

E AND R AMENDMENTS TO LB 35

Introduced by Enrollment and Review Committee: Nordquist, 7,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. (1) On application to a court of competent  
4 jurisdiction by any judgment creditor of a member or transferee,  
5 the court may charge the transferable interest of the judgment  
6 debtor in the limited liability company with payment of the  
7 unsatisfied amount of the judgment with interest. To the extent of  
8 the amounts so charged, the judgment creditor has only the rights  
9 of the transferee to receive any distribution to which the judgment  
10 debtor would otherwise have been entitled with respect to the  
11 interest of the judgment debtor in the limited liability company.

12           (2) A charging order entered pursuant to this section  
13 constitutes a lien on the judgment debtor's transferable interest  
14 in the limited liability company.

15           (3) This section does not deprive any member or  
16 transferee of the benefit of any exemption laws applicable to the  
17 member's or transferee's interest in the limited liability company.

18           (4) The entry of a charging order pursuant to this  
19 section is the exclusive remedy by which a judgment creditor of a  
20 member or transferee may satisfy a judgment out of the judgment  
21 debtor's interest in the limited liability company.

22           (5) No creditor of a member of a limited liability  
23 company shall have any right to obtain possession of, or otherwise

1 exercise legal or equitable remedies with respect to, the property  
2 of the limited liability company.

3 (6) A third party shall not be liable to a judgment  
4 creditor for distributions made by such third party directly to the  
5 judgment debtor that were made in good faith at the direction of  
6 the limited liability company.

7 (7) This section applies to all limited liability  
8 companies authorized under the Limited Liability Company Act.

9 Sec. 2. Section 21-2601, Reissue Revised Statutes of  
10 Nebraska, is amended to read:

11 21-2601 Sections 21-2601 to 21-2653 and section 1 of  
12 this act shall be known and may be cited as the Limited Liability  
13 Company Act.

14 Sec. 3. Section 23-1205, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 23-1205 ~~In~~ Due to the absence, sickness, ~~or~~ disability,  
17 or conflict of interest of the county attorney and his or her  
18 deputies, or upon request of the county attorney for good cause,  
19 the ~~court~~ Supreme Court, the Court of Appeals, or any district  
20 court, separate juvenile court, or county court before which the  
21 cause may be heard may appoint an attorney to act as county  
22 attorney in any investigation, appearance, or trial, by an order  
23 ~~to be~~ entered upon the minutes of the court. Such attorney shall  
24 be allowed compensation for such services as the court shall  
25 ~~determine,~~ determines, to be paid by order of the county treasurer,  
26 upon presenting to the county board the certificate of the judge  
27 before whom the cause was tried certifying to services rendered by

1 such attorney and the amount of compensation.

2           Sec. 4. Section 24-301.02, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           24-301.02 The State of Nebraska shall be divided into the  
5 following twelve district court judicial districts:

6           District No. 1 shall contain the counties of Clay,  
7 Nuckolls, Saline, Jefferson, Gage, Thayer, Johnson, Pawnee, Nemaha,  
8 Fillmore, and Richardson;

9           District No. 2 shall contain the counties of Sarpy, Cass,  
10 and Otoe;

11           District No. 3 shall contain the county of Lancaster;

12           District No. 4 shall contain the county of Douglas;

13           District No. 5 shall contain the counties of Merrick,  
14 Platte, Colfax, Boone, Nance, Hamilton, Polk, York, Butler, Seward,  
15 and Saunders;

16           District No. 6 shall contain the counties of Dixon,  
17 Dakota, Cedar, Burt, Thurston, Dodge, and Washington;

18           District No. 7 shall contain the counties of Knox,  
19 Cuming, Antelope, Pierce, Wayne, Madison, and Stanton;

20           District No. 8 shall contain the counties of Cherry,  
21 Keya Paha, Brown, Rock, Blaine, Loup, Custer, Boyd, Holt, Garfield,  
22 Wheeler, Valley, Greeley, Sherman, and Howard;

23           District No. 9 shall contain the counties of Buffalo and  
24 Hall;

25           District No. 10 shall contain the counties of Adams,  
26 Phelps, Kearney, Harlan, Franklin, and Webster;

27           District No. 11 shall contain the counties of Hooker,

1 Thomas, Arthur, McPherson, Logan, Keith, Perkins, Lincoln, Dawson,  
2 Chase, Hayes, Frontier, Gosper, Dundy, Hitchcock, Red Willow, and  
3 Furnas; and

4 District No. 12 shall contain the counties of Sioux,  
5 Dawes, Box Butte, Sheridan, Scotts Bluff, Morrill, Garden, Banner,  
6 Kimball, Cheyenne, Grant, and Deuel.

7 In the fourth district there shall be sixteen judges of  
8 the district court. In the third district there shall be ~~seven~~  
9 eight judges of the district court. In the second, fifth, ninth,  
10 eleventh, and twelfth districts there shall be four judges of the  
11 district court. In the first and sixth districts there shall be  
12 three judges of the district court. In the seventh, eighth, and  
13 tenth districts there shall be two judges of the district court.

14 Sec. 5. Section 24-517, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 24-517 Each county court shall have the following  
17 jurisdiction:

18 (1) Exclusive original jurisdiction of all matters  
19 relating to decedents' estates, including the probate of wills and  
20 the construction thereof, except as provided in subsection (c) of  
21 section 30-2464 and section 30-2486;

22 (2) Exclusive original jurisdiction in all matters  
23 relating to the guardianship of a person, except if a separate  
24 juvenile court already has jurisdiction over a child in need of  
25 a guardian, concurrent original jurisdiction with the separate  
26 juvenile court in such guardianship;

27 (3) Exclusive original jurisdiction of all matters

1 relating to conservatorship of any person, including (a) original  
2 jurisdiction to consent to and authorize a voluntary selection,  
3 partition, and setoff of a ward's interest in real estate owned  
4 in common with others and to exercise any right of the ward in  
5 connection therewith which the ward could exercise if competent and  
6 (b) original jurisdiction to license the sale of such real estate  
7 for cash or on such terms of credit as shall seem best calculated  
8 to produce the highest price subject only to the requirements set  
9 forth in section 30-3201;

10 (4) Concurrent jurisdiction with the district court to  
11 involuntarily partition a ward's interest in real estate owned in  
12 common with others;

13 (5) Concurrent original jurisdiction with the district  
14 court in all civil actions of any type when the amount in  
15 controversy is forty-five thousand dollars or less through June 30,  
16 2005, and as set by the Supreme Court pursuant to subdivision (b)  
17 of this subdivision on and after July 1, 2005.

