44-710.01, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 44-710.01 No policy of sickness and accident insurance shall be
4 delivered or issued for delivery to any person in this state unless (1)
5 the entire money and other considerations therefor are expressed therein,
6 (2) the time at which the insurance takes effect and terminates is
7 expressed therein, (3) it purports to insure only one person, except that
8 a policy may insure, originally or by subsequent amendment, upon the
9 application of an adult member of a family who shall be deemed the
10 policyholder, any two or more eligible members of that family, including
11 spouse ~~husband, wife~~, dependent children, any children enrolled on a
12 full-time basis in any college, university, or trade school, or any
13 children under a specified age which shall not exceed thirty years and
14 any other person dependent upon the policyholder. Any ~~any~~ individual
15 policy hereinafter delivered or issued for delivery in this state which
16 provides that coverage of a dependent child shall terminate upon the
17 attainment of the limiting age for dependent children specified in the
18 policy shall also provide in substance that attainment of such limiting
19 age shall not operate to terminate the coverage of such child during the
20 continuance of such policy and while the child is and continues to be
21 both (a) incapable of self-sustaining employment by reason of an
22 intellectual disability or a physical disability and (b) chiefly
23 dependent upon the policyholder for support and maintenance, if proof of
24 such incapacity and dependency is furnished to the insurer by the
25 policyholder within thirty-one days of the child's attainment of the
26 limiting age and subsequently as may be required by the insurer but not
27 more frequently than annually after the two-year period following the
28 child's attainment of the limiting age. Such ~~such~~ insurer may charge an
29 additional premium for and with respect to any such continuation of
30 coverage beyond the limiting age of the policy with respect to such
31 child, which premium shall be determined by the insurer on the basis of

1 the class of risks applicable to such child, (4) it contains a title on
2 the face of the policy correctly describing the policy, (5) the
3 exceptions and reductions of indemnity are set forth in the policy and,
4 except those which are set forth in sections 44-710.03 and 44-710.04, are
5 printed, at the insurer's option, either included with the benefit
6 provision to which they apply or under an appropriate caption such as
7 EXCEPTIONS, or EXCEPTIONS AND REDUCTIONS. If ;~~if~~ an exception or
8 reduction specifically applies only to a particular benefit of the
9 policy, a statement of such exception or reduction shall be included with
10 the benefit provision to which it applies, (6) each such form, including
11 riders and endorsements, shall be identified by a form number in the
12 lower left-hand corner of the first page thereof, (7) it contains no
13 provision purporting to make any portion of the charter, rules,
14 constitution, or bylaws of the insurer a part of the policy unless such
15 portion is set forth in full in the policy, except in the case of the
16 incorporation of, or reference to, a statement of rates or classification
17 of risks, or short-rate table filed with the Director of Insurance, and
18 (8) on or after January 1, 1999, any restrictive rider contains a notice
19 of the existence of the Comprehensive Health Insurance Pool if the policy
20 provides health insurance as defined in section 44-4209.

21 Sec. 51. Section 44-761, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 44-761 Each group policy of sickness and accident insurance shall
24 contain in substance the following provisions:

25 (1) A provision that the policy, the application of the policyholder
26 if such application or copy thereof is attached to such policy, and the
27 individual applications, if any, submitted in connection with such policy
28 by the employees or members, shall constitute the entire contract between
29 the parties, that all statements, in the absence of fraud, made by any
30 applicant or applicants shall be deemed representations and not
31 warranties, and that no such statement shall avoid the insurance or

1 reduce benefits thereunder unless contained in a written application of
2 which a copy is attached to the policy;

3 (2) A provision that the insurer will furnish to the policyholder,
4 for delivery to each employee or member of the insured group, an
5 individual certificate setting forth in summary form a statement of the
6 essential features of the insurance coverage of such employee or member
7 and to whom benefits thereunder are payable. If dependents are included
8 in the coverage, only one certificate need be issued for each family
9 unit;

10 (3) A provision that to the group originally insured may be added
11 from time to time eligible new employees or members or dependents, as the
12 case may be, in accordance with the terms of the policy; and

13 (4) A provision that the insurance coverage of the employee or
14 member may include, originally or by subsequent amendment, upon the
15 application of the employee or member, any two or more eligible members
16 of his or her family, including spouse ~~husband, wife~~, dependent children,
17 any children enrolled on a full-time basis in any college, university, or
18 trade school, or any children under a specified age which shall not
19 exceed thirty years, and any other person dependent upon the
20 policyholder. Any policy which provides that coverage of an unmarried
21 dependent child shall terminate upon the attainment of the limiting age
22 for unmarried dependent children specified in the policy shall also
23 provide that attainment of such limiting age shall not operate to
24 terminate the coverage of such child during the continuance of the
25 insurance coverage of the employee or member under such policy and while
26 such child is and continues to be (a) incapable of self-sustaining
27 employment by reason of mental or physical handicap and (b) chiefly
28 dependent upon the policyholder for support and maintenance, if proof of
29 such incapacity and dependency is furnished to the insurer by the
30 policyholder within thirty-one days of such child's attainment of the
31 limiting age and subsequently as may be required by the insurer but not

1 more frequently than annually after the two-year period following such
2 child's attainment of the limiting age. The insurer may charge an
3 additional premium for and with respect to any such continuation of
4 coverage beyond the limiting age of the policy, which premium shall be
5 determined by the insurer on the basis of the class of risks applicable
6 to such child. The provisions of this subdivision shall be contained in
7 all new policies of group sickness and accident insurance delivered or
8 issued for delivery to any person in this state. No group policy of
9 sickness and accident insurance shall contain any provisions which are in
10 conflict with sections 44-3,144 to 44-3,150.

11 Sec. 52. Section 44-1609, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 44-1609 The order executed pursuant to section 44-1608 or any
14 revocation thereof, shall be executed and acknowledged, in the same
15 manner that conveyances of real estate are required to be signed and
16 acknowledged by the laws of this state, and when ~~where~~ the employee is a
17 married person, the order shall be executed and acknowledged by both
18 spouses ~~husband and wife~~.

