

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 193

FINAL READING

Introduced by Pansing Brooks, 28.

Read first time January 10, 2017

Committee: Judiciary

1 A BILL FOR AN ACT relating to courts; to amend sections 15-1202, 15-1203,
2 24-303, 24-729, 25-410, 25-412, 25-533, 25-602, 25-901, 25-915,
3 25-1031.02, 25-1121, 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01,
4 25-1303, 25-1305, 25-1318, 25-1415, 25-1416, 25-1504, 25-1510,
5 25-1521, 25-1531, 25-1578, 25-1587.04, 25-1587.06, 25-1635,
6 25-21,212, 25-21,228, 25-21,271, 25-2205, 25-2207, 25-2209, 25-2211,
7 25-2213, 25-2234, 25-2704, 25-2706, 25-2707, 25-2721, 25-2729,
8 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01, 29-1414, 29-1418,
9 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023, 29-2315.01, 29-2413,
10 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608, 31-320, 31-329,
11 32-1412, 33-106.01, 33-131, 33-140.03, 35-102, 42-364, 42-372.02,
12 43-102, 43-2,112, 43-2,113, 44-2006, 48-1119, 76-717, 76-723,
13 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of
14 Nebraska, sections 16-729, 44-4828, 48-3511, 50-406, and 71-6903,
15 Revised Statutes Cumulative Supplement, 2016, and sections 25-1912,
16 29-2407, 33-106, 37-1283, 43-2,108, and 60-166, Revised Statutes
17 Supplement, 2017; to define terms; to change and eliminate record
18 and recording requirements and change terminology; to provide for,
19 change, and eliminate provisions relating to transmission,
20 retention, and disposition of records; to change provisions relating
21 to the duties of court clerks and judges; to eliminate a filing
22 requirement for volunteer fire departments; to provide a duty for

1 the State Court Administrator; to harmonize provisions; to provide
2 operative dates; to repeal the original sections; and to outright
3 repeal sections 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322,
4 25-2210, 25-2211.01, 25-2211.02, and 25-2616, Reissue Revised
5 Statutes of Nebraska.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 15-1202, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 15-1202 (1) The party appealing shall within thirty days after the
4 date of the order or decision complained of (a) file a notice of appeal
5 with the city clerk specifying the parties taking the appeal and the
6 order or decision appealed from and serve a copy of the notice upon the
7 city attorney and (b) deposit the fees and bond or undertaking required
8 pursuant to subsection (2) of this section or file an affidavit pursuant
9 to subsection (3) of this section. The notice of appeal shall serve as a
10 praecipe for a transcript.

11 (2) Except as provided in subsection (3) of this section, the
12 appellant shall:

13 (a) Deposit with the city clerk a docket fee of the district court
14 for cases originally commenced in district court;

15 ~~(a) Deposit with the city clerk a docket fee in the amount of the~~
16 ~~filing fee in district court for cases originally commenced in district~~
17 ~~court;~~

18 (b) Deposit with the city clerk a cash bond or undertaking with at
19 least one good and sufficient surety approved by the city clerk, in the
20 amount of two hundred dollars, on condition that the appellant will
21 satisfy any judgment and costs that may be adjudged against him or her;
22 and

23 (c) Deposit with the city clerk the fees for the preparation of a
24 certified and complete transcript of the proceedings of the city relating
25 to the order or decision appealed.

26 (3)(a) An appellant may file with the city clerk an affidavit
27 alleging that the appellant is indigent. The filing of such an affidavit
28 shall relieve the appellant of the duty to deposit any fee, bond, or
29 undertaking required by subsection (2) of this section as a condition for
30 the preparation of the transcript or the perfecting of the appeal by the
31 appellant subject to the determination of the court as provided in

1 section 15-1204. In conjunction with the filing of the petition for
2 appeal as provided for in section 15-1204, the appellant shall file a
3 copy of the affidavit alleging his or her indigency and the district
4 court shall rule upon the issue of indigency prior to the consideration
5 of any other matter relating to the appeal as provided in section
6 15-1204.

7 (b) An appellant determined to be indigent under this subsection
8 shall not be required to deposit any fee, bond, or undertaking required
9 by subsection (2) of this section. For purposes of this section, indigent
10 means the inability to financially pursue the appeal without prejudicing
11 the appellant's ability to provide economic necessities for the appellant
12 or the appellant's family.

13 (c) An appellant determined not to be indigent shall, within thirty
14 days after the determination, deposit with the city clerk the fees and
15 bond or undertaking required by subsection (2) of this section. The
16 appeal shall not proceed further until the city clerk notifies the court
17 that the appropriate deposit has been made.

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

20 15-1203 (1) Except as provided in subsection (2) of this section,
21 the city clerk, on payment to him or her of the costs of the transcript,
22 shall transmit within fifteen days to the clerk of the district court the
23 docket fee and a certified and complete transcript of the proceedings of
24 the city relating to the order or decision appealed. After receipt of
25 such fee and transcript, the clerk of the district court shall file
26 ~~docket~~ the appeal.

27 (2) If the appellant files an affidavit alleging that he or she is
28 indigent pursuant to section 15-1202, the city clerk shall transmit
29 within fifteen days to the clerk of the district court a certified and
30 complete transcript of the proceedings of the city relating to the order
31 or decision appealed. After receipt of the transcript, the clerk of the

1 district court shall file ~~docket~~ the appeal.

2 Sec. 3. Section 16-729, Revised Statutes Cumulative Supplement,
3 2016, is amended to read:

4 16-729 The city clerk, upon an appeal being taken under section
5 16-727 or 16-728 and being paid the proper fees therefor, including fees
6 for filing the same in the district court, shall make out a transcript of
7 the proceedings of the city council, mayor, and other officers as relate
8 to the presentation and allowance or disallowance of such claim and shall
9 file it with the clerk of the district court within thirty days after the
10 decision allowing or disallowing the claim and paying the proper
11 commencement fees. Such appeal shall be entered on the record ~~docket~~ of
12 the court, tried, and determined and costs awarded thereon in the manner
13 provided in sections 25-1901 to 25-1937. No appeal bond shall be required
14 of the city by any court in the case of an appeal by the city, and
15 judgment shall be stayed pending such appeal.

16 Sec. 4. Section 24-303, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 24-303 (1) The judges of the district court shall, the last two
19 months in each year, fix the time of holding terms of court in the
20 counties composing their respective districts during the ensuing year,
21 and cause the same to be published throughout the district, if the same
22 can be done without expense. All jury terms of the district court shall
23 be held at the county seat in the courthouse, or other place provided by
24 the county board, but nothing herein contained shall preclude the
25 district court, or a judge thereof, from rendering a judgment or other
26 final order or from directing the entry thereof in any cause, in any
27 county other than where such cause is pending, where the trial or hearing
28 upon which such judgment or other final order is rendered took place in
29 the county in which such cause is pending. Terms of court may be held at
30 the same time in different counties in the same judicial district, by the
31 judge of the district court thereof, if there be more than one, and upon

1 request of the judge or judges of such court, any term in such district
2 may be held by a judge of the district court of any other district of the
3 state. The Supreme Court may order the assignment of judges of the
4 district court to other districts whenever it shall appear that their
5 services are needed to relieve a congested trial docket calendar or to
6 adjust judicial case loads, or on account of the disqualification,
7 absence, disability, or death of a judge, or for other adequate cause.
8 When necessary, a term of the district court sitting in any county may be
9 continued into and held during the time fixed for holding such court in
10 any other county within the district, or may be adjourned and held beyond
11 such time.

12 (2) All nonevidentiary hearings, and any evidentiary hearings
13 approved by the district court and by stipulation of all parties that
14 have filed an appearance, may be heard by the court telephonically or by
15 videoconferencing or similar equipment at any location within the
16 judicial district as ordered by the court and in a manner that ensures
17 the preservation of an accurate record. Such hearings shall not include
18 trials before a jury. Hearings conducted in this manner shall be
19 consistent with the public's access to the courts.

20 Sec. 5. Section 24-729, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 24-729 The Supreme Court of Nebraska is empowered, with the consent
23 of the retired judge, (1) to assign judges of the Supreme Court, Court of
24 Appeals, and district court who are now retired or who may be retired
25 hereafter to (a) sit in any court in the state to relieve congested trial
26 dockets or to prevent the trial docket of such court from becoming
27 congested or (b) sit for the judge of any court who may be incapacitated
28 or absent for any reason whatsoever and (2) to assign any judge of the
29 separate juvenile court, county court, or Nebraska Workers' Compensation
30 Court who is now retired or who may be retired hereafter to (a) sit in
31 any court having the same jurisdiction as one in which any such judge may

1 have previously served to relieve congested trial dockets or to prevent
2 the trial docket of any such court from becoming congested or (b) sit for
3 the judge of any such court who may be incapacitated or absent for any
4 reason. Any judge who has retired on account of disability may not be so
5 assigned.

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

10 Sec. 6. Section 25-410, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 25-410 (1) For the convenience of the parties and witnesses or in
13 the interest of justice, a district court of any county, the transferor
14 court, may transfer any civil action to the district court of any other
15 county in this state, the transferee court. The transfer may occur before
16 or after the entry of judgment, and there shall be no additional fees
17 required for the transfer.

18 (2) To transfer a civil action, the transferor court shall order
19 transfer of the action to the specific transferee court requested. The
20 clerk of the transferor court shall file with the transferee court within
21 ten days after the entry of the transfer order a certification of the
22 case file and costs. The clerk of the transferor court shall certify any
23 judgment and payment records of such judgments in the action maintained
24 by the : ~~Certification of the proceedings; all original documents of the~~
25 ~~action; certification of the transcript of docket entries; and~~
26 ~~certification of the payment records of any judgment in the action~~
27 ~~maintained by the transferor court.~~

28 (3) Upon the filing of such documents by the clerk of the transferor
29 court, the clerk of the transferee court shall enter any judgment in the
30 action on the judgment index record of the transferee court. The
31 judgment, once filed and entered on the judgment index record of the

1 transferee court, shall be a lien on the property of the debtor in any
2 county in which such judgment is filed. Transfer of the action shall not
3 change the obligations of the parties under any judgment entered in the
4 action regardless of the status of the transfer.

5 (4) If the transferred civil action involves a support order that
6 has payment records maintained by the Title IV-D Division as defined in
7 section 43-3341, the transferor court order shall notify the division to
8 make the necessary changes in the support payment records. Support
9 payments shall commence in the transferee court on the first day of the
10 month following the order of transfer, payments made prior to such date
11 shall be considered payment on a judgment entered by the transferor
12 court, and payments made on and after such date shall be considered
13 payment on a judgment entered by the transferee court.

14 Sec. 7. Section 25-412, Reissue Revised Statutes of Nebraska, is
15 amended to read:

16 25-412 When an action affecting the title or possession of real
17 estate has been brought in or transferred to any court of a county, other
18 than the county in which the real estate or some portion of it is
19 situated, the clerk of such court must, after final judgment therein,
20 certify such judgment under his or her seal of office, and transmit the
21 same to the corresponding court of the county in which the real estate
22 affected by the action is situated. The clerk receiving such copy must
23 file, ~~docket~~ and record such judgment in the records of the court,
24 briefly designating it as a judgment transferred from court
25 (naming the proper court).

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

28 25-533 No levy of attachment or execution on real estate issued from
29 any other county shall be notice to a subsequent vendee or encumbrancer
30 in good faith, unless the sheriff has filed a notice on the record shall
31 ~~have entered in a book, which shall be kept in the office of the clerk of~~

1 ~~the district court by such clerk and called the "encumbrance book," a~~
2 ~~statement~~ that the land, describing it, has been so attached or levied
3 on, the cause in which it was so attached, and when it was done, ~~signed~~
4 ~~by such sheriff. Such book shall be open, as other books kept by such~~
5 ~~clerk, to public inspection.~~

6 Sec. 9. Section 25-602, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 25-602 The plaintiff~~7~~ in any case pending in the district court or
9 Supreme Court of the state, ~~shall~~ when no counterclaim or setoff has
10 been filed by the opposite party, has ~~have~~ the right in the vacation of
11 any of such ~~said~~ courts to dismiss such ~~his~~ ~~said~~ action without
12 prejudice, upon payment of costs, which dismissal shall be, by the clerk
13 of any of such ~~said~~ courts, entered upon the record journal and take
14 effect from and after the date thereof.

15 Sec. 10. Section 25-901, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 25-901 The defendant in an action for the recovery of money only~~7~~
18 may, at any time before the trial, serve upon the plaintiff or the
19 plaintiff's ~~7~~ ~~or his~~ attorney~~7~~, an offer in writing to allow judgment to
20 be taken against the defendant ~~him~~ for the sum specified therein. If the
21 plaintiff accepts the offer and gives notice thereof to the defendant or
22 the defendant's ~~his~~ attorney, within five days after the offer was
23 served, the offer~~7~~ and an affidavit that the notice of acceptance was
24 delivered in the time limited~~7~~ may be filed by the plaintiff~~7~~ or the
25 defendant may file the acceptance, with a copy of the offer verified by
26 affidavit. In ~~;~~ ~~and,~~ ~~in~~ either case, the offer and acceptance shall be
27 entered upon the record ~~noted in the journal~~, and judgment shall be
28 rendered accordingly. If the notice of acceptance is ~~be~~ not given in the
29 period limited~~7~~, the offer shall be deemed withdrawn~~7~~ and shall not be
30 given in evidence~~7~~ or mentioned on the trial. If the plaintiff fails to
31 obtain judgment for more than was offered by the defendant, the plaintiff

1 he shall pay the defendant's cost from the time of the offer.

2 Sec. 11. Section 25-915, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 25-915 Orders made out of court shall be forthwith entered by the
5 clerk in the record journal of the court in the same manner as orders
6 made in term.