18 (a) When the pleadings or discovery proceedings in a  
19 civil action indicate that the amount in controversy is greater  
20 than the jurisdictional amount of subdivision (5) of this section,  
21 the county court shall, upon the request of any party, certify  
22 the proceedings to the district court as provided in section  
23 25-2706. An award of the county court which is greater than the  
24 jurisdictional amount of subdivision (5) of this section is not  
25 void or unenforceable because it is greater than such amount,  
26 however, if an award of the county court is greater than the  
27 jurisdictional amount, the county court shall tax as additional

1 costs the difference between the filing fee in district court and  
2 the filing fee in county court.

3 (b) The Supreme Court shall adjust the jurisdictional  
4 amount for the county court every fifth year commencing July  
5 1, 2005. The adjusted jurisdictional amount shall be equal to  
6 the then current jurisdictional amount adjusted by the average  
7 percentage change in the unadjusted Consumer Price Index for  
8 All Urban Consumers published by the Federal Bureau of Labor  
9 Statistics for the five-year period preceding the adjustment  
10 date. The jurisdictional amount shall be rounded to the nearest  
11 one-thousand-dollar amount;

12 (6) Concurrent original jurisdiction with the district  
13 court in any criminal matter classified as a misdemeanor or for  
14 any infraction. The district court shall have ~~exclusive~~ concurrent  
15 original jurisdiction in any criminal matter classified as a  
16 misdemeanor that arises from the same incident as a charged felony;

17 (7) Concurrent original jurisdiction with the district  
18 court in domestic relations matters as defined in section 25-2740  
19 and with the district court and separate juvenile court in  
20 paternity or custody determinations as provided in section 25-2740;

21 (8) Concurrent original jurisdiction with the district  
22 court in matters arising under the Nebraska Uniform Trust Code;

23 (9) Exclusive original jurisdiction in any action based  
24 on violation of a city or village ordinance;

25 (10) Exclusive original jurisdiction in juvenile matters  
26 in counties which have not established separate juvenile courts;

27 (11) Exclusive original jurisdiction in matters of

1 adoption, except if a separate juvenile court already has  
2 jurisdiction over the child to be adopted, concurrent original  
3 jurisdiction with the separate juvenile court; and

4 (12) All other jurisdiction heretofore provided and not  
5 specifically repealed by Laws 1972, Legislative Bill 1032, and such  
6 other jurisdiction as hereafter provided by law.

7 Sec. 6. Section 25-505.01, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 25-505.01 (1) Unless otherwise limited by statute or by  
10 the court, a plaintiff may elect to have service made by any of the  
11 following methods:

12 (a) Personal service which shall be made by leaving the  
13 summons with the individual to be served;

14 (b) Residence service which shall be made by leaving the  
15 summons at the usual place of residence of the individual to be  
16 served, with some person of suitable age and discretion residing  
17 therein; ~~or~~

18 (c) Certified mail service which shall be made by (i)  
19 within ten days of issuance, sending the summons to the defendant  
20 by certified mail with a return receipt requested showing to whom  
21 and where delivered and the date of delivery, and (ii) filing with  
22 the court proof of service with the signed receipt attached; or-

23 (d) By depositing with a designated delivery service  
24 authorized pursuant to 26 U.S.C. 7502(f)(2) a copy of the summons  
25 and complaint, addressed to the party to be served, delivering to  
26 the addressee, and obtaining a delivery receipt. As used in this  
27 subdivision, delivery receipt includes an electronic or facsimile

1 receipt.

2 (2) Failure to make service by the method elected by the  
3 plaintiff does not affect the validity of the service.

4 Sec. 7. Section 25-506.01, Reissue Revised Statutes of  
5 Nebraska, is amended to read:

6 25-506.01 (1) Unless the plaintiff has elected certified  
7 mail service, ~~by certified mail~~, the summons shall be served by the  
8 sheriff of the county where service is made, by a person authorized  
9 by section 25-507 or otherwise authorized by law, or by a person,  
10 corporation, partnership, or limited liability company not a party  
11 to the action specially appointed by the court for that purpose.

12 (2) ~~Service by certified mail~~ Certified mail service  
13 shall be made by plaintiff or plaintiff's attorney.

14 Sec. 8. Section 25-507.01, Reissue Revised Statutes of  
15 Nebraska, is amended to read:

16 25-507.01 (1) Within twenty days after the date of issue,  
17 the person serving the summons, other than by certified mail  
18 service, shall make proof of service to the court stating the time,  
19 place, including the address if applicable, name of the person with  
20 whom the summons was left, and method of service, or return the  
21 unserved summons to the court with a statement of the reason for  
22 the failure to serve.

23 (2) When service is by certified mail service, the  
24 plaintiff or plaintiff's attorney shall file proof of service  
25 within ten days after return of the signed receipt.

26 (3) Failure to make proof of service or delay in doing so  
27 does not affect the validity of the service.

1           Sec. 9. Section 25-1144, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           25-1144 The application ~~must~~ for a new trial shall be  
4 by motion, upon written grounds, filed at the time of making  
5 the motion. It shall be sufficient, however, in assigning the  
6 grounds of the motion to assign the same in the language of the  
7 statute and without further or other particularity. The causes  
8 enumerated in subdivisions (2), (3), and (7) of section 25-1142  
9 ~~subdivisions (2), (3) and (7) of this code must~~ shall be sustained  
10 by affidavits showing their truth, and may be controverted by  
11 affidavits.

12           Sec. 10. Section 25-1628, Reissue Revised Statutes of  
13 Nebraska, is amended to read:

14           25-1628 (1) At least once each calendar year, the officer  
15 having charge of the election records shall furnish to the jury  
16 commissioner a complete list of the names, dates of birth, and  
17 addresses of all registered electors nineteen years of age or  
18 older in the county. The Department of Motor Vehicles shall  
19 make available to each jury commissioner each December a list in  
20 magnetic, optical, digital, or other electronic format mutually  
21 agreed to by the jury commissioner and the department containing  
22 the names, dates of birth, and addresses of all licensed motor  
23 vehicle operators and state identification card holders nineteen  
24 years of age or older in the county. The jury commissioner may  
25 request such a list of licensed motor vehicle operators and state  
26 identification card holders from the county treasurer if the county  
27 treasurer has an automated procedure for developing such lists. If

1 a jury commissioner requests similar lists at other times from the  
2 department, the cost of processing such lists shall be paid by the  
3 county which the requesting jury commissioner serves.

4 (2) Upon receipt of both lists described in subsection  
5 (1) of this section, the jury commissioner shall combine the  
6 separate lists and attempt to reduce duplication to the best  
7 of his or her ability to produce a master list. In counties  
8 having a population of three thousand inhabitants or more, the  
9 jury commissioner shall produce a master list at least once each  
10 calendar year. In counties having a population of less than three  
11 thousand inhabitants, the jury commissioner shall produce a master  
12 list at least once every two calendar years.