19 Sec. 53. Section 44-2819, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 44-2819 (1) In any action for damages for bodily injuries or for
22 wrongful death when it is alleged that the claimant suffered damages for
23 the cost of medical care, custodial care, or rehabilitation services,
24 evidence which tends to establish that the claimant or another person so
25 damaged has been or shall be reimbursed or paid for any such item of
26 damage, cost, or expense, in whole or in part, by any nonrefundable
27 medical reimbursement insurance shall not be admissible in evidence or
28 brought to the attention of the jury, but such nonrefundable medical
29 reimbursement insurance benefits, less all premiums paid by or for the
30 claimant, may be taken as a credit against any judgment rendered. The
31 matter of any credit to be deducted from a judgment shall be determined

1 by the court in a separate hearing or upon the stipulation of the
2 parties.

3 (2) Damages recoverable in any action shall be those losses which
4 have been or shall be sustained by the claimant as a direct and proximate
5 result of the defendant's wrongful acts as established by a preponderance
6 of the evidence. In wrongful death actions, pecuniary loss to a surviving
7 spouse ~~widow or widower~~, any dependent, or next of kin shall be subject
8 to all of the terms and provisions of sections 44-2801 to 44-2855.

9 Sec. 54. Section 45-1030, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 45-1030 No assignment of or order for wages to secure a loan or
12 advancement is valid when made by a married person ~~man or woman~~ unless
13 the written consent of such person's spouse ~~the wife or husband~~ to the
14 making of such loan is attached thereto.

15 Sec. 55. Section 48-122.01, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 48-122.01 Compensation under section 48-122 shall be payable in the
18 amount and to the following persons subject to the maximum limits
19 specified in sections 48-122 and 48-122.03:

20 (1) If there is a surviving spouse ~~widow or widower~~ and no children
21 of the deceased, as defined in section 48-124, to such surviving spouse
22 ~~widow or widower~~, sixty-six and two-thirds percent of the average weekly
23 wage of the deceased, until such surviving spouse dies during widowhood
24 ~~or widowerhood~~;

25 (2) To the surviving spouse ~~widow or widower~~, if there is a child or
26 children living with the surviving spouse ~~widow or widower~~, sixty percent
27 of the average weekly wage of the deceased, or fifty-five percent, if
28 such child is not or such children are not living with a surviving spouse
29 ~~widow or widower~~, and, in addition thereto, fifteen percent for each
30 child. When there are two or more such children, the indemnity benefits
31 payable on account of such children shall be divided among such children,

1 share and share alike;

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

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

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

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

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

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

31 (9) A person ceases to be actually dependent when his or her income

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

15 Sec. 56. Section 48-122.03, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 48-122.03 The maximum weekly income benefits payable for all
18 beneficiaries in case of death shall not exceed seventy-five percent of
19 the average weekly wage of the deceased, subject to the maximum limits in
20 section 48-122. The maximum aggregate limitation shall not operate in
21 case of payment of two years' income benefits to the surviving spouse
22 ~~widow or widower~~ upon remarriage, as provided under subdivision (3) of
23 section 48-122.01, to prevent the immediate recalculation and payments of
24 benefits to the remaining beneficiaries as provided under section
25 48-122.02. The classes of beneficiaries specified in subdivisions (1),
26 (2), and (4) of section 48-122.01 shall have priority over all other
27 beneficiaries in the apportionment of income benefits. If there is a
28 surviving spouse ~~widow or widower~~ and a child or children and the
29 maximums specified in section 48-122 and this section prevent full
30 payment under either maximum, the compensation shall be apportioned
31 between the surviving spouse ~~widow or widower~~ and the child or children

1 on a pro rata basis. If there is more than one child living with the
2 surviving spouse ~~widow or widower~~ and no child or children living
3 separately, the apportionment shall be on the pro rata basis of sixty
4 percent to the surviving spouse ~~widow or widower~~ and fifteen percent
5 divided among the children. If there is more than one child not living
6 with the surviving spouse ~~widow or widower~~ and no child or children
7 living with her or him, the apportionment shall be on the pro rata basis
8 of fifty-five percent to the surviving spouse ~~widow or widower~~ and twenty
9 percent divided among the children. If one or more children are living
10 with and one or more children are not living with the surviving spouse
11 ~~her or him~~, the apportionment shall be on the pro rata basis of fifty-
12 five percent to the surviving spouse ~~widow or widower~~ and twenty percent
13 divided among the children. If the provisions of this section should
14 prevent payment to other beneficiaries of the income benefits to the full
15 extent otherwise provided for, the gross remaining amount of income
16 benefits payable to such other beneficiaries shall be apportioned by
17 class, proportionate to the interest of each class in the remaining
18 amount. Parents shall be considered to be in one class and those
19 specified in subdivision (7) of section 48-122.01 in another class.

20 Sec. 57. Section 48-124, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 48-124 The following persons shall be conclusively presumed to be
23 dependent for support upon a deceased employee: (1) A married person upon
24 his or her spouse ~~wife upon a husband~~ with whom he or she is living or
25 upon whom he or she is actually dependent at the time of ~~his~~ injury or
26 death; and (2) a ~~husband upon a wife with whom he is living or upon whom~~
27 ~~he is actually dependent at the time of her injury or death;~~ and (3) a
28 child or children under the age of nineteen years, or over such age, if
29 physically or mentally incapable of self-support, or any child nineteen
30 years of age or over who is actually dependent, or any child between
31 nineteen and twenty-five years of age who is enrolled as a full-time

1 student in any accredited educational institution.

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

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

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

24 Actually dependent shall mean dependent in fact upon the employee
25 and shall refer only to a person who received more than half of his or
26 her support from the employee and whose dependency is not the result of
27 failure to make reasonable efforts to secure suitable employment. When
28 used as a noun, the word dependent shall mean any person entitled to
29 death benefits. No person shall be considered a dependent, unless he or
30 she is ~~be~~ a member of the family of the deceased employee, or bears to
31 him or her the relation of surviving spouse ~~widow, widower~~, lineal

1 descendant, ancestor, brother, or sister. Questions as to who constitute
2 dependents and the extent of their dependency shall initially be
3 determined as of the date of the accident to the employee, and the death
4 benefit shall be directly recoverable by and payable to the dependent or
5 dependents entitled thereto or their legal guardians or trustees. No
6 dependent of any injured employee shall be deemed, during the life of
7 such employee, a party in interest to any proceeding by him or her for
8 the enforcement or collection of any claim for compensation, nor as
9 respects the compromise thereof by such employee.

