

## LEGISLATIVE BILL 748

Approved by the Governor April 17, 1978

Introduced by Judiciary Committee, Barnett, 26, Chmn.;  
Venditte, 7; E. Dvorak, 8; Reutzel, 15;  
Carsten, 2; Stoney, 4

AN ACT relating to the Nebraska Criminal Code; to harmonize provisions; to correct erroneous internal references; to clarify language; to change classifications; to defer operative dates; to provide a duty; to amend sections 2-1221, 20-128, 25-2310, 29-2519, 29-2520, 29-2524, 29-2901, 30-2219, 39-669.07, 39-6, 104.02, 39-6, 104.03, 44-515, 54-141, 60-1004, 71-161.01, 71-5122, 77-2601, 77-2612, 79-429, 83-120, 83-184, 83-912, and 86-304, Reissue Revised Statutes of Nebraska, 1943, sections 39-703, 54-137, and 54-160, Revised Statutes Supplement, 1976, sections 24-216, 28-319, 28-333, 28-405, 28-518, 28-611, 28-703, 28-704, 28-705, 28-803, 28-807, 28-825, 28-827, 28-1003, 28-1203, 28-1204, 28-1206, 28-1328, 28-1341, 28-1423, 43-512.01, 54-101, 60-1005, 71-649, 71-4632, 75-361, 77-1318.02, and 83-1, 133, Revised Statutes Supplement, 1977, and Laws 1977, LB 39, section 340, LB 40, section 321, and LB 41, section 64; to provide an operative date; to repeal the original sections, and also sections 29-102 and 29-2015, Reissue Revised Statutes of Nebraska, 1943, and sections 28-426, and 28-1450 to 28-1462, Revised Statutes Supplement, 1977; and to declare an emergency.

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

Section 1. That section 2-1221, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1221. Whoever for a fee, directly or indirectly, accepts anything of value to be wagered or to be transmitted or delivered for wager in any pari-mutuel or certificate system of wagering on horse races, or for a fee delivers anything of value which has been received outside of the enclosure of a race track holding a race meet licensed under Chapter 2, article 12, to be placed as wagers in the pari-mutuel pool or certificate system of wagering on horse racing within such enclosure shall

be guilty of a Class II misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for not more than six months, or be both so fined and imprisoned:

Sec. 2. That section 20-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

20-128. In addition to the provisions of sections ~~28-479 and 28-480~~ 28-1313 and 28-1314, the driver of a vehicle approaching a totally or partially blind pedestrian who is carrying a cane predominantly white or metallic in color or using a dog guide shall take all necessary precautions to avoid injury to such pedestrian, and any driver who fails to take such precautions shall be liable in damages for any injury caused such pedestrian; Provided, that a totally or partially blind pedestrian not carrying such a cane or using a dog guide in any of the places, accommodations or conveyances listed in section 20-127 shall have all of the rights and privileges conferred by law upon other persons, and the failure of a totally or partially blind pedestrian to carry such a cane or to use a dog guide in any such places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

Sec. 3. That section 24-216, Revised Statutes Supplement, 1977, be amended to read as follows:

24-216. If the Clerk of the Supreme Court shall omit to comply with the provisions of sections 24-214 and 24-215, or shall fail or neglect to keep a correct account of the fees by him received, or shall fail or neglect to make a report to the Governor of the state as herein provided by law, with intent to evade the provisions of said sections, he shall be guilty of a Class V misdemeanor. If he shall intentionally make a false report under oath, he shall be guilty of false swearing in official matters, perjury and shall, upon conviction thereof, be punished accordingly as provided in section 28-915.

Sec. 4. That section 25-2310, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

25-2310. Anyone who fraudulently invokes the privileges of sections 25-2301 to 25-2310 shall be guilty of perjury and shall, upon conviction thereof, be punished as provided in section ~~28-704~~ 28-915.

Sec. 5. That section 28-319, Revised Statutes Supplement, 1977, be amended to read as follows:

28-319. (1) Any person who subjects another person to sexual penetration and (a) overcomes the victim by force, threat of force, express or implied, coercion, or deception, (b) knew or should have known that the victim was mentally or physically incapable of resisting or appraising the nature of his or her conduct, or (c) the actor is ~~more than eighteen~~ nineteen years of age or older and the victim is less than sixteen years of age is guilty of sexual assault in the first degree.

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

(3) Any person who shall be found guilty of sexual assault in the first degree for a second time shall be sentenced to not less than twenty-five years and shall not be eligible for parole.

Sec. 6. That section 28-333, Revised Statutes Supplement, 1977, be amended to read as follows:

28-333. (1) No abortion shall be performed or prescribed on any minor child sixteen under seventeen years of age ~~or younger~~ in the State of Nebraska without her written consent and the consent of the parent or guardian of such minor child.

(2) No abortion shall be performed on any minor child in the State of Nebraska without her written consent and a written statement by her indicating that she has consulted with her parent or guardian concerning the performance of an abortion. The statement of consultation shall be in the following form:

I, ....., a minor, have advised my parent(s) or guardian that I am pregnant and contemplating an abortion and have consulted with them concerning the contemplated abortion.

Date .....

Signed .....

The written consent by the minor and the statement of consultation with the parent or guardian shall be retained as part of the permanent record of the attending physician as evidence of the requirement of consultation.

Sec. 7. That section 28-518, Revised Statutes Supplement, 1977, be amended to read as follows:

28-518. (1) Theft constitutes a Class III felony when the value of the thing involved is over one thousand dollars.

(2) Theft constitutes a Class IV felony when the value of the thing involved is ~~over~~ three hundred dollars or more, but not over one thousand dollars.

(3) Theft constitutes a Class I misdemeanor when the value of the thing involved is more than one hundred dollars, but less than three hundred dollars.

(4) Theft constitutes a Class II misdemeanor when the value of the thing involved is one hundred dollars or less.

Sec. 8. That section 28-611, Revised Statutes Supplement, 1977, be amended to read as follows:

28-611. (1) Whoever obtains property, services, or present value of any kind by issuing or passing a check or similar signed order for the payment of money, knowing that he has no account with the drawee at the time the check or order is issued, or, if he has such an account, knowing that ~~the check or order will not be honored by the drawee~~ he does not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation, commits the offense of issuing a bad check. Issuing a bad check is:

(a) A Class III felony if the amount of the check or order is ~~more than~~ one thousand dollars or more;

(b) A Class IV felony if the amount of the check or order is three hundred dollars or more, but less than one thousand dollars;

(c) A Class I misdemeanor if the amount of the check or order is seventy-five dollars or more, but less than three hundred dollars; and

(d) A Class II misdemeanor if the amount of the check or order is less than seventy-five dollars.

(2) For any second or subsequent offense under subdivision (1) (c) or (1) (d) of this section, any person so offending shall be guilty of a Class IV felony.

(3) Whoever otherwise issues or passes a check or similar signed order for the payment of money, knowing

that he has no account with the drawee at the time the check or order is issued, or, if he has such an account, knowing that ~~the check or order will not be honored by the drawee~~ he does not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation, commits a Class II misdemeanor.

(4) In any prosecution where the person issuing the check has an account with the drawee, he shall be presumed to have known that ~~the check or order would not be honored~~ he did not have sufficient funds in, or credit with, the drawee for the payment of such check or order in full upon its presentation, if, within thirty days after issuance of the check or order, he has been notified that the drawee refused payment for lack of funds and he has failed within ten days after such notice to make the check good or in the absence of such notice, he shall not have made the check good within ten days after notice was sent to him by the county attorney or his deputy, by United States mail addressed to such person at his last-known address, that such check or order has been returned to the depositor. Upon request of the depositor and the payment of two dollars for each check, draft, order, or assignment of funds, unless waived by the county attorney, the county attorney or his deputy shall be required to mail notice to the person issuing the check or order as provided in this subsection. The two dollar payment shall be payable to the county treasurer and credited to the county general fund.

(5) Any person convicted of violating this section may, in addition to being fined or imprisoned, be ordered to make restitution to the party injured for the value of the check, draft, order, or assignment of funds and any costs of filing with the county attorney. If the court shall in addition to sentencing any person to imprisonment under this section also enter an order of restitution, the time permitted to make such restitution shall not be concurrent with the sentence of imprisonment.

(6) The fact that restitution to the party injured has been made and that any costs of filing with the county attorney have been paid shall be a mitigating factor in the imposition of punishment for any violation of this section.