13 (3) The proposed juror list shall be derived by selecting  
14 from the master list the name of the person whose numerical order  
15 on such list corresponds with the key number and each successive  
16 tenth name thereafter. The jury commissioner shall certify that  
17 the proposed juror list has been made in accordance with sections  
18 25-1625 to 25-1637.

19 (4) Any duplication of names on a master list shall not  
20 be grounds for quashing any panel pursuant to section 25-1637 or  
21 for the disqualification of any juror.

22 Sec. 11. Section 25-1708, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 25-1708 Where it is not otherwise provided by this and  
25 other statutes, costs shall be allowed of course to the plaintiff,  
26 except as waived or released in writing by the plaintiff, upon a  
27 voluntary payment to the plaintiff after the action is filed but

1 before judgment, or upon a judgment in his favor, favor of the  
2 plaintiff, in actions for the recovery of money only, or for the  
3 recovery of specific real or personal property.

4           Sec. 12. The parties to a civil action may, as part of  
5 a settlement of the action, agree to the payment of costs of the  
6 action.

7           Sec. 13. Section 25-1801, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           25-1801 Any person, partnership, limited liability  
10 company, association, or corporation in this state having a  
11 claim which amounts to ~~two~~ four thousand dollars or less against  
12 any person, partnership, limited liability company, association,  
13 or corporation doing business in this state for (1) services  
14 rendered, (2) labor done, (3) material furnished, (4) overcharges  
15 made and collected, (5) lost or damaged personal property, (6)  
16 damage resulting from delay in transmission or transportation, (7)  
17 livestock killed or injured in transit, or (8) charges covering  
18 articles and service affecting the life and well-being of the  
19 debtor which are adjudged by the court to be necessities of life  
20 may present the same to such person, partnership, limited liability  
21 company, association, or corporation, or to any agent thereof,  
22 for payment in any county where suit may be instituted for the  
23 collection of the same. If, at the expiration of ninety days after  
24 the presentation of such claim, the same has not been paid or  
25 satisfied, he, she, or it may institute suit thereon in the proper  
26 court. If payment is made to the plaintiff by or on behalf of  
27 the defendant after the filing of the suit but before judgment is

1 taken, except as otherwise agreed in writing by the plaintiff, the  
2 plaintiff shall be entitled to receive the costs of suit whether  
3 by voluntary payment or judgment. If he, she, or it establishes  
4 the claim and secures judgment thereon, he, she, or it shall be  
5 entitled to recover the full amount of such judgment and all costs  
6 of suit thereon, and, in addition thereto, interest on the amount  
7 of the claim at the rate of six percent per annum from the date  
8 of presentation thereof, and, if he, she, or it has an attorney  
9 employed in the case, an amount for attorney's fees as provided  
10 in this section. If the cause is taken to an appellate court  
11 and plaintiff shall recover judgment thereon, the appellate court  
12 shall tax as costs in the action, to be paid to the plaintiff,  
13 an additional amount for attorney's fees in such appellate court  
14 as provided in this section, except that if the party in interest  
15 fails to recover a judgment in excess of the amount that may  
16 have been tendered by any person, partnership, limited liability  
17 company, association, or corporation liable under this section,  
18 then such party in interest shall not recover the attorney's fees  
19 provided by this section. Attorney's fees shall be assessed by the  
20 court in a reasonable amount but shall in no event be less than  
21 ten dollars when the judgment is fifty dollars or less and when  
22 the judgment is over fifty dollars up to ~~two~~ four thousand dollars  
23 the attorney's fee shall be ten dollars plus ten percent of the  
24 judgment in excess of fifty dollars.

25           Sec. 14. Section 25-2405, Reissue Revised Statutes of  
26 Nebraska, is amended to read:

27           25-2405 Every interpreter, except those certified under

1 the rules of the Supreme Court and who have taken the prescribed  
2 oath of office, appointed pursuant to sections 25-2401 to 25-2407,  
3 before entering upon his or her duties as such, shall take an oath  
4 that he or she will, to the best of his or her skill and judgment,  
5 make a true interpretation to such person unable to communicate  
6 the English language of all the proceedings in a language which  
7 such person understands and that he or she will, in the English  
8 language, repeat the statements of such person to the court, jury,  
9 or officials before whom such proceeding takes place.

10           Sec. 15. Section 25-2721, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

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

25           (2) Any person having a judgment rendered by a county  
26 court may cause a transcript thereof to be filed in the office of  
27 the clerk of the district court in any county of this state. When

1 the transcript is so filed and entered upon the judgment record,  
2 such judgment shall be a lien on real estate in the county where  
3 the ~~same~~ transcript is filed, and when the ~~same~~ transcript is so  
4 filed and entered upon such judgment record, the clerk of such  
5 court may issue execution thereupon in like manner as execution is  
6 issued upon judgments rendered in the district court.

7           Sec. 16. Section 25-3007, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           25-3007 The Civil Legal Services Program is created.  
10 Appropriations to the program and money in the Civil Legal Services  
11 Fund shall be used to provide grants for civil legal services  
12 to eligible low-income persons. The ~~State Court Administrator~~  
13 Commission on Public Advocacy shall distribute grants pursuant to  
14 section 25-3008.

15           Sec. 17. Section 25-3008, Reissue Revised Statutes of  
16 Nebraska, is amended to read:

17           25-3008 (1) The ~~State Court Administrator~~ Commission  
18 on Public Advocacy shall establish guidelines for submission of  
19 applications for grants to provide civil legal services to eligible  
20 low-income persons. To be eligible for a grant under this section,  
21 a civil legal services provider shall:

- 22           (a) Be a nonprofit organization chartered in Nebraska;
- 23           (b) Employ or contract with attorneys admitted to  
24 practice before the Nebraska Supreme Court and the United States  
25 District Courts;
- 26           (c) Have offices located throughout the state;
- 27           (d) Have as its principal purpose and mission the

1 delivery of civil legal services to eligible low-income persons  
2 who are residents of Nebraska;

3 (e) Distribute its resources equitably throughout the  
4 state;

5 (f) Be a recipient of financial assistance for the  
6 delivery of civil legal services from the Legal Services  
7 Corporation established by the federal Legal Services Corporation  
8 Act, 42 U.S.C. 2996 et seq.; and

9 (g) Certify that any grant funds received pursuant to  
10 this section will be used to supplement any existing funds used  
11 by the applicant and that such funds will not replace other funds  
12 appropriated or awarded by a state agency to provide civil legal  
13 services to any eligible low-income person.