7 Sec. 12. Section 25-1031.02, Reissue Revised Statutes of Nebraska,
8 is amended to read:

9 25-1031.02 (1) The party seeking garnishment shall advance the costs
10 of transcript and filing ~~docketing~~ the matter in the district court.

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

15 Sec. 13. Section 25-1121, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 25-1121 In every action for the recovery of money only, or specific
18 real property, the jury, in their discretion, may render a general or
19 special verdict. In all other cases the court may direct the jury to find
20 a special verdict, in writing, upon all or any of the issues and in all
21 cases may instruct them, if they render a general verdict, to find upon
22 particular questions of fact to be stated in writing, and may direct a
23 written finding thereon. The special verdict or finding must be filed
24 with the clerk and entered upon the record ~~on the journal~~.

25 Sec. 14. Section 25-1126, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 25-1126 The trial by jury may be waived by the parties in actions
28 arising on contract, and with assent of the court in other actions (1) by
29 the consent of the party appearing, when the other party fails to appear
30 at the trial by himself or herself or by attorney, ÷ (2) by written
31 consent, in person or by attorney, filed with the clerk, ÷ and (3) by

1 oral consent in open court entered upon the record ~~on the journal~~.

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

4 25-1129 All or any of the issues in the action, whether of fact or
5 law, or both, may be referred to a referee upon the written consent of
6 the parties or upon their oral consent in court entered upon the record
7 ~~journal~~.

8 Sec. 16. Section 25-1149, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 25-1149 The trial of an issue of fact, and the assessment of damages
11 in any case shall be in the order in which they are placed on the trial
12 docket, unless by consent of parties, or the order of the court, they are
13 continued, ~~or~~ placed at the heel of the trial docket, or temporarily
14 postponed. The time of hearing all other cases shall be in the order in
15 which they are placed on the trial docket, unless the court shall
16 otherwise direct. The court may in its discretion hear at any time a
17 motion, may by rule prescribe the time for hearing motions, and may
18 provide for dismissing actions without prejudice for want of prosecution.

19 Sec. 17. Section 25-1301, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 25-1301 (1) A judgment is the final determination of the rights of
22 the parties in an action.

23 (2) Rendition of a judgment is the act of the court, or a judge
24 thereof, in signing an order ~~making and signing a written notation~~ of the
25 relief granted or denied in an action.

26 (3) The entry of a judgment, decree, or final order occurs when the
27 clerk of the court places the file stamp and date upon the judgment,
28 decree, or final order. For purposes of determining the time for appeal,
29 the date stamped on the judgment, decree, or final order shall be the
30 date of entry.

31 (4) The clerk shall prepare and maintain the records of judgments,

1 decrees, and final orders that are required by statute and rule of the
2 Supreme Court. Whenever any judgment is paid and discharged or when a
3 satisfaction of judgment is filed, the clerk shall enter such fact upon
4 the judgment index.

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

7 25-1301.01 Within three working days after the entry of any final
8 order civil judgment, except judgments by default when service has been
9 obtained by publication ~~or an appearance of the defaulting party has been~~
10 ~~made~~, the clerk of the court shall send the final order a postcard or
11 notice by United States mail or by service through the court's electronic
12 case management system to each party whose address appears in the records
13 of the action, or to the party's attorney or attorneys of record,
14 ~~advising that a judgment has been entered and the date of entry.~~

15 Sec. 19. Section 25-1303, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 25-1303 The transcript of a judgment of any district court in this
18 state may be filed in the office of the clerk of the district court in
19 any county. Such transcript, when so filed and entered on the judgment
20 index record, shall be a lien on the property of the debtor in any county
21 in which such transcript is so filed, in the same manner and under the
22 same conditions only as in the county where such judgment was rendered,
23 and execution may be issued on such transcript in the same manner as on
24 the original judgment. Such; ~~Provided~~, such transcript shall at no time
25 have any greater validity or effect than the original judgment.

26 Sec. 20. Section 25-1305, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 25-1305 A transcript of any judgment or decree rendered in a circuit
29 or district court of the United States within the State of Nebraska, may
30 be filed in the office of the clerk of the district court in any county
31 in this state. Such transcript, when so filed and entered on the judgment

1 index record, shall be a lien on the property of the debtor in any county
2 in which such transcript is so filed, in the same manner and under the
3 same conditions only as if such judgment or decree had been rendered by
4 the district court of such county. Such ; ~~Provided~~, such transcript shall
5 at no time have a greater validity or effect than the original judgment.
6 The lands and tenements of the debtor within the county where the
7 judgment is entered shall be bound for the satisfaction thereof from the
8 day on which such judgment is rendered without the filing of a
9 transcript. Orders ; ~~Provided~~, however, that orders reviving dormant
10 judgments shall become liens upon the lands and tenements of the judgment
11 debtor only when such order is entered on the judgment index record in
12 the same manner as an original judgment.

13 Sec. 21. Section 25-1318, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 25-1318 All judgments and orders must be entered on the record
16 ~~journal~~ of the court, and specify clearly the relief granted or order
17 made in the action.

18 Sec. 22. Section 25-1415, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 25-1415 When it appears to the court by affidavit that either party
21 to an action has been dead, or where a party sues or is sued as a
22 personal representative, that his or her powers have ceased for a period
23 so long that the action cannot be revived in the names of his or her
24 representatives or successor, without the consent of both parties, it
25 shall order the action to be stricken from the trial docket.

26 Sec. 23. Section 25-1416, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 25-1416 At any term of the court succeeding the death of the
29 plaintiff, while the action remains on the trial docket, the defendant,
30 having given to the plaintiff's proper representatives, in whose names
31 the action might be revived, ten days' notice of the application

1 therefor, may have an order to strike the action from the trial docket
2 and for costs against the estate of the plaintiff, unless the action is
3 forthwith revived.

4 Sec. 24. Section 25-1504, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 25-1504 The lands and tenements of the debtor within the county
7 where the judgment is entered, shall be bound for the satisfaction
8 thereof only from the day on which such judgments are rendered. All other
9 lands, as well as goods and chattels of the debtor, shall be bound from
10 the time they shall be seized in execution. A ; ~~Provided, that a~~ judgment
11 shall be considered as rendered when such judgment has been entered on
12 the judgment index record.

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

15 25-1510 The sureties for the stay of execution may be taken and
16 approved by the clerk, ~~and~~ the bond shall be recorded on the register of
17 actions ~~in a book kept for that purpose,~~ and have the force and effect of
18 a judgment confessed from the date thereof against the property of the
19 sureties, and the clerk shall enter such sureties on the judgment index
20 ~~and index the same in the proper judgment docket,~~ as in the case of other
21 judgments.

22 Sec. 26. Section 25-1521, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 25-1521 If the officer, by virtue of any writ of execution issued
25 from any court of record in this state, shall levy the same on any goods
26 and chattels claimed by any person other than the defendant, such officer
27 ~~shall~~ ~~it shall be the duty of said officer forthwith to~~ give notice in
28 writing to the court, in which shall be set forth the names of the
29 plaintiff and defendant, together with the name of the claimant. At ; ~~and~~
30 ~~at~~ the same time such officer ~~he~~ shall furnish the court with a schedule
31 of the property claimed. Immediately ~~It shall be the duty of the court,~~

1 ~~immediately~~ upon the filing receipt of such notice and schedule, the
2 court shall ~~to make an entry of the same upon the docket,~~ and determine
3 the right of the claimant to the property in controversy.

4 Sec. 27. Section 25-1531, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 25-1531 If the court, upon the return of any writ of execution, or
7 order of sale for the satisfaction of which any lands and tenements have
8 been sold, ~~shall,~~ after having carefully examined the proceedings of the
9 officer, is ~~be~~ satisfied that the sale has in all respects been made in
10 conformity to the provisions of this chapter and that the ~~said~~ property
11 was sold for fair value, under the circumstances and conditions of the
12 sale, or, that a subsequent sale would not realize a greater amount, the
13 court shall enter upon the record an order ~~direct the clerk to make an~~
14 ~~entry on the journal~~ that the court is satisfied of the legality of such
15 sale, and an order that the officer make the purchaser a deed of such
16 lands and tenements. Prior to the confirmation of sale pursuant to this
17 section, the party seeking confirmation of sale shall, except in the
18 circumstances described in section 40-103, provide notice to the debtor
19 informing him or her of the homestead exemption procedure available
20 pursuant to Chapter 40, article 1. The notice shall be given by certified
21 mailing at least ten days prior to any hearing on confirmation of sale.
22 The officer on making such sale may retain the purchase money in his or
23 her hands until the court has ~~shall have~~ examined his or her proceedings
24 as aforesaid, when he or she shall pay the same to the person entitled
25 thereto, agreeable to the order of the court. If such sale pertains to
26 mortgaged premises being sold under foreclosure proceedings and the
27 amount of such sale is less than the amount of the decree rendered in
28 such proceedings, the court may refuse to confirm such sale, if, in its
29 opinion, such mortgaged premises have a fair and reasonable value equal
30 to or greater than the amount of the decree. The court shall in any case
31 condition the confirmation of such sale upon such terms or under such

1 conditions as may be just and equitable. The judge of any district court
2 may confirm any sale at any time after such officer has made his or her
3 return, on motion and ten days' notice to the adverse party or his or her
4 attorney of record, if made in vacation, and such notice shall include
5 information on the homestead exemption procedure available pursuant to
6 Chapter 40, article 1. When any sale is confirmed in vacation the judge
7 confirming the same shall cause his or her order to be entered on the
8 record journal by the clerk. Upon application to the court by the
9 judgment debtor within sixty days after ~~of~~ the confirmation of any sale
10 confirmed pursuant to this section, such sale shall be set aside if the
11 court finds that the party seeking confirmation of sale failed to provide
12 notice to the judgment debtor regarding homestead exemption procedures at
13 least ten days prior to the confirmation of sale as required by this
14 section.

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

17 25-1578 The orders to judgment debtors and witnesses, provided for
18 in sections 25-1564 to 25-1580, shall be ~~in writing and signed~~ and filed
19 by the judge making the same, and shall be served in the same manner as a
20 summons in other cases. The judge shall sign all such orders. Such orders
21 ~~reduce all his orders to writing, which, together with a minute of his~~
22 ~~proceedings, signed by himself,~~ shall be filed with the clerk of the
23 court of the county in which the judgment is rendered, or the transcript
24 of the judgment ~~justice~~ filed, and the clerk shall enter on the record
25 the date and ~~his execution docket~~ the time of filing the same.

26 Sec. 29. Section 25-1587.04, Reissue Revised Statutes of Nebraska,
27 is amended to read:

28 25-1587.04 (a) At the time of the filing of the foreign judgment,
29 the judgment creditor or his or her lawyer shall make and file with the
30 clerk of the court an affidavit setting forth the name and last-known
31 post office address of the judgment debtor and the judgment creditor.

1 (b) Promptly upon the filing of the foreign judgment and the
2 affidavit, the clerk shall mail notice of the filing of the foreign
3 judgment to the judgment debtor at the address given and shall file
4 notice ~~make a note~~ of the mailing on the record ~~in the docket~~. The notice
5 shall include the name and address of the judgment creditor and the
6 judgment creditor's lawyer, if any, in this state. In addition, the
7 judgment creditor may mail a notice of the filing of the judgment to the
8 judgment debtor and may file proof of mailing with the clerk. Lack of
9 mailing notice of filing by the clerk shall not affect the enforcement
10 proceedings if proof of mailing by the judgment creditor has been filed.

11 Sec. 30. Section 25-1587.06, Reissue Revised Statutes of Nebraska,
12 is amended to read:

13 25-1587.06 Any person filing a foreign judgment or a judgment from
14 another court in this state shall pay to the clerk of the district or
15 county court a fee as provided in section 33-106 or 33-123 for filing a
16 transcript of judgment. Fees for filing ~~docketing~~, transcription, or
17 other enforcement proceedings shall be as provided for judgments of the
18 courts of this state.

19 Sec. 31. Section 25-1635, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 25-1635 (1) It shall be unlawful for a jury commissioner or the
22 officer in charge of the election records, or any clerk or deputy
23 thereof, or any person who may obtain access to any record showing the
24 names of persons drawn to serve as grand or petit jurors to disclose to
25 any person, except to other officers in carrying out official duties or
26 as herein provided, the name of any person so drawn or to permit any
27 person to examine such record or to make a list of such names, except
28 under order of the court. The application for such an order shall be
29 filed in the form of a motion in the office of the clerk of the district
30 court, containing the signature and residence of the applicant or his or
31 her attorney and stating all the grounds on which the request for such

1 order is based. Such order shall not be made except for good cause shown
2 in open court and it shall be spread upon the record journal of the
3 court. Any person violating any of the provisions of this section shall
4 be guilty of a Class IV felony. Notwithstanding the foregoing provisions
5 of this section, the judge or judges in any district may, in his, her, or
6 their discretion, provide by express order for the disclosure of the
7 names of persons drawn from the revised key number list for actual
8 service as grand or petit jurors.

9 (2) Notwithstanding subsection (1) of this section, the Supreme
10 Court or an agent of the Supreme Court acting under the direction and
11 supervision of the Chief Justice shall have access to juror qualification
12 forms for research purposes. The Supreme Court and its agent shall treat
13 such information as confidential, and nothing identifying any individual
14 shall be released.

