

JUDICIARY COMMITTEE

**One-Hundred First Nebraska Legislature
Second Session**

2010

SUMMARY AND DISPOSITION OF BILLS



Senator Brad Ashford, Chairperson
Senator Steve Lathrop, Vice-Chairperson
Senator Mark Christensen
Senator Colby Coash
Senator Brenda Council
Senator Scott Lautenbaugh
Senator Amanda McGill
Senator Kent Rogert

Committee Staff: Stacey Trout, Committee Counsel
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SUBJECT INDEX

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INDEX OF BILLS BY SUBJECT

ABORTION

LB 594 (Dierks) Adopt the Women's Health Protection Act governing abortion and provide a civil remedy for failure to comply with the act

LB 675 (*Fulton*) Provide for additional voluntary and informed consents from a woman prior to abortion

LB 676 (*Fulton*) Provide for additional voluntary and informed consents from a woman prior to abortion

LR 26 (*Lautenbaugh*) Strongly opposes the federal Freedom of Choice Act and urge Congress to summarily reject it

LB 1103 (*Flood*) Adopt the Abortion Pain Prevention Act

CHILDREN/CHILD VISITATION AND CUSTODY

LB 79 (*Pirsch*) Change when a county attorney files a child support order modification complaint

LB 122 (*Coash*) Change terminology for the central register of child protection cases

LB 199 (*Stuthman*) Change provisions relating to court support orders and collection of such support

LB 201 (*McGill*) Change the Uniform Child Custody Jurisdiction and Enforcement Act relating to international application

LB 356 (*Dubas*) Provide behavioral health services for children without parental relinquishment of custody

LB 423 (*Cornett*) Change child custody provisions and the Parenting Act

LB 517 (*Hansen*) Change provisions relating to family reunification and termination of parental rights

LB 589 (*Dierks*) Designate both parents as joint custodians in a child custody determination unless there is proof otherwise

LB 901 (Wightman) Change child custody determination provisions

LB 939 (Stuthman) Change support order enforcement provisions

LB 946 (Hadley) Provide for court-ordered postsecondary education subsidy orders

LB 971 (Campbell) Change provisions relating to care and placement of neglected children and children in foster care

LB 973 (Coash) Change provisions relating to the central register of child protection cases and authorize a hearing

LB 1037 (Fulton) Change provisions relating to support enforcement and arrearages

CIVIL PROCEDURE

LB 40 (*Flood*) Correct references to statutory provisions in civil procedure statutes

LB 170 (*Wightman*) Change temporary conservator appointment provisions

LB 203 (*Rogert*) Eliminate provisions relating to multiple constables and the service or execution of legal process

LB 351 (*Lautenbaugh*) Provide for charging orders against a limited liability company member's transferable interest

LB 352 (*Lautenbaugh*) Change civil procedure service of summons provisions

LB 353 (*Lautenbaugh*) Change pleading provisions in an action for disputed corners and boundaries

LB 374 (*Lautenbaugh*) Authorize recovery of costs as part of the settlement of a civil action

LB 375 (*Lautenbaugh*) Increase claim amount and provide for payment for costs for certain civil suits

LB 703 (*Wightman*) Change provisions relating to powers of attorney

LB 712 (*Rogert*) Change provisions relating to legal process

LB 1026 (*Wightman*) Provide for transfers of civil actions in district court

LB 1046 (*Lautenbaugh*) Change speedy trial and indefinite continuance provisions

LB 1085 (Lautenbaugh) Change provisions relating to garnishment

LB 1089 (Karpisek) Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

CONSTITUTIONAL AMENDMENTS

CONTROLLED SUBSTANCES

LB 123 (*Karpisek*) Change the Uniform Controlled Substances Act to include Salvia divinorum or Salvinorin A

LB 151 (*Stuthman*) Change exemptions relating to ephedrine-containing substances under the Uniform Controlled Substances Act

LB 244 (*Coash*) Add Tramadol and Carisoprodol to schedules of controlled substances

LB 383 (*Pahls*) Provide for limited immunity from prosecution under the Uniform Controlled Substances Act

LB 792 (*Coash*) Change controlled substances schedules

CORRECTIONS/COMMUNITY CORRECTIONS

LB 78 (*Gay*) Provide for deposit of inmate wages into the Victim's Compensation Fund

LB 274 (*Christensen*) Authorize the Director of Correctional Services to assign felony offenders to an incarceration work camp as prescribed

LB 429 (*Christensen*) Change employment provisions of persons committed to the Department of Correctional Services

LB 510 (*Pirsch*) Require the deposit and distribution of certain surcharges and inmate wages for the benefit of victims of crime

LB 659 (*Fulton*) Provide for data collection relating to persons released from incarceration

LB 864 (*Pirsch*) Provide, change, and eliminate duties for the Community Corrections Council