14 (2) A civil legal services provider seeking a grant  
15 under this section shall file an application with the ~~State Court~~  
16 ~~Administrator~~ commission on forms provided by the ~~administrator~~.  
17 commission. The application shall include a place for the provider  
18 to certify to the ~~administrator~~ commission that it will provide  
19 free civil legal services to eligible low-income persons upon  
20 receipt of a grant under this section.

21 (3) The ~~State Court Administrator~~ commission shall review  
22 the applications and determine which civil legal services providers  
23 shall receive grants under this section and the amount of the  
24 grants. Grant recipients shall use the grant funds to provide free  
25 civil legal services to eligible low-income persons.

26 (4) An independent certified public accountant shall  
27 annually audit the books and accounts of each grant recipient. The

1 grant recipients shall provide the results of such audit to the  
2 ~~State Court Administrator~~ commission.

3 Sec. 18. Section 27-1201, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5 27-1201 (1) In any civil action brought by an alleged  
6 victim of an unanticipated outcome of medical care, or in any  
7 arbitration proceeding related to such civil action, any and all  
8 statements, affirmations, gestures, or conduct expressing apology,  
9 sympathy, commiseration, condolence, compassion, or a general sense  
10 of benevolence which are made by a health care provider or an  
11 employee of a health care provider to the alleged victim, a  
12 relative of the alleged victim, or a representative of the alleged  
13 victim and which relate to the discomfort, pain, suffering, injury,  
14 or death of the alleged victim as a result of the unanticipated  
15 outcome of medical care shall be inadmissible as evidence of an  
16 admission of liability or as evidence of an admission against  
17 interest. A statement of fault which is otherwise admissible and  
18 is part of or in addition to any such communication shall be  
19 admissible.

20 (2) For purposes of this section, unless the context  
21 otherwise requires:

22 (a) Health care provider means any person licensed or  
23 certified by the State of Nebraska to deliver health care under  
24 the ~~Uniform Licensing Law~~ Credentialing Act and any health care  
25 facility licensed under the Health Care Facility Licensure Act.  
26 Health care provider includes any professional corporation or other  
27 professional entity comprised of such health care providers;

1           (b) Relative means a patient's spouse, parent,  
2 grandparent, stepfather, stepmother, child, grandchild, brother,  
3 sister, stepbrother, stepsister, half brother, half sister, or  
4 spouse's parents. Relative includes persons related to the patient  
5 through adoptive relationships. Relative also includes any person  
6 who has a family-type relationship with the patient;

7           (c) Representative means a legal guardian, attorney,  
8 person designated to make health care decisions on behalf of a  
9 patient under a power of attorney, or any person recognized in law  
10 or custom as a patient's agent; and

11           (d) Unanticipated outcome means the outcome of a medical  
12 treatment or procedure that differs from the expected result.

13           Sec. 19. Section 30-2302, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           30-2302 The intestate share of the surviving spouse is:

16           (1) if there is no surviving issue or parent of the  
17 decedent, the entire intestate estate;

18           (2) if there is no surviving issue but the decedent  
19 is survived by a parent or parents, the first ~~fifty~~ one hundred  
20 thousand dollars, plus one-half of the balance of the intestate  
21 estate;

22           (3) if there are surviving issue all of whom are issue  
23 of the surviving spouse also, the first ~~fifty~~ one hundred thousand  
24 dollars, plus one-half of the balance of the intestate estate;

25           (4) if there are surviving issue one or more of whom  
26 are not issue of the surviving spouse, one-half of the intestate  
27 estate.

1           Sec. 20. Section 30-2485, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           30-2485 (a) All claims against a decedent's estate which  
4 arose before the death of the decedent, including claims of  
5 the state and any subdivision thereof, whether due or to become  
6 due, absolute or contingent, liquidated or unliquidated, founded  
7 on contract, tort, or other legal basis, if not barred earlier  
8 by other statute of limitations, are barred against the estate,  
9 the personal representative, and the heirs and devisees of the  
10 decedent, unless presented as follows:

11           (1) Within two months after the date of the first  
12 publication of notice to creditors if notice is given in compliance  
13 with sections 25-520.01 and 30-2483, except that claims barred by  
14 the nonclaim statute at the decedent's domicile before the first  
15 publication for claims in this state are also barred in this state.  
16 If any creditor has a claim against a decedent's estate which arose  
17 before the death of the decedent and which was not presented within  
18 the time allowed by this subdivision, including any creditor who  
19 did not receive notice, such creditor may apply to the court within  
20 sixty days after the expiration date provided in this subdivision  
21 for additional time and the court, upon good cause shown, may allow  
22 further time not to exceed thirty days;

23           (2) Within three years after the decedent's death if  
24 notice to creditors has not been given in compliance with sections  
25 25-520.01 and 30-2483.

26           (b) All claims, other than for ~~administration expenses,~~  
27 costs and expenses of administration as defined in section

1 30-2487, against a decedent's estate which arise at or after  
2 the death of the decedent, including claims of the state and any  
3 subdivision thereof, whether due or to become due, absolute or  
4 contingent, liquidated or unliquidated, founded on contract, tort,  
5 or other legal basis, are barred against the estate, the personal  
6 representative, and the heirs and devisees of the decedent, unless  
7 presented as follows:

8 (1) A claim based on a contract with the personal  
9 representative, within four months after performance by the  
10 personal representative is due;

11 (2) Any other claim, within four months after it arises.

12 (c) Nothing in this section affects or prevents:

13 (1) Any proceeding to enforce any mortgage, pledge, or  
14 other lien upon property of the estate; or

15 (2) To the limits of the insurance protection only, any  
16 proceeding to establish liability of the decedent or the personal  
17 representative for which he or she is protected by liability  
18 insurance.

19 Sec. 21. Section 30-2487, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 30-2487 (a) If the applicable assets of the estate are  
22 insufficient to pay all claims in full, the personal representative  
23 shall make payment in the following order:

- 24 (1) Costs and expenses of administration;
- 25 (2) Reasonable funeral expenses;
- 26 (3) Debts and taxes with preference under federal law;
- 27 (4) Reasonable and necessary medical and hospital

1 expenses of the last illness of the decedent, including  
2 compensation of persons attending the decedent and claims filed by  
3 the Department of Health and Human Services pursuant to section  
4 68-919;

5 (5) Debts and taxes with preference under other laws of  
6 this state;

7 (6) All other claims.

8 (b) No preference shall be given in the payment of any  
9 claim over any other claim of the same class, and a claim due and  
10 payable shall not be entitled to a preference over claims not due.