15 Sec. 32. Section 25-1912, Revised Statutes Supplement, 2017, is
16 amended to read:

17 25-1912 (1) The proceedings to obtain a reversal, vacation, or
18 modification of judgments and decrees rendered or final orders made by
19 the district court, including judgments and sentences upon convictions
20 for felonies and misdemeanors, shall be by filing in the office of the
21 clerk of the district court in which such judgment, decree, or final
22 order was rendered, within thirty days after the entry of such judgment,
23 decree, or final order, a notice of intention to prosecute such appeal
24 signed by the appellant or appellants or his, her, or their attorney of
25 record and, except as otherwise provided in sections 25-2301 to 25-2310
26 and 29-2306 and subsection (4) of section 48-638, by depositing with the
27 clerk of the district court the docket fee required by section 33-103.

28 (2) A notice of appeal or docket fee filed or deposited after the
29 announcement of a decision or final order but before the entry of the
30 judgment, decree, or final order shall be treated as filed or deposited
31 after the entry of the judgment, decree, or final order and on the date

1 of entry.

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

19 (4) Except as otherwise provided in subsection (3) of this section,
20 sections 25-2301 to 25-2310 and 29-2306, and subsection (4) of section
21 48-638, an appeal shall be deemed perfected and the appellate court shall
22 have jurisdiction of the cause when such notice of appeal has been filed
23 and such docket fee deposited in the office of the clerk of the district
24 court. After ~~, and after~~ being perfected no appeal shall be dismissed
25 without notice, and no step other than the filing of such notice of
26 appeal and the depositing of such docket fee shall be deemed
27 jurisdictional.

28 (5) The clerk of the district court shall forward such docket fee
29 and a certified copy of such notice of appeal to the Clerk of the Supreme
30 Court, and the Clerk of the Supreme Court shall file ~~docket~~ such appeal.

31 (6) Within thirty days after the date of filing of notice of appeal,

1 the clerk of the district court shall prepare and file with the Clerk of
2 the Supreme Court a transcript certified as a true copy of the
3 proceedings contained therein. The Supreme Court shall, by rule, specify
4 the method of ordering the transcript and the form and content of the
5 transcript. Neither the form nor substance of such transcript shall
6 affect the jurisdiction of the Court of Appeals or Supreme Court.

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

12 Sec. 33. Section 25-21,212, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 25-21,212 In any action in which a judgment is rendered in any sum,
15 or for costs, against the claimant, the clerk of the court in which such
16 judgment is rendered shall make and transmit a certified copy thereof on
17 application of the Attorney General, or other counsel on behalf of the
18 state, to the clerk of the district court of any county within the state,
19 and the same shall thereupon be filed and recorded ~~docketed~~ in such court
20 and become and be a judgment thereof. All ~~;- and all~~ judgments against the
21 claimant or plaintiff shall be collected by execution as other judgments
22 in the district courts.

23 Sec. 34. Section 25-21,228, Reissue Revised Statutes of Nebraska, is
24 amended to read:

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

28 Sec. 35. Section 25-21,271, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 25-21,271 (1) Any person desiring to change his or her name shall
31 file a petition in the district court of the county in which such person

1 may be a resident, setting forth (a) that the petitioner has been a bona
2 fide citizen of such county for at least one year prior to the filing of
3 the petition, (b) the address of the petitioner, (c) the date of birth of
4 the petitioner, (d) the cause for which the change of petitioner's name
5 is sought, and (e) the name asked for.

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

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

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

1 Patrol for use pursuant to section 29-4004.

2 Sec. 36. Section 25-2205, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 25-2205 ~~The It is the duty of the~~ clerk of each of the courts shall
5 maintain and preserve a case file and a record of to file together and
6 carefully preserve in his office all documents papers delivered to him or
7 her for that purpose in every action or special proceeding. Retention and
8 disposition of the records shall be determined by the State Records
9 Administrator pursuant to the Records Management Act.

10 Sec. 37. Section 25-2207, Reissue Revised Statutes of Nebraska, is
11 amended to read:

12 25-2207 The clerk of the court shall, upon the return of every
13 summons served, enter upon the record docket the name of the defendant or
14 defendants summoned, and the day of the service upon each one. The entry
15 shall be evidence of the service of the summons in case of the loss
16 thereof.

17 Sec. 38. Section 25-2209, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 25-2209 (1) The clerk of the district court shall keep records, to
20 be maintained on the court's electronic case management system, called
21 the register of actions appearance docket, the trial docket, the judge's
22 docket notes the journal, the complete record, the execution docket, the
23 financial fee record book, the general index, and the judgment index, and
24 the case file. Retention and disposition of the records shall be
25 determined by the State Records Administrator pursuant to the Records
26 Management Act record. Such records may be compiled, filed, and
27 maintained on a computer system. Effective not later than October 1,
28 1992, provision for dockets and records of the district courts shall be
29 established by rule of the Supreme Court. The journal may be compiled and
30 filed on microfilm. The recording of all instruments by the roll form of
31 microfilm may be substituted for the method of recording instruments in

1 ~~books. If this method of recording instruments on microfilm is used, a~~
2 ~~security copy on silver negative microfilm in roll form must be~~
3 ~~maintained and filed off premises under safe conditions to insure the~~
4 ~~protection of the records. The internal reference copies or work copies~~
5 ~~of the instruments recorded on microfilm may be in any photographic form~~
6 ~~to provide the necessary information as may be determined by the official~~
7 ~~in charge, and shall meet the microfilm standards as prescribed by the~~
8 ~~State Records Administrator.~~

9 (2) The case file, numbered in chronological order, shall contain
10 the complaint or petition and subsequent pleadings in the case file. The
11 case file may be maintained as an electronic document through the court's
12 electronic case management system, on microfilm, or in a paper volume and
13 disposed of when determined by the State Records Administrator pursuant
14 to the Records Management Act.

15 (3) For purposes of this section:

16 (a) Financial record means the financial accounting of the court,
17 including the recording of all money receipted and disbursed by the court
18 and the receipts and disbursements of all money held as an investment;

19 (b) General index means the alphabetical listing of the names of the
20 parties to the suit, both direct and inverse, with the case number where
21 all proceedings in such action may be found;

22 (c) Judge's docket notes means the notations of the judge detailing
23 the actions in a court proceeding and the entering of orders and
24 judgments;

25 (d) Judgment index means the alphabetical listing of all judgment
26 debtors and judgment creditors;

27 (e) Register of actions means the official court record and summary
28 of the case; and

29 (f) Trial docket means a list of pending cases as provided in
30 section 25-2211.

31 Sec. 39. Section 25-2211, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 25-2211 The trial docket shall be available for the court on the
3 first day of each month setting forth each case pending in the order of
4 filing of the complaint to be called for trial ~~made out by the clerk of~~
5 ~~the court at least twelve days before the first day of each term of the~~
6 ~~court; and the actions shall be set for particular days in the order in~~
7 ~~which the issues were made up, whether of law or of fact, and so arranged~~
8 ~~that the cases set for each day shall be tried as nearly as may be on~~
9 ~~that day.~~ For the purpose of arranging the trial docket, an issue shall
10 be considered as made up when either party is in default of a pleading.
11 If the defendant fails to answer, the cause for the purpose of this
12 section shall be deemed to be at issue upon questions of fact, but in
13 every such case the plaintiff may move for and take such judgment as he
14 or she is entitled to, on the defendant's default, on or after the day on
15 which the action is set for trial. No witnesses shall be subpoenaed in
16 any case while the cause stands upon issue of law. Whenever the court
17 regards the answer in any case as frivolous, and put in for delay only,
18 no leave to answer or reply shall be given, unless upon payment of all
19 costs then accrued in the action. When the number of actions filed ~~to be~~
20 ~~docketed~~ exceeds three hundred, the judge or judges of the district court
21 for the county may, by rule or order, classify them in such manner as
22 they may deem expedient and cause them to be placed according to such
23 classifications upon different trial dockets; and the respective trial
24 dockets may be proceeded with and causes thereon tried, heard, or
25 otherwise disposed of, concurrently by one or more of the judges.
26 Provision may be made by rule of court that issues of fact shall not be
27 for trial at any term when the number of pending actions exceeds three
28 hundred, except upon such previous notice of trial as may be prescribed
29 thereby.

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

1 25-2213 The provisions of sections 25-2204 to 25-2211 ~~25-2211.02~~
2 shall, as far as applicable, apply to clerks of other courts of record.

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

5 25-2234 It shall be the duty of every sheriff to make due return of
6 all legal process to him or her directed and by him or her delivered or
7 served by certified or registered mail, at the proper office and on the
8 proper return day thereof, or if the judgment is recorded ~~docketed~~ in the
9 district court, appealed, or stayed, upon which he or she has an
10 execution, on notice thereof, to return the execution, stating thereon
11 such facts.

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

14 25-2704 (1) In any civil action in county court, the summons,
15 pleadings, and time for filings shall be the same as provided for civil
16 actions in district court. A case shall stand for trial at the earliest
17 available time on the trial ~~court~~ docket after the issues therein are or,
18 according to the times fixed for pleading, should have been made up.

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

27 Sec. 43. Section 25-2706, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-2706 The county court shall certify proceedings to the district
30 court of the county in which an action is pending (1) when the pleadings
31 or discovery proceedings indicate that the amount in controversy is

1 greater than the jurisdictional amount in subdivision (5) of section
2 24-517 and a party to the action requests the transfer or (2) when the
3 relief requested is exclusively within the jurisdiction of the district
4 court. The county court shall file a certification of the case file and
5 costs with the district court within ten days after entry of the transfer
6 order certify the proceedings to the district court and file the original
7 papers of such action and a certified transcript of the docket entries
8 with the clerk of the district court. The action shall then be tried and
9 determined by the district court as if the proceedings were originally
10 brought in such district court, except that no new pleadings need be
11 filed unless ordered by the district court.

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

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

18 25-2707 Whenever proceedings under sections 25-1011 and 25-1026 to
19 25-1031.01, or under section 25-1056, are had in any county court and it
20 shall appear by the pleadings or other answers to interrogatories filed
21 by the garnishee that there is an amount in excess of the jurisdictional
22 dollar amount specified in section 24-517, or property with a value of
23 more than such amount, the title or ownership of which is in dispute, or
24 when at any time during such proceedings it shall appear from the
25 evidence or other pleadings that there is property of the value of more
26 than the jurisdictional dollar amount specified in section 24-517, the
27 title or ownership of which is in dispute, such court shall proceed no
28 further. Within ten days after entry of the transfer order, the county
29 court shall file with , but shall forthwith certify the proceedings to
30 the district court of the county in which the action is pending a
31 certification of the case file and costs. The matter shall be tried and

1 ~~determined~~ , ~~and thereupon shall file the original papers, together with~~
2 ~~a certified transcript of docket entries, in the clerk's office of the~~
3 ~~district court, the matter to be held for trial and determination~~ by the
4 district court as if the proceedings were originally had in district
5 court, except that no new pleadings need be filed except as ordered by
6 the district court.

7 Sec. 45. Section 25-2721, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 25-2721 (1) Any person having a judgment rendered by a county court
10 may request the clerk of such court to issue execution on the judgment in
11 the same manner as execution is issued upon other judgments rendered in
12 the county court and direct the execution on the judgment to any county
13 in the state. Such person may request that garnishment, attachment, or
14 any other aid to execution be directed to any county without the
15 necessity of filing a transcript of the judgment in the receiving county,
16 and any hearing or proceeding with regard to such execution or aid in
17 execution shall be heard in the court in which the judgment was
18 originally rendered.

19 (2) Any person having a judgment rendered by a county court may
20 cause a transcript thereof to be filed in the office of the clerk of the
21 district court in any county of this state. When the transcript is so
22 filed and entered upon the judgment ~~index record~~, such judgment shall be
23 a lien on real estate in the county where the transcript is filed, and
24 when the transcript is so filed and entered upon such judgment ~~index~~
25 ~~record~~, the clerk of such court may issue execution thereupon in like
26 manner as execution is issued upon judgments rendered in the district
27 court.

28 Sec. 46. Section 25-2729, Reissue Revised Statutes of Nebraska, is
29 amended to read:

30 25-2729 (1) In order to perfect an appeal from the county court, the
31 appealing party shall within thirty days after the entry of the judgment

1 or final order complained of:

2 (a) File with the clerk of the county court a notice of appeal; and

3 (b) Deposit with the clerk of the county court a docket fee of the
4 district court for cases originally commenced in district court.

5 ~~(b) Deposit with the clerk of the county court a docket fee in the~~
6 ~~amount of the filing fee in district court.~~

7 (2) Satisfaction of the requirements of subsection (1) of this
8 section shall perfect the appeal and give the district court jurisdiction
9 of the matter appealed.

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

14 (4) In appeals from the Small Claims Court only, the appealing party
15 shall also, within the time fixed by subsection (1) of this section,
16 deposit with the clerk of the county court a cash bond or undertaking,
17 with at least one good and sufficient surety approved by the court, in
18 the amount of fifty dollars conditioned that the appellant will satisfy
19 any judgment and costs that may be adjudged against him or her.

20 (5) A notice of appeal or docket fee filed or deposited after the
21 announcement of a decision or final order but before the entry of the
22 judgment or final order shall be treated as filed or deposited after the
23 entry of the judgment or final order and on the day of entry.

24 (6) The running of the time for filing a notice of appeal shall be
25 terminated as to all parties (a) by a timely motion for a new trial under
26 section 25-1144.01, (b) by a timely motion to alter or amend a judgment
27 under section 25-1329, or (c) by a timely motion to set aside the verdict
28 or judgment under section 25-1315.02, and the full time for appeal fixed
29 in subsection (1) of this section commences to run from the entry of the
30 order ruling upon the motion filed pursuant to subdivision (a), (b), or
31 (c) of this subsection. When any motion terminating the time for filing a

1 notice of appeal is timely filed by any party, a notice of appeal filed
2 before the court announces its decision upon the terminating motion shall
3 have no effect, whether filed before or after the timely filing of the
4 terminating motion. A new notice of appeal shall be filed within the
5 prescribed time from the entry of the order ruling on the motion. No
6 additional fees are required for such filing. A notice of appeal filed
7 after the court announces its decision or order on the terminating motion
8 but before the entry of the order is treated as filed on the date of and
9 after the entry of the order.

