

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 199**

Introduced by Stuthman, 22.

Read first time January 12, 2009

Committee: Judiciary

A BILL

1 FOR AN ACT relating to support orders; to amend sections 42-358.02,  
2 42-369, 43-512, 43-512.03, 43-512.07, 43-512.12,  
3 43-512.16, 43-512.17, 48-2302, and 77-27,166, Reissue  
4 Revised Statutes of Nebraska, and section 44-3,144,  
5 Revised Statutes Cumulative Supplement, 2008; to change  
6 provisions relating to collection of past-due payments,  
7 interest, assignment, setoff, medical support, and health  
8 care coverage for dependent children; to define and  
9 redefine terms; to harmonize provisions; and to repeal  
10 the original sections.

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

1           Section 1. Section 42-358.02, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           42-358.02 (1) All delinquent child support payments,  
4 spousal support payments, and medical support payments shall draw  
5 interest at the rate specified in section 45-103 in effect on the  
6 date of the most recent order or decree. Such interest shall be  
7 computed as simple interest.

8           (2) All child support payments, spousal support payments,  
9 and medical support payments shall become delinquent the day after  
10 they are due and owing, except that no obligor whose ~~child~~ support  
11 payments are automatically withheld from his or her paycheck shall  
12 be regarded or reported as being delinquent or in arrears if  
13 (a) any delinquency or arrearage is solely caused by a disparity  
14 between the schedule of the obligor's regular pay dates and the  
15 scheduled date the ~~child~~ support payment is due, (b) the total  
16 amount of ~~child~~ support payments to be withheld from the paychecks  
17 of the obligor and the amount ordered by the support order are the  
18 same on an annual basis, and (c) the automatic deductions for ~~child~~  
19 support payments are continuous and occurring. Interest shall not  
20 accrue until thirty days after such payments are delinquent.

21           (3) The court shall order the determination of the amount  
22 of interest due, and such interest shall be payable in the same  
23 manner as the support payments upon which the interest accrues  
24 subject to subsection (2) of this section or unless it is waived  
25 by agreement of the parties. The Title IV-D Division of the

1 Department of Health and Human Services shall compute interest and  
2 identify delinquencies pursuant to this section on the payments  
3 received by the State Disbursement Unit pursuant to section 42-369.  
4 The Title IV-D Division shall provide the case information in  
5 electronic format, and upon request in print format, to the judge  
6 presiding over domestic relations cases and to the county attorney  
7 or authorized attorney.

8 (4) Support order payments shall be credited in the  
9 following manner:

10 (a) First, to the payments due for the current month in  
11 the following order: Child support payments, then spousal support  
12 payments, and lastly medical support payments;

13 (b) Second, toward any payment arrearage owing, in the  
14 following order: Child support payment arrearage, then spousal  
15 support payment arrearage, and lastly medical support payment  
16 arrearage; and

17 (c) Third, toward the interest on any payment arrearage,  
18 in the following order: Child support payment arrearage interest,  
19 then spousal support payment arrearage interest, and lastly medical  
20 support payment arrearage interest.

21 (5) Interest which may have accrued prior to September 6,  
22 1991, shall not be affected or altered by changes to this section  
23 which take effect on such date. All delinquent ~~child~~ support  
24 order payments and all decrees entered prior to such date shall  
25 draw interest at the effective rate as prescribed by this section

1 commencing as of such date.

2           Sec. 2. Section 42-369, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           42-369 (1) All orders, decrees, or judgments for  
5 temporary or permanent support payments, including child, spousal,  
6 or medical support, and all orders, decrees, or judgments for  
7 alimony or modification of support payments or alimony shall direct  
8 the payment of such sums to be made commencing on the first day  
9 of each month for the use of the persons for whom the support  
10 payments or alimony have been awarded. Such payments shall be made  
11 to the clerk of the district court (a) when the order, decree, or  
12 judgment is for spousal support, alimony, or maintenance support  
13 and the order, decree, or judgment does not also provide for  
14 child support, and (b) when the payment constitutes child care  
15 or day care expenses, unless payments under subdivision (1)(a) or  
16 (1)(b) of this section are ordered to be made directly to the  
17 obligee. All other support order payments shall be made to the  
18 State Disbursement Unit. In all cases in which income withholding  
19 has been implemented pursuant to the Income Withholding for Child  
20 Support Act or sections 42-364.01 to 42-364.14, support order  
21 payments shall be made to the State Disbursement Unit. The court  
22 may order such payment to be in cash or guaranteed funds.