11 (c) For purposes of this section and section 30-2485,  
12 costs and expenses of administration includes expenses incurred in  
13 taking possession or control of estate assets and the management,  
14 protection, and preservation of the estate assets, expenses related  
15 to the sale of estate assets, and expenses in the day-to-day  
16 operation and continuation of business interests for the benefit of  
17 the estate.

18 Sec. 22. Section 30-24,125, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20 30-24,125 (a) Thirty days after the death of a decedent,  
21 any person indebted to the decedent or having possession of  
22 tangible personal property or an instrument evidencing a debt,  
23 obligation, stock, or chose in action belonging to the decedent  
24 shall make payment of the indebtedness or deliver the tangible  
25 personal property or an instrument evidencing a debt, obligation,  
26 stock, or chose in action to a person claiming to be the successor  
27 of the decedent upon being presented an affidavit made by or on

1 behalf of the successor stating:

2 (1) the value of all of the personal property in the  
3 decedent's estate, wherever located, less liens and encumbrances,  
4 does not exceed ~~twenty-five~~ fifty thousand dollars;

5 (2) thirty days have elapsed since the death of the  
6 decedent as shown in a certified or authenticated copy of the  
7 decedent's death certificate attached to the affidavit;

8 (3) the claiming successor's relationship to the decedent  
9 or, if there is no relationship, the basis of the successor's claim  
10 to the personal property;

11 (4) the person or persons claiming as successors under  
12 the affidavit swear or affirm that all statements in the affidavit  
13 are true and material and further acknowledge that any false  
14 statement may subject the person or persons to penalties relating  
15 to perjury under section 28-915;

16 (5) no application or petition for the appointment of  
17 a personal representative is pending or has been granted in any  
18 jurisdiction; and

19 (6) the claiming successor is entitled to payment or  
20 delivery of the property.

21 (b) A transfer agent of any security shall change the  
22 registered ownership on the books of a corporation from the  
23 decedent to the successor or successors upon the presentation of an  
24 affidavit as provided in subsection (a).

25 (c) In addition to compliance with the requirements of  
26 subsection (a), a person seeking a transfer of a certificate  
27 of title to a motor vehicle, motorboat, all-terrain vehicle, or

1 minibike shall be required to furnish to the Department of Motor  
2 Vehicles an affidavit showing applicability of this section and  
3 compliance with the requirements of this section to authorize the  
4 department to issue a new certificate of title.

5           Sec. 23. Section 30-24,129, Reissue Revised Statutes of  
6 Nebraska, is amended to read:

7           30-24,129 (a) Thirty days after the death of a decedent,  
8 any person claiming as successor to the decedent's interest in real  
9 property in this state may file or cause to be filed on his or her  
10 behalf, with the register of deeds office of a county in which the  
11 real property of the decedent that is the subject of the affidavit  
12 is located, an affidavit describing the real property owned by the  
13 decedent and the interest of the decedent in the property. The  
14 affidavit shall be signed by all persons claiming as successors or  
15 by parties legally acting on their behalf and shall be prima facie  
16 evidence of the facts stated in the affidavit. The affidavit shall  
17 state:

18           (1) the value of the decedent's interest in all real  
19 property in the decedent's estate located in this state does  
20 not exceed ~~twenty-five~~ thirty thousand dollars. The value of the  
21 decedent's interest shall be determined from the value of the  
22 property as shown on the assessment rolls for the year in which the  
23 decedent died;

24           (2) thirty days have elapsed since the death of the  
25 decedent as shown in a certified or authenticated copy of the  
26 decedent's death certificate attached to the affidavit;

27           (3) no application or petition for the appointment of

1 a personal representative is pending or has been granted in any  
2 jurisdiction;

3 (4) the claiming successor is entitled to the real  
4 property by reason of the homestead allowance, exempt property  
5 allowance, or family allowance, by intestate succession, or by  
6 devise under the will of the decedent;

7 (5) the claiming successor has made an investigation and  
8 has been unable to determine any subsequent will;

9 (6) no other person has a right to the interest of the  
10 decedent in the described property;

11 (7) the claiming successor's relationship to the decedent  
12 and the value of the entire estate of the decedent; and

13 (8) the person or persons claiming as successors under  
14 the affidavit swear or affirm that all statements in the affidavit  
15 are true and material and further acknowledge that any false  
16 statement may subject the person or persons to penalties relating  
17 to perjury under section 28-915.

18 (b) The recorded affidavit and certified or authenticated  
19 copy of the decedent's death certificate shall also be recorded  
20 by the claiming successor in any other county in this state in  
21 which the real property of the decedent that is the subject of the  
22 affidavit is located.

23 Sec. 24. Section 33-107.03, Reissue Revised Statutes of  
24 Nebraska, is amended to read:

25 33-107.03 In addition to all other court costs assessed  
26 according to law, a court automation fee of ~~six~~ eight dollars  
27 shall be taxed as costs for each case filed in each county court,

1 separate juvenile court, and district court, including appeals to  
2 such courts, and for each appeal and original action filed in the  
3 Court of Appeals and the Supreme Court. The fees shall be remitted  
4 to the State Treasurer on forms prescribed by the State Treasurer  
5 within ten days after the end of each month. The State Treasurer  
6 shall credit the fees to the Supreme Court Automation Cash Fund.

7           Sec. 25. Section 33-117, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           33-117 (1) The several sheriffs shall charge and collect  
10 fees at the rates specified in this section. The rates shall be  
11 as follows: (a) Serving a *capias* with commitment or bail bond and  
12 return, two dollars; (b) serving a search warrant, two dollars; (c)  
13 arresting under a search warrant, two dollars for each person so  
14 arrested; (d) unless otherwise specifically listed in subdivisions  
15 (f) to (s) of this subsection, serving a summons, subpoena, order  
16 of attachment, order of replevin, other order of the court, notice  
17 of motion, other notice, other writ or document, or any combination  
18 thereof, including any accompanying or attached documents, ~~ten~~  
19 twelve dollars for each person served, except that when more than  
20 one person is served at the same time and location in the same  
21 case, the service fee shall be ~~ten~~ twelve dollars for the first  
22 person served at that time and location and ~~two~~ three dollars and  
23 ~~fifty cents~~ for each other person served at that time and location;  
24 (e) making a return of each summons, subpoena, order of attachment,  
25 order of replevin, other order of the court, notice of motion,  
26 other notice, or other writ or document, whether served or not,  
27 ~~five~~ six dollars; (f) taking and filing a replevin bond or other