10 (7) The party appealing shall serve a copy of the notice of appeal
11 upon all parties who have appeared in the action or upon their attorney
12 of record. Proof of service shall be filed with the notice of appeal.

13 (8) If an appellant fails to comply with any provision of subsection
14 (4) or (7) of this section, the district court on motion and notice may
15 take such action, including dismissal of the appeal, as is just.

16 Sec. 47. Section 25-2731, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 25-2731 (1) Upon perfection of the appeal, the clerk of the county
19 court shall transmit within ten days to the clerk of the district court a
20 certified copy of the transcript and the docket fee, whereupon the clerk
21 of the district court shall file ~~docket~~ the appeal. A copy of any bond or
22 undertaking shall be transmitted to the clerk of the district court
23 within ten days of filing.

24 (2) The Supreme Court shall, by rule and regulation, specify the
25 method of ordering the transcript and the form and content of the
26 transcript.

27 Sec. 48. Section 25-3401, Reissue Revised Statutes of Nebraska, is
28 amended to read:

29 25-3401 (1) For purposes of this section:

30 (a) Civil action means a legal action seeking monetary damages,
31 injunctive relief, declaratory relief, or any appeal filed in any court

1 in this state that relates to or involves a prisoner's conditions of
2 confinement. Civil action does not include a motion for postconviction
3 relief or petition for habeas corpus relief;

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

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

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

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

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

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

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

25 (d) This subsection does not apply to judicial review of
26 disciplinary procedures in adult institutions administered by the
27 Department of Correctional Services governed by sections 83-4,109 to
28 83-4,123.

29 Sec. 49. Section 28-814, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 28-814 (1) Criminal prosecutions involving the ultimate issue of

1 obscenity, as distinguished from the issue of probable cause, shall be
2 tried by jury, unless the defendant shall waive a jury trial in writing
3 or by statement in open court entered on the record ~~in the minutes~~.

4 (2) The judge shall instruct the jury that the guidelines in
5 determining whether a work, material, conduct, or live exhibition is
6 obscene are: (a) The average person applying contemporary community
7 standards would find the work taken as a whole goes substantially beyond
8 contemporary limits of candor in description or presentation of such
9 matters and predominantly appeals to the prurient, shameful, or morbid
10 interest; (b) the work depicts in a patently offensive way sexual conduct
11 specifically referred to in sections 28-807 to 28-829; (c) the work as a
12 whole lacks serious literary, artistic, political, or scientific value;
13 and (d) in applying these guidelines to the determination of whether or
14 not the work, material, conduct, or live exhibition is obscene, each
15 element of each guideline must be established beyond a reasonable doubt.

16 (3) In any proceeding, civil or criminal, under sections 28-807 to
17 28-829, where there is an issue as to whether or not the matter is
18 obscene, either party shall have the right to introduce, in addition to
19 all other relevant evidence, the testimony of expert witnesses on such
20 issue as to any artistic, literary, scientific, political, or other
21 societal value in the determination of the issue of obscenity.

22 Sec. 50. Section 29-1302, Reissue Revised Statutes of Nebraska, is
23 amended to read:

24 29-1302 When the venue is changed, the clerk of the court in which
25 the indictment was found shall file a certification of the case file and
26 costs ~~make a certified transcript of all the proceedings in the case,~~
27 ~~which,~~ together with the original indictment, shall be transmitted ~~he~~
28 ~~shall transmit~~ to the clerk of the court to which the venue is changed,
29 and the trial shall be conducted in all respects as if the offender had
30 been indicted in the county to which the venue has been changed. All
31 costs, fees, charges, and expenses accruing from a change of venue,

1 together with all costs, fees, charges, and expenses made or incurred in
2 the trial of, or in keeping, guarding, and maintaining the accused shall
3 be paid by the county in which the indictment was found. ~~The~~ ~~and the~~
4 clerk of the trial court shall make a statement of such costs, fees,
5 charges, and expenses, and certify and transmit the same to the clerk of
6 the district court where the indictment was found, to be ~~by him~~ entered
7 upon the register of actions ~~his docket~~, and collected and paid as if a
8 change of venue had not been had.

9 Sec. 51. Section 29-1407.01, Reissue Revised Statutes of Nebraska,
10 is amended to read:

11 29-1407.01 (1) A certified or authorized reporter shall be present
12 at all grand jury sessions. All grand jury proceedings and testimony from
13 commencement to adjournment shall be reported.

14 (2)(a) Except as provided in subdivision (2)(b) of this section, the
15 reporter's stenography notes and tape recordings shall be preserved and
16 sealed ~~notes~~ and any transcripts which may be prepared shall be
17 preserved, sealed, and filed with the court. No release or destruction of
18 the notes or transcripts shall occur without prior court approval.

19 (b) In the case of a grand jury impaneled pursuant to subsection (4)
20 of section 29-1401, a transcript, including any exhibits of the grand
21 jury proceedings, shall be prepared at court expense and shall be filed
22 with the court where it shall be available for public review. Such
23 transcript shall not include the names of grand jurors or their
24 deliberations.

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

29 (4) Any witness summoned to testify before a grand jury, or an
30 attorney for such witness with the witness's written approval, shall be
31 entitled, prior to testifying, to examine and copy at the witness's

1 expense any statement in the possession of the prosecuting attorney or
2 the grand jury which such witness has made that relates to the subject
3 matter under inquiry by the grand jury. If a witness is proceeding in
4 forma pauperis, he or she shall be furnished, upon request, a copy of
5 such transcript and shall not pay a fee.

6 Sec. 52. Section 29-1414, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 29-1414 No grand juror or officer of the court shall disclose that
9 an indictment has been found against any person not in custody or under
10 bail, except by the issuing of process, until the indictment is filed ~~and~~
11 ~~the case docketed.~~

12 Sec. 53. Section 29-1418, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-1418 (1) Indictments returned by a grand jury shall be presented
15 by their foreman to the court, and shall be filed with the clerk, who
16 shall endorse thereon the day of their filing, and shall enter each case
17 upon the register of actions and the date when appearance docket, and
18 ~~also upon the trial docket of the term, as soon as the parties indicted~~
19 have been arrested.

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

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

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

31 Sec. 54. Section 29-1705, Reissue Revised Statutes of Nebraska, is

1 amended to read:

2 29-1705 When any person has ~~shall have~~ been indicted for a felony,
3 and the person so indicted has not ~~shall not have~~ been arrested or
4 recognized to appear before the court, the court may make an entry of the
5 cause upon the record ~~on the journal~~, and may order the amount in which
6 the party indicted may be recognized for his or her appearance by any
7 officer charged with the duty of arresting him or her.

8 Sec. 55. Section 29-1802, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 29-1802 The clerk of the district court shall, upon the filing of
11 any indictment with him or her ~~and~~ and after the person indicted is in
12 custody or let to bail, cause the same to be entered on the record ~~of~~
13 ~~record on the journal~~ of the court, ~~and~~ ~~and~~ and in case of the loss of the
14 original, such record or a certified copy thereof shall be used in place
15 thereof upon the trial of the cause. Within twenty-four hours after the
16 filing of an indictment for felony, and in every other case on request,
17 the clerk shall make and deliver to the sheriff and ~~and~~ the defendant or
18 his or her counsel a copy of the indictment, and the sheriff on receiving
19 such copy shall serve the same upon the defendant. No one shall be,
20 without his or her assent, arraigned or called on to answer to any
21 indictment until one day has elapsed ~~shall have elapsed~~, after receiving
22 in person or by counsel, ~~or~~ or having an opportunity to receive a copy of
23 such indictment ~~as aforesaid~~.

24 Sec. 56. Section 29-1816.01, Reissue Revised Statutes of Nebraska,
25 is amended to read:

26 29-1816.01 On the arraignment in the district court of any person
27 accused of a felony, the court may require the official reporter of the
28 ~~said~~ court to make a record ~~stenographic report~~ of the proceedings ~~had~~ in
29 such court incident to such arraignment and the disposition of the charge
30 made against the accused including sentence in the event of conviction.
31 The court may further require the court reporter to prepare a transcript

1 of ~~the his~~ report of such proceedings, ~~authenticate the said proceedings,~~
2 ~~authenticate said~~ transcript with an appropriate certificate to be
3 attached thereto, and cause the same to be filed in the office of the
4 clerk of the said court. Such transcript ~~need not be copied in either the~~
5 ~~journal of said court or the complete record in said office,~~ but shall be
6 kept in a special file and not removed from the office of the clerk of
7 the district court, except on an order of a judge of the said court
8 expressly authorizing removal. In the event that the transcript is so
9 made, authenticated and filed, it, or a duly certified copy thereof,
10 shall become and be competent and lawful evidence and admissible as such
11 in any of the courts of this state.

12 Sec. 57. Section 29-2001, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 29-2001 No person indicted for a felony shall be tried unless
15 personally present during the trial. Persons indicted for a misdemeanor
16 may, at their own request, by leave of the court be put on trial in their
17 absence. The request shall be in writing and entered on the record
18 ~~journal~~ of the court.

19 Sec. 58. Section 29-2023, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-2023 In case a jury shall be discharged on account of sickness of
22 a juror, or other accident or calamity requiring their discharge, or
23 after they have been kept so long together that there is no probability
24 of agreeing, the court shall, upon directing the discharge, order that
25 the reasons for such discharge shall be entered upon the record journal;
26 and such discharge shall be without prejudice to the prosecution.

27 Sec. 59. Section 29-2315.01, Reissue Revised Statutes of Nebraska,
28 is amended to read:

29 29-2315.01 The prosecuting attorney may take exception to any ruling
30 or decision of the court made during the prosecution of a cause by
31 presenting to the trial court the application for leave to file ~~docket~~ an

1 appeal with reference to the rulings or decisions of which complaint is
2 made. Such application shall contain a copy of the ruling or decision
3 complained of, the basis and reasons for objection thereto, and a
4 statement by the prosecuting attorney as to the part of the record he or
5 she proposes to present to the appellate court. Such application shall be
6 filed with ~~presented to~~ the trial court within twenty days after the
7 final order is entered in the cause, and upon presentation, if the trial
8 court finds it is in conformity with the truth, the judge of the trial
9 court shall sign the same and shall further indicate thereon whether in
10 his or her opinion the part of the record which the prosecuting attorney
11 proposes to present to the appellate court is adequate for a proper
12 consideration of the matter. The prosecuting attorney shall then file
13 such application with ~~present such application to~~ the appellate court
14 within thirty days from the date of the final order. If the application
15 is granted, the prosecuting attorney shall within thirty days from such
16 granting order a bill of exceptions in accordance with section 29-2020 if
17 such bill of exceptions is desired and otherwise proceed to obtain a
18 review of the case as provided in section 25-1912.

19 Sec. 60. Section 29-2407, Revised Statutes Supplement, 2017, is
20 amended to read:

21 29-2407 Judgments for fines and costs in criminal cases shall be a
22 lien upon all the property of the defendant within the county from the
23 time of filing ~~docketing~~ the case by the clerk of the proper court, and
24 judgments upon forfeited recognizance shall be a like lien from the time
25 of forfeiture. No property of any convict shall be exempt from execution
26 issued upon any such judgment as set out in this section against such
27 convict except in cases when the convict is sentenced to a Department of
28 Correctional Services adult correctional facility for a period of more
29 than two years or to suffer death, in which cases there shall be the same
30 exemptions as at the time may be provided by law for civil cases. The
31 lien on real estate of any such judgment for costs shall terminate as

1 provided in section 25-1716.

2 Sec. 61. Section 29-2413, Reissue Revised Statutes of Nebraska, is
3 amended to read:

4 29-2413 In every case, whenever it is desirable to obtain execution
5 to be issued to another county, or against the lands or real estate of
6 any person against whom a judgment for fine or costs has been rendered by
7 a magistrate, the magistrate may file with the clerk of the district
8 court of the county wherein such magistrate holds his office, a
9 transcript of the judgment ~~and proceedings in the cause~~, whereupon such
10 clerk shall enter the cause upon the register of actions and shall file
11 with the clerk of such court a praecipe and proper docket for execution
12 to be forthwith issued thereon by such clerk, and served in all respects
13 as though the judgment had been rendered in the district court of such
14 county.

15 Sec. 62. Section 29-3903, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 29-3903 At a felony defendant's first appearance before a judge, the
18 judge shall advise him or her of the right to court-appointed counsel if
19 such person is indigent. If he or she asserts indigency, the court shall
20 make a reasonable inquiry to determine such person's financial condition
21 and shall require him or her to execute an affidavit of indigency for
22 filing with the clerk of the court.

23 If the court determines the defendant to be indigent, it shall
24 formally appoint the public defender or, in counties not having a public
25 defender, an attorney or attorneys licensed to practice law in this
26 state, not exceeding two, to represent the indigent felony defendant at
27 all future critical stages of the criminal proceedings against such
28 defendant, consistent with the provisions of section 23-3402, but
29 appointed counsel other than the public defender must obtain leave of
30 court before being authorized to proceed beyond an initial direct appeal
31 to either the Court of Appeals or the Supreme Court of Nebraska to any

1 further direct, collateral, or postconviction appeals to state or federal
2 courts.

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

8 The judge, upon filing such order for appointment, shall note ~~make a~~
9 ~~notation of such appointment~~ and all appearances of appointed counsel
10 upon the record court's docket. If at the time of appointment of counsel
11 the indigent felony defendant and appointed counsel have not had a
12 reasonable opportunity to consult concerning the prosecution, the judge
13 shall continue the arraignment, trial, or other next stage of the felony
14 proceedings for a reasonable period of time to allow for such
15 consultation.