23           ~~(2)~~ (2)(a) If the person party against whom an order,  
24 decree, or judgment for child support is entered or the custodial  
25 parent or guardian party has health insurance care coverage

1 available to him or her through an employer or organization  
2 which may extend to cover any children affected by the order,  
3 decree, or judgment, the coverage is accessible to the children,  
4 and is available to the responsible party at reasonable cost, the  
5 court shall require health care coverage to be provided or if not  
6 available, then cash medical support shall be ordered unless the  
7 parties have otherwise stipulated in writing to the court. Coverage  
8 is accessible if the covered children can obtain services from a  
9 plan provider with reasonable effort by the custodial party. When  
10 the only health care option available through the noncustodial  
11 party is a plan that limits service coverage to providers within a  
12 defined geographic area, the decisionmaker shall determine whether  
13 the child lives within the plan's service area. If the child does  
14 not live within the plan's service area, the decisionmaker shall  
15 determine whether the plan has a reciprocal agreement that permits  
16 the child to receive coverage at no greater cost than if the child  
17 resided in the plan's service area. The decisionmaker shall also  
18 determine if primary care is available within the lesser of sixty  
19 minutes or sixty miles of the child's residence. If primary care  
20 services are not available within these constraints, the coverage  
21 is presumed inaccessible. Cash medical support or the cost of  
22 private health insurance is considered reasonable in cost if the  
23 cost to the party responsible for providing medical support does  
24 not exceed five percent of his or her gross income. In applying  
25 the five percent, the cost is the cost of adding the children to

1 existing health care coverage or the difference between self-only  
2 and family health care coverage. the court shall require the  
3 option to be exercised or comparable coverage be obtained by either  
4 party for additional coverage which favors the best interests of  
5 the child or children affected unless the parties have otherwise  
6 stipulated in writing or to the court.

7 (b) For purposes of this section:

8 (i) Health care coverage has the same meaning as in  
9 section 44-3,144; and

10 (ii) Cash medical support means an amount ordered to be  
11 paid toward the cost of health care coverage or other medical costs  
12 not covered by insurance.

13 (3) ~~Such an A support order, decree, or judgment for~~  
14 ~~support~~ may include the providing of necessary shelter, food,  
15 clothing, care, medical support as defined in section 43-512,  
16 medical attention, expenses of confinement, education expenses,  
17 funeral expenses, and any other expense the court may deem  
18 reasonable and necessary.

19 (4) Orders, decrees, and judgments for temporary or  
20 permanent support or alimony shall be filed with the clerk of the  
21 district court and have the force and effect of judgments when  
22 entered. The clerk and the State Disbursement Unit shall disburse  
23 all payments received as directed by the court and as provided  
24 in sections 42-358.02 and 43-512.07. Records shall be kept of all  
25 funds received and disbursed by the clerk and the unit and shall be

1 open to inspection by the parties and their attorneys.

2 (5) Unless otherwise specified by the court, an equal and  
3 proportionate share of any child support awarded shall be presumed  
4 to be payable on behalf of each child subject to the order, decree,  
5 or judgment for purposes of an assignment under section 43-512.07.

6 Sec. 3. Section 43-512, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 43-512 (1) Any dependent child as defined in section  
9 43-504 or any relative or eligible caretaker of such a dependent  
10 child may file with the Department of Health and Human Services  
11 a written application for financial assistance for such child on  
12 forms furnished by the department.

13 (2) The department, through its agents and employees,  
14 shall make such investigation pursuant to the application as it  
15 deems necessary or as may be required by the county attorney  
16 or authorized attorney. If the investigation or the application  
17 for financial assistance discloses that such child has a parent  
18 or stepparent who is able to contribute to the support of such  
19 child and has failed to do so, a copy of the finding of such  
20 investigation and a copy of the application shall immediately be  
21 filed with the county attorney or authorized attorney.

22 (3) The department shall make a finding as to whether the  
23 application referred to in subsection (1) of this section should  
24 be allowed or denied. If the department finds that the application  
25 should be allowed, the department shall further find the amount

1 of monthly assistance which should be paid with reference to such  
2 dependent child. Except as may be otherwise provided, payments  
3 shall be made by state warrant, and the amount of payments shall  
4 not exceed three hundred dollars per month when there is but  
5 one dependent child and one eligible caretaker in any home, plus  
6 an additional seventy-five dollars per month on behalf of each  
7 additional eligible person. No payments shall be made for amounts  
8 totaling less than ten dollars per month except in the recovery of  
9 overpayments.