1 indemnification to be furnished and approved by the sheriff, one  
2 dollar; (g) making a copy of any process, bond, or other paper not  
3 otherwise provided for in this section, twenty-five cents per page;  
4 (h) traveling each mile actually and necessarily traveled within  
5 or without their several counties in their official duties, three  
6 cents more per mile than the rate provided in section 81-1176,  
7 except that the minimum fee shall be fifty cents when the service  
8 is made within one mile of the courthouse, and, as far as is  
9 expedient, all papers in the hands of the sheriff at any one time  
10 shall be served in one or more trips by the most direct route  
11 or routes and only one mileage fee shall be charged for a single  
12 trip, the total mileage cost to be computed as a unit for each  
13 trip and the combined mileage cost of each trip to be prorated  
14 among the persons or parties liable for the payment of same;  
15 (i) levying a writ or a court order and return thereof, ~~fifteen~~  
16 eighteen dollars; (j) summoning a grand jury, not including mileage  
17 to be paid by the county, ten dollars; (k) summoning a petit jury,  
18 not including mileage to be paid by the county, twelve dollars;  
19 (l) summoning a special jury, for each person impaneled, fifty  
20 cents; (m) calling a jury for a trial of a case or cause, fifty  
21 cents; (n) executing a writ of restitution or a writ of assistance  
22 and return, ~~fifteen~~ eighteen dollars; (o) calling an inquest to  
23 appraise lands and tenements levied on by execution, one dollar;  
24 (p) calling an inquest to appraise goods and chattels taken by an  
25 order of attachment or replevin, one dollar; (q) advertising a sale  
26 in a newspaper in addition to the price of printing, one dollar;  
27 (r) advertising in writing for a sale of real or personal property,

1 five dollars; and (s) making deeds for land sold on execution or  
2 order of sale, five dollars.

3 (2)(a) Except as provided in subdivision (b) of this  
4 subsection, the commission due a sheriff on an execution or order  
5 of sale, an order of attachment decree, or a sale of real or  
6 personal property shall be: For each dollar not exceeding four  
7 hundred dollars, six cents; for every dollar above four hundred  
8 dollars and not exceeding one thousand dollars, four cents; and for  
9 every dollar above one thousand dollars, two cents.

10 (b) In real estate foreclosure, when any party to the  
11 original action purchases the property or when no money is received  
12 or disbursed by the sheriff, the commission shall be computed  
13 pursuant to subdivision (a) of this subsection but shall not exceed  
14 two hundred dollars.

15 (3) The sheriff shall, on the first Tuesday in January,  
16 April, July, and October of each year, make a report to the county  
17 board showing (a) the different items of fees, except mileage,  
18 collected or earned, from whom, at what time, and for what service,  
19 (b) the total amount of the fees collected or earned by the officer  
20 since the last report, and (c) the amount collected or earned for  
21 the current year. He or she shall pay all fees earned to the county  
22 treasurer who shall credit the fees to the general fund of the  
23 county.

24 (4) Any future adjustment made to the reimbursement rate  
25 provided in subsection (1) of this section shall be deemed to  
26 apply to all provisions of law which refer to this section for the  
27 computation of mileage.

1           (5) Commencing on and after January 1, 1988, all fees  
2 earned pursuant to this section, except fees for mileage, by any  
3 constable who is a salaried employee of the State of Nebraska shall  
4 be remitted to the clerk of the county court. The clerk of the  
5 county court shall pay the same to the General Fund.

6           Sec. 26. Section 34-301, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8           34-301 When one or more owners of land, the corners and  
9 boundaries of which are lost, destroyed, or in dispute, desire  
10 to have the same established, they may bring an action in the  
11 district court of the county where such lost, destroyed, or  
12 disputed corners or boundaries, or part thereof, are situated,  
13 against the owners of the other tracts which will be affected by  
14 the determination or establishment thereof, to have such corners or  
15 boundaries ascertained and permanently established. If any public  
16 road is likely to be affected thereby, the proper county shall be  
17 made defendant. Notice of such action shall be given as in other  
18 cases, and if the defendants or any of them are nonresidents of  
19 the state, or unknown, they may be served by publication as is  
20 provided by law. The action shall be a special one, and the only  
21 necessary pleading therein shall be the ~~petition~~ complaint of the  
22 plaintiff describing the land involved, and, so far as may be, the  
23 interest of the respective parties and asking that certain corners  
24 and boundaries therein described, as accurately as may be, shall be  
25 established. Either the plaintiff or defendant may, by proper plea,  
26 put in issue the fact that certain alleged boundaries or corners  
27 are the true ones, or that such have been recognized and acquiesced

1 in by the parties or their grantors for a period of ten consecutive  
2 years, which issue shall be tried before the district court under  
3 its equity jurisdiction without the intervention of a jury, and  
4 appeals from such proceedings shall be had and taken in conformity  
5 with the equity rules.

6 Sec. 27. Section 43-103, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 43-103 Except as otherwise provided in the Nebraska  
9 Indian Child Welfare Act, upon the filing of ~~such~~ a petition for  
10 adoption the court shall fix a time for hearing the same. The  
11 hearing shall be held 7 not less than four weeks nor more than  
12 eight weeks after the filing of such petition unless any party  
13 for good cause shown requests a continuance of the hearing or all  
14 parties agree to a continuance. The court may require notice of the  
15 hearing to be given to the child, if over fourteen years of age,  
16 to the natural parent or parents of the child, and to such other  
17 interested persons as the judge may, in the exercise of discretion,  
18 deem advisable, in the manner provided for service of a summons  
19 in a civil action. If the judge directs notice by publication,  
20 such notice shall be published three successive weeks in a legal  
21 newspaper of general circulation in such county.

22 Sec. 28. Section 43-1314.02, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 43-1314.02 (1) The court shall provide a caregiver  
25 information form or directions on downloading such form from the  
26 Supreme Court Internet web site to the foster parent, preadoptive  
27 parent, guardian, or relative providing care for the child when

1 giving notice of a court review described in section 43-1314. The  
2 form is to be dated and signed by the caregiver and shall, at a  
3 minimum, request the following:

4 (a) The child's name, age, and date of birth;

5 (b) The name of the caregiver, his or her telephone  
6 number and address, and whether the caregiver is a foster parent,  
7 preadoptive parent, guardian, or relative;

8 (c) How long the child has been in the caregiver's care;

9 (d) A current picture of the child;

10 (e) The current status of the child's medical, dental,  
11 and general physical condition;

12 (f) The current status of the child's emotional  
13 condition;

14 (g) The current status of the child's education;

15 (h) Whether or not the child is a special education  
16 student and the date of the last individualized educational plan;

17 (i) A brief description of the child's social skills and  
18 peer relationships;

19 (j) A brief description of the child's special interests  
20 and activities;

21 (k) A brief description of the child's reactions before,  
22 during, and after visits;

23 (l) Whether or not the child is receiving all necessary  
24 services;

25 (m) The date and place of each visit by the caseworker  
26 with the child;

27 (n) A description of the method by which the guardian ad

1 litem has acquired information about the child; and

2 (o) Whether or not the caregiver can make a permanent  
3 commitment to the child if the child does not return home.