10 Sec. 58. Section 48-1111, Revised Statutes Supplement, 2015, is
11 amended to read:

12 48-1111 (1) Except as otherwise provided in the Nebraska Fair
13 Employment Practice Act, it shall not be an unlawful employment practice
14 for an employer to apply different standards of compensation, or
15 different terms, conditions, or privileges of employment pursuant to a
16 bona fide seniority or merit system or a system which measures earnings
17 by quantity or quality of production or to employees who work in
18 different locations, if such differences are not the result of an
19 intention to discriminate because of race, color, religion, sex,
20 disability, marital status, or national origin, nor shall it be an
21 unlawful employment practice for an employer to give and to act upon the
22 results of any professionally developed ability test if such test, its
23 administration, or action upon the results is not designed, intended, or
24 used to discriminate because of race, color, religion, sex, disability,
25 marital status, or national origin.

26 It shall not be an unlawful employment practice for a covered entity
27 to deny privileges of employment to an individual with a disability when
28 the qualification standards, tests, or selection criteria that screen out
29 or tend to screen out or otherwise deny a job or benefit to an individual
30 with a disability:

31 (a) Have been shown to be job-related and consistent with business

1 necessity and such performance cannot be accomplished by reasonable
2 accommodation, as required by the Nebraska Fair Employment Practice Act
3 and the federal Americans with Disabilities Act of 1990; or

4 (b) Include a requirement that an individual shall not pose a direct
5 threat, involving a significant risk to the health or safety of other
6 individuals in the workplace, that cannot be eliminated by reasonable
7 accommodation.

8 It shall not be an unlawful employment practice to refuse employment
9 based on a policy of not employing both spouses in a marriage
10 relationship ~~husband and wife~~ if such policy is equally applied to both
11 sexes.

12 (2) Except as otherwise provided in the Nebraska Fair Employment
13 Practice Act, women affected by pregnancy, childbirth, or related medical
14 conditions shall be treated the same for all employment-related purposes,
15 including receipt of employee benefits, as other persons not so affected
16 but similar in their ability or inability to work, and nothing in this
17 section shall be interpreted to provide otherwise.

18 This section shall not require an employer to provide employee
19 benefits for abortion except when medical complications have arisen from
20 an abortion.

21 Nothing in this section shall preclude an employer from providing
22 employee benefits for abortion under fringe benefit programs or otherwise
23 affect bargaining agreements in regard to abortion.

24 Sec. 59. Section 53-149, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 53-149 (1) A license shall be purely a personal privilege, good for
27 not to exceed one year after issuance unless sooner revoked as provided
28 in the Nebraska Liquor Control Act, and shall not constitute property,
29 nor shall it be subject to attachment, garnishment, or execution, nor
30 shall it be alienable or transferable, voluntarily or involuntarily, or
31 subject to being encumbered or hypothecated.

1 (2) A license issued under the act terminates immediately upon the
2 sale of the licensed premises named in such license. The purchaser or
3 transferee may submit an application for a license under the act prior to
4 closing such sale or transfer. While such application is pending, the
5 purchaser may request and obtain a temporary operating permit from the
6 commission which shall authorize the purchaser to continue the business
7 which was conducted on the purchased premises under the terms and
8 conditions of the terminated license for ninety days or until the
9 purchaser has obtained a license in its own name, whichever occurs
10 sooner. Prior to the issuance of a temporary operating permit, the
11 purchaser shall supply the commission with documentation from the seller
12 that the seller is current on all accounts with any wholesaler under
13 section 53-123.02. A seller who provides false information regarding such
14 accounts is guilty of a Class IV misdemeanor for each offense. In the
15 absence of such temporary operating permit, the purchaser shall not
16 manufacture, store, or sell alcoholic liquor on the purchased premises
17 until the purchaser has obtained a license in the purchaser's own name.
18 If the application is withdrawn by the applicant or is denied by the
19 commission, the previous license may be reinstated at the discretion of
20 the commission upon request by the previous licensee.

21 (3) A license shall not descend by the laws of testate or intestate
22 devolution, but it shall cease upon the death of the licensee, except
23 that (a) executors or administrators of the estate of any deceased
24 licensee, when such estate consists in part of alcoholic liquor, or a
25 partnership or limited liability company upon the death of one or more of
26 the partners or members, may continue the business of the sale or
27 manufacture of alcoholic liquor under order of the appropriate court and
28 may exercise the privileges of the deceased or deceased partner or member
29 after the death of such decedent until the expiration of such license,
30 but if such license would have expired within two months following the
31 death of the licensee, the license may be renewed by the administrators

1 or executors with the approval of the appropriate court for a period not
2 to exceed one additional year; or (b) when a license is issued to a
3 married couple ~~husband and wife~~, as colicensees with rights of
4 survivorship, upon the death of one spouse the survivor may exercise all
5 rights and privileges under such license in his or her own name. The
6 trustee of any insolvent or bankrupt licensee, when such estate consists
7 in part of alcoholic liquor, may continue the business of the sale or
8 manufacture of alcoholic liquor under order of the appropriate court and
9 may exercise the privileges of the insolvent or bankrupt licensee until
10 the expiration of such license.

11 Sec. 60. Section 54-1,111, Revised Statutes Cumulative Supplement,
12 2014, is amended to read:

13 54-1,111 (1) Except as provided in subsection (2) of this section,
14 no person shall sell or trade any cattle located within the brand
15 inspection area, nor shall any person buy or purchase any such cattle
16 unless the cattle have been inspected for brands and ownership and a
17 certificate of inspection or brand clearance has been issued by the
18 Nebraska Brand Committee. Any person selling such cattle shall present to
19 the brand inspector a properly executed bill of sale, brand clearance, or
20 other satisfactory evidence of ownership which shall be filed with the
21 original certificate of inspection in the records of the brand committee.
22 Any time a brand inspection is required by law, a brand investigator or
23 brand inspector may transfer evidence of ownership of such cattle from a
24 seller to a purchaser by issuing a certificate of inspection.