10 (4) The amount which shall be paid as assistance with  
11 respect to a dependent child shall be based in each case upon the  
12 conditions disclosed by the investigation made by the department.  
13 An appeal shall lie from the finding made in each case to the  
14 chief executive officer of the department or his or her designated  
15 representative. Such appeal may be taken by any taxpayer or by any  
16 relative of such child. Proceedings for and upon appeal shall be  
17 conducted in the same manner as provided for in section 68-1016.

18 (5)(a) For the purpose of preventing dependency, the  
19 department shall adopt and promulgate rules and regulations  
20 providing for services to former and potential recipients of aid to  
21 dependent children and medical assistance benefits. The department  
22 shall adopt and promulgate rules and regulations establishing  
23 programs and cooperating with programs of work incentive, work  
24 experience, job training, and education. The provisions of this  
25 section with regard to determination of need, amount of payment,

1 maximum payment, and method of payment shall not be applicable to  
2 families or children included in such programs.

3 (b) If a recipient of aid to dependent children becomes  
4 ineligible for aid to dependent children as a result of increased  
5 hours of employment or increased income from employment after  
6 having participated in any of the programs established pursuant to  
7 subdivision (a) of this subsection, the recipient may be eligible  
8 for the following benefits, as provided in rules and regulations of  
9 the department in accordance with sections 402, 417, and 1925 of  
10 the federal Social Security Act, as amended, Public Law 100-485,  
11 in order to help the family during the transition from public  
12 assistance to independence:

13 (i) An ongoing transitional payment that is intended to  
14 meet the family's ongoing basic needs which may include food,  
15 clothing, shelter, utilities, household goods, personal care items,  
16 and general incidental expenses during the five months following  
17 the time the family becomes ineligible for assistance under the aid  
18 to dependent children program, if the family's earned income is at  
19 or below one hundred eighty-five percent of the federal poverty  
20 level at the time the family becomes ineligible for the aid to  
21 dependent children program. Payments shall be made in five monthly  
22 payments, each equal to one-fifth of the aid to dependent children  
23 payment standard for the family's size at the time the family  
24 becomes ineligible for the aid to dependent children program. If  
25 during the five-month period, (A) the family's earnings exceed one

1 hundred eighty-five percent of the federal poverty level, (B) the  
2 family members are no longer working, (C) the family ceases to  
3 be Nebraska residents, (D) there is no longer a minor child in  
4 the family's household, or (E) the family again becomes eligible  
5 for the aid to dependent children program, the family shall become  
6 ineligible for any remaining transitional benefits under this  
7 subdivision;

8 (ii) Child care as provided in subdivision (1)(c) of  
9 section 68-1724; and

10 (iii) Except as may be provided in accordance with  
11 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
12 68-1724, medical assistance for up to twelve months after the month  
13 the recipient becomes employed and is no longer eligible for aid to  
14 dependent children.

15 (6) For purposes of sections 43-512 ~~to 43-512.10 and~~  
16 ~~43-512.12~~ to 43-512.18:

17 (a) Authorized attorney shall mean an attorney, employed  
18 by the county subject to the approval of the county board, employed  
19 by the department, or appointed by the court, who is authorized  
20 to investigate and prosecute child, spousal, and medical support  
21 cases. An authorized attorney shall represent the state as provided  
22 in section 43-512.03;

23 (b) Child support shall be defined as provided in section  
24 43-1705;

25 (c) Medical support shall include all expenses associated

1 with the birth of a child, cash medical support as defined  
2 in section 42-369, health care coverage as defined in section  
3 44-3,144, and, if required pursuant to section 42-369 or 43-290,  
4 and medical and hospital insurance coverage or membership in a  
5 health maintenance organization or preferred provider organization;

6 (d) Spousal support shall be defined as provided in  
7 section 43-1715;

8 (e) State Disbursement Unit shall be defined as provided  
9 in section 43-3341; and

10 (f) Support shall be defined as provided in section  
11 43-3313.