Sec. 9. That section 28-703, Revised Statutes Supplement, 1977, be amended to read as follows:

28-703. (1) Any person who shall intermarry or engage in sexual intercourse with any person who falls within the degrees of consanguinity set forth in section ~~28-706~~ 28-702 commits incest.

(2) A person shall not be convicted of incest or an attempt to commit incest upon the uncorroborated testimony of the person with whom the offense is alleged to have been committed.

(3) Incest is a Class III felony.

Sec. 10. That section 28-704, Revised Statutes Supplement, 1977, be amended to read as follows:

28-704. (1) Any married person who deserts his or her spouse and lives, cohabits, and engages in sexual intercourse or deviate sexual intercourse penetration with another person, as defined in subdivision (5) of section 28-318, commits adultery.

(2) Adultery is a Class I misdemeanor.

Sec. 11. That section 28-705, Revised Statutes Supplement, 1977, be amended to read as follows:

28-705. (1) Any person who abandons and neglects or refuses to maintain or provide for his or her spouse, or his or her child, or dependent stepchild, whether such child be born in or out of wedlock, commits abandonment of spouse, child, or dependent stepchild.

(2) For the purposes of this section, child shall mean an individual under the age of sixteen years.

(3) When any person abandons and neglects to provide for his or her spouse, or his or her child, or dependent stepchild for three consecutive months or more, it shall be prima facie evidence of intent to violate the provisions of subsection (1) of this section.

(4) Abandonment of spouse, child, or dependent stepchild is a Class I misdemeanor.

Sec. 12. That section 28-803, Revised Statutes Supplement, 1977, be amended to read as follows:

28-803. (1) Any person referred to in section 28-802 shall be a competent witness in any prosecution thereunder to testify to any and all matters, including conversation with the accused, or by the accused with third persons, in his presence, notwithstanding having married the accused either before or after the violation

of any of the provisions of such section; and the act and state of marriage shall not be a defense to any violation of such section.

(2) Pandering shall be an exception to the husband-wife privilege as provided in section 25-505 27-505.

Sec. 13. That section 28-807, Revised Statutes Supplement, 1977, be amended to read as follows:

28-807. As used in sections 28-807 to 28-829, unless the context otherwise requires:

(1) Adult shall mean any married person or any unmarried person of the age of eighteen years or older;

(2) Distribute shall mean to transfer possession, whether with or without consideration, by any means;

(3) Disseminate shall mean to manufacture, issue, publish, sell, lend, distribute, transmit, exhibit, or present materials or to offer in person or through an agent or by placing an advertisement for the same, whether with or without consideration, or agree to do the same;

(4) Knowingly shall mean having general knowledge of, or reason to know, or a belief or reasonable ground for belief which warrants further inspection or inquiry ~~or~~ of the character and content of any material, taken as a whole, described in this section, which is reasonably susceptible to examination by the defendant;

(5) Harmful to minors shall mean that quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic abuse, when it: (a) Predominantly appeals to the prurient, shameful, or morbid interest of minors, (b) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors, and (c) is lacking in serious literary, artistic, political, or scientific value for minors;

(6) Material or work shall mean any book or magazine, newspaper, comic book, pamphlet, or other printed or written material or any picture, drawing, photograph, figure, image, motion picture, whether or not positive or negative exhibited or screened, play, nightclub, or live performance, television production, other pictorial representation or electric reproduction, or any recording transcription, mechanical or otherwise,

or any other articles, equipment, machines or materials;

(7) Minor shall mean any unmarried person under the age of eighteen years;

(8) Nudity shall mean the showing of the human, post-pubertal male or female genitals, pubic area or buttocks with less than a full opaque covering, or the depiction of covered male genitals in a discernibly turgid state, or the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple;

(9) Obscene shall mean (a) that an average person applying contemporary community standards would find that the work, material, conduct or live performance taken as a whole predominantly appeals to the prurient interest or a shameful or morbid interest in nudity, sex or excretion, (b) the work, material, conduct or live performance depicts or describes in a patently offensive way sexual conduct specifically set out in sections 28-807 to 28-829, and (c) the work, conduct, material or live performance taken as a whole lacks serious literary, artistic, political, or scientific value;

(10) Place shall mean any building, structure or place or any separate part or portion thereof or the ground itself;

(11) Person shall mean any individual, partnership, firm, association, corporation, trustee, lessee, agent, assignee, or other legal entity;

(12) Performance, whether with or without consideration, shall mean any play, motion picture, dance, or other exhibition performed before an audience;

(13) Promote shall mean to manufacture, issue, sell, give, provide, lend, mail, deliver, transfer, transmit, publish, distribute, circulate, disseminate, present, exhibit or place an order for advertising, or to knowingly offer in person or through an agent or agree to do the same;

(14) Sexual conduct shall mean acts of masturbation, homosexuality, sodomy, sexual intercourse, or prolonged physical contact with a person's clothed or unclothed genitals, pubic area, or buttocks or, if such person be female, breast;

(15) Sexual excitement shall mean the condition of human male or female genitals when in a state of sexual stimulation or arousal; and



(16) Sadomasochistic abuse shall mean flagellation or torture by or upon a nude person or a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained when performed to predominantly appeal to the shameful or morbid interest.

Sec. 14. That section 28-825, Revised Statutes Supplement, 1977, be amended to read as follows:

28-825. If the existence of a nuisance is admitted or established in an action as provided for in sections 28-807 to 28-829, an order of abatement shall be entered as a part of the judgment in the case, which order shall direct the removal from the place of all personal property and contents used in conducting the nuisance, and not already released under authority of the court as provided in section 28-823, and shall direct the sale of such thereof as belonging to the defendants notified or appearing in the manner provided for the sale of personal property under execution. Such order shall also require the renewal for one year of any bond furnished by the owner of the real property as provided for in sections 28-807 to 28-829 or, if not so furnished, shall continue for one year any closing order issued at the time of the granting of the temporary injunction or, if no such closing order was then issued, shall include an order directing the effectual closing of the place against its use for any illegal purpose unless otherwise released. The owner of any place closed and not released under bond may then appear and obtain such release in the manner and upon fulfilling the requirements provided for in sections 28-807 to 28-829. The release of the property under this section shall not release it from any judgment, lien, penalty, or liability to which it may be subject. Owners of unsold personal property and contents so seized may appear and claim the same within ten days after such order of abatement is made and prove innocence to the satisfaction of the court of any knowledge of such use thereof and that with reasonable care and diligence they could not have known thereof. Every defendant in the action is presumed to have had knowledge of the general reputation of the place. If such innocence is established, such unsold personal property and contents shall be delivered to the owner, otherwise it shall be sold as provided in this section and all consideration received is recoverable as damages to the county where the nuisance was located.

Sec. 15. That section 28-827, Revised Statutes Supplement, 1977, be amended to read as follows:

28-827. ~~Obscene--material~~ Material or work introduced in evidence and judicially adjudicated to be obscene is contraband and there are no property rights therein. All monetary consideration received for such work, material, conduct or live performance is recoverable as damages to the county where sold or exhibited. The defendant, as part of the court order, shall be required to remove from the state all other identical copies owned or controlled by such defendant within five days after a court determination of obscenity thereof or the same shall be deemed forfeited to the state for destruction by the state.

Sec. 16. That section 28-1003, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1003. (1) A person commits indecency with an animal when such person ~~engages in sexual intercourse or deviant sexual conduct with an animal~~ subjects an animal to sexual penetration as defined in subdivision (5) of section 28-318.

(2) Indecency with an animal is a Class III misdemeanor.

Sec. 17. That section 28-1203, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1203. (1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or members of enlisted men in the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

Sec. 18. That section 28-1204, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1204. (1) Any person under the age of eighteen years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, state militia National Guard of this state, or Reserve Officers Training Corps, when on duty or training, or to

the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a revolver is a Class III misdemeanor.

Sec. 19. That section 28-1206, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1206. (1) Any person who possesses any firearm with a barrel less than eighteen inches in length or brass or iron knuckles and who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of firearms by a felon or a fugitive from justice.

(2) Such felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3) Possession of firearms by a fugitive from justice or a felon is a Class IV felony.