16 Sec. 63. Section 29-4007, Reissue Revised Statutes of Nebraska, is
17 amended to read:

18 29-4007 (1) When sentencing a person convicted of a registrable
19 offense under section 29-4003, the court shall:

20 (a) Provide written notification of the duty to register under the
21 Sex Offender Registration Act at the time of sentencing to any defendant
22 who has pled guilty or has been found guilty of a registrable offense
23 under section 29-4003. The written notification shall:

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

29 (ii) Inform the defendant that if he or she moves to another address
30 within the same county, he or she must report to the county sheriff of
31 the county in which he or she is residing within three working days

1 before his or her move;

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

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

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

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

29 (vii) Inform the defendant that he or she shall (A) inform the
30 sheriff of the county in which the employment site is located, in person,
31 of the name and address of any place where he or she is or will be an

1 employee, within three working days after such employment, and (B) inform
2 the sheriff of the county in which the employment site is located, in
3 person, of any change in his or her employment;

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

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

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

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

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

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

20 (d) Provide a copy of the filed notification ~~signed, written~~
21 ~~notification, the judgment and sentence,~~ the information or amended
22 information, and the sentencing order journal ~~entry~~ of the court to the
23 county attorney, the defendant, the sex offender registration and
24 community notification division of the Nebraska State Patrol, and the
25 county sheriff of the county in which the defendant resides, has a
26 temporary domicile, or has a habitual living location.

27 (2) When a person is convicted of a registrable offense under
28 section 29-4003 and is not subject to immediate incarceration upon
29 sentencing, prior to being released by the court, the sentencing court
30 shall ensure that the defendant is registered by a Nebraska State Patrol
31 office or other location designated by the patrol for purposes of

1 accepting registrations.

2 (3)(a) The Department of Correctional Services or a city or county
3 correctional or jail facility shall provide written notification of the
4 duty to register pursuant to the Sex Offender Registration Act to any
5 person committed to its custody for a registrable offense under section
6 29-4003 prior to the person's release from incarceration. The written
7 notification shall:

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

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

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

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

29 (v) Inform the person that if he or she moves to another state, he
30 or she must report, in person, the change of address to the county
31 sheriff of the county in which he or she has been residing, has had a

1 temporary domicile, or has been habitually living and must comply with
2 the registration requirements of the state to which he or she is moving.
3 The report must be given within three working days before his or her
4 move;

5 (vi) Inform the person that he or she shall (A) inform the sheriff
6 of the county in which he or she resides, has a temporary domicile, or is
7 habitually living, in person, of each educational institution at which he
8 or she is employed, carries on a vocation, or attends school, within
9 three working days after such employment or attendance, and (B) notify
10 the sheriff of any change in such employment or attendance status of such
11 person at such educational institution, within three working days after
12 such change;

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

19 (viii) Inform the person that if he or she goes to another state to
20 work or goes to another state as a student and still resides, has a
21 temporary domicile, or has a habitual living location in this state, he
22 or she must comply with the registration requirements of both states;

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

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

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

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

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

4 (ii) Retain a signed copy of the written notification to register;
5 and

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

9 (4) If a person is convicted of a registrable offense under section
10 29-4003 and is immediately incarcerated, he or she shall be registered as
11 required under the act prior to discharge, parole, or work release.

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

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

18 Sec. 64. Section 30-2429.01, Reissue Revised Statutes of Nebraska,
19 is amended to read:

20 30-2429.01 (1) If there is an objection to probate of a will or if a
21 petition is filed to set aside an informal probate of a will or to
22 prevent informal probate of a will which is the subject of a pending
23 application, the county court shall continue the originally scheduled
24 hearing for at least fourteen days from the date of the hearing. At any
25 time prior to the continued hearing date any party may transfer the
26 proceeding to determine whether the decedent left a valid will to the
27 district court by filing with the county court a notice of transfer,
28 depositing with the clerk of the county court a docket fee of the docket
29 ~~fee in the amount of the filing fee in~~ district court for cases
30 originally commenced in district court, and paying to the clerk of the
31 county court a fee of twenty dollars.

1 (2) Within ten days of the completion of the requirements of
2 subsection (1) of this section, the clerk of the county court shall
3 transmit to the clerk of the district court a certification of the case
4 file and docket fee. ~~certified transcript of the complete record of the~~
5 ~~matter transferred and the docket fee.~~

6 (3) Upon the filing of the certification as provided in subsection
7 (2) of this section ~~transcript~~ in the district court, such court shall
8 have jurisdiction over the proceeding on the contest. Within thirty days
9 of the filing of such certification ~~the transcript~~, any party may file
10 additional objections.

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

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

18 Sec. 65. Section 30-2488, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 30-2488 (a) As to claims presented in the manner described in
21 section 30-2486 within the time limit prescribed in section 30-2485, the
22 personal representative may mail a notice to any claimant stating that
23 the claim has been disallowed. If, after allowing or disallowing a claim,
24 the personal representative changes his or her decision concerning the
25 claim, he or she shall notify the claimant. The personal representative
26 may not change a disallowance of a claim after the time for the claimant
27 to file a petition for allowance or to commence a proceeding on the claim
28 has run and the claim has been barred. Every claim which is disallowed in
29 whole or in part by the personal representative is barred so far as not
30 allowed unless the claimant files a petition for allowance in the court
31 or commences a proceeding against the personal representative not later

1 than sixty days after the mailing of the notice of disallowance or
2 partial allowance if the notice warns the claimant of the impending bar.
3 Failure of the personal representative to mail notice to a claimant of
4 action on his or her claim for sixty days after the time for original
5 presentation of the claim has expired has the effect of a notice of
6 allowance.

7 (b) At any time within fourteen days of the filing of a petition for
8 allowance of a claim, the personal representative may transfer the claim
9 to the regular docket of the county court by filing with the court a
10 notice of transfer. The county court shall hear and determine the claim
11 in the same manner as actions originally filed in the county court on the
12 regular docket. The county court may order such additional pleadings as
13 are necessary. If the claim is greater than the jurisdictional amount in
14 subdivision (5) of section 24-517 and the personal representative
15 requests transfer of the claim to the district court, upon payment by the
16 personal representative to the clerk of the district court of a docket
17 fee of the ~~a docket fee in the amount of the filing fee in~~ district
18 court, the county court shall transfer the claim to the district court as
19 provided in section 25-2706. If the claim is transferred to the district
20 court, a jury trial is allowed unless waived by the parties as provided
21 under section 25-1104.

22 (c) Upon the petition of the personal representative or of a
23 claimant in a proceeding for the purpose, the court may allow in whole or
24 in part any claim or claims filed with the clerk of the court in due time
25 and not barred by subsection (a) of this section. Notice in this
26 proceeding shall be given to the claimant, the personal representative,
27 and those other persons interested in the estate as the court may direct
28 by order entered at the time the proceeding is commenced.

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

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

7 Sec. 66. Section 30-2608, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 30-2608 (a) The father and mother are the natural guardians of their
10 minor children and are duly entitled to their custody and to direct their
11 education, being themselves competent to transact their own business and
12 not otherwise unsuitable. If either dies or is disqualified for acting,
13 or has abandoned his or her family, the guardianship devolves upon the
14 other except as otherwise provided in this section.

15 (b) In the appointment of a parent as a guardian when the other
16 parent has died and the child was born out of wedlock, the court shall
17 consider the wishes of the deceased parent as expressed in a valid will
18 executed by the deceased parent. If in such valid will the deceased
19 parent designates someone other than the other natural parent as guardian
20 for the minor children, the court shall take into consideration the
21 designation by the deceased parent. In determining whether or not the
22 natural parent should be given priority in awarding custody, the court
23 shall also consider the natural parent's acknowledgment of paternity,
24 payment of child support, and whether the natural parent is a fit,
25 proper, and suitable custodial parent for the child.

26 (c) The court may appoint a standby guardian for a minor whose
27 parent is chronically ill or near death. The appointment of a guardian
28 under this subsection does not suspend or terminate the parent's parental
29 rights of custody to the minor. The standby guardian's authority would
30 take effect, if the minor is left without a remaining parent, upon (1)
31 the death of the parent, (2) the mental incapacity of the parent, or (3)

1 the physical debilitation and consent of the parent.

2 (d) The court may appoint a guardian for a minor if all parental
3 rights of custody have been terminated or suspended by prior or current
4 circumstances or prior court order. The juvenile court may appoint a
5 guardian for a child adjudicated to be under subdivision (3)(a) of
6 section 43-247 as provided in section 43-1312.01. A guardian appointed by
7 will as provided in section 30-2606 whose appointment has not been
8 prevented or nullified under section 30-2607 has priority over any
9 guardian who may be appointed by the court, but the court may proceed
10 with an appointment upon a finding that the testamentary guardian has
11 failed to accept the testamentary appointment within thirty days after
12 notice of the guardianship proceeding.

13 (e) The petition and all other court filings for a guardianship
14 proceeding shall be filed with the clerk of the county court. The party
15 shall state in the petition whether such party requests that the
16 proceeding be heard by the county court or, in cases in which a separate
17 juvenile court already has jurisdiction over the child in need of a
18 guardian under the Nebraska Juvenile Code, such separate juvenile court.
19 Such proceeding is considered a county court proceeding even if heard by
20 a separate juvenile court judge, and an order of the separate juvenile
21 court in such guardianship proceeding has the force and effect of a
22 county court order. The testimony in a guardianship proceeding heard
23 before a separate juvenile court judge shall be preserved as in any other
24 separate juvenile court proceeding. ~~The clerks of the district courts~~
25 ~~shall transfer all guardianship petitions and other guardianship filings~~
26 ~~which were filed with such clerks prior to August 28, 1999, to the clerk~~
27 ~~of the county court where the separate juvenile court which heard the~~
28 ~~proceeding is situated. The clerk of such county court shall file and~~
29 ~~docket such petitions and other filings.~~

30 Sec. 67. Section 31-320, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 31-320 If, upon the filing of the report of the engineer, together
2 with the ~~his~~ estimates as provided in section 31-311, it appears ~~shall~~
3 ~~appear~~ that lands, other than those incorporated by the court in the
4 district, will be benefited by the drainage improvements of the district,
5 the chairperson ~~it shall be the duty of the chairman~~ of the board of
6 supervisors shall ~~to~~ file a petition in the district court of the county
7 where the district was originally organized, containing a description of
8 the lands, and the name or names of the owners as they appear on the tax
9 duplicate of the county in which the lands are situated and their place
10 or places of residence, and alleging that such land will be benefited by
11 the improvements and ought in justice bear its proportion of the expense
12 and cost of such improvement, and that such land was not incorporated
13 within the limits of the ~~said~~ drainage district as originally established
14 by the court. If the names of the owners of any such tract or tracts of
15 land are unknown, this fact shall be stated. The prayer of the petition
16 shall be that such tract or tracts of land may be incorporated and made a
17 part of the district. Upon the filing of such petition, duly verified, as
18 ~~herein provided~~, the clerk of the district court shall issue summons or
19 notice to the parties interested as provided by section 31-303 with
20 reference to the original petition for the establishment of the district,
21 the same proceedings shall be had upon the petition and in the same court
22 as upon the original petition for the establishment of the district, and
23 the same provisions of law shall apply thereto insofar as the same are
24 applicable. Upon the return day of such notice or summons, or at any
25 other time to which the court shall adjourn the cause, the court shall
26 have jurisdiction to try and determine such matter at chambers and to
27 make all necessary orders, judgments, and decrees. The owners of such
28 lands may by writing, duly verified, waive the issuance and service of
29 all notice or process and consent that the court may at once upon the
30 filing of the petition and waiver enter the necessary decree. Upon filing
31 the petition it shall be the duty of the clerk to record ~~docket~~ the

1 cause, as a proceeding in and part of the original cause for the
2 establishment of the district. After entering of the decree of the court,
3 the land and all of the parties so brought into the district shall be
4 subject to the same provisions of law as would have applied to them had
5 they been incorporated in the original petition and decree entered
6 thereon. No ; ~~Provided,~~ no land shall be included in such drainage
7 district or be subject to taxation for the drainage except wet,
8 submerged, and swamp lands or land within a district subject to overflow.

9 Sec. 68. Section 31-329, Reissue Revised Statutes of Nebraska, is
10 amended to read:

11 31-329 Any person or corporation who has filed objections and had a
12 hearing, ~~as herein provided for,~~ feeling aggrieved by the decision and
13 judgment of the board of supervisors, may appeal to the district court
14 within and for the county in which the drainage district was originally
15 established, upon giving a bond conditioned the same as in appeals to the
16 district court as from civil actions in county court in this state and
17 payable to the drainage district, and in addition thereto conditioned
18 that the appellant he will pay all damages which may accrue to the
19 drainage district by reason of such appeal. The bond shall be approved by
20 the secretary of the board of supervisors, and filed with the secretary
21 within ten days after the rendition of the decision appealed from. Within
22 ten days after the filing of the bond the secretary shall make and file a
23 transcript of the proceedings appealed from, together with all the
24 documents ~~papers~~ relating thereto, with the clerk of the district court
25 in which the ~~said~~ matter has been appealed. Upon the filing of the
26 transcript and bond, the district court shall have jurisdiction of the
27 cause, and the same shall be ~~docketed and~~ filed as in appeals in other
28 civil actions to such court. The court shall hear and determine all such
29 objections in a summary manner as in a case in equity, and shall increase
30 or reduce the amount of benefit on any tract where the same may be
31 required in order to make the apportionment equitable. All objections

1 that may be filed shall be heard and determined by the court as one
2 proceeding, and only one transcript of the final order of the board of
3 supervisors, fixing the apportionments or benefits, shall be required.
4 The clerk of the district court shall forthwith certify the decision of
5 the court to the board of supervisors, which shall take such action as
6 may be rendered necessary by such decisions.