12 Sec. 4. Section 43-512.03, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14 43-512.03 (1) The county attorney or authorized attorney  
15 shall:

16 (a) On request by the Department of Health and Human  
17 Services as described in subsection (2) of this section or when  
18 the investigation or application filed under section 43-512 or  
19 43-512.02 justifies, file a complaint against a nonsupporting  
20 ~~parent or stepparent~~ party in the district, county, or separate  
21 juvenile court praying for an order for child or medical support  
22 in cases when there is no existing child or medical support order.  
23 After notice and hearing, the court shall adjudicate the child and  
24 medical support liability of ~~the nonsupporting parent or stepparent~~  
25 either party and enter an order accordingly;

1           (b) Enforce child, spousal, and medical support orders by  
2 an action for income withholding pursuant to the Income Withholding  
3 for Child Support Act;

4           (c) In addition to income withholding, enforce child,  
5 spousal, and medical support orders by other civil actions or  
6 administrative actions, citing the defendant for contempt, or  
7 filing a criminal complaint;

8           (d) Establish paternity and collect child and medical  
9 support on behalf of children born out of wedlock; and

10          (e) Carry out sections 43-512.12 to 43-512.18.

11          (2) The department may periodically review cases of  
12 individuals receiving enforcement services and make referrals to  
13 the county attorney or authorized attorney.

14          (3) In any action brought by or intervened in by a  
15 county attorney or authorized attorney under the Income Withholding  
16 for Child Support Act, the License Suspension Act, the Uniform  
17 Interstate Family Support Act, or sections 42-347 to 42-381,  
18 43-290, 43-512 ~~to~~ 43-512.10, 43-512.12 to 43-512.18, 43-1401 to  
19 43-1418, and 43-3328 to 43-3339, such attorneys shall represent the  
20 State of Nebraska.

21          (4) The State of Nebraska shall be a real party in  
22 interest in any action brought by or intervened in by a county  
23 attorney or authorized attorney for the purpose of establishing  
24 paternity or securing, modifying, suspending, or terminating child  
25 or medical support or in any action brought by or intervened in by

1 a county attorney or authorized attorney to enforce an order for  
2 child, spousal, or medical support.

3 (5) Nothing in this section shall be construed to  
4 interpret representation by a county attorney or an authorized  
5 attorney as creating an attorney-client relationship between the  
6 county attorney or authorized attorney and any party or witness to  
7 the action, other than the State of Nebraska, regardless of the  
8 name in which the action is brought.

9 Sec. 5. Section 43-512.07, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 43-512.07 (1) Any action, payment, aid, or assistance  
12 listed in ~~subdivisions (a) through (e)~~ of this subsection shall  
13 constitute an assignment by operation of law to the Department  
14 of Health and Human Services of any right to spousal or medical  
15 support, when ordered by the court, and to child support, whether  
16 or not ordered by the court, which a ~~recipient~~ person may have in  
17 his or her own behalf or on behalf of any other person for whom an  
18 ~~applicant~~ such person receives such payments, aid, or assistance;  
19 ~~including any accrued arrearages as of the time of the assignment;~~

20 (a) Application for and acceptance of one or more aid to  
21 dependent children payments by a parent, another relative, or a  
22 custodian;

23 (b) Receipt of aid by or on behalf of any dependent child  
24 as defined in section 43-504; or

25 (c) Receipt of aid from child welfare funds.

1           The assignment under this section is the right to support  
2 payments that become due while the person is receiving payments,  
3 aid, or assistance listed in this subsection. The department shall  
4 be entitled to retain such child, spousal, or other support up to  
5 the amount of payments, aid, or assistance provided to a recipient.  
6 For purposes of this section, the right to receive ~~current and~~  
7 ~~past-due~~ child support shall belong to the child and the assignment  
8 shall be effective as to any such support even if the recipient of  
9 the payments, aid, or assistance is not the same as the payee of  
10 court-ordered support.

11           (2) After notification of the State Disbursement Unit  
12 receiving the child, spousal, or other support payments made  
13 pursuant to a court order that the person for whom such support  
14 is ordered is a recipient of payments, aid, or assistance listed  
15 in subsection (1) of this section, the department shall also give  
16 notice to the payee named in the court order at his or her  
17 last-known address.

18           (3) Upon written or other notification from the  
19 department or from another state of such assignment of child,  
20 spousal, or other support payments, the State Disbursement Unit  
21 shall transmit the support payments received to the department  
22 or the other state without the requirement of a subsequent order  
23 by the court. The State Disbursement Unit shall continue to  
24 transmit the support payments for as long as the payments, aid, or  
25 assistance listed in subsection (1) of this section continues.