Sec. 20. That section 28-1423, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1423. The term for which such license shall run shall be from the date of filing such application and paying such license fee to and including December 31 of the calendar year in which application for such license is made, and the license fee for any person, partnership or corporation selling at retail shall be twenty-five dollars in cities of the metropolitan class, fifteen dollars in cities of the primary and first classes, and ten dollars in cities of all other classes and in towns and villages, and in locations outside of the limits of cities, towns and villages; Provided, that any person, partnership or corporation selling annually in the aggregate more than one hundred and fifty thousand cigars, packages of cigarettes, and packages of tobacco in any form, at wholesale, shall pay a license fee of one hundred dollars, and if such combined annual sales amount to less than one hundred and fifty thousand cigars, packages of cigarettes and packages of tobacco, the annual license fee shall be fifteen dollars; Provided, however, and provided further, that no wholesaler's license shall be issued in any year on a less basis than one hundred dollars per annum, unless the applicant for the same shall file with such application a statement duly sworn to by himself, or if applicant is a partnership, by a member of the firm, or if a

corporation, by an officer or manager thereof, that in the past such wholesaler's combined sales of cigars, packages of cigarettes, and packages of tobacco in every form, have not exceeded in the aggregate one hundred and fifty thousand annually, and that such sales will not exceed such aggregate amount for the current year for which the license is to issue. Any person swearing falsely in such affidavit shall be guilty of perjury, and upon conviction thereof, shall be punished as provided by section ~~28-704~~ 28-915, and such wholesaler's license shall be revoked until the full license fee of one hundred dollars is paid; Provided, further, that if application for license is made after July 1 of any calendar year, the fee shall be one half of the fee provided in this section.

Sec. 21. That section 29-2519, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2519. The Legislature hereby finds that it is reasonable and necessary to establish mandatory standards for the imposition of the sentence of death; that the imposition of the death penalty in every instance of the commission of the crimes specified in section ~~28-404~~ 28-303 fails to allow for mitigating factors which may dictate against the penalty of death; and that the rational imposition of the death sentence requires the establishment of specific legislative guidelines to be applied in individual cases by the court. The Legislature therefore determines that the death penalty should be imposed only for the crimes set forth in section ~~28-404~~ 28-303 and, in addition, that it shall only be imposed in those instances when the aggravating circumstances existing in connection with the crime outweigh the mitigating circumstances, as set forth in sections 29-2520 to 29-2524.

Sec. 22. That section 29-2520, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2520. Whenever any person is found guilty of a violation of section ~~28-404~~ 28-303, the district court shall within seven days fix a date for hearing on determination of the sentence to be imposed. Such determination shall be made by: (1) The judge who presided at the trial or who accepted the plea of guilty; (2) a panel of three judges including the judge who presided or accepted the plea, the two additional judges having been designated by the Chief Justice of the Supreme Court after receiving a request therefor from the presiding judge; or (3) a panel of three district judges

named by the Chief Justice of the Supreme Court when such Chief Justice has determined that the presiding judge is disabled or disqualified after receiving a suggestion of such disability or disqualification from the clerk of the court in which the finding of guilty was entered.

Sec. 23. That section 29-2524, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2524. Nothing in sections 24-342, ~~28-404~~, ~~28-417~~, ~~28-303~~, ~~28-313~~, and 29-2519 to 29-2546 shall be in any way deemed to repeal or limit existing procedures for automatic review of capital cases, nor shall it in any way limit the right of the Supreme Court to reduce a sentence of death to a sentence of life imprisonment in accordance with the provisions of section 29-2308, nor shall it limit the right of the Board of Pardons to commute any sentence of death to a sentence of life imprisonment.

Sec. 24. That section 29-2901, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

29-2901. As used in sections 29-2901 to 29-2910, unless the context otherwise requires: (1) Sexual offense shall mean (a) debauching a minor as defined in section 28-929; ~~(b) rape as defined in sections 28-407 and 28-408; or (c) sodomy as defined in section 28-919 and 28-805;~~ (b) sexual assault as defined in sections 28-319 and 28-320; or (c) the commission of any crime as defined by law in which sexual excitement of the person committing the crime is a substantial motivating factor; and (2) sexual sociopath shall mean any person who has been convicted of a sexual offense and who, by the procedure established in sections 29-2901 to 29-2910, is determined to be disposed to repeated commission of sexual offenses which are likely to cause substantial injury to the health of others.

Sec. 25. That section 30-2219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

30-2219. Except as otherwise specifically provided in this code or by rule, every document filed with the court under this code including applications, petitions, and demands for notice, shall be deemed to include an oath, affirmation, or statement to the effect that its representations are true as far as the person executing or filing it knows or is informed. Any person who willfully falsifies any such representation shall be

guilty of perjury and shall, upon conviction thereof, be punished as provided by section 28-915. by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex not less than one year nor more than fourteen years.

Sec. 26. That section 39-6,104.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.02. The driver of any vehicle involved in an accident either upon a public highway, private road, or private drive, resulting in damage to property, shall (1) immediately stop such vehicle at the scene of such accident, and (2) give his name, address, and the registration number of his vehicle and exhibit his operator's or chauffeur's license to the owner of the property struck or the driver or occupants of any other vehicle involved in the collision. Any person violating ~~any of the provisions of this section shall, upon conviction thereof be punished,~~ if he shall report such accident, by telephone or otherwise, to the appropriate peace officer within twelve hours, ~~by a fine of not less than ten dollars nor more than one hundred dollars~~ be guilty of a Class V misdemeanor or, if he does not report such accident within twelve hours, ~~by a fine of not less than twenty-five dollars nor more than two hundred dollars~~ be guilty of a Class IV misdemeanor.

Sec. 27. That section 39-6,104.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,104.03. Every person, convicted of violating section 39-6,104.01 relative to the duty to stop in the event of certain accidents, shall be punished ~~by imprisonment in the county or municipal jail for not less than thirty days nor more than one year or in the Nebraska Penal and Correctional Complex for not less than one year nor more than five years or by fine of not less than one hundred dollars nor more than five thousand dollars or by both fine and imprisonment~~ guilty of a Class I misdemeanor. The court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of not more than one year from the date of his final discharge from the county or municipal jail or Nebraska Penal and Correctional Complex, or the date of payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period.

Sec. 28. That section 43-512.01, Revised Statutes Supplement, 1977, be amended to read as follows:

43-512.01. It shall be the duty of the county attorney, when a copy of the finding of investigation or the application for financial assistance has been filed with him as provided in section 43-512, to immediately file complaint against the father or stepfather of the dependent child under section 28-449 28-706 or file a civil petition under the provisions of section 43-512.03 whenever the recovery of child support appears to be practicable.

Sec. 29. That section 44-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

44-515. (1) A notice of cancellation of a policy shall be effective only if it is based on one or more of the following reasons: (a) Nonpayment of premium; (b) fraud or material misrepresentation affecting the policy or in the presentation of a claim thereunder, or violation of any of the terms or conditions of the policy; or (c) the named insured or any operator, either resident in the same household or who customarily operates an automobile insured under the policy, (i) has had his driver's license suspended or revoked pursuant to law; (ii) has been convicted of larceny of an automobile, or theft of an automobile in violation of section 28-524 28-516; (iii) has been convicted of an offense for which such suspension or revocation is mandatory; or (iv) whose driver's license is subject to revocation or suspension pursuant to the provisions of sections 39-669.26 to 39-669.30, by reason of his driving record as disclosed by the files of the Director of Motor Vehicles during the policy period or, if the policy is a renewal, during its policy period or the one hundred eighty days immediately preceding its effective date.

(2) This section shall not apply to any policy or coverage which has been in effect less than sixty days at the time notice of cancellation is mailed or delivered by the insurer unless it is a renewal policy.

(3) This section shall not apply to nonrenewal.