7 Sec. 69. Section 32-1412, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 32-1412 (1) If the Secretary of State refuses to place on the ballot
10 any measure proposed by an initiative petition presented at least four
11 months preceding the date of the election at which the proposed law or
12 constitutional amendment is to be voted upon or a referendum petition
13 presented within ninety days after the Legislature enacting the law to
14 which the petition applies adjourns sine die or for a period longer than
15 ninety days, any resident may apply, within ten days after such refusal,
16 to the district court of Lancaster County for a writ of mandamus. If it
17 is decided by the court that such petition is legally sufficient, the
18 Secretary of State shall order the issue placed upon the ballot at the
19 next general election.

20 (2) On a showing that an initiative or referendum petition is not
21 legally sufficient, the court, on the application of any resident, may
22 enjoin the Secretary of State and all other officers from certifying or
23 printing on the official ballot for the next general election the ballot
24 title and number of such measure. If a suit is filed against the
25 Secretary of State seeking to enjoin him or her from placing the measure
26 on the official ballot, the person who is the sponsor of record of the
27 petition shall be a necessary party defendant in such suit.

28 (3) Such suits shall be advanced on the trial court ~~court~~ docket and heard
29 and decided by the court as quickly as possible. Either party may appeal
30 to the Court of Appeals within ten days after a decision is rendered. The
31 appeal procedures described in the Administrative Procedure Act shall not

1 apply to this section.

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

4 Sec. 70. Section 33-106, Revised Statutes Supplement, 2017, is
5 amended to read:

6 33-106 (1) In addition to the judges' retirement fund fee provided
7 in section 24-703 and the fees provided in section 33-106.03 and except
8 as otherwise provided by law, the fees of the clerk of the district court
9 shall be as follows: There shall be a docket fee of forty-two dollars for
10 each civil and criminal case except (a) a case commenced by filing a
11 transcript of judgment as hereinafter provided, (b) proceedings under the
12 Nebraska Workers' Compensation Act and the Employment Security Law, when
13 provision is made for the fees that may be charged, and (c) a criminal
14 case appealed to the district court from any court inferior thereto as
15 hereinafter provided. There shall be a docket fee of twenty-five dollars
16 for each case commenced by filing a transcript of judgment from another
17 court in this state for the purpose of obtaining a lien. There shall be a
18 docket fee of twenty-seven dollars for each criminal case appealed to the
19 district court from any court inferior thereto.

20 (2) In all cases, other than those appealed from an inferior court
21 or original filings which are within jurisdictional limits of an inferior
22 court and when a jury is demanded in district court, the docket fee shall
23 cover all fees of the clerk, except that the clerk shall be paid for each
24 copy or transcript ordered of any pleading, record, or other document
25 ~~paper~~ and that the clerk shall be entitled to a fee of fifteen dollars
26 for a records management fee which will be taxed as costs of the making a
27 ~~complete record of a case.~~

28 (3) ~~The fee for making a complete record of a case shall be taxed as~~
29 ~~a part of the costs of the case.~~ In all civil cases, except habeas corpus
30 cases in which a poverty affidavit is filed and approved by the court,
31 and for all other services, the docket fee or other fee shall be paid by

1 the party filing the case or requesting the service at the time the case
2 is filed or the service requested.

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

7 Sec. 71. Section 33-106.01, Reissue Revised Statutes of Nebraska, is
8 amended to read:

9 33-106.01 ~~The Each~~ clerk of the district court shall keep a record
10 ~~of docket in which he shall enter~~ the costs chargeable and taxable
11 against each party in any suit pending in court. ~~He or she said courts~~
12 ~~respectively. He is empowered~~ at any time may ~~to~~ make out a statement of
13 such fees specifying each item of the fees so charged and taxed under
14 seal of the court, which fee bill, so made under the seal of the said
15 court, shall have the same force and effect as an execution. The sheriff
16 to whom the said fee bill shall be issued shall execute the same as an
17 execution, and have the same fees therefor. The clerk shall not enter on
18 the record ~~in such docket~~ any fees of any officer claiming the same,
19 unless such officer shall duly return an itemized bill of the same.

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

22 33-131 ~~The clerks of the district court,~~ sheriffs, county judges,
23 county treasurers, county clerks, and registers of deeds of the several
24 counties of the state shall each keep a book, unless authorized to use a
25 computerized system, which shall be provided by the county, which shall
26 be known as the fee book, which shall be a part of the records of such
27 office, and in which shall be entered each and every item of fees
28 collected showing in separate columns the name of the party from whom
29 received, the date of receiving the same, the amount received, and for
30 what service the same was charged. The clerks of the district court shall
31 use the court's electronic case management system provided by the state

1 which shall be the record of receipts and reimbursements.

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

4 33-140.03 The county board shall examine the books and records
5 ~~dockets~~ of the clerk of the county and district courts of the county. If
6 the board finds that a clerk has failed to report or pay over any of the
7 fees required by section 33-140 to be paid over or reported, the board
8 shall notify the clerk to pay over the fees at once. If the clerk fails
9 to pay over such fees to the county treasurer, the county board shall
10 commence suit in any court having jurisdiction against the clerk and the
11 person who issued the clerk's bond. The action shall be commenced in the
12 name of the county for the benefit of the common schools of the county.

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

15 35-102 No volunteer fire department shall have upon its rolls at one
16 time more than twenty-five persons, for each engine and hose company in
17 such ~~said~~ fire department, and no hook and ladder company shall have upon
18 its rolls at any one time more than twenty-five members. ~~The foreman and~~
19 ~~secretary of every such company shall, on the first day of April and~~
20 ~~October in each year, file in the office of the clerk of the district~~
21 ~~court in and for the respective counties a certified copy of the rolls of~~
22 ~~their respective companies so as to obtain for the members thereof the~~
23 ~~privilege of the exemption mentioned in section 35-101.~~ No organization
24 shall be deemed to be a bona fide fire₇ or hook and ladder company until
25 it has ~~shall~~ have procured for active service apparatus for the
26 extinguishment or prevention of fires, in case of a hose company, to the
27 value of seven hundred dollars, and of a hook and ladder company to the
28 value of five hundred dollars.

29 Sec. 75. Section 37-1283, Revised Statutes Supplement, 2017, is
30 amended to read:

31 37-1283 (1) Whenever ~~In the event of the transfer of ownership of a~~

1 motorboat is transferred by operation of law as upon inheritance, devise,
2 ~~or~~ bequest, order in bankruptcy, insolvency, replevin, or execution sale,
3 (2) whenever a motorboat is sold to satisfy storage or repair charges or
4 under section 76-1607, or (3) whenever repossession is had upon default
5 in performance of the terms of a chattel mortgage, trust receipt,
6 conditional sales contract, or other like agreement, and upon acceptance
7 of an electronic certificate of title record after repossession, in
8 addition to the title requirements in this section, the county treasurer
9 of any county or the Department of Motor Vehicles, upon the surrender of
10 the prior certificate of title or the manufacturer's or importer's
11 certificate, or when that is not possible, upon presentation of
12 satisfactory proof of ownership and right of possession to the motorboat,
13 and upon payment of the fee prescribed in section 37-1287 and the
14 presentation of an application for certificate of title, may issue to the
15 applicant a certificate of title thereto. If the prior certificate of
16 title issued for the motorboat provided for joint ownership with right of
17 survivorship, a new certificate of title shall be issued to a subsequent
18 purchaser upon the assignment of the prior certificate of title by the
19 surviving owner and presentation of satisfactory proof of death of the
20 deceased owner. Only an affidavit by the person or agent of the person to
21 whom possession of the motorboat has so passed, setting forth facts
22 entitling him or her to such possession and ownership, together with a
23 copy of a court order or an ~~the journal entry, court order, or~~ instrument
24 upon which such claim of possession and ownership is founded shall be
25 considered satisfactory proof of ownership and right of possession,
26 except that if the applicant cannot produce such proof of ownership, he
27 or she may submit to the department such evidence as he or she may have
28 and the department may thereupon, if it finds the evidence sufficient,
29 issue the certificate of title or authorize any county treasurer to issue
30 a certificate of title, as the case may be. If from the records of the
31 county treasurer or the department there appear to be any liens on the

1 motorboat, the certificate of title shall comply with section 37-1282
2 regarding the liens unless the application is accompanied by proper
3 evidence of their satisfaction or extinction.

4 Sec. 76. Section 42-364, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 42-364 (1)(a) In an action under Chapter 42 involving child support,
7 child custody, parenting time, visitation, or other access, the parties
8 and their counsel, if represented, shall develop a parenting plan as
9 provided in the Parenting Act. If the parties and counsel do not develop
10 a parenting plan, the complaint shall so indicate as provided in section
11 42-353 and the case shall be referred to mediation or specialized
12 alternative dispute resolution as provided in the Parenting Act. For good
13 cause shown and (i) when both parents agree and such parental agreement
14 is bona fide and not asserted to avoid the purposes of the Parenting Act,
15 or (ii) when mediation or specialized alternative dispute resolution is
16 not possible without undue delay or hardship to either parent, the
17 mediation or specialized alternative dispute resolution requirement may
18 be waived by the court. In such a case where waiver of the mediation or
19 specialized alternative dispute resolution is sought, the court shall
20 hold an evidentiary hearing and the burden of proof for the party or
21 parties seeking waiver is by clear and convincing evidence.

22 (b) The decree in an action involving the custody of a minor child
23 shall include the determination of legal custody and physical custody
24 based upon the best interests of the child, as defined in the Parenting
25 Act, and child support. Such determinations shall be made by
26 incorporation into the decree of (i) a parenting plan developed by the
27 parties, if approved by the court, or (ii) a parenting plan developed by
28 the court based upon evidence produced after a hearing in open court if
29 no parenting plan is developed by the parties or the plan developed by
30 the parties is not approved by the court. The decree shall conform to the
31 Parenting Act.

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

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

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

19 (4) In determining the amount of child support to be paid by a
20 parent, the court shall consider the earning capacity of each parent and
21 the guidelines provided by the Supreme Court pursuant to section
22 42-364.16 for the establishment of child support obligations. Upon
23 application, hearing, and presentation of evidence of an abusive
24 disregard of the use of child support money or cash medical support paid
25 by one party to the other, the court may require the party receiving such
26 payment to file a verified report with the court, as often as the court
27 requires, stating the manner in which child support money or cash medical
28 support is used. Child support money or cash medical support paid to the
29 party having physical custody of the minor child shall be the property of
30 such party except as provided in section 43-512.07. The clerk of the
31 district court shall maintain a record, ~~separate from all other judgment~~

1 ~~dockets,~~ of all decrees and orders in which the payment of child support,
2 cash medical support, or spousal support has been ordered, whether
3 ordered by a district court, county court, separate juvenile court, or
4 county court sitting as a juvenile court. Orders for child support or
5 cash medical support in cases in which a party has applied for services
6 under Title IV-D of the federal Social Security Act, as amended, shall be
7 reviewed as provided in sections 43-512.12 to 43-512.18.

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

19 (6) Modification proceedings relating to support, custody, parenting
20 time, visitation, other access, or removal of children from the
21 jurisdiction of the court shall be commenced by filing a complaint to
22 modify. Modification of a parenting plan is governed by the Parenting
23 Act. Proceedings to modify a parenting plan shall be commenced by filing
24 a complaint to modify. Such actions shall be referred to mediation or
25 specialized alternative dispute resolution as provided in the Parenting
26 Act. For good cause shown and (a) when both parents agree and such
27 parental agreement is bona fide and not asserted to avoid the purposes of
28 the Parenting Act, or (b) when mediation or specialized alternative
29 dispute resolution is not possible without undue delay or hardship to
30 either parent, the mediation or specialized alternative dispute
31 resolution requirement may be waived by the court. In such a case where

1 waiver of the mediation or specialized alternative dispute resolution is
2 sought, the court shall hold an evidentiary hearing and the burden of
3 proof for the party or parties seeking waiver is by clear and convincing
4 evidence. Service of process and other procedure shall comply with the
5 requirements for a dissolution action.

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

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

12 42-372.02 (1) When a decree of dissolution of marriage assigns real
13 estate to either party, the party to whom the real estate is assigned may
14 (a) prepare and file with the clerk of the district court an affidavit
15 identifying the real estate by legal description and affirmatively
16 identifying the person entitled to the real estate and (b) prepare for
17 signature and seal by the clerk one or more certificates in a form
18 substantially similar to the following:

CERTIFICATE OF DISSOLUTION OF MARRIAGE

19 , Clerk of the District Court of
20 County, Nebraska, certifies that in Case No., ~~Docket~~.....,
21 ~~Page~~....., in such Court, entitled
22 vs., the Court entered its decree of dissolution
23 of marriage in which the interest of in the
24 following described real estate in County, Nebraska:

- 25
- 26
- 27
- 28
- 29

30 has been assigned to

31 Dated:

1 (SEAL) Clerk of the District Court
2 County, Nebraska.

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

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

13 43-102 Except as otherwise provided in the Nebraska Indian Child
14 Welfare Act, any person or persons desiring to adopt a minor child or an
15 adult child shall file a petition for adoption signed and sworn to by the
16 person or persons desiring to adopt. The consent or consents required by
17 sections 43-104 and 43-105 or section 43-104.07, the documents required
18 by section 43-104.07 or the documents required by sections 43-104.08 to
19 43-104.25, and a completed preplacement adoptive home study if required
20 by section 43-107 shall be filed prior to the hearing required in section
21 43-103.