LB 955 (*Giese*) Adopt the Correctional Facility Reimbursement Act

LB 988 (*Council*) Change provisions relating to credit for imprisonment for fines and costs

LB 989 (*Council*) Provide for administrative segregation of certain committed offenders as prescribed

LB 990 (*Council*) Change reductions of sentence provisions for a person sentenced to a city or county jail

COURTS

LB 4 (*Christensen*) Change the rate of jury compensation to minimum

LB 35 (*Ashford*) Change legal process regarding limited liability companies, courts, civil and criminal procedure, grants, estates, real estate, adoption, foster care, juveniles, court appointed special advocates, and administrative hearings and change fees

LB 83 (*McGill*) Provide for the care of domestic animals in protection orders

LB 90 (*Heidemann*) Remove a requirement of consent and waiver of physical appearance relating to audiovisual court appearances

LB 305 (*Council*) Include state identification card holders in jury lists

LB 332 (*Ashford*) Change provisions relating to courts

LB 333 (*Ashford*) Increase and provide for court fees

LB 343 (*Ashford*) Designate the time a judge's term ends

LB 344 (*Ashford*) Change administration of the Civil Legal Services Program

LB 414 (*Ashford*) Change salary of Supreme Court judges

LB 433 (*Lathrop*) Change provisions relating to interchange of court judges and court jurisdiction

LB 596 (*Ashford*) Change a legal services fee

LB 669 (*Coash*) Change the number of district, county and separate juvenile court judges

LB 695 (*Price*) Change the jurisdictional amount of the Small Claims Court

LB 727 (*Coash*) Change compensation for retired judges serving temporary duty

LB 824 (Fischer) Change provisions relating to master jury lists

LB 847 (Council) Change Small Claims Court powers and provide for use of attorneys as prescribed

LB 859 (Lautenbaugh) Change provisions relating to trial by jury

LB 915 (McGill) Provide for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists

LB 1029 (Stuthman) Change court nonjudicial days provisions

LB 1104 (Flood) Change judges' salaries

CRIMINAL OFFENSES AND PENALTIES

LB 38 (*Flood*) Change assault, assault on an officer, and offenses by a confined person provisions

LB 39 (*Flood*) Adopt new rules of evidence relating to sexual offenses

LB 63 (*Friend*) Change provisions and penalties relating to assault, firearms and other weapons, graffiti, gang affiliation, juveniles, bail, jailhouse informers, appeals, violence prevention, prisoner employment, and dating violence policies

LB 76 (*Pirsch*) Authorize the aggregation of amounts under forgery in the second degree and criminal possession of a forged instrument

LB 148 (*Pirsch*) Change penalties for motor vehicle homicide and motor vehicle homicide of an unborn child

LB 155 (*Rogert*) Adopt the Public Protection Act, change provisions relating to theft, criminal impersonation, forgery, and bad and no-account checks, and create the offenses of identity theft and identity fraud and an additional deceptive trade practice

LB 238 (*Lathrop*) Adopt the Public Power Infrastructure Protection Act and change penalty provisions regarding trespass

LB 252 (*Cornett*) Prohibit possession of animal fighting paraphernalia

LB 258 (*Harms*) Change and provide penalties for minors in possession of alcoholic liquor

LB 276 (*Nordquist*) Change criminal mischief provisions and prohibit defacement

LB 277 (*Mello*) Prohibit the purchase of spray paint and industrial-strength marking pens by minors

LB 409 (*Dierks*) Provide violations and penalties for offenses against arson dogs

LB 494 (*McCoy*) Require animal health care professionals to report cases of animal abuse and change dangerous dog provisions

LB 506 (*Pirsch*) Change penalties related to the duty to stop at a motor vehicle accident

LB 507 (*Pirsch*) Change provisions and penalties regarding domestic assault in the third degree

LB 508 (*Pirsch*) Prohibit certain gang-related initiations

LB 518 (*McGill*) Change provisions relating to homicide and other criminal offenses and penalties

LB 625 (*Pirsch*) Prohibit intentional exposure to another of a life-threatening communicable disease

LB 707 (*Haar*) Change provisions and penalties relating to unlawful intrusion

LB 765 (*Fulton*) Change criminal laws relating to gambling

LB 771 (*Flood*) Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, jailhouse witnesses, and juveniles

LB 840 (*Lautenbaugh*) Change provisions relating to criminal attempt

LB 843 (*Lautenbaugh*) Change provisions relating to arson

LB 889 (*Christensen*) Change provisions relating to the justification for the use of force

LB 894 (*Pirsch*) Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure

LB 905 (*Dubas*) Change provisions relating to discharge of firearms

LB 968 (*McGill*) Redefine abuse for certain domestic violence situations

LB 984 (*Howard*) Change a penalty relating to child abuse

LB 1062 (*McGill*) Change provisions relating to murder in the second degree and create the offenses of voluntary and involuntary manslaughter