1           (4) Any court-ordered child, spousal, or other support  
2 remaining unpaid ~~during the period of the assignment~~ for the months  
3 during which such payments, aid, or assistance was made shall  
4 constitute a debt and a continuing assignment at the termination  
5 of payments, aid, or assistance listed in subsection (1) of  
6 this section, collectible by the department or other state as  
7 reimbursement for such payments, aid, or assistance. ~~However,~~ any  
8 assignment pursuant to subdivisions ~~(1)(b) and (1)(c)~~ of this  
9 section shall be limited to the amount of child support due for  
10 any months during which such payments, aid, or assistance was made.  
11 The continuing assignment shall only apply to support payments  
12 made during a calendar period which exceed the specific amount of  
13 support ordered for that period. When payments, aid, or assistance  
14 listed in subsection (1) of this section have ceased and upon  
15 notice by the department or the other state, the State Disbursement  
16 Unit shall continue to transmit to the department or the other  
17 state any support payments received ~~on arrearages~~ in excess of the  
18 amount of support ordered for that specific calendar period until  
19 notified by the department or the other state that the debt has  
20 been paid in full, ~~except that any amount of support arrearages~~  
21 ~~that has accrued or accrues after termination of payments, aid, or~~  
22 ~~assistance listed in subsection (1) of this section shall be paid~~  
23 ~~first by the unit to the person to whom support is due before any~~  
24 ~~reimbursement is made to the department or the other state.~~

25           Sec. 6. Section 43-512.12, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           43-512.12 Child support orders in cases in which a party  
3 has applied for services under Title IV-D of the federal Social  
4 Security Act, as amended, shall be reviewed by the Department of  
5 Health and Human Services to determine whether to refer such orders  
6 to the county attorney or authorized attorney for filing of an  
7 application for modification. An order shall be reviewed by the  
8 department upon its own initiative or at the request of either  
9 parent when such review is required by Title IV-D of the federal  
10 Social Security Act, as amended. After review the department shall  
11 refer an order to a county attorney or authorized attorney when  
12 the verifiable financial information available to the department  
13 indicates:

14           (1) The present child support obligation varies from  
15 the Supreme Court child support guidelines pursuant to section  
16 42-364.16 by more than the percentage, amount, or other criteria  
17 established by Supreme Court rule, and the variation is due to  
18 financial circumstances which have lasted at least three months and  
19 can reasonably be expected to last for an additional six months; or

20           (2) Health ~~insurance~~ care coverage meeting the  
21 requirements of subsection (2) of section 42-369 is available to  
22 ~~the obligor as provided in subsection (2) of section 42-369~~ either  
23 party and the children are not covered by health insurance do not  
24 have health care coverage other than the medical assistance program  
25 under the Medical Assistance Act.

1           An order shall not be reviewed by the department if  
2 it has not been three years since the present child support  
3 obligation was ordered. An order shall not be reviewed by the  
4 department more than once every three years unless the requesting  
5 party demonstrates a substantial change in circumstances, and  
6 an order may be reviewed after one year if the department's  
7 determination after the previous review was not to refer to the  
8 county attorney or authorized attorney for filing of an application  
9 for modification because financial circumstances had not lasted  
10 or were not expected to last for the time periods established by  
11 subdivision (1) of this section.

12           Sec. 7. Section 43-512.16, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           43-512.16 The county attorney or authorized attorney  
15 shall review the health ~~insurance~~ care coverage provisions  
16 contained in any child support order which is subject to review  
17 under section 43-512.12 and shall include in any application for  
18 modification a request that the court order health ~~insurance~~ care  
19 coverage or cash medical support as provided in subsection (2) of  
20 section 42-369.

21           Sec. 8. Section 43-512.17, Reissue Revised Statutes of  
22 Nebraska, is amended to read:

23           43-512.17 Any financial information provided to the  
24 Department of Health and Human Services, the county attorney,  
25 or the authorized attorney by either parent for the purpose of

1 facilitating a modification proceeding under sections 43-512.12 to  
2 43-512.18 may be disclosed to the other parties to the case or to  
3 the court. Financial information shall include the following:

4 (1) An affidavit of financial status provided by the  
5 party requesting review;

6 (2) An affidavit of financial status of the nonrequesting  
7 party provided by the nonrequesting party or by the requesting  
8 party at the request of the county attorney or authorized attorney;

9 (3) Supporting documentation such as state and federal  
10 income tax returns, paycheck stubs, W-2 forms, 1099 forms, bank  
11 statements, and other written evidence of financial status; and

12 (4) Information relating to health ~~insurance~~ care  
13 coverage as provided in subsection (2) of section 42-369.