22 The county court of the county in which the person or persons
23 desiring to adopt a child reside has jurisdiction of adoption
24 proceedings, except that if a separate juvenile court already has
25 jurisdiction over the child to be adopted under the Nebraska Juvenile
26 Code, such separate juvenile court has concurrent jurisdiction with the
27 county court in such adoption proceeding. If a child to be adopted is a
28 ward of any court or a ward of the state at the time of placement and at
29 the time of filing an adoption petition, the person or persons desiring
30 to adopt shall not be required to be residents of Nebraska. The petition
31 and all other court filings for an adoption proceeding shall be filed

1 with the clerk of the county court. The party shall state in the petition
2 whether such party requests that the proceeding be heard by the county
3 court or, in cases in which a separate juvenile court already has
4 jurisdiction over the child to be adopted under the Nebraska Juvenile
5 Code, such separate juvenile court. Such proceeding is considered a
6 county court proceeding even if heard by a separate juvenile court judge
7 and an order of the separate juvenile court in such adoption proceeding
8 has the force and effect of a county court order. The testimony in an
9 adoption proceeding heard before a separate juvenile court judge shall be
10 preserved as in any other separate juvenile court proceeding. ~~The clerks~~
11 ~~of the district courts shall transfer all adoption petitions and other~~
12 ~~adoption filings which were filed with such clerks prior to August 28,~~
13 ~~1999, to the clerk of the county court where the separate juvenile court~~
14 ~~which heard the proceeding is situated. The clerk of such county court~~
15 ~~shall file and docket such petitions and other filings.~~

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

21 Sec. 79. Section 43-2,108, Revised Statutes Supplement, 2017, is
22 amended to read:

23 43-2,108 (1) The juvenile court judge shall keep a record minute
24 book in which he or she shall enter minutes of all proceedings of the
25 court in each case, including appearances, findings, orders, decrees, and
26 judgments, and any evidence which he or she feels it is necessary and
27 proper to record. The case file shall contain the complaint or petition
28 and subsequent pleadings. The case file may be maintained as an
29 electronic document through the court's electronic case management
30 system, on microfilm, or in a paper volume and disposed of when
31 determined by the State Records Administrator pursuant to the Records

1 ~~Management Act Juvenile court legal records shall be deposited in files~~
2 ~~and shall include the petition, summons, notice, certificates or receipts~~
3 ~~of mailing, minutes of the court, findings, orders, decrees, judgments,~~
4 ~~and motions.~~

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

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

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

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

17 (5) In all cases under sections 43-246.01 and 43-247, the office of
18 Inspector General of Nebraska Child Welfare may submit a written request
19 to the probation administrator for access to the records of juvenile
20 probation officers in a specific case. Upon a juvenile court order, the
21 records shall be provided to the Inspector General within five days for
22 the exclusive use in an investigation pursuant to the Office of Inspector
23 General of Nebraska Child Welfare Act. Nothing in this subsection shall
24 prevent the notification of death or serious injury of a juvenile to the
25 Inspector General of Nebraska Child Welfare pursuant to section 43-4318
26 as soon as reasonably possible after the Office of Probation
27 Administration learns of such death or serious injury.

28 (6) In all cases under sections 43-246.01 and 43-247, the juvenile
29 court shall disseminate confidential record information to the Foster
30 Care Review Office pursuant to the Foster Care Review Act.

31 (7) Nothing in subsections (3), (5), and (6) of this section shall

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

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

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

23 (9) Nothing in subsection (3), (5), or (6) of this section shall be
24 construed to restrict the immediate dissemination of a current picture
25 and information about a child who is missing from a foster care or out-
26 of-home placement. Such dissemination by the Office of Probation
27 Administration shall be authorized by an order of a judge or court. Such
28 information shall be subject to state and federal confidentiality laws
29 and shall not include that the child is in the care, custody, or control
30 of the Department of Health and Human Services or under the supervision
31 of the Office of Probation Administration.

1 Sec. 80. Section 43-2,112, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 43-2,112 The question of whether or not there shall be established a
4 separate juvenile court in any county having a population of seventy-five
5 thousand or more inhabitants shall be submitted to the registered voters
6 of any such county at the first statewide general election or at any
7 special election held not less than four months after the filing with the
8 Secretary of State of a petition requesting the establishment of such
9 court signed by registered voters of such county in a number not less
10 than five percent of the total votes cast for Governor in such county at
11 the general state election next preceding the filing of the petition. The
12 question shall be submitted to the registered voters of the county in the
13 following form:

14 Shall there be established in County a separate juvenile
15 court?

16 Yes

17 No

18 The election shall be conducted and the ballots shall be counted and
19 canvassed in the manner prescribed by the Election Act.

20 After a separate juvenile court has been established, the clerk of
21 the county court shall forthwith transfer to the trial docket of the
22 separate juvenile court all pending matters within the exclusive
23 jurisdiction of the separate juvenile court for consideration and
24 disposition by the judge thereof.

25 Sec. 81. Section 43-2,113, Reissue Revised Statutes of Nebraska, is
26 amended to read:

27 43-2,113 (1) In counties where a separate juvenile court is
28 established, the county board of the county shall provide suitable rooms
29 and offices for the accommodation of the judge of the separate juvenile
30 court and the officers and employees appointed by such judge or by the
31 probation administrator pursuant to subsection (4) of section 29-2253.

1 Such separate juvenile court and the judge, officers, and employees of
2 such court shall have the same and exclusive jurisdiction, powers, and
3 duties that are prescribed in the Nebraska Juvenile Code, concurrent
4 jurisdiction under section 83-223, and such other jurisdiction, powers,
5 and duties as specifically provided by law.

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

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

24 Sec. 82. Section 44-2006, Reissue Revised Statutes of Nebraska, is
25 amended to read:

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

30 (1) As used in this section:

31 (a) Reciprocal state shall mean any state or territory of the United

1 States the laws of which contain procedures substantially similar to
2 those specified in this section for the enforcement of decrees or orders
3 in equity issued by courts located in other states or territories of the
4 United States against any insurer incorporated or authorized to do
5 business in such state or territory;

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

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

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

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

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

29 (b) Promptly upon the filing of the foreign decree and the
30 affidavit, the clerk of the court shall mail notice of the filing of the
31 foreign decree to the defendant at the address given and to the Director

1 of Insurance and shall file notice ~~make a note~~ of the mailing on the
2 record ~~in the docket~~. In addition, the Attorney General may mail a notice
3 of the filing of the foreign decree to the defendant and to the Director
4 of Insurance and may file proof of mailing with the clerk. Lack of
5 mailing notice of filing by the clerk shall not affect the enforcement
6 proceedings if proof of mailing by the Attorney General has been filed.

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

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

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

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

26 Sec. 83. Section 44-4828, Revised Statutes Cumulative Supplement,
27 2016, is amended to read:

28 44-4828 (1)(a) A preference shall mean a transfer of any of the
29 property of an insurer to or for the benefit of a creditor, for or on
30 account of an antecedent debt, made or suffered by the insurer within one
31 year before the filing of a successful petition for liquidation under the

1 Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act the
2 effect of which transfer may be to enable the creditor to obtain a
3 greater percentage of such debt than another creditor of the same class
4 would receive. If a liquidation order is entered while the insurer is
5 already subject to a rehabilitation order, such transfers shall be deemed
6 preferences if made or suffered within one year before the filing of the
7 successful petition for rehabilitation or within two years before the
8 filing of the successful petition for liquidation, whichever time is
9 shorter.

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

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

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

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

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

26 (c) When the preference is voidable, the liquidator may recover the
27 property or, if it has been converted, its value from any person who has
28 received or converted the property, except when a bona fide purchaser or
29 lienor has given less than fair equivalent value, he or she shall have a
30 lien upon the property to the extent of the consideration actually given
31 by him or her. When a preference by way of lien or security title is

1 voidable, the court may on due notice order the lien or title to be
2 preserved for the benefit of the estate, in which event the lien or title
3 shall pass to the liquidator.

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

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

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

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

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

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

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

1 special priority over other liens which are prior in time.

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

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

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

1 (6) The property affected by any lien deemed voidable under
2 subsections (1) and (5) of this section shall be discharged from such
3 lien, and that property and any of the indemnifying property transferred
4 to or for the benefit of a surety shall pass to the liquidator, except
5 that the court may on due notice order any such lien to be preserved for
6 the benefit of the estate and the court may direct that such conveyance
7 be executed as may be proper or adequate to evidence the title of the
8 liquidator.

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

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

28 (9) If a creditor has been preferred and afterward in good faith
29 gives the insurer further credit without security of any kind for
30 property which becomes a part of the insurer's estate, the amount of the
31 new credit remaining unpaid at the time of the petition may be set off

1 against the preference which would otherwise be recoverable from him or
2 her.

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

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

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

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

30 Sec. 84. Section 48-1119, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 48-1119 (1) In case of failure to eliminate any unlawful employment
2 practice by informal methods of conference, conciliation, persuasion,
3 mediation, or arbitration, the commission may order a public hearing. If
4 such hearing is ordered, the commission shall cause to be issued and
5 served a written notice, together with a copy of the complaint, requiring
6 the person, employer, labor organization, or employment agency named in
7 the complaint, hereinafter referred to as respondent, to answer such
8 charges at a hearing before the commission at a time and place which
9 shall be specified in such notice. Such hearing shall be within the
10 county where the alleged unlawful employment practice occurred. The
11 complainant shall be a party to the proceeding, and in the discretion of
12 the commission any other person whose testimony has a bearing on the
13 matter may be allowed to intervene therein. Both the complainant and the
14 respondent, in addition to the commission, may introduce witnesses at the
15 hearing. The respondent may file a verified answer to the allegations of
16 the complaint and may appear at such hearing in person and with or
17 without counsel. Testimony or other evidence may be introduced by either
18 party. All evidence shall be under oath and a record thereof shall be
19 made and preserved. Such proceedings shall, so far as practicable, be
20 conducted in accordance with the rules of evidence applicable in the
21 district courts of the State of Nebraska, and shall be of public record.

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

1 punishment for any perjury committed by such person in his or her
2 testimony. Such immunity shall extend only to a natural person who, in
3 obedience to a subpoena, gives testimony under oath or produces evidence,
4 documentary or otherwise, under oath. Nothing in this subsection shall be
5 construed as precluding any person from claiming any right or privilege
6 available to such person under the fifth amendment to the Constitution of
7 the United States.

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

28 (4) A complainant who has suffered physical, emotional, or financial
29 harm as a result of a violation of section 48-1104 or 48-1114 may, at any
30 stage of the proceedings prior to dismissal, file an action directly in
31 the district court of the county where such alleged violation occurred.

1 If the complainant files a district court action on the charge, the
2 complainant shall provide written notice of such filing to the
3 commission, and such notification shall immediately terminate all
4 proceedings before the commission. The district court shall file ~~docket~~
5 and try such case as any other civil action, and any successful
6 complainant shall be entitled to appropriate relief, including temporary
7 or permanent injunctive relief, general and special damages, reasonable
8 attorney's fees, and costs.

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

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

31 Sec. 85. Section 48-3511, Revised Statutes Cumulative Supplement,

1 2016, is amended to read:

2 48-3511 Upon violation of the Workplace Privacy Act, an aggrieved
3 employee or applicant may, in addition to any other available remedy,
4 institute a civil action within one year after the date of the alleged
5 violation or the discovery of the alleged violation, whichever is later.
6 The employee or applicant shall file an action directly in the district
7 court of the county where such alleged violation occurred. The district
8 court shall file ~~docket~~ and try such case as any other civil action, and
9 any successful complainant shall be entitled to appropriate relief,
10 including temporary or permanent injunctive relief, general and special
11 damages, reasonable attorney's fees, and costs.

12 Sec. 86. Section 50-406, Revised Statutes Cumulative Supplement,
13 2016, is amended to read:

14 50-406 In the discharge of any duty imposed by the Legislative
15 Council, by statute, or by a resolution of the Legislature, the council,
16 any committee thereof, and any standing or special committee created by
17 statute or resolution of the Legislature may hold public hearings and may
18 administer oaths, issue subpoenas when the committee has received prior
19 approval by a majority vote of the Executive Board of the Legislative
20 Council to issue subpoenas in connection with the specific inquiry or
21 investigation in question, compel the attendance of witnesses and the
22 production of any papers, books, accounts, documents, and testimony, and
23 cause the depositions of witnesses to be taken in the manner prescribed
24 by law for taking depositions in civil actions in the district court. The
25 council or the committee may require any state agency, political
26 subdivision, or person to provide information relevant to the committee's
27 work, and the state agency, political subdivision, or person shall
28 provide the information requested within thirty days after the request
29 except as provided for in a subpoena. The statute or resolution creating
30 a committee may prescribe limitations on the authority granted by this
31 section.

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

6 The district court of Lancaster County has jurisdiction over all
7 litigation arising under this section. In all such litigation the
8 executive board shall provide for legal representation for the council or
9 committee.