25 (2) A brand inspection is not required:

26 (a) For cattle of a registered feedlot registered under sections
27 54-1,120 to 54-1,122 shipped for direct slaughter or sale on any terminal
28 market;

29 (b) For cattle of a registered dairy registered under sections
30 54-1,122.01 and 54-1,122.02 shipped for direct slaughter or sale on any
31 terminal market;

1 (c) For cattle that are transferred to a family corporation when all
2 the shares of capital stock of the corporation are owned by the spouse
3 ~~husband, wife~~, children, or grandchildren of the transferor and there is
4 no consideration for the transfer other than the issuance of stock of the
5 corporation to such family members;

6 (d) When the change of ownership of cattle is a change in form only
7 and the surviving interests are in the exact proportion as the original
8 interests of ownership. When there is a change of ownership described in
9 subdivision (2)(c) or (d) of this section, an affidavit, on a form
10 prescribed by the Nebraska Brand Committee, signed by the transferor and
11 stating the nature of the transfer and the number of cattle involved and
12 the brands presently on the cattle, shall be filed with the brand
13 committee;

14 (e) For cattle sold or purchased for educational or exhibition
15 purposes or other recognized youth activities if a properly executed bill
16 of sale is exchanged and presented upon demand. Educational or exhibition
17 purpose means cattle sold or purchased for the purpose of being fed,
18 bred, managed, or tended in a program designed to demonstrate or instruct
19 in the use of various feed rations, the selection of individuals of
20 certain physical conformation or breeds, the measurement and recording of
21 rate of gain in weight or fat content of meat or milk produced, or the
22 preparation of cattle for the purpose of exhibition or for judging as to
23 quality and conformation;

24 (f) For calves under the age of thirty days sold or purchased at
25 private treaty if a bill of sale is exchanged and presented upon demand;
26 and

27 (g) For purebred cattle raised by the seller and individually
28 registered with an organized breed association if a properly executed
29 bill of sale is exchanged and presented upon demand.

30 Sec. 61. Section 71-601.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-601.01 For purposes of the Vital Statistics Act:

2 (1) Abstract of marriage means a certified document that summarizes
3 the facts of marriage, including, but not limited to, the names of the
4 parties to the marriage ~~name of the bride and groom~~, the date of the
5 marriage, the place of the marriage, and the name of the office filing
6 the original marriage license. An abstract of marriage does not include
7 signatures;

8 (2) Certificate means the record of a vital event;

9 (3) Certification means the process of recording, filing, amending,
10 or preserving a certificate, which process may be by any means,
11 including, but not limited to, microfilm, electronic, imaging,
12 photographic, typewritten, or other means designated by the department;
13 and

14 (4) Department means the Department of Health and Human Services.

15 Sec. 62. Section 76-403, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 76-403 The surviving spouse ~~widow~~ and heirs of aliens, who have
18 prior to March 16, 1889, acquired lands in this state under the laws
19 thereof, may hold such lands by devise or descent for a period of ten
20 years and no longer, and if at the end of such time such lands, so
21 acquired, have not been sold to a bona fide purchaser for value, such
22 lands or other interest therein shall revert and escheat to the State of
23 Nebraska. It shall be the duty of the county attorney in the counties
24 where such lands are situated to enforce forfeitures of all such lands or
25 other interests therein as provided by section 76-408.

26 Sec. 63. Section 76-409, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 76-409 At any time before the proceedings for forfeiture provided
29 for in section 76-408 by the county attorney shall be instituted, or at
30 any time before final decree in any such proceedings, the surviving
31 spouse ~~widow~~, heirs, and devisees, or any ~~either~~ of them, of deceased

1 nonresident aliens, may, by answer in such ~~said~~ proceedings, or by
2 independent action in the district court of any county in which any such
3 lands are situated, instead of the forfeiture, have the lands sold as in
4 partition, except that it shall not be necessary for the referee or
5 referees to report that the land cannot be divided, but the same shall be
6 ordered sold by the court at once, and the proceeds, after the payment of
7 costs as in other cases of partition, shall be divided according to the
8 respective interests of the parties the same as if there had been no
9 escheat. The purchaser at any such sale shall acquire the same title to
10 the lands purchased which he or she would have acquired if the
11 nonresident alien had been a resident or citizen. In case there is only
12 one party in interest, he or she may maintain an ex parte proceeding and
13 have the land sold in the same manner, and the purchaser shall receive
14 the same title as if there were several parties in interest, and after
15 the payment of costs the proceeds of the sale shall be paid to the sole
16 party in interest.

17 Sec. 64. Section 76-2117, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 76-2117 (1) Any advertisement, communication, or sales literature
20 relating to membership camping contracts, including oral statements by a
21 salesperson or any other person, shall not contain:

22 (a) Any untrue statement of material fact or any omission of
23 material fact which would make the statements misleading in light of the
24 circumstances under which the statements were made;

25 (b) Any statement or representation that the membership camping
26 contracts are offered without risk or that loss is impossible; or

27 (c) Any statement or representation or pictorial presentation of
28 proposed improvements or nonexistent scenes without clearly indicating
29 that the improvements are proposed and the scenes do not exist.

30 (2) A person shall not by any means, as part of an advertising
31 program, offer any item of value as an inducement to the recipient to

1 visit a location, attend a sales presentation, or contact a salesperson
2 unless the person clearly and conspicuously discloses in writing in the
3 offer in readily understandable language each of the following:

4 (a) The name and street address of the owner of the real or personal
5 property or the provider of the services which are the subject of such
6 visit, sales presentation, or contact with a salesperson;

7 (b) A general description of the business of the owner or provider
8 identified and the purpose of any requested visit, sales presentation, or
9 contact with a salesperson, including a general description of the
10 facilities or proposed facilities or services which are the subject of
11 the sales presentation;

12 (c) A statement of the odds, in arabic numerals, of receiving each
13 item offered;

14 (d) All restrictions, qualifications, and other conditions that
15 shall be satisfied before the recipient is entitled to receive the item,
16 including all of the following:

17 (i) Any deadline by which the recipient shall visit the location,
18 attend the sales presentation, or contact the salesperson in order to
19 receive the item;

20 (ii) The approximate duration of any visit and sales presentation;
21 and

22 (iii) Any other conditions, such as a minimum age qualification, a
23 financial qualification, or a requirement that if the recipient is
24 married both spouses ~~husband and wife~~ be present in order to receive the
25 item;

26 (e) A statement that the owner or provider reserves the right to
27 provide a rain check or a substitute or like item if these rights are
28 reserved;

29 (f) A statement that a recipient who receives an offered item may
30 request and will receive evidence showing that the item provided matches
31 the item randomly or otherwise selected for distribution to that

1 recipient; and

2 (g) All other rules, terms, and conditions of the offer, plan, or
3 program.