Sec. 30. That section 54-101, Revised Statutes Supplement, 1977, be amended to read as follows:

54-101. As used in sections 28-509, ~~28-510~~, 54-101.01 to 54-156, 54-415, and 54-1183 to 54-1186, unless the context otherwise requires:

(1) A brand shall mean an identification mark that is burned into the hide of a live animal by a hot iron on either side in any one of three locations, the shoulder, ribs, or hip, and is recorded in the office of the Nebraska Brand Committee as provided by law;

(2) Certificate of inspection shall mean the official document as issued and signed by a brand inspector authorizing movement of livestock from a point of origin within the brand inspection area to a destination either in or out of the brand inspection area or out of state, or authorizing slaughter of livestock as specified on such certificate. Such certificate of inspection shall designate and require the name of consignor or seller of livestock, the purchaser of such livestock, the destination of livestock, the method of transportation, the vehicle license number or railroad car number when available, the miles driven by brand inspector to perform inspection, the amount of brand inspection fees collected, the number and sex of livestock to be moved or slaughtered, the brands, if any, on the animal or animals and the brand owner. A certificate of inspection shall be construed and intended to be documentary evidence of ownership on all cattle covered by such document;

(3) Brand clearance shall mean the documentary evidence of ownership that is issued and signed by a brand inspector and given to persons who have legally purchased cattle at a livestock auction or sale where a brand inspection service is provided. Such brand clearance shall give the name and address of sale or auction where issued, the name of purchaser, the number and sex of cattle, the brands, if any, and the location on the animal or animals;

(4) Brand committee shall mean the governing body and administrative agency as established under sections 54-135 and 54-136;

(5) Brand inspection agency shall mean an agency of a state, or a duly organized livestock association of a state, authorized by state and federal law to charge and collect at designated stockyards, packing plants, sales barns, or farm and ranch loading points, a reasonable and nondiscriminatory fee for the inspection of brands, marks, and other identifying characteristics of livestock originating in or shipped from such state for the purpose of determining the ownership of such livestock;

(6) Brand inspector shall mean a person employed by the Nebraska Brand Committee, or some other brand



inspection agency, within or without the State of Nebraska, for the purpose of identifying brands or marks, or other identifying characteristics of livestock, to determine the existence of such brands or marks or identifying characteristics and from such determinations attempt to establish correct and true ownership of such livestock, and generally carry out the provisions and enforcement of all laws pertaining to brands, brand inspection and associated livestock laws;

(7) Stockyard shall mean any place, establishment, or facility commonly known as stockyards conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce;

(8) Stockyard owner shall mean any person engaged in the business of owning or conducting or operating a stockyard;

(9) Stockyard services shall mean services or facilities furnished at a stockyard in connection with the receiving, buying, or selling on a commission basis or otherwise, marketing, feeding, watering, holding, delivering, shipping, weighing, or handling, in commerce, of livestock;

(10) Sales ring shall mean any place, establishment, or facility conducted or operated for compensation or profit as a public market, consisting of pens or other enclosures, barns, stables, sheds, and their appurtenances, including saddle and work stock, and vehicles used in connection therewith or in the operation thereof, where livestock not owned by the owner or operator is received, held or kept for any purpose other than (a) immediate shipment by rail, or immediate slaughter, (b) for grazing, feeding or breeding, or (c) for the sale and exchange of breeding stock by a bona fide livestock association;

(11) Sales ring operator shall mean any person in control of the management or operation of a sales ring;

(12) Open market shall mean a sales barn, market agency, stockyard, or packing plant located out of the Nebraska brand inspection area as defined in section 54-134, or out of the confines and boundaries of the State of Nebraska, declared as such by the Nebraska Brand Committee under section 54-142, where brand inspection is maintained either by the Nebraska Brand Committee employees or by some other state under a reciprocal

agreement as allowed under the Packers and Stockyards Act, 1921, as amended;

(13) Market agency shall mean any person engaged in the business of (a) buying or selling in commerce livestock on a commission basis, or (b) furnishing stockyard services;

(14) Cattle shall mean bovine cattle only, and shall not relate to or include any other kind of domestic animal;

(15) Livestock shall mean any domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(16) Hide shall mean the skin or outer covering of an animal whether raw or dressed, alive or dead;

(17) Carcasses shall mean the body or bodies, or part thereof but not less than one-fourth of a body of any dead or slaughtered domestic neat cattle, horses, mules, donkeys, sheep, or swine;

(18) Slaughterhouse shall mean an establishment that slaughters, kills, or butchers livestock, either for itself or for others, for compensation or otherwise disposes of such livestock in a processed or semiprocessed manner;

(19) Packing plant or packing house shall mean an establishment for slaughtering, processing, and packing livestock into meat, meat products, and by-products or for processing and packing other foodstuffs;

(20) Dealer shall mean any person, not a market agency, engaged in the business of buying or selling in commerce livestock either on his own account or as the employee or agent of the vendor or purchaser;

(21) Estray shall mean any neat cattle, horse, mule, donkey, sheep, or swine, found running at large upon public or private lands, either fenced or unfenced, in the State of Nebraska, whose owner is unknown in the area where found, or is branded with a brand which is not on record in the office of the Nebraska Brand Committee;

(22) Interstate shall mean from or between points in one state and points in another state;

(23) Intrastate shall mean within the state;

(24) Moved or movement shall mean, as applied to livestock, transported, shipped, delivered, or received

for transportation, driven on foot or caused to be driven on foot by any person, or shipped or delivered or received for transportation by any person;

(25) Brand inspection area shall mean that portion of the State of Nebraska designated by the Legislature as a brand area as set forth in section 54-134, where brand inspection shall be mandatory and performed on all cattle sold at auction markets, packing plants, slaughterhouses, or farm or ranch sales within such area, and on all other cattle prior to leaving such brand inspection area, unless destined for an open market designated as such by the Nebraska Brand Committee;

(26) Investigators shall mean such employees of the Nebraska Brand Committee as are commissioned deputy state sheriffs and shall have the duty, responsibility and authority to enforce all state statutes pertaining to brands, brand inspection, and associated livestock laws, whether civil or criminal. Such investigators shall also be responsible for the investigation of all problems associated with brands, brand inspection and associated livestock enforcement problems;

(27) Satisfactory evidence of ownership shall consist of the brands, tattoos, or marks on the livestock; point of origin of livestock; the physical description of the livestock; the documentary evidence, such as bills of sale, brand clearance, certificates of brand inspection, breed registration certificates, animal health or testing certificates, brand recording certificates, purchase sheets, scale tickets, disclaimers of interest, affidavits, court orders, security agreements, powers of attorney, canceled checks, bills of lading or tags; and such other facts, statements or circumstances that taken in whole or in part cause a brand inspector to believe that proof of ownership is established;

(28) Bill of sale shall mean a formal instrument for the conveyance or transfer of title to livestock or other goods and chattels;

(29) Estray fund shall mean the fund that the Nebraska Brand Committee receives from the sale of any estray livestock. Such fund shall be disposed of in the manner provided in section 54-415;

(30) Daylight hours shall mean from sunrise to sunset;

(31) Acid brand shall mean any such mark or brand that has been applied by use of a chemical compound and

when so used causes a scar-like tissue to form on the hide of a live animal;

(32) Freeze brand shall mean any such mark or brand that is created on a live animal in a depigmentation technique, whereby the pigment producing cells in the skin of an animal are destroyed by the application of intense cold to the skin area;

(33) Chairman shall mean the presiding officer of the Nebraska Brand Committee;

(34) Unbranded shall mean that any such designated livestock does not carry a brand of any kind;

(35) Branded shall mean any such designated livestock carries a brand of any kind defined in this section; Provided, a legal brand for identification in Nebraska shall be as defined in subdivision (1) of this section;

(36) Registered feedlot shall mean but not be limited to any permanent, fenced, drylot status area where cattle are fed and finished for slaughter purposes, which lot has been inspected and registered and for which a permit has been issued;

(37) Brand Recorder shall mean a person employed by the Nebraska Brand Committee who shall be responsible for the processing of all applications for the recording of new livestock brands, the transfer of ownership of existing livestock brands, maintenance of accurate and permanent records relating to each and every livestock brand of record, and such other duties as may be required by the Nebraska Brand Committee to satisfactorily carry out the provisions of sections 54-101 to 54-156; and

(38) In subdivisions (1) to (37) of this section, when the context or the circumstances so require, words importing a singular number may be expanded to several persons or things, and words importing the plural number may be applied to one person or thing, and words importing the masculine gender only may be expanded to the feminine or neuter gender.

All subdivisions of this section shall apply to sections 54-133.01 to 54-133.03 with the exception of the manner in which a year brand or production recording brand may be applied.

It shall be permissible to use a freeze brand, but only for the year brand or the production recording brand.