10 Sec. 87. Section 60-166, Revised Statutes Supplement, 2017, is
11 amended to read:

12 60-166 (1) In the event of (a) the transfer of ownership of a
13 vehicle by operation of law as upon inheritance, devise, or bequest,
14 order in bankruptcy, insolvency, replevin, or execution sale or as
15 provided in sections 30-24,125, 52-601.01 to 52-605, 60-1901 to 60-1911,
16 and 60-2401 to 60-2411, (b) the engine of a vehicle being replaced by
17 another engine, (c) a vehicle being sold to satisfy storage or repair
18 charges or under section 76-1607, or (d) repossession being had upon
19 default in performance of the terms of a chattel mortgage, trust receipt,
20 conditional sales contract, or other like agreement, and upon acceptance
21 of an electronic certificate of title record after repossession, in
22 addition to the title requirements in this section, the county treasurer
23 of any county or the department, upon the surrender of the prior
24 certificate of title or the manufacturer's or importer's certificate, or
25 when that is not possible, upon presentation of satisfactory proof of
26 ownership and right of possession to such vehicle, and upon payment of
27 the appropriate fee and the presentation of an application for
28 certificate of title, may issue to the applicant a certificate of title
29 thereto. If the prior certificate of title issued for such vehicle
30 provided for joint ownership with right of survivorship, a new
31 certificate of title shall be issued to a subsequent purchaser upon the

1 assignment of the prior certificate of title by the surviving owner and
2 presentation of satisfactory proof of death of the deceased owner. Only
3 an affidavit by the person or agent of the person to whom possession of
4 such vehicle has so passed, setting forth facts entitling him or her to
5 such possession and ownership, together with a copy of a court order or
6 an ~~the journal entry, court order, or~~ instrument upon which such claim of
7 possession and ownership is founded, shall be considered satisfactory
8 proof of ownership and right of possession, except that if the applicant
9 cannot produce such proof of ownership, he or she may submit to the
10 department such evidence as he or she may have, and the department may
11 thereupon, if it finds the evidence sufficient, issue the certificate of
12 title or authorize any county treasurer to issue a certificate of title,
13 as the case may be.

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

19 Sec. 88. Section 71-6903, Revised Statutes Cumulative Supplement,
20 2016, is amended to read:

21 71-6903 (1) The requirements and procedures under this section are
22 available to pregnant women whether or not they are residents of this
23 state.

24 (2) If a pregnant woman elects not to obtain the consent of her
25 parents or guardians, a judge of a district court, separate juvenile
26 court, or county court sitting as a juvenile court shall, upon petition
27 or motion and after an appropriate hearing, authorize a physician to
28 perform the abortion if the court determines by clear and convincing
29 evidence that the pregnant woman is both sufficiently mature and well-
30 informed to decide whether to have an abortion. If the court does not
31 make the finding specified in this subsection or subsection (3) of this

1 section, it shall dismiss the petition.

2 (3) If the court finds, by clear and convincing evidence, that there
3 is evidence of abuse as defined in section 28-351, sexual abuse as
4 defined in section 28-367, or child abuse or neglect as defined in
5 section 28-710 of the pregnant woman by a parent or a guardian or that an
6 abortion without the consent of a parent or a guardian is in the best
7 interest of the pregnant woman, the court shall issue an order
8 authorizing the pregnant woman to consent to the performance or
9 inducement of an abortion without the consent of a parent or a guardian.
10 If the court does not make the finding specified in this subsection or
11 subsection (2) of this section, it shall dismiss the petition.

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

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

19 ~~(4)~~ (6) The pregnant woman may commence an action for waiver of the
20 consent requirement by the filing of a petition or motion personally, by
21 mail, or by facsimile on a form provided by the State Court
22 Administrator.

23 ~~(5)~~ (7) The State Court Administrator shall develop the petition
24 form and accompanying instructions on the procedure for petitioning the
25 court for a waiver of consent, including the name, address, telephone
26 number, and facsimile number of each court in the state. A sufficient
27 number of petition forms and instructions shall be made available in each
28 courthouse in such place that members of the general public may obtain a
29 form and instructions without requesting such form and instructions from
30 the clerk of the court or other court personnel. The State Court
31 Administrator shall also make such forms and instructions available on a

1 web site maintained by the Supreme Court. The clerk of the court shall
2 assist in administrative matters , ~~upon request, assist in completing~~ and
3 filing the petition for waiver of consent.

4 (6) ~~(8)~~ Proceedings in court pursuant to this section shall be
5 confidential and shall ensure the anonymity of the pregnant woman. The
6 pregnant woman shall have the right to file her petition in the court
7 using a pseudonym or using solely her initials. Proceedings shall be held
8 in camera. Only the pregnant woman, the pregnant woman's guardian ad
9 litem, the pregnant woman's attorney, and a person whose presence is
10 specifically requested by the pregnant woman or the pregnant woman's
11 attorney may attend the hearing on the petition. All testimony, all
12 documents, all other evidence presented to the court, the petition and
13 any order entered, and all records of any nature and kind relating to the
14 matter shall be maintained and sealed by the clerk of the court and shall
15 not be open to any person except upon order of the court for good cause
16 shown. A separate docket or the confidential index within the electronic
17 case management system for the purposes of this section shall be
18 maintained by the clerk of the court and shall likewise be sealed and not
19 opened to inspection by any person except upon order of the court for
20 good cause shown.

21 (7) ~~(9)~~ A pregnant woman who is subject to this section may
22 participate in the court proceedings on her own behalf, and the court may
23 appoint a guardian ad litem for her. The court shall advise the pregnant
24 woman that she has a right to court-appointed counsel and shall, upon her
25 request, provide her with such counsel. Such counsel shall receive a fee
26 to be fixed by the court and to be paid out of the treasury of the county
27 in which the proceeding was held.

28 (8) ~~(10)~~ Proceedings in court pursuant to this section shall be
29 given such precedence on the trial docket over other pending matters so
30 that the court may reach a decision promptly and without delay to serve
31 the best interest of the pregnant woman. In no case shall the court fail

1 to rule within seven calendar days from the time the petition is filed.
2 If the court fails to rule within the required time period, the pregnant
3 woman may file an application for a writ of mandamus with the Supreme
4 Court. If cause for a writ of mandamus exists, the writ shall issue
5 within three days.

6 (9) ~~(11)~~ The court shall issue a written order which includes
7 specific factual findings and legal conclusions supporting its decision
8 which shall be provided immediately to the pregnant woman, the pregnant
9 woman's guardian ad litem, the pregnant woman's attorney, and any other
10 person designated by the pregnant woman to receive the order. Further,
11 the court shall order that a confidential record of the evidence and the
12 judge's findings and conclusions be maintained. At the hearing, the court
13 shall hear evidence relating to the emotional development, maturity,
14 intellect, and understanding of the pregnant woman.

15 Sec. 89. Section 76-717, Reissue Revised Statutes of Nebraska, is
16 amended to read:

17 76-717 Within thirty days after the filing of such notice of appeal,
18 the county judge shall prepare and transmit to the clerk of the district
19 court a duly certified transcript of all proceedings had concerning the
20 parcel or parcels of land as to which the particular condemnee takes the
21 appeal upon payment of the fees provided by law for preparation thereof.
22 When notice of appeal is filed by both the condemner and the condemnee,
23 such transcript shall be prepared only in response to the first notice of
24 appeal. The transcript prepared in response to the second notice of
25 appeal shall contain only a copy of such notice and the proceedings shall
26 be filed ~~docketed~~ in the district court as a single cause of action.

27 The filing of the notice of appeal shall confer jurisdiction on the
28 district court. The first party to perfect an appeal shall file a
29 petition on appeal in the district court within fifty days after the
30 filing of the notice of appeal. If no petition is filed, the court shall
31 direct the first party to perfect an appeal to file a petition and impose

1 such sanctions as are reasonable. The appeal shall be tried de novo in
2 the district court. Such appeal shall not delay the acquisition of the
3 property and placing of same to a public use if the condemner shall first
4 deposit with the county judge the amount assessed by the appraisers.

5 Sec. 90. Section 76-723, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 76-723 The appraisers shall each receive a reasonable fee for their
8 services, to be fixed by the county judge or clerk magistrate, and the
9 same shall be taxed as costs. The fee shall not exceed four hundred
10 twenty-five dollars for each appraiser exclusive of mileage for each day
11 actually employed in attendance on the board of appraisers. The condemner
12 may appeal from the allowance of any fee so fixed to the district court.
13 Such an appeal shall be filed ~~docketed~~ apart from and shall be considered
14 separately and independently from the rights between the condemnee and
15 condemner. All costs of the first appraisal shall be paid by the
16 condemner. In addition, the appraiser shall receive mileage at the rate
17 provided in section 81-1176 for each mile necessarily traveled.

18 Sec. 91. Section 81-8,211, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 81-8,211 Authority is hereby conferred upon the Risk Manager and
21 State Claims Board, acting on behalf of the State of Nebraska, to
22 consider, ascertain, adjust, compromise, settle, determine, and allow any
23 tort claim. Any claimant dissatisfied with a decision of the Risk Manager
24 may make application for review of the decision by the State Claims Board
25 by filing an application for review with the Risk Manager within sixty
26 days after receipt of notice of the Risk Manager's decision. If any tort
27 claim is compromised, settled, or allowed in an amount of more than five
28 thousand dollars, the approval of the State Claims Board is required. If
29 any tort claim is compromised, settled, or allowed in an amount of more
30 than ten thousand dollars, the unanimous approval of all members of the
31 State Claims Board shall be required. If any tort claim is compromised,

1 settled, or allowed in an amount of more than twenty-five thousand
2 dollars, the claim shall also be submitted for approval by the district
3 court for Lancaster County. When approval of the district court is
4 required, the Attorney General shall make application for such approval
5 and shall file with the application a transcript ~~complete record~~ of the
6 action of the State Claims Board on such claim. The claimant may join in
7 such application, and if the claimant does so, the court may proceed to
8 act on the application without further notice to either party. If the
9 claimant does not join in the application, the court shall require actual
10 notice to all parties before acting on the application. The court may
11 deny the application for any legal and sufficient reason or may direct
12 the State Claims Board to conduct further hearings on any material
13 issues. The fees of the clerk of the district court for filing,
14 ~~docketing, and indexing~~ such application shall be five dollars.

15 Sec. 92. Section 81-1848.03, Reissue Revised Statutes of Nebraska,
16 is amended to read:

17 81-1848.03 Victim's rights under sections 81-1843 to 81-1851 may be
18 waived by the victim at any time by (1) written consent, in person or by
19 attorney, filed with the clerk of the court or (2) oral consent in open
20 court entered on the record journal.

21 Sec. 93. Section 84-712.03, Reissue Revised Statutes of Nebraska, is
22 amended to read:

23 84-712.03 (1) Any person denied any rights granted by sections
24 84-712 to 84-712.03 may elect to:

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

29 (b) Petition the Attorney General to review the matter to determine
30 whether a record may be withheld from public inspection or whether the
31 public body that is custodian of such record has otherwise failed to

1 comply with such sections, including whether the fees estimated or
2 charged by the custodian are actual added costs or special service
3 charges as provided under section 84-712. This determination shall be
4 made within fifteen calendar days after the submission of the petition.
5 If the Attorney General determines that the record may not be withheld or
6 that the public body is otherwise not in compliance, the public body
7 shall be ordered to disclose the record immediately or otherwise comply.
8 If the public body continues to withhold the record or remain in
9 noncompliance, the person seeking disclosure or compliance may (i) bring
10 suit in the trial court of general jurisdiction or (ii) demand in writing
11 that the Attorney General bring suit in the name of the state in the
12 trial court of general jurisdiction for the same purpose. If such demand
13 is made, the Attorney General shall bring suit within fifteen calendar
14 days after its receipt. The requester shall have an absolute right to
15 intervene as a full party in the suit at any time.

16 (2) In any suit filed under this section, the court has jurisdiction
17 to enjoin the public body from withholding records, to order the
18 disclosure, and to grant such other equitable relief as may be proper.
19 The court shall determine the matter de novo and the burden is on the
20 public body to sustain its action. The court may view the records in
21 controversy in camera before reaching a decision, and in the discretion
22 of the court other persons, including the requester, counsel, and
23 necessary expert witnesses, may be permitted to view the records, subject
24 to necessary protective orders.

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

30 Sec. 94. Sections 75, 87, and 95 of this act become operative on
31 January 1, 2019. The other sections of this act become operative on their

1 effective date.

2 Sec. 95. Original sections 37-1283 and 60-166, Revised Statutes
3 Supplement, 2017, are repealed.

4 Sec. 96. Original sections 15-1202, 15-1203, 24-303, 24-729,
5 25-410, 25-412, 25-533, 25-602, 25-901, 25-915, 25-1031.02, 25-1121,
6 25-1126, 25-1129, 25-1149, 25-1301, 25-1301.01, 25-1303, 25-1305,
7 25-1318, 25-1415, 25-1416, 25-1504, 25-1510, 25-1521, 25-1531, 25-1578,
8 25-1587.04, 25-1587.06, 25-1635, 25-21,212, 25-21,228, 25-21,271,
9 25-2205, 25-2207, 25-2209, 25-2211, 25-2213, 25-2234, 25-2704, 25-2706,
10 25-2707, 25-2721, 25-2729, 25-2731, 25-3401, 28-814, 29-1302, 29-1407.01,
11 29-1414, 29-1418, 29-1705, 29-1802, 29-1816.01, 29-2001, 29-2023,
12 29-2315.01, 29-2413, 29-3903, 29-4007, 30-2429.01, 30-2488, 30-2608,
13 31-320, 31-329, 32-1412, 33-106.01, 33-131, 33-140.03, 35-102, 42-364,
14 42-372.02, 43-102, 43-2,112, 43-2,113, 44-2006, 48-1119, 76-717, 76-723,
15 81-8,211, 81-1848.03, and 84-712.03, Reissue Revised Statutes of
16 Nebraska, sections 16-729, 44-4828, 48-3511, 50-406, and 71-6903, Revised
17 Statutes Cumulative Supplement, 2016, and sections 25-1912, 29-2407,
18 33-106, and 43-2,108, Revised Statutes Supplement, 2017, are repealed.

19 Sec. 97. The following sections are outright repealed: Sections
20 24-337, 24-348, 25-1319, 25-1320, 25-1321, 25-1322, 25-2210, 25-2211.01,
21 25-2211.02, and 25-2616, Reissue Revised Statutes of Nebraska.