14 Sec. 9. Section 44-3,144, Revised Statutes Cumulative  
15 Supplement, 2008, is amended to read:

16 44-3,144 For purposes of sections 44-3,144 to 44-3,150:

17 (1) Authorized attorney has the same meaning as in  
18 section 43-512;

19 (2) Child means an individual to whom or on whose behalf  
20 a legal duty of support is owed by an obligor;

21 (3) Department means the Department of Health and Human  
22 Services;

23 (4) Employer means an individual, a firm, a partnership,  
24 a corporation, an association, a union, a political subdivision, a  
25 state agency, or any agent thereof who pays income to an obligor on

1 a periodic basis and has or provides health care coverage to the  
2 obligor-employee;

3 (5) Health care coverage means a health benefit plan or  
4 combination of plans, including fee for service, health maintenance  
5 organization, preferred provider organization, and other types of  
6 coverage available to either party, under which medical services  
7 could be provided to dependent children, other than public medical  
8 assistance programs, that provide medical care or benefits;

9 (6) Insurer means an insurer as defined in section 44-103  
10 offering a group health plan as defined in 29 U.S.C. 1167, as such  
11 section existed on January 1, 2002;

12 (7) Medical support means the provision of health care  
13 coverage, contribution to the cost of health care coverage,  
14 contribution to expenses associated with the birth of a child,  
15 other uninsured medical expenses of a child, or any combination  
16 thereof;

17 (8) Medical assistance program means the program  
18 established pursuant to the Medical Assistance Act;

19 (9) National medical support notice means a uniform  
20 administrative notice issued by the county attorney, authorized  
21 attorney, or department to enforce the medical support provisions  
22 of a support order;

23 (10) Obligee has the same meaning as in section 43-3341;

24 (11) Obligor has the same meaning as in section 43-3341;

25 (12) Plan administrator means the person or entity that

1 administers health care coverage for an employer;

2 (13) Qualified medical child support order means an order  
3 that meets the requirements of 29 U.S.C. 1169, as such section  
4 existed on January 1, 2002; and

5 (14) Uninsured medical expenses means the reasonable and  
6 necessary health-related expenses that are not paid by health care  
7 coverage.

8 Sec. 10. Section 48-2302, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 48-2302 For purposes of the New Hire Reporting Act:

11 (1) Date of hire means the day an employee begins  
12 employment with an employer;

13 (2) Department means the Department of Health and Human  
14 Services;

15 (3) Employee means any an independent contractor or a  
16 person who is compensated by or receives income from an employer or  
17 other payor, regardless of how such income is denominated;

18 (4) Employer means any individual, partnership, limited  
19 liability company, firm, corporation, association, political  
20 subdivision, or department or agency of the state or federal  
21 government, labor organization, or any other entity with an  
22 employee;

23 (5) Income means compensation paid, payable, due, or to  
24 be due for labor or personal services, whether denominated as  
25 wages, salary, earnings, income, commission, bonus, or otherwise;

1           (6) Payor includes a person, partnership, limited  
2 partnership, limited liability partnership, limited liability  
3 company, corporation, or other entity doing business or authorized  
4 to do business in the State of Nebraska, including a financial  
5 institution, or a department or an agency of state, county, or city  
6 government; and

7           (7) Rehire means the first day an employee begins  
8 employment with the employer following a termination of employment  
9 with such employer. Termination of employment does not include  
10 temporary separations from employment, such as an unpaid medical  
11 leave, an unpaid leave of absence, a temporary layoff, or an  
12 absence for disability or maternity.

13           Sec. 11. Section 77-27,166, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           77-27,166 (1) ~~By December 1 of each year, the~~ The  
16 Department of Health and Human Services may submit any certified  
17 debt of twenty-five dollars or more to the Department of Revenue  
18 except when the validity of the debt is legitimately in dispute.  
19 The submission of debts of past due support shall be a continuous  
20 submission process that allows the amount past due support to  
21 fluctuate up or down depending on the actual amount owed. Any  
22 submission shall be effective only to initiate setoff for a  
23 claim against a refund that would be made for the calendar year  
24 subsequent to the year in which such submission is made.

25           (2) The Lottery Division of the Department of Revenue

1 shall review all current debts on the records of the Department of  
2 Health and Human Services at the time of redeeming a lottery ticket  
3 for a state lottery prize to certify a debt owed by a winner of a  
4 state lottery prize.

5           Sec. 12. Original sections 42-358.02, 42-369, 43-512,  
6 43-512.03, 43-512.07, 43-512.12, 43-512.16, 43-512.17, 48-2302,  
7 and 77-27,166, Reissue Revised Statutes of Nebraska, and section  
8 44-3,144, Revised Statutes Cumulative Supplement, 2008, are  
9 repealed.