Sec. 31. That section 54-137, Revised Statutes Supplement, 1976, be amended to read as follows:

54-137. The committee shall employ a secretary who shall keep a record of all proceedings, transactions, communications and official acts of the committee, shall be custodian of all records of the committee and shall perform such other duties as the committee may require. The secretary shall call a meeting at the direction of the Secretary of State or upon the written request of two or more members of the committee. The committee shall employ such other employees as may be necessary properly to carry out the provisions of sections 54-134 to 54-156, and assist in enforcing and carrying out the provisions of sections ~~28-509~~--~~28-540~~, 54-101 to 54-133.03, and 54-415 and shall also be authorized to fix the salaries of such employees as may be employed by it and to make such expenditures as are necessary properly to carry out the provisions of such sections. The committee shall select and designate a place within the brand inspection area where the committee shall keep and maintain an office and where all records of the brand inspection and investigation proceedings, transactions, communications, and official acts shall be kept. The brand committee shall maintain an office in the State Capitol or State Office Building where the committee records relative to and concerning the Brand Recorder's duties shall be kept.

(1) As used in this section, unless the context otherwise requires, secretary shall mean the executive officer employed by the Nebraska Brand Committee, who shall also be the chief brand inspector and the chief brand investigator.

(2) The secretary shall have supervisory authority to direct and control all full and part-time Nebraska Brand Committee employees, except the Brand Recorder who shall have supervisory authority over those employees in the brand recording office. This authority shall allow the secretary or Brand Recorder to hire such employees as are needed on an interim basis subject to approval or confirmation by the Nebraska Brand Committee for regular employment. The secretary or Brand Recorder shall have the authority to place employees on probation. The secretary or Brand Recorder may discharge an employee.

(3) If any employee of the Nebraska Brand Committee after having been disciplined, placed on probation or his services terminated desires to have a hearing before the entire Nebraska Brand Committee, such a hearing shall be granted as soon as is practicable and convenient for all persons concerned. The request for

such a hearing shall be made in writing by the employee alleging the grievance, and directed to the secretary or Brand Recorder. After hearing all testimony surrounding the grievance of such employee, the Nebraska Brand Committee, at its discretion, may approve, rescind, nullify or amend all actions as previously taken by the secretary or Brand Recorder.

(4) In the absence of the secretary or Brand Recorder, either by reason of illness, vacation or official business away from the department's headquarters, the assistant secretary or assistant to the recorder shall have similar authority as above outlined for the secretary.

Sec. 32. That section 54-141, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-141. The Nebraska Brand Committee shall have the power and authority to pass rules and regulations relating to the administration of ~~7-but-not--inconsistent with the provisions of~~ sections ~~28-509, 28-510, 54-101 to 54-156, and 54-415.~~

Sec. 33. That section 54-160, Revised Statutes Supplement, 1976, be amended to read as follows:

54-160. Sections 54-159 to 54-168 are adopted for the purpose of insuring compliance with sections ~~28-510, 28-520, 28-549, 28-550, 28-551, 28-511, 28-512, 28-519, 28-1002,~~ 54-101 to 54-156, 54-401 to 54-408, 54-415, and 54-1183 to 54-1185.

Sec. 34. That section 60-1004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

60-1004. Any employee or officer of the State of Nebraska who operates or has under his control any state-owned motor vehicle or unit of road machinery, not numbered, lettered or marked as required by section 60-1001, or who violates any of the other provisions of sections 60-1001 to 60-1003 shall be deemed guilty of malfeasance official misconduct in office for a palpable omission of duty, and upon conviction thereof shall be subject to removal from his office or employment under the provisions of section 28-724 guilty of a Class II misdemeanor, and the court shall have the power to add to the judgment that any officer so convicted shall be removed from office or employment.

Sec. 35. That section 60-1005, Revised Statutes Supplement, 1977, be amended to read as follows:

60-1005. No officer or employee of the State of Nebraska shall use any motor vehicle owned by the State of Nebraska for any personal use whatsoever. Any officer or employee who shall violate any of the provisions of this section shall be deemed guilty of a Class V misdemeanor, and in addition thereto the officer or employee shall be deemed guilty of malfeasance official misconduct in office for palpable omission of duty, and upon conviction thereof ~~shall be subject to removal from his office or employment under the provisions of section 28-724~~ the court shall have the power to add to the judgment that any officer or employee so convicted shall be removed from office or employment.

Sec. 36. That section 71-161.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-161.01. A plea or verdict of guilty or a conviction following a plea of nolo contendere or non vult contendere made to a formal criminal charge shall be deemed to be a conviction within the meaning of sections ~~28-4724~~ 28-409, 71-147, 71-331, 71-1333, 71-2045.02, 71-2717, and 71-4712. The term conviction within the meaning of such sections shall mean a judicial finding of guilt irrespective of the pronouncement of judgment or the suspension thereof and shall include instances in which the imposition or the execution of sentence is suspended following a judicial finding of guilt and the defendant is placed on probation. Pursuant to such sections a license, permit, certificate, or registration, including one of a temporary nature, may be denied, refused renewal, limited, suspended, revoked or have other disciplinary measures taken against it in accordance with section 71-155, when the time for appeal of the conviction has elapsed or the conviction has been affirmed on appeal or an order granting probation is made suspending the imposition or the execution of sentence, irrespective of any subsequent order under any statute allowing such person to withdraw his plea of guilty, nolo contendere or non vult contendere and to enter a plea of not guilty, or setting aside the verdict of guilty or the conviction, or releasing the person from probation, or dismissing the accusation, information or indictment.

Sec. 37. That section 71-649, Revised Statutes Supplement, 1977, be amended to read as follows:

71-649. (1) Any person who (a) willfully and knowingly makes any false statement in a certificate,

record, or report required to be filed pursuant to sections 71-601 to 71-648, or in an application for an amendment thereof or in an application for a certified copy of a vital record, or willfully and knowingly supplies false information intending that such information be used in the preparation of any such report, record, or certificate, or amendment thereof; (b) without lawful authority and with the intent to deceive, makes, counterfeits, alters, amends, or mutilates any certificate, record, or report required to be filed pursuant to sections 71-601 to 71-648, or a certified copy of such certificate, record, or report; (c) willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another, for any purpose of deception, any certificate, record, report, or certified copy thereof so made, counterfeited, altered, amended, or mutilated; (d) with the intention to deceive, willfully and knowingly obtains, possesses, uses, sells, furnishes, or attempts to obtain, possess, use, sell, or furnish to another any certificate of birth or certified copy of a certificate of birth knowing that such certificate or certified copy was issued upon a certificate which is false in whole or in part or which relates to the birth of another person, whether living or deceased; (e) willfully and knowingly furnishes or possesses a certificate of birth or certified copy of a certificate of birth with the knowledge or intention that it be used for the purposes of deception by a person other than the person to whom the certificate of birth relates; or (f) without lawful authority possesses any certificate, record, or report, required by sections 71-601 to 71-648, or a copy or certified copy of such certificate, record, or report knowing same to have been stolen or otherwise unlawfully obtained, shall be guilty of a Class IV felony, and shall, upon conviction thereof, be punished by a fine of not more than ten thousand dollars or by imprisonment in the Nebraska Penal and Correctional Complex for not more than five years, or by both such fine and imprisonment.

(2) Any person who (a) willfully and knowingly refuses to provide information required by sections 71-601 to 71-648, or regulations adopted under sections 71-640 and 71-649.01; or (b) willfully and knowingly neglects or violates any of the provisions of sections 71-601 to 71-648, or refuses to perform any of the duties imposed upon him thereunder shall be guilty of a Class I misdemeanor, and shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars or by imprisonment in the county jail not more than one year, or by both such fine and imprisonment.



(3) The Department of Health may include on any appropriate certificate or document a statement warning of the consequences for any violation of this section.

Sec. 38. That section 71-4632, Revised Statutes Supplement, 1977, be amended to read as follows:

71-4632. Any person who establishes, conducts, operates, or maintains a mobile home park without first obtaining a license therefor from the department as provided in sections 71-4621 to 71-4634 shall be guilty of a Class IV misdemeanor and each day such mobile home park shall operate without a license after a first conviction shall be considered a separate offense. Such person shall also be guilty of maintaining a nuisance pursuant to ~~the provisions of~~ section ~~28-1016~~ 28-1321, and upon conviction thereof, in addition to payment of the fine, such nuisance shall be removed.

Sec. 39. That section 71-5122, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-5122. Any person who operates an ambulance for the purpose of transporting any patient upon any street, road, highway, or public way in the State of Nebraska without first obtaining a license therefor from the department shall be guilty of a Class IV misdemeanor, ~~and shall, upon conviction thereof, be liable to a fine of not less than two hundred dollars nor more than five hundred dollars;~~ and each day such ambulance shall be so operated without a license after a first conviction shall be considered a separate offense. Such person shall also be guilty of maintaining a nuisance pursuant to the provisions of section ~~28-1016~~ 28-1321 and shall, upon conviction thereof, be both so fined and ordered to abate such nuisance.