4 (3) A person making an offer subject to registration under sections
5 76-2103 and 76-2105 or the person's employee or agent shall not offer any
6 item if the person knows or has reason to know that the offered item will
7 not be available in a sufficient quantity based on the reasonably
8 anticipated response to the offer.

9 (4) A person making an offer subject to registration under sections
10 76-2103 and 76-2105 or the person's employee or agent shall not fail to
11 provide any offered item which a recipient is entitled to receive, unless
12 the failure to provide the item is due to a higher than reasonably
13 anticipated response to the offer which caused the item to be unavailable
14 and the offer discloses the reservation of a right to provide a rain
15 check or a like or substitute item if the offered item is unavailable.

16 (5) If the person making an offer subject to registration under
17 sections 76-2103 and 76-2105 is unable to provide an offered item because
18 of limitations of supply not reasonably foreseeable or controllable by
19 the person making the offer, the person making the offer shall inform the
20 recipient of the recipient's right to receive a rain check for the item
21 offered or receive a like or substitute item of equal or greater value at
22 no additional cost or obligation to the recipient.

23 (6) If a rain check is provided, the person making an offer subject
24 to registration under sections 76-2103 and 76-2105, within a reasonable
25 time, and in any event not later than thirty calendar days after the rain
26 check is issued, shall deliver the agreed item to the recipient's address
27 without additional cost or obligation to the recipient unless the item
28 for which the rain check is provided remains unavailable because of
29 limitations of supply not reasonably foreseeable or controllable by the
30 person making the offer. If the item is unavailable for such reasons, the
31 person, not later than thirty days after the expiration of the thirty-day

1 period, shall deliver a like or substitute item of equal or greater
2 retail value to the recipient.

3 (7) On the request of a recipient who has received or claims a right
4 to receive any offered item, the person making an offer subject to
5 registration under sections 76-2103 and 76-2105 shall furnish to the
6 recipient sufficient evidence showing that the item provided matches the
7 item randomly or otherwise selected for distribution to that recipient.

8 (8) A person making an offer subject to registration under sections
9 76-2103 and 76-2105 or the person's employee or agent shall not do any of
10 the following:

11 (a) Misrepresent the size, quantity, identity, or quality of any
12 prize, gift, money, or other item of value offered;

13 (b) Misrepresent in any manner the odds of receiving a particular
14 gift, prize, amount of money, or other item of value;

15 (c) Represent directly or by implication that the number of
16 participants has been significantly limited or that any person has been
17 selected to receive a particular prize, gift, money, or other item of
18 value, unless the representation is true;

19 (d) Label any offer a notice of termination or notice of
20 cancellation; and

21 (e) Misrepresent in any manner the offer, plan, or program.

22 Sec. 65. Section 76-3415, Revised Statutes Cumulative Supplement,
23 2014, is amended to read:

24 76-3415 (a) Except as otherwise provided in the transfer on death
25 deed, in this section, or in sections 30-2313 to 30-2319 or section
26 30-2354, on the death of the transferor, the following rules apply to
27 property that is the subject of a transfer on death deed and owned by the
28 transferor at death:

29 (1) Subject to subdivision (2) of this subsection, the interest in
30 the property is transferred to the designated beneficiary in accordance
31 with the deed;

1 (2) The interest of a designated beneficiary is contingent on the
2 designated beneficiary surviving the transferor by one hundred twenty
3 hours. If the deed provides for a different survival period, the deed
4 shall determine the survival requirement for designated beneficiaries.
5 The interest of a designated beneficiary that fails to survive the
6 transferor by one hundred twenty hours or as otherwise provided in the
7 deed shall be treated as if the designated beneficiary predeceased the
8 transferor;

9 (3) Subject to subdivision (4) of this subsection, concurrent
10 interests are transferred to the beneficiaries in equal and undivided
11 shares with no right of survivorship; and

12 (4) If the transferor has identified two or more designated
13 beneficiaries to receive concurrent interests in the property, the share
14 of one which fails for any reason is transferred to the other, or to the
15 others in proportion to the interest of each in the remaining part of the
16 property held concurrently.

17 (b) A beneficiary takes the property subject to all conveyances,
18 encumbrances, assignments, contracts, mortgages, liens, and other
19 interests to which the property is subject at the transferor's death.

20 (c) If a transferor is a joint owner and is:

21 (1) Survived by one or more other joint owners, the property that is
22 the subject of a transfer on death deed belongs to the surviving joint
23 owner or owners with right of survivorship; or

24 (2) The last surviving joint owner, the transfer on death deed of
25 the last surviving joint owner transferor is effective.

26 (d) A transfer on death deed transfers property without covenant or
27 warranty of title even if the deed contains a contrary provision.

28 (e) If after recording a transfer on death deed the transferor is
29 divorced or his or her marriage is dissolved or annulled, the divorce,
30 dissolution, or annulment revokes any disposition or appointment of
31 property made by the transfer on death deed to the former spouse unless

1 the transfer on death deed expressly provides otherwise. Property
2 prevented from passing to a former spouse under a transfer on death deed
3 because of revocation by divorce, dissolution, or annulment passes as if
4 the former spouse failed to survive the transferor. A decree of
5 separation which does not terminate the status of spouses ~~husband and~~
6 ~~wife~~ is not a divorce for purposes of this section.