4 (2) A caregiver information form shall be developed by  
5 the Supreme Court. Such form shall be made a part of the record in  
6 each court that reviews the child's foster care proceedings.

7 Sec. 29. Section 43-3001, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 43-3001 (1) Notwithstanding any other provision of law  
10 regarding the confidentiality of records and when not prohibited  
11 by the federal Privacy Act of 1974, as amended, juvenile court  
12 records and any other pertinent information that may be in the  
13 possession of school districts, school personnel, county attorneys,  
14 the Attorney General, law enforcement agencies, child advocacy  
15 centers, state probation personnel, state parole personnel, youth  
16 detention facilities, medical personnel, treatment or placement  
17 programs, the Department of Health and Human Services, the  
18 Department of Correctional Services, the State Foster Care Review  
19 Board, child abuse and neglect investigation teams, child abuse  
20 and neglect treatment teams, or other multidisciplinary teams for  
21 abuse, neglect, or delinquency concerning a child who is in the  
22 custody of the state may be shared with individuals and agencies  
23 who have been identified in a court order authorized by this  
24 section.

25 (2) In any judicial proceeding concerning a child who is  
26 currently, or who may become at the conclusion of the proceeding,  
27 a ward of the court or state or under the supervision of the

1 court, an order may be issued which identifies individuals and  
2 agencies who shall be allowed to receive otherwise confidential  
3 information concerning the child for legitimate and official  
4 purposes. The individuals and agencies who may be identified in  
5 the court order are the child's attorney or guardian ad litem, the  
6 parents' attorney, foster parents, appropriate school personnel,  
7 county attorneys, the Attorney General, authorized court personnel,  
8 law enforcement agencies, state probation personnel, state parole  
9 personnel, youth detention facilities, medical personnel, court  
10 appointed special advocate volunteers, treatment or placement  
11 programs, the Department of Health and Human Services, the Office  
12 of Juvenile Services, the Department of Correctional Services,  
13 the State Foster Care Review Board, child abuse and neglect  
14 investigation teams, child abuse and neglect treatment teams, and  
15 other multidisciplinary teams for abuse, neglect, or delinquency,  
16 and other individuals and agencies for which the court specifically  
17 finds, in writing, that it would be in the best interest of the  
18 juvenile to receive such information. Unless the order otherwise  
19 states, the order shall be effective until the child leaves the  
20 custody of the state or until a new order is issued.

21 (3) All information acquired by an individual or agency  
22 pursuant to this section shall be confidential and shall not  
23 be disclosed except to other persons who have a legitimate and  
24 official interest in the information and are identified in the  
25 court order issued pursuant to this section with respect to the  
26 child in question. A person who receives such information or  
27 who cooperates in good faith with other individuals and agencies

1 identified in the appropriate court order by providing information  
2 or records about a child shall be immune from any civil or criminal  
3 liability. The provisions of this section granting immunity from  
4 liability shall not be extended to any person alleged to have  
5 committed an act of child abuse or neglect.

6 (4) In any proceeding under this section relating to 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 (5) Except as provided in subsection (4) of this section,  
11 any person who publicly discloses information received pursuant to  
12 this section shall be guilty of a Class III misdemeanor.

13 Sec. 30. Section 43-3713, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15 43-3713 (1) All government agencies, service providers,  
16 professionals, school districts, school personnel, parents, and  
17 families shall cooperate with all reasonable requests of the court  
18 appointed special advocate volunteer. The volunteer shall cooperate  
19 with all government agencies, service providers, professionals,  
20 school districts, school personnel, parents, and families.

21 (2) The volunteer shall be notified in a timely manner  
22 of all hearings, meetings, and any other proceeding concerning  
23 the case to which he or she has been appointed. The court in  
24 its discretion may proceed notwithstanding failure to notify the  
25 volunteer or failure of the volunteer to appear.

26 Sec. 31. Section 84-917, Reissue Revised Statutes of  
27 Nebraska, is amended to read:

1           84-917 (1) Any person aggrieved by a final decision in a  
2           contested case, whether such decision is affirmative or negative in  
3           form, shall be entitled to judicial review under the Administrative  
4           Procedure Act. Nothing in this section shall be deemed to prevent  
5           resort to other means of review, redress, or relief provided by  
6           law.

7           ~~(2)(a)~~ (2)(a)(i) Proceedings for review shall be  
8           instituted by filing a petition in the district court of the county  
9           where the action is taken within thirty days after the service of  
10          the final decision by the agency. All parties of record shall be  
11          made parties to the proceedings for review. If an agency's only  
12          role in a contested case is to act as a neutral factfinding body,  
13          the agency shall not be a party of record. In all other cases, the  
14          agency shall be a party of record. Summons shall be served within  
15          thirty days of the filing of the petition in the manner provided  
16          for service of a summons in section 25-510.02. If the agency whose  
17          decision is appealed from is not a party of record, the petitioner  
18          shall serve a copy of the petition and a request for preparation  
19          of the official record upon the agency within thirty days of the  
20          filing of the petition. The court, in its discretion, may permit  
21          other interested persons to intervene.

22          (ii) The filing of a petition for review shall vest in a  
23          responding party of record the right to a cross-appeal against any  
24          other party of record. A respondent shall serve its cross-appeal  
25          within thirty days after being served with the summons and petition  
26          for review.

27          (b) A petition for review shall set forth: (i) The

1 name and mailing address of the petitioner; (ii) the name and  
2 mailing address of the agency whose action is at issue; (iii)  
3 identification of the final decision at issue together with a  
4 duplicate copy of the final decision; (iv) identification of the  
5 parties in the contested case that led to the final decision; (v)  
6 facts to demonstrate proper venue; (vi) the petitioner's reasons  
7 for believing that relief should be granted; and (vii) a request  
8 for relief, specifying the type and extent of the relief requested.

9 (3) The filing of the petition or the service of summons  
10 upon such agency shall not stay enforcement of a decision. The  
11 agency may order a stay. The court may order a stay after notice  
12 of the application therefor to such agency and to all parties of  
13 record. If the agency has found that its action on an application  
14 for stay or other temporary remedies is justified to protect  
15 against a substantial threat to the public health, safety, or  
16 welfare, the court may not grant relief unless the court finds  
17 that: (a) The applicant is likely to prevail when the court  
18 finally disposes of the matter; (b) without relief, the applicant  
19 will suffer irreparable injuries; (c) the grant of relief to  
20 the applicant will not substantially harm other parties to the  
21 proceedings; and (d) the threat to the public health, safety, or  
22 welfare relied on by the agency is not sufficiently serious to  
23 justify the agency's action in the circumstances. The court may  
24 require the party requesting such stay to give bond in such amount  
25 and conditioned as the court may direct.