Sec. 40. That section 75-361, Revised Statutes Supplement, 1977, be amended to read as follows:

75-361. (1) Any person violating the provisions of section 75-359 shall be guilty of a Class IIIA misdemeanor, ~~and shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars nor more than one thousand dollars;~~

(2) Any person violating the provisions of section 75-360 shall be guilty of a Class V misdemeanor, ~~and shall, upon conviction thereof, be fined ten dollars;~~

Sec. 41. That section 77-2601, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

77-2601. As used in sections 77-2601 to 77-2615: (1) The word person means and includes every individual, firm, association, joint stock company, partnership, copartnership, syndicate and corporation; (2) the term wholesale dealer includes only those persons who sell cigarettes to licensed retail dealers other than branch stores operated by or connected with such wholesale dealer or for purposes of resale only, as prescribed by section ~~28-1025~~ 28-1423; (3) the term retail dealer includes every person other than a wholesale dealer engaged in the business of selling cigarettes in this state irrespective of quantity, amount, or number of sales thereof; (4) the term department shall mean the Tax Commissioner as it now exists, or whatever agency of the state succeeds to its functions, by whatever name known; (5) the term director means the Tax Commissioner, or his successor, by whatever name known; (6) the term cigarettes includes any roll for smoking made wholly or in part of tobacco irrespective of size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other material excepting tobacco; and (7) the term consumer means any person, firm, association, partnership, copartnership, joint stock company, syndicate or corporation not having a license to sell cigarettes.

Sec. 42. That section 77-1318.02, Revised Statutes Supplement, 1977, be amended to read as follows:

77-1318.02. Failure to comply with the requirements of section 77-1318.01 shall be guilty--of a Class IV misdemeanor.

Sec. 43. That section 77-2612, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

77-2612. The Tax Commissioner is hereby authorized to employ, with the advice and consent of the Governor, a sufficient number of inspectors, clerks, assistants and agents to enforce the provisions of sections 77-2601 to 77-2615, including the collection of all stamp taxes and all revenue from cigarette tax meters provided for herein. In such enforcement the Tax Commissioner may call to his aid the Attorney General, any county attorney, any sheriff, deputy sheriff or other peace officer. The compensation of all persons employed hereunder shall be fixed by the Governor and shall be paid from the revenue derived under the provisions of sections 77-2601 to 77-2615. The expenses of

administering sections 77-2601 to 77-2615, including necessary assistants, clerical help, cost of enforcement, cost of stamps and incidental expenses, when approved by the Tax Commissioner, shall be paid by warrants, issued against the General Fund, but the same shall not exceed four per cent of the funds collected under the provisions of sections 77-2601 to 77-2615, said expenses in each instance to be approved by the Tax Commissioner. The Tax Commissioner is hereby authorized to promulgate rules and regulations which are consistent with the provisions of sections 77-2601 to 77-2615 and their proper enforcement. Each wholesale dealer shall make application to the Tax Commissioner, upon forms to be furnished by the Tax Commissioner for a permit to use the tax meter machines, as set forth in section 77-2603, or to purchase said stamps as provided in section 77-2608, or both. Each wholesale dealer shall furnish with such application evidence satisfactory to the Tax Commissioner showing that he has obtained a license as a wholesale dealer in accordance with section ~~28-1025~~ 28-1423. He shall accompany said application with a fee of three hundred dollars to be placed in the General Fund if the permit is granted and otherwise to be returned to the applicant. If the application is approved and the bond referred to in section 77-2603 is given and approved, if such bond is required under said section 77-2603, the Tax Commissioner shall issue such license which shall be conspicuously posted in the place of business of such wholesale dealer.

Sec. 44. That section 79-429, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-429. If any person so challenged shall refuse to take such oath, his vote shall be rejected. Any person who shall willfully take a false oath, or make a false affirmation, under the provisions of section 79-428, shall be deemed guilty of perjury and shall, upon conviction, be fined or imprisoned as provided in section ~~28-704~~ 28-915.

Sec. 45. That section 83-120, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-120. Neither the Director of Public Institutions nor any employee of the Department of Public Institutions shall receive from any person, firm or corporation having dealings with the department, or from any employee or representative of such person, firm or corporation, any gift or gratuity, either directly or indirectly, for himself or for any other person. The director or any employee who receives such a gift or

gratuity shall be deemed guilty of bribery under section 28-706 28-917 and shall be removed from office.

Sec. 46. That section 83-184, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-184. (1) When the conduct, behavior, mental attitude and conditions indicate that a person committed to the department and the general society of the state will be benefited, and there is reason to believe that the best interests of the people of the state and the person committed to the department will be served thereby, in that order, and upon the recommendation of the Board of Parole in the case of each committed offender, the Director of Correctional Services may authorize such person, under prescribed conditions, to:

(a) Visit a specifically designated place or places and return to the same or another facility. An extension of limits may be granted to permit a visit to a dying relative, attendance at the funeral of a relative, the obtaining of medical services, the contacting of prospective employers, or for any other reason consistent with the public interest; or

(b) Work at paid employment or participate in a training program in the community on a voluntary basis whenever:

(i) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(ii) The rates of pay and other conditions of employment will not be less than those paid or provided for work of similar nature in the locality in which the work is to be performed.

(2) The wages earned by a person authorized to work at paid employment in the community under the provisions of this section shall be credited by the chief executive officer of the facility to such person's wage fund.

(3) A person authorized to work at paid employment in the community under the provisions of this section may be required to pay, and the Director of Correctional Services is authorized to collect, such costs incident to the person's confinement as the Director of Correctional Services deems appropriate and

reasonable. Collections shall be deposited in the state treasury as miscellaneous receipts.

(4) The willful failure of a person to remain within the extended limits of his confinement or to return within the time prescribed to a facility designated by the Director of Correctional Services shall be deemed an escape from custody punishable as provided in section 28-736 28-912.

(5) No person employed in the community under the provisions of this section or otherwise released shall, while working in such employment in the community or going to or from such employment or during the time of such release, be deemed to be an agent, employee, or servant of the state.

Sec. 47. That section 83-1,133, Revised Statutes Supplement, 1977, be amended to read as follows:

83-1,133. A person shall be guilty of a Class IV felony if he threatens or attempts to threaten harm to a member of the Board of Pardons with the purpose to influence his decision, opinion, recommendation, vote, or other exercise of discretion as member of the board or if he purposely or knowingly privately addresses to any member of the board any representation, entreaty, argument or other communication designed to influence the outcome of any application which is or may come before the board on the basis of considerations other than those authorized by law. ~~7-and-shall-be-guilty-of-a--Class--IV~~  
felony.

Sec. 48. That section 83-912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-912. Neither the Director of Correctional Services nor any employee of the Department of Correctional Services shall receive from any person, firm, or corporation having dealings with the department, or from any employee or representative of such person, firm, or corporation, any gift or gratuity, either directly or indirectly, for himself or for any other person. The director or any employee who receives such a gift or gratuity shall be deemed guilty of bribery under section 28-706 28-917 and shall be removed from office.

Sec. 49. That section 86-304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

86-304. Any person or persons who shall willfully and maliciously break, injure, destroy or otherwise interfere with the poles, wires or fixtures of any telegraph, telephone or railroad company or electric light and power company in this state, or who shall willfully and purposely interrupt or interfere with the transmission of telegraph or telephone messages or the transmission of light, heat and power in this state, shall be subject to the action and penalty prescribed in section ~~28-585~~ 28-519.