7 Sec. 66. Section 77-2732, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 77-2732 (1) If the federal tax liability of persons married to each
10 other ~~husband or wife~~ is determined on separate federal returns, their
11 tax liabilities in this state shall be separately determined.

12 (2) Except as provided in subsection (3) of this section, if the
13 federal tax liability of a married couple ~~husband and wife~~ is determined
14 on a joint federal return, their tax liability shall be determined in
15 this state jointly and their tax liability shall be joint and several.

16 (3) If the federal tax liability of a married couple ~~husband and~~
17 ~~wife~~ is determined on a joint federal return and either spouse ~~husband or~~
18 ~~wife~~ is a nonresident individual or partial-year resident individual and
19 the other a resident individual, separate taxes shall be determined on
20 their separate tax liabilities in this state on such forms as the Tax
21 Commissioner shall prescribe and their tax liability shall be separate
22 unless both elect to determine their joint tax liability in this state as
23 if both were resident individuals, in which case their tax liability
24 shall be joint and several. If a married couple files ~~husband and wife~~
25 ~~file~~ a joint federal income tax return but determine their tax
26 liabilities in this state separately, they shall compute their tax
27 liabilities in this state as if their federal tax liabilities had been
28 determined separately.

29 (4) During the time a claim for credit or refund may be filed
30 pursuant to section 77-2793, a married couple ~~husband and wife~~ electing
31 to be taxed as if both were residents of this state may revoke the

1 election by each filing a separate return on such forms and in such
2 manner as may be required by the Tax Commissioner.

3 Sec. 67. Section 77-2769, Reissue Revised Statutes of Nebraska, is
4 amended to read:

5 77-2769 (1) Every resident and nonresident individual, corporation,
6 and other entity taxed as a corporation under the Internal Revenue Code
7 shall pay the estimated tax for the taxable year, in such form as the Tax
8 Commissioner may prescribe, except that (a) no payment of estimated tax
9 is required by an individual if the estimated tax can reasonably be
10 expected to be less than five hundred dollars and (b) no payment of
11 estimated tax is required by a corporation or other entity taxed as a
12 corporation under the Internal Revenue Code if the estimated tax can
13 reasonably be expected to be less than four hundred dollars.

14 (2)(a) Estimated tax for an individual shall mean the amount which
15 the individual estimates to be his or her income tax under sections
16 77-2714 to 77-27,135 for the taxable year less the amount which he or she
17 estimates to be the sum of any credits allowable.

18 (b) Estimated tax for a corporation or other entity taxed as a
19 corporation under the Internal Revenue Code shall mean the amount which
20 the corporation or business estimates to be its income tax under sections
21 77-2714 to 77-27,135 for the taxable year less the amount which is
22 estimated to be the sum of any credits allowable.

23 (3) If they are eligible to do so for federal tax purposes, a
24 married couple ~~husband and wife~~ may make a joint payment of estimated tax
25 as if they were one taxpayer, in which case the liability with respect to
26 the estimated tax shall be joint and several. If a joint payment is made
27 but the spouses ~~husband and wife~~ elect to determine their taxes
28 separately, the estimated tax for such year may be treated as the
29 estimated tax of either spouse ~~husband or wife~~, or may be divided between
30 them, as they may elect.

31 (4) The payment of estimated tax for an individual under a

1 disability shall be made and filed in the manner provided in subsection
2 (2) of section 77-2763 for an income tax return.

3 (5) The payment of estimated tax shall be paid on or before the
4 dates prescribed by the laws of the United States for payment of
5 estimated federal income tax, except that the Tax Commissioner, by rule
6 and regulation, may establish other dates for payment of estimated tax.

7 (6) The application of this section to taxable years of less than
8 twelve months shall be in accordance with regulations prescribed by the
9 Tax Commissioner.

10 (7) Payment of the estimated income tax or any installment thereof
11 shall be considered payment on account of the income tax imposed under
12 sections 77-2714 to 77-27,135 for the taxable year.

13 Sec. 68. Section 77-3506, Revised Statutes Cumulative Supplement,
14 2014, is amended to read:

15 77-3506 (1) All homesteads in this state shall be assessed for
16 taxation the same as other property, except that there shall be exempt
17 from taxation, on any homestead described in subsection (2) of this
18 section, one hundred percent of the exempt amount.

19 (2) The exemption described in subsection (1) of this section shall
20 apply to homesteads of:

21 (a) A veteran who was discharged or otherwise separated with a
22 characterization of honorable or general (under honorable conditions),
23 who is drawing compensation from the United States Department of Veterans
24 Affairs because of one hundred percent service-connected disability, and
25 who is not eligible for total exemption under sections 77-3526 to 77-3528
26 or the unremarried surviving spouse ~~widow or widower~~ of a veteran
27 described in this subdivision;

28 (b) An unremarried surviving spouse ~~widow or widower~~ of any veteran,
29 including a veteran other than a veteran described in section 80-401.01,
30 who was discharged or otherwise separated with a characterization of
31 honorable or general (under honorable conditions) and who died because of

1 a service-connected disability; and

2 (c) An unremarried surviving spouse ~~widow or widower~~ of a serviceman
3 or servicewoman, including a veteran other than a veteran described in
4 section 80-401.01, whose death while on active duty was service-
5 connected.

6 (3) Application for exemption under this section shall include
7 certification of the status set forth in subsection (2) of this section
8 from the United States Department of Veterans Affairs.

9 Sec. 69. Section 77-3509, Revised Statutes Cumulative Supplement,
10 2014, is amended to read:

11 77-3509 (1)(a) All homesteads in this state shall be assessed for
12 taxation the same as other property, except that there shall be exempt
13 from taxation, on any homestead described in subdivision (b) of this
14 subsection, a percentage of the exempt amount as limited by section
15 77-3506.03.