LB 1084 (*Karpisek*) Provide for seizures of pet animals and equines as prescribed

LB 1102 (*Giese*) License and regulate wagering on historic horserace

CRIMINAL PROCEDURE

LB 144 (Avery) Allow accessibility to certain disciplinary records regarding police officers and school district personnel

LB 185 (*Louden*) Change provisions relating to presentence investigations

LB 190 (*Avery*) Provide for collection of DNA samples from individuals convicted of a felony

LB 307 (*Council*) Change sentencing requirements with respect to certain minors

LB 671 (*Pirsch*) Provide powers and duties for and change membership of the Nebraska County Attorney Standards Advisory Council relating to death investigations, require training for coroners and deputy coroners, and provide duties for the Nebraska Commission on Law Enforcement and Criminal Justice

LB 809 (*Rogert*) Change statute of limitations for fraud involving certain assistance programs

DEATH PENALTY

LB 36 (*Flood*) Change method and procedure for inflicting the death penalty

LB 306 (*Council*) Repeal the death penalty and replace it with life imprisonment without possibility of parole

LB 1105 (*Council*) Require an audit of death penalty costs

EMPLOYMENT

LB 34 (*Ashford*) Require employment verification of employees by employers and by contractors who want to be awarded a public contract

LB 996 (*Lathrop*) Change provisions relating to use of the federal immigration verification system by public contractors

FIREARMS

LB 145 (*Avery*) Prohibit firearms at schools, colleges, and universities as prescribed

LB 430 (*Christensen*) Change provisions relating to the Concealed Handgun Permit Act

LB 817 (*Rogert*) Authorize contracting for law enforcement by natural resources districts, change provisions relating to handguns and firearms, and require the Nebraska State Patrol to provide notice to permit holders

LB 860 (*Lautenbaugh*) Change concealed handgun permit application provisions relating to misdemeanor crimes of violence

LB 1033 (*Christensen*) Change provisions relating to regulation of concealed handguns

JUVENILES

LB 82 (*Howard*) Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code

LB 226 (*Rogert*) Change the age of majority to eighteen years of age for certain purposes

LB 237 (*Lathrop*) Adopt the Interstate Compact for Juveniles

LB 253 (*Ashford*) Adopt a new Nebraska Juvenile Code and change child abuse reporting and registry, child relinquishment, and Foster Care Review Act provisions

LB 345 (*Gay*) Change juvenile court jurisdiction to exclude school truancy

LB 800 (*Ashford*) Provide methods of early intervention for children at risk

LB 923 (*Ashford*) Change provisions relating to sealing of juvenile criminal justice records

LB 936 (*Flood*) Authorize court-ordered conditions for juvenile court dispositions

LAW ENFORCEMENT

LB 41 (*Flood*) Clarify references to the county sheriff

LB 496 (*Fulton*) Authorize enforcement of traffic control signal violations by automated traffic enforcement systems

LB 699 (*McCoy*) Require information obtained pursuant to certain arrests be forwarded to federal immigration authorities

LB 746 (*Giese*) Change provisions relating to racial profiling

LB 784 (*Louden*) Change admission provisions relating to law enforcement training

LB 795 (*Council*) Authorize employment of law enforcement officers by natural resources districts as prescribed

LB 842 (*Lautenbaugh*) Change procedures in cases of death during apprehension by law enforcement officers or while in custody

LB 844 (*Lautenbaugh*) Change provisions relating to Nebraska Law Enforcement Training Center tuition, fees, and expenses

LIABILITY

LB 153 (*Lautenbaugh*) Adopt the Tourism Liability Act

LB 156 (*Lautenbaugh*) Eliminate the strict liability requirement for pursuits by law enforcement officers

LB 216 (*Wallman*) Eliminate civil liability provisions relating to motor vehicle and aircraft guest statutes

LB 304 (*Council*) Change limitation of action provisions under the Political Subdivisions Tort Claims Act

LB 347 (*Cornett*) Eliminate governmental agency liability with respect to dogs

LB 373 (*Lautenbaugh*) Change death and disability-related provisions pertaining to emergency response personnel

LB 513 (*Lautenbaugh*) Eliminate subrogation and contribution rights against a political subdivision or the state for property damage related to vehicular pursuit

LB 763 (*Mello*) Adopt the Successor Asbestos-Related Liability Act

LB 769 (*Stuthman*) Provide for immunity from liability for county clerks regarding incorrect or false marriage license application information

LB 830 (Coash) Limit small tourism business liability and adopt the Tourism Insurance Act

LB 835 (Howard) Change reporting provisions of the Nebraska Hospital-Medical Liability Act