Sec. 50. That section 28-405, Revised Statutes Supplement, 1977, be amended to read as follows:

28-405. The following are the schedules of controlled substances referred to in this article:

Schedule I

(a) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters and ethers, unless specifically excepted, whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: (1) Acetylmethadol; (2) allylprodine; (3) alphacetylmethadol; (4) alphameprodine; (5) alphanmethadol; (6) benzethidine; (7) betacetylmethadol; (8) betameprodine; (9) betamethadol; (10) betaprodine; (11) clonitazene; (12) dextromoramide; (13) dextrorphan difenoxin; (14) diampromide; (15) diethylthiambutene; (16) dimenoxadol; (17) dimepheptanol; (18) dimethylthiambutene; (19) dioxaphetyl dioxaphetyl butyrate; (20) dipipanone; (21) ethylmethylthiambutene; (22) etonitazene; (23) etoxeridine; (24) furethidine; (25) hydroxypethidine; (26) ketobemidone; (27) levomoramide; (28) levophenacylmorphane; (29) morpheridine; (30) noracymethadol; (31) norlevorphanol; (32) normethadone; (33) norpipanone; (34) phenadoxone; (35) phenampromide; (36) phenomorphan; (37) phenoperidine; (38) piritramide; (39) proheptazine; (40) properidine; (41) propiram; (42) racemoramide; and (43) trimeperidine.

(b) Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation: (1) Acetorphine; (2) acetyldihydrocodeine; (3) benzylmorphine; (4) codeine methylbromide; (5) codeine-N-Oxide; (6) cyprenorphine; (7) desomorphine; (8) dihydromorphine; (9) drotebanol; ~~(9)~~ (10) etorphine, except hydrochloride salt; ~~(10)~~ (11) heroin; ~~(11)~~ (12) hydromorphanol; ~~(12)~~ (13) methyl-desorphanine; ~~(13)~~ methyldihydromorphine; (14)

methyl dihydromorphine; ~~(14)~~ (15) morphine methylbromide; ~~(15)~~ (16) morphine methylsulfonate; ~~(16)~~ (17) morphine-N-Oxide; ~~(17)~~ (18) myrophine; ~~(18)~~ (19) nicocodeine; ~~(19)~~ (20) nicomorphine; ~~(20)~~ (21) normorphine; ~~(21)~~ (22) pholcodine and ~~(22)~~ (23) thebacon.

(c) Any material, compound, mixture or preparation which contains any quantity of the following hallucinogenic substances, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation; and for purposes of this subdivision only, isomer shall include the optical, position, and geometric isomers:

(1) Bufotenine; ~~(2)~~ cyclohexamine; ~~(3)~~ diethyltryptamine; (2) diethyltryptamine; ~~(4)~~ (3) dimethyltryptamine; ~~(5)~~ (4) 4-bromo-2, 5-dimethoxyamphetamine; ~~(6)~~ (5) 4-methoxyamphetamine or paramethoxyamphetamine; ~~(7)~~ (6) 4-methyl-2, 5-dimethoxyamphetamine; ~~(8)~~ (7) 5-methoxy-N-N, dimethyltryptamine; ~~(9)~~ (8) ibogaine; ~~(10)~~ (9) lysergic acid diethylamide; ~~(11)~~ (10) marijuana; ~~(12)~~ (11) mescaline; ~~(13)~~ (12) peyote; ~~(14)~~ (13) psilocybin; ~~(15)~~ (14) psilocyn; ~~(16)~~ (15) tetrahydrocannabinols; ~~(17)~~ (16) 3,4-methylenedioxy amphetamine; ~~(18)~~ (17) 5-methoxy-3, 4-methylenedioxy amphetamine; ~~(19)~~ (18) 3,4,5-trimethoxy amphetamine; ~~(20)~~ (19) N-ethyl-3-piperidyl benzilate; ~~and---~~ ~~(21)~~ (20) N-methyl-3-peperidyl benzilate; (21) thiophene analog of phencyclidine; and (22) 2,5-dimethoxyamphetamine.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substance having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Mecloqualone.

Schedule II

(a) Any of the following substances except those narcotic drugs listed in other schedules whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, nalbuphine, naloxone, and naltrexone and their salts, but including the following: (i) Raw opium; (ii) opium extracts; (iii) opium fluid extracts; (iv) powdered opium; (v) granulated opium; (vi) tincture of

opium; (vii) codeine; (viii) ethylmorphine; (ix) etorphine hydrochloride; (x) hydrocodone; (xi) hydromorphone; (xii) metopon; (xiii) morphine; (xiv) oxycodone; (xv) oxymorphone; and (xvi) thebaine;

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent to or identical with any of the substances referred to in subdivision (1) of this subdivision, except that these substances shall not include the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw; and

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent to or identical with any of these substances, including cocaine and its salts and optical isomers and salts of optical isomers, except that the substances shall not include decocainized coca leaves or extractions which do not contain cocaine or ecgonine; and

(5) Concentrate of poppy straw, the crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.

(b) Any of the following opiates, including their isomers, esters, ethers, salts, and salts of their isomers, esters, and ethers whenever the existence of such isomers, esters, ethers and salts is possible within the specific chemical designation: (1) Alphaprodine; (2) anileridine; (3) bezitramide; (4) diphenoxylate; (5) fentanyl; (6) isomethadone; (7) levomethorphan; (8) levorphanol; (9) metazocine; (10) methadone; (11) methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane; (12) moramide-Intermediate, 2-methyl-3-morpholino-1, 1-diphenyl-propane-carboxylic acid; (13) pethidine; (14) pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine; (15) pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate; (16) pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid; (17) phenazocine; (18) piminodine; (19) racemethorphan; (20) racemorphan; and (21) dihydrocodeine.

(c) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system: (1)



Amphetamine, its salts, optical isomers, and salts of its optical isomers; (2) phenmetrazine and its salts; (3) any substance, except an injectable liquid, which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers; and (4) methylphenidate.

~~(d) Unless specifically excepted or unless listed in another schedule, any injectable liquid which contains any quantity of methamphetamine, including its salts, isomers and salts of isomers:~~

(e) (d) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designations: (1) Amobarbital; (2) secobarbital; (3) pentobarbital; ~~and their salts alone, in combination with each other, or in combination with other controlled substances;~~ and (4) methagualone; and (5) phencyclidine.

Schedule III

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Benzphetamine; (2) chlorphetermine chlorphentermine; (3) chlorphentermine; (4) mazindol; and (5) phendimetrazine.

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system: (1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules of this section; (2) chlorhexadol; (3) glutethimide; (4) lysergic acid; (5) lysergic acid amide; (6) methyprylon; ~~(7) phencyclidine;~~ ~~(8) thiophene analog of phencyclidine;~~ ~~(9) (7) sulfondiethylmethane;~~ ~~(10) (8) sulfonethylmethane;~~ ~~(11) (9) sulfonmethane;~~ and ~~(12) (10) nalorphine.~~

(c) Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than one and eight-tenths grams of codeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than three hundred milligrams of dihydrocodeinone per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than one and eight-tenths grams of dihydrocodeine per one hundred milliliters or not more than ninety milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than three hundred milligrams of ethylmorphine per one hundred milliliters or not more than fifteen milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than five hundred milligrams of opium per one hundred milliliters or per one hundred grams, or not more than twenty-five milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts; and

(8) Not more than fifty milligrams of morphine per one hundred milliliters or per one hundred grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

Schedule IV

(a) Any material, compound, mixture, or preparation which contains any quantity of the following substances, ~~having a potential for abuse, associated with a depressant effect on the central nervous system including their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical~~

designation: (1) Barbital; (2) chloral betaine; (3) chloral hydrate; (4) chlordiazepoxide, but not including librax (chlordiazepoxide hydrochloride and clindinium bromide) or menrium (chlordiazepoxide and water soluble esterified estrogens); (5) clonazepam; (6) clorazepate; (7) diazepam; (8) ethchlorvynol; (9) ethinamate; (10) flurazepam; (11) mebutamate; (12) meprobamate; (13) methohexital; (14) methylphenobarbital; (15) oxazepam; (16) paraldehyde; (17) petrichloral; and (18) phenobarbital; and (19) prazepam;

~~(b)---Any---material,---compound,---mixture,---or preparation which contains any quantity of---fenfluramine; or~~

~~(c)---Any---material,---compound,---mixture,---or preparation which contains any quantity of the---following substances having---a---stimulant---effect---on---the---central nervous system:---(1)---Diethylpropion;---(2)---phentermine;---and (3)---pemoline=~~

(b) Any material, compound, mixture, or preparation which contains any quantity of the following substance, including its salts, isomers, whether optical, position, or geometric, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible: (1) Fenfluramine.

(c) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, whether optical, position, or geometric, and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation: (1) Diethylpropion, (2) phentermine, and (3) pemoline, including organometallic complexes and chelates thereof.

(d) Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substance, including its salts: Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane).