16 (b) The exemption described in subdivision (a) of this subsection
17 shall apply to homesteads of:

18 (i) A veteran described in section 80-401.01 who was discharged or
19 otherwise separated with a characterization of honorable or general
20 (under honorable conditions), who is drawing compensation from the United
21 States Department of Veterans Affairs because of one hundred percent
22 disability, and who is not eligible for total exemption under sections
23 77-3526 to 77-3528 or the unremarried surviving spouse ~~widow or widower~~
24 of a veteran described in this subdivision (i);

25 (ii) An unremarried surviving spouse ~~widow or widower~~ of any
26 veteran, including a veteran other than a veteran described in section
27 80-401.01, who was discharged or otherwise separated with a
28 characterization of honorable or general (under honorable conditions) and
29 who died because of a service-connected disability;

30 (iii) An unremarried surviving spouse ~~widow or widower~~ of a
31 serviceman or servicewoman who died while on active duty during the

1 periods described in section 80-401.01; and

2 (iv) An unremarried surviving spouse ~~widow or widower~~ of a
3 serviceman or servicewoman, including a veteran other than a veteran
4 described in section 80-401.01, whose death while on active duty was
5 service-connected.

6 (c) The exemption described in subdivision (a) of this subsection
7 shall be based on the household income of a claimant pursuant to
8 subsections (2) through (4) of this section. Application for exemption
9 under this section shall include certification of the status set forth in
10 this section from the United States Department of Veterans Affairs.

11 (2) For 2014, for a married or closely related claimant as described
12 in subsection (1) of this section, the percentage of the exempt amount
13 for which the claimant shall be eligible shall be the percentage in
14 Column B which corresponds with the claimant's household income in Column
15 A in the table found in this subsection.

16	Column A	Column B
17	Household Income	Percentage
18	In Dollars	Of Relief
19	0 through 34,700	100
20	34,701 through 36,400	90
21	36,401 through 38,100	80
22	38,101 through 39,800	70
23	39,801 through 41,500	60
24	41,501 through 43,200	50
25	43,201 through 44,900	40
26	44,901 through 46,600	30
27	46,601 through 48,300	20
28	48,301 through 50,000	10
29	50,001 and over	0

30 (3) For 2014, for a single claimant as described in subsection (1)
31 of this section, the percentage of the exempt amount for which the

1 claimant shall be eligible shall be the percentage in Column B which
2 corresponds with the claimant's household income in Column A in the table
3 found in this subsection.

4	Column A	Column B
5	Household Income	Percentage
6	In Dollars	Of Relief
7	0 through 30,300	100
8	30,301 through 31,700	90
9	31,701 through 33,100	80
10	33,101 through 34,500	70
11	34,501 through 35,900	60
12	35,901 through 37,300	50
13	37,301 through 38,700	40
14	38,701 through 40,100	30
15	40,101 through 41,500	20
16	41,501 through 42,900	10
17	42,901 and over	0

18 (4) For exemption applications filed in calendar year 2015 and each
19 year thereafter, the income eligibility amounts in subsections (2) and
20 (3) of this section shall be adjusted for inflation by the method
21 provided in section 151 of the Internal Revenue Code. The income
22 eligibility amounts shall be adjusted for cumulative inflation since
23 2014. If any amount is not a multiple of one hundred dollars, the amount
24 shall be rounded to the next lower multiple of one hundred dollars.

25 Sec. 70. Section 79-2,116, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 79-2,116 The Legislature finds and declares that it shall be an
28 unfair or discriminatory practice for any educational institution to
29 discriminate on the basis of sex in any program or activity. Such
30 discriminatory practices include, but are not limited to, the following
31 practices:

1 (1) Exclusion of a person or persons from participation in, denial
2 of the benefits of, or subjection to discrimination in any academic,
3 extracurricular, research, occupational training, or other program or
4 activity, except athletic programs;

5 (2) Denial of comparable opportunity in intramural and
6 interscholastic athletic programs;

7 (3) Discrimination among persons in employment and the conditions of
8 such employment; and

9 (4) The application of any rule which discriminates on the basis of
10 (a) the pregnancy of any person, (b) the marital status of any person, or
11 (c) the condition of being a parent. Rules requiring certification of a
12 physician's diagnosis and such physician's recommendation as to what
13 activities a pregnant person may participate in are permissible. For
14 purposes of this section, marital status shall include the condition of
15 being single, married, ~~widowed, or divorced,~~ or a surviving spouse.

16 Sec. 71. Section 80-102, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 80-102 (1)(a) The county veterans service committee shall meet at
19 least once each year or on call of the chairperson or of any three
20 members of the committee. It shall determine the amount it considers
21 necessary for providing aid, including food, shelter, fuel, wearing
22 apparel, medical or surgical aid, or funeral expenses, for the purposes
23 identified in subdivisions (b) and (c) of this subsection. The county
24 veterans service committee shall certify the amount so determined to the
25 county board, which amount shall be reviewed and considered by the county
26 board in making a levy for an aid fund.

27 (b) The county veterans service committee shall determine the amount
28 of aid described in subdivision (a) of this subsection for persons who
29 are in need of the aid and who:

30 (i) Served in the armed forces of the United States during a period
31 of war as defined in section 80-401.01 or during a period of actual

1 hostilities in any war or conflict in which the United States Government
2 was engaged prior to April 6, 1917;

3 (ii) Were discharged or otherwise separated with a characterization
4 of honorable or general (under honorable conditions) or died while in
5 service or as a direct result of that service; and

6 (iii) Have legal residence in the State of Nebraska for a period of
7 not less than one year and in the county in which application is made for
8 a period of not less than six months.

9 (c) The county veterans service committee shall determine the amount
10 of aid described in subdivision (a) of this subsection for:

11 (i) Spouses ~~Husbands and wives~~, surviving spouses, and minor
12 children under eighteen years of age of veterans described in subdivision
13 (b) of this subsection; and

14 (ii) Payment of expenses of last illness and burial when a veteran
15 described in subdivision (b) of this subsection or a surviving spouse
16 described in subdivision (c)(i) of this subsection passes away leaving no
17 next of kin.