26 (4) Within thirty days after service of the petition  
27 or within such further time as the court for good cause shown

1 may allow, the agency shall prepare and transmit to the court a  
2 certified copy of the official record of the proceedings had before  
3 the agency. Such official record shall include: (a) Notice of  
4 all proceedings; (b) any pleadings, motions, requests, preliminary  
5 or intermediate rulings and orders, and similar correspondence to  
6 or from the agency pertaining to the contested case; (c) the  
7 transcribed record of the hearing before the agency, including all  
8 exhibits and evidence introduced during such hearing, a statement  
9 of matters officially noticed by the agency during the proceeding,  
10 and all proffers of proof and objections and rulings thereon;  
11 and (d) the final order appealed from. The agency shall charge  
12 the petitioner with the reasonable direct cost or require the  
13 petitioner to pay the cost for preparing the official record for  
14 transmittal to the court in all cases except when the petitioner is  
15 not required to pay a filing fee. The agency may require payment or  
16 bond prior to the transmittal of the record.

17 (5) (a) When the petition instituting proceedings for  
18 review was filed in the district court before July 1, 1989, the  
19 review shall be conducted by the court without a jury on the record  
20 of the agency, and review may not be obtained of any issue that  
21 was not raised before the agency unless such issue involves one of  
22 the grounds for reversal or modification enumerated in subdivision  
23 (6) (a) of this section. When the petition instituting proceedings  
24 for review is filed in the district court on or after July 1, 1989,  
25 the review shall be conducted by the court without a jury de novo  
26 on the record of the agency.

27 (b) (i) If the court determines that the interest of

1 justice would be served by the resolution of any other issue not  
2 raised before the agency, the court may remand the case to the  
3 agency for further proceedings.

4 (ii) The agency shall affirm, modify, or reverse its  
5 findings and decision in the case by reason of the additional  
6 proceedings and shall file the decision following remand with  
7 the reviewing court. The agency shall serve a copy of the  
8 decision following remand upon all parties to the district court  
9 proceedings. The agency decision following remand shall become  
10 final unless a petition for further review is filed with the  
11 reviewing court within thirty days after the decision following  
12 remand being filed with the district court. The party filing the  
13 petition for further review shall serve a copy of the petition for  
14 further review upon all parties to the district court proceeding in  
15 accordance with the rules of pleading in civil actions promulgated  
16 by the Supreme Court pursuant to section 25-801.01 within thirty  
17 days after the petition for further review is filed. Within thirty  
18 days after service of the petition for further review or within  
19 such further time as the court for good cause shown may allow, the  
20 agency shall prepare and transmit to the court a certified copy of  
21 the official record of the additional proceedings had before the  
22 agency following remand.

23 (6) (a) When the petition instituting proceedings for  
24 review was filed in the district court before July 1, 1989, the  
25 court may affirm the decision of the agency or remand the case for  
26 further proceedings, or it may reverse or modify the decision if  
27 the substantial rights of the petitioner may have been prejudiced

1 because the agency decision is:

2 (i) In violation of constitutional provisions;

3 (ii) In excess of the statutory authority or jurisdiction  
4 of the agency;

5 (iii) Made upon unlawful procedure;

6 (iv) Affected by other error of law;

7 (v) Unsupported by competent, material, and substantial  
8 evidence in view of the entire record as made on review; or

9 (vi) Arbitrary or capricious.

10 (b) When the petition instituting proceedings for review  
11 is filed in the district court on or after July 1, 1989, the court  
12 may affirm, reverse, or modify the decision of the agency or remand  
13 the case for further proceedings.

14 (7) The review provided by this section shall not be  
15 available in any case where other provisions of law prescribe the  
16 method of appeal.

17 Sec. 32. Sections 4 and 33 of this act become operative  
18 on July 1, 2009. Sections 5, 25, 32, 34, and 37 of this act become  
19 operative on their effective date. Sections 16, 17, and 35 of this  
20 act become operative on January 1, 2010. The other sections of this  
21 act become operative three calendar months after the adjournment of  
22 this legislative session.

23 Sec. 33. Original section 24-301.02, Reissue Revised  
24 Statutes of Nebraska, is repealed.

25 Sec. 34. Original sections 24-517 and 33-117, Reissue  
26 Revised Statutes of Nebraska, are repealed.

27 Sec. 35. Original sections 25-3007 and 25-3008, Reissue

1 Revised Statutes of Nebraska, are repealed.

2           Sec. 36. Original sections 21-2601, 23-1205, 25-505.01,  
3 25-506.01, 25-507.01, 25-1144, 25-1628, 25-1708, 25-1801, 25-2405,  
4 25-2721, 27-1201, 30-2302, 30-2485, 30-2487, 30-24,125, 30-24,129,  
5 33-107.03, 34-301, 43-103, 43-1314.02, 43-3001, 43-3713, and  
6 84-917, Reissue Revised Statutes of Nebraska, are repealed.

7           Sec. 37. Since an emergency exists, this act takes effect  
8 when passed and approved according to law.

9           2. On page 1, strike beginning with "crimes" in  
10 line 1 through line 11 and insert "legal process; to amend  
11 sections 21-2601, 23-1205, 24-301.02, 24-517, 25-505.01, 25-506.01,  
12 25-507.01, 25-1144, 25-1628, 25-1708, 25-1801, 25-2405, 25-2721,  
13 25-3007, 25-3008, 27-1201, 30-2302, 30-2485, 30-2487, 30-24,125,  
14 30-24,129, 33-107.03, 33-117, 34-301, 43-103, 43-1314.02, 43-3001,  
15 43-3713, and 84-917, Reissue Revised Statutes of Nebraska; to  
16 provide restrictions regarding judgments against limited liability  
17 companies; to change provisions relating to appointment of acting  
18 county attorneys and the number of district court judges; to change  
19 jurisdiction provisions regarding county and district courts; to  
20 change provisions relating to service of process, applications for  
21 new trial, juror lists, recovery of costs of actions, interpreters  
22 for official proceedings, execution on judgments, civil legal  
23 services for low-income persons, unanticipated outcomes of medical  
24 care, decedents' estates, corners and boundaries of real estate,  
25 petitions for adoption, foster care information forms, confidential  
26 information concerning children, court appointed special advocate  
27 volunteers, and judicial review under the Administrative Procedure

1 Act; to change court automation and sheriffs' fees; to harmonize  
2 provisions; to provide operative dates; to repeal the original  
3 sections; and to declare an emergency."