#### Schedule V

~~(a) Any compound, mixture, or preparation containing any of the following limited quantities of any of the following narcotic drugs or salts thereof, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the~~

compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than two hundred milligrams of codeine ~~or any of its salts~~ per one hundred milliliters or per one hundred grams;

(2) Not more than one hundred milligrams of dihydrocodeine ~~or any of its salts~~ per one hundred milliliters or per one hundred grams;

(3) Not more than one hundred milligrams of ethylmorphine ~~or any of its salts~~ per one hundred milliliters or per one hundred grams;

(4) Not more than two and five-tenths milligrams of ~~depheyoxiate~~ diphenoxylate and not less than twenty-five micrograms of atrophine sulfate per dosage unit; and

(5) Not more than one hundred milligrams of opium per one hundred milliliters or per one hundred grams. †

~~{b} Any compound, mixture, or preparation, intended for use as an inhalant or inhaler which contains any quantity of mephentermine.~~

Sec. 51. That section 28-1328, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1328. Any person who shall violate the provisions of section 28-1327 shall be guilty of a Class ~~III~~ V misdemeanor.

Sec. 52. That section 39-669.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-669.07. It shall be unlawful for any person to operate or be in the actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug or when that person has ten-hundredths of one per cent or more by weight of alcohol in his body fluid as shown by chemical analysis of his blood, breath, or urine. Any person who shall operate or be in the actual physical control of any motor vehicle while under the influence of alcoholic liquor or of any drug or while having ten-hundredths of one per cent by weight of alcohol in his body fluid as shown by chemical analysis of his blood, breath, or urine shall be deemed guilty of a crime and, upon conviction thereof, shall be punished as follows: (1) If such conviction is

for a first offense, such person shall be guilty of a Class IIIA misdemeanor ~~imprisoned in the county jail for not more than three months, or shall be fined one hundred dollars, or be both so fined and imprisoned,~~ and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of six months from the date of his final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period; Provided, in the event that the court shall suspend the proceedings and place such person on probation as provided by law, the court as one of the conditions of probation shall order such person not to drive any motor vehicle for any purpose for a period of thirty days from the date of the order, except as provided for in section 39-669.32; (2) if such conviction is for a second offense such person shall be ~~imprisoned in the county jail for not less than five days nor more than three months, and shall be fined the sum of three hundred dollars,~~ guilty of a Class III misdemeanor and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for any purpose for a period of one year from the date of his final discharge from the county jail, or the date of payment or satisfaction of such fine, whichever is the later, and shall order that the operator's license of such person be revoked for a like period, and if the motor vehicle which such person was operating or was actually physically controlling, while under the influence of alcoholic liquor or any drug, is registered in the name of such person, the motor vehicle shall be impounded in a reputable garage by the court for a period of not less than two months nor greater than one year at the expense and risk of the owner thereof; Provided, any motor vehicle so impounded shall be released to the holder of a bona fide lien thereon, executed prior to such impounding, when possession of such motor vehicle is requested in writing by such lienholder for the purpose of foreclosing and satisfying his lien thereon; and (3) if such conviction is for a third offense, or subsequent offense thereafter, such person shall be ~~imprisoned in the Nebraska Penal and Correctional Complex for not less than one year nor more than three years~~ guilty of a Class IV felony and the court shall, as part of the judgment of conviction, order such person not to drive any motor vehicle for a period of one year from the date of his final discharge from the Nebraska Penal and Correctional Complex, and shall order that the operator's license of such person be revoked for a like period. Such penalties as provided for in subdivisions (2) and (3) of this section shall be applicable regardless of whether the prior conviction or convictions was or were based upon

violation of this section or upon violation of a city or village ordinance enacted pursuant to this section, or both. Any city or village may enact ordinances in conformance with this section and section 39-669.08. Upon conviction of any person of a violation of such a city or village ordinance, the provisions of this section with respect to the license of such person to operate a motor vehicle shall be applicable the same as though it were a violation of this section.

Sec. 53. That section 39-703, Revised Statutes Supplement, 1976, be amended to read as follows:

39-703. If any person shall injure or obstruct a public road by felling a tree or trees in, upon or across the same, or by placing or leaving any other obstruction thereon, or by encroaching upon the same with any fence, or by plowing or digging any ditch or other opening thereon, or by diverting water onto or across such road so as to saturate, wash, or impair the maintenance, construction, or passability of such public road, or by allowing water to accumulate on the roadway or traveled surface of the road, or shall leave the cutting of any hedge thereupon for more than five days, he shall, upon conviction thereof, be ~~punished by a fine for every such offense of not less than ten dollars nor more than one hundred dollars~~ quilty of a Class V misdemeanor, and in case of placing any obstruction on the road an additional sum of not exceeding three dollars per day for every day he shall suffer such obstruction to remain after he has been ordered to remove the same by the road overseer or other officer in charge of road work in the area where such obstruction is located, complaint to be made by any person feeling himself aggrieved; Provided, this section shall not apply to any person who shall lawfully fell any tree for use, and will immediately remove the same out of the road, nor to any person through whose land a public road may pass, who shall desire to drain his land, and shall give due notice of such intention to the overseer or other officer in charge of road work, nor when damage has been caused by a mechanical malfunction of any irrigation equipment, when a sprinkler irrigation system had been set so that under normal weather conditions no water would have been placed upon the right-of-way of any road, or when the county board grants permission for the landowner to divert water from one area to another along a county highway right-of-way or when a municipality has granted permission along or across the right-of-way under its jurisdiction. Any such officer, after having given reasonable notice to the owners of the obstruction, or person so obstructing, or plowing or digging ditches upon such road, may remove any such fence or other obstruction, fill up any such ditch or excavation, and

recover the necessary cost of such removal from such owner or other person obstructing such road aforesaid, to be collected by such officer in an action in county court. Any public roads which have not been worked and which have not been used or traveled by the public for the last fifteen years may be fenced by the owners of adjoining lands if written permission is first obtained from the county board of commissioners or supervisors, and if adequate means of ingress and egress are provided by suitable gates.

Sec. 54. That section 28-1341, Revised Statutes Supplement, 1977, be amended to read as follows:

28-1341. Sections 28-1336 to 28-1340 shall become operative on September 2, 1977. Sections 28-105 and 28-106 shall become operative July 1, 1978. The other sections of sections 28-101 to 28-1335 shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 55. That Laws 1977, LB 39, section 340, be amended to read as follows:

Sec. 340. This act shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 56. That Laws 1977, LB 40, section 321, be amended to read as follows:

Sec. 321. This act shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 57. That Laws 1977, LB 41, section 64, be amended to read as follows:

Sec. 64. This act shall become operative on ~~July 1, 1978~~ January 1, 1979.

Sec. 58. The Revisor of Statutes shall place in the Appendix to the Reissue Revised Statutes of Nebraska, 1943, a list of all crimes which have been categorized pursuant to sections 28-105 and 28-106. An updated list shall be included in the annual supplement to the statutes.

Sec. 59. Sections 54 to 60 of this act shall become operative on July 1, 1978. The other sections of this act shall become operative January 1, 1979.

Sec. 60. That original section 28-1341, Revised Statutes Supplement, 1977, and Laws 1977, LB 39, section 340, Laws 1977, LB 40, section 321, and Laws 1977, LB 41, section 64, are repealed.

Sec. 61. That original sections 2-1221, 20-128, 25-2310, 29-2519, 29-2520, 29-2524, 29-2901, 30-2219, 39-669.07, 39-6,104.02, 39-6,104.03, 44-515, 54-141, 60-1004, 71-161.01, 71-5122, 77-2601, 77-2612, 79-429, 83-120, 83-184, 83-912, and 86-304, Reissue Revised Statutes of Nebraska, 1943, sections 39-703, 54-137, and 54-160, Revised Statutes Supplement, 1976, sections 24-216, 28-319, 28-333, 28-405, 28-518, 28-611, 28-703, 28-704, 28-705, 28-803, 28-807, 28-825, 28-827, 28-1003, 28-1203, 28-1204, 28-1206, 28-1328, 28-1423, 43-512.01, 54-101, 60-1005, 71-649, 71-4632, 75-361, 77-1318.02, and 83-1,133, Revised Statutes Supplement, 1977, and also sections 29-102 and 29-2015, Reissue Revised Statutes of Nebraska, 1943, and sections 28-426, and 28-1450 to 28-1462, Revised Statutes Supplement, 1977, are repealed.

Sec. 62. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.