18 (2) The county board of each county shall annually make such levy or
19 levies as needed to raise the required aid fund referred to in subsection
20 (1) of this section as the county board determines is necessary, not
21 exceeding one cent on each one hundred dollars upon the taxable value of
22 all the taxable property of such county. Any unexpended balance of the
23 aid fund at the end of any fiscal year shall remain in the fund, without
24 reappropriation, for future use. The committee or a majority thereof
25 shall fix the amount to be paid to each claimant, subject to any amounts
26 in the aid fund, and promptly disburse the same to or for the benefit of
27 the claimant. The county clerk shall issue a warrant to the committee or
28 to the county veterans service officer as directed by the committee upon
29 the county treasurer for such amount as the committee shall from time to
30 time request and as amounts in the aid fund permit. The committee shall
31 at the end of each year make a detailed report of its transactions to the

1 county board. Such reports shall be accompanied with vouchers for all
2 money disbursed.

3 Sec. 72. Section 80-403, Revised Statutes Supplement, 2015, is
4 amended to read:

5 80-403 (1) All money disbursed through the Director of Veterans'
6 Affairs shall be expended by him or her in furnishing food, shelter,
7 fuel, transportation, wearing apparel, or medical or surgical aid or in
8 assisting with the funeral expenses of discharged veterans who come
9 within one of the classes described in subsection (2) or (3) of this
10 section.

11 (2) Such aid shall be provided upon application to veterans as
12 defined in section 80-401.03, their surviving spouses ~~widows, widowers,~~
13 spouses, and their children age eighteen or younger or until age twenty-
14 three if attending school full time, and at any age if the child was
15 permanently incapable of self-support at age eighteen (a) who are legal
16 residents of this state on the date of such application and (b) who may
17 be in need of such aid.

18 (3) In cases in which an eligible veteran or surviving spouse ~~widow~~
19 ~~or widower~~ dies leaving no next of kin to apply for payment of expenses
20 of last illness and burial, a recognized veterans organization or a
21 county veterans service officer may apply, on behalf of the deceased, for
22 assistance in paying such expenses. All such payments shall be made by
23 the director. There may be expended, for purposes other than those set
24 forth in this section, such sum or sums as may be specifically
25 appropriated by the Legislature for such purposes.

26 Sec. 73. Section 83-383, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 83-383 (1) An application for admission shall be made in writing by
29 one of the following persons:

30 (a) If the person applying for admission has a court-appointed
31 guardian, the application shall be made by the guardian; and

1 (b) If the person applying for admission does not have a court-
2 appointed guardian and has not reached the age of majority, as
3 established by section 43-2101, as such section may from time to time be
4 amended, the application shall be made by both parents if they are living
5 together or by the parent having custody of such person if both parents
6 are not then living or are not then living together.

7 (2) The county court of the county of residence of any person with
8 an intellectual disability or the county court of the county in which a
9 state residential facility is located shall have authority to appoint a
10 guardian for any person with an intellectual disability upon the petition
11 of the spouse ~~husband, wife~~, parent, person standing in loco parentis to
12 such person, a county attorney, or any authorized official of the
13 department. If the guardianship proceedings are initiated by an official
14 of the department, the costs thereof may be taxed to and paid by the
15 department if the person with an intellectual disability is without means
16 to pay the costs. The department shall pay such costs upon presentation
17 of a proper claim by the judge of the county court in which the
18 proceedings were initiated. The costs of such proceedings shall include
19 court costs, attorneys' fees, sheriffs' fees, psychiatric fees, and other
20 necessary expenses of the guardianship.

21 Sec. 74. Section 85-171, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 85-171 The Board of Regents of the University of Nebraska shall, as
24 the Bessey Memorial Fund is collected, cause to be paid and distributed
25 the income derived from the fund annually to such other of the surviving
26 spouses ~~widows~~ and dependents of deceased professors as shall then have
27 acceptably served the university for a period of at least twenty-five
28 years. In the selection of beneficiaries among whom distribution of the
29 surplus shall be made, the Board of Regents shall exercise its best
30 judgment, taking into consideration all the facts and circumstances of
31 the case.

1 Sec. 75. Section 85-9,168, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 85-9,168 The Legislature finds and declares that it is an unfair or
4 discriminatory practice for any educational institution to discriminate
5 on the basis of sex in any program or activity. Such discriminatory
6 practices include, but are not limited to, the following practices:

7 (1) Exclusion of a person or persons from participation in, denial
8 of the benefits of, or subjection to discrimination in any academic,
9 extracurricular, research, occupational training, or other program or
10 activity, except athletic programs;

11 (2) Denial of comparable opportunity in intramural and
12 interscholastic athletic programs;

13 (3) Discrimination among persons in employment and the conditions of
14 such employment; and

15 (4) The application of any rule which discriminates on the basis of
16 (a) the pregnancy of any person, (b) the marital status of any person, or
17 (c) the condition of being a parent. Rules requiring certification of a
18 physician's diagnosis and such physician's recommendation as to what
19 activities a pregnant person may participate in are permissible. For
20 purposes of this section marital status shall include the condition of
21 being single, married, ~~widowed, or divorced,~~ or a surviving spouse.

22 Sec. 76. Original sections 15-1012, 18-1724, 21-612, 21-613,
23 25-305, 25-306, 25-1601, 27-505, 28-382, 28-701, 28-714, 28-803, 30-810,
24 30-2303, 30-2333, 30-2353, 30-3507, 36-213, 37-403, 38-1129, 40-103,
25 42-102, 42-103, 42-109, 42-201, 42-202, 42-203, 42-204, 42-206, 42-342,
26 42-367, 42-377, 42-501, 42-503, 42-617, 42-618, 42-619, 43-101,
27 43-104.08, 43-104.13, 43-108, 43-1257, 44-704, 44-705, 44-761, 44-1609,
28 44-2819, 45-1030, 48-122.01, 48-122.03, 48-124, 53-149, 71-601.01,
29 76-403, 76-409, 76-2117, 77-2732, 77-2769, 79-2,116, 80-102, 83-383,
30 85-171, and 85-9,168, Reissue Revised Statutes of Nebraska, sections
31 37-455, 44-710.01, 54-1,111, 76-3415, 77-3506, and 77-3509, Revised

1 Statutes Cumulative Supplement, 2014, and sections 28-707, 32-630,
2 37-1278, 43-2202, 48-1111, and 80-403, Revised Statutes Supplement, 2015,
3 are repealed.

4 Sec. 77. The following section is outright repealed: Section
5 42-207, Reissue Revised Statutes of Nebraska.