LB 876 (Howard) Change recovery amounts under the Nebraska Hospital-Medical Liability Act

LB 1043 (Lautenbaugh) Change medical lien provisions and provide for discovery of medical treatment value and payment rights

LB 1075 (*Carlson*) Adopt the Alcoholic Liquor Liability Act

MARRIAGE

LB 19 (*Christensen*) Change marriage license fee provisions and provide for marriage education

MEDICAL ETHICS

LB 1050 (*Price*) Require a second coroner's opinion as prescribed

MISCELLANEOUS

LB 208 (*Lautenbaugh*) Add false information about employees to the crime of fraudulent insurance act and to the Insurance Fraud Act

LB 260 (*Rogert*) Adopt the Nebraska Claims for Wrongful Conviction and Imprisonment Act

LB 292 (*Lathrop*) Adopt the Nebraska Uniform Athlete Agents Act

LB 472 (*Fulton*) Change payment terms for scrap copper and catalytic converters

LB 499 (*Dubas*) Allow breast-feeding as prescribed

LB 595 (*Karpisek*) Change coroner's examination provisions in motor vehicle accident cases

LB 598 (*Ashford*) Change the Nebraska Crime Victim's Reparations Act and authorize a Community Trust to assist with tragedies of violence or natural disaster

LB 801 (Fulton) Change the Uniform Deceptive Trade Practices Act

LB 853 (*Wightman*) Change criminal law statutes to reflect Nebraska Supreme Court opinion State v. Conover, 270 Neb. 446; 703 N.W.2d 898 (2005)

LB 868 (*Flood*) Change probation administrative sanctions, community service sentencing, and minors with alcohol-related criminal provisions and exempt community service offenders and probationers from workers' compensation coverage

LB 1045 (Lautenbaugh) Change provisions relating to the designation of jury commissioner

LB 1094 (Lathrop) Adopt the Nonrecourse Civil Litigation Act

PROPERTY, REAL ESTATE AND PROBATE

LB 46 (*Wightman*) Provide for costs and expenses of estate administration

LB 47 (*Wightman*) Change the amount of the intestate share of the surviving spouse

LB 118 (*Wightman*) Change decedents' estates provisions relating to collection of personal property by affidavit and succession to real property by affidavit

LB 687 (*Wightman*) Change amounts of homestead allowance, exempt property, and family allowance for decedents' estates

LB 732 (Utter) Change provisions relating to certain forced sales of real property

LB 756 (*Wightman*) Adopt the Nebraska Uniform Real Property Transfer on Death Act

LB 757 (*Wightman*) Provide for nonprobate transfer on death motor vehicle certificates of title

LB 758 (*Wightman*) Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives

LB 822 (Janssen) Change provisions relating to construction liens

LB 907 (Conrad) Change provisions relating to homestead property exempt from execution

LB 1047 (*Wightman*) Provide for construction of terms in wills and trusts relating to federal laws

SEX OFFENDER STATUTES

LB 15 (*White*) Require driver's license and Internet address information as part of sex offender registration

LB 97 (*Lautenbaugh*) Change provisions relating to foreign corporations and provisions and penalties relating to certain sex offenders

LB 147 (*Pirsch*) Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders

LB 265 (*Giese*) Change the Sexual Predator Residency Restriction

LB 284 (*Fulton*) Authorize employment restrictions for sexual predators

LB 285 (*Pirsch*) Change Sex Offender Registration Act provisions

LB 694 (*Price*) Provide restrictions for sexual predators and penalties

LB 728 (*Lautenbaugh*) Adopt the Exploited Children's Civil Remedy Act and redefine a term with respect to pleas

STATE AGENCIES

LB 354 (*Lautenbaugh*) Provide for cross-appeals in contested cases under the Administrative Procedure Act

LB 403 (*Karpisek*) Require verification of lawful presence in the United States to receive public benefits as prescribed

LB 442 (*Council*) Change procedural and relief provisions of the Nebraska Fair Housing Act

LB 660 (*Fulton*) Change provisions relating to the Legislative Performance Audit Section and the Auditor of Public Accounts

LB 874 (*Giese*) Change provisions relating to probation office expenses

LR 9 (*Fulton*) Encourage law enforcement agencies to enter into a memoranda of agreement with the U.S. Department of Homeland Security to perform immigration law enforcement functions

LB 880 (*Rogert*) Change provisions relating to fireworks

LB 881 (*Rogert*) Change and eliminate provisions relating to fireworks

TOBACCO

LB 886 (*Stuthman*) Change and provide penalties for minors purchasing or possessing tobacco

INDEX OF BILLS (2010 Legislative Session)

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	FINAL DISPOSITION	COMMENTS
LB 4	Christensen	Change the rate of jury compensation to minimum wage	3/25	Held in Committee	IPP'd 4-14-2010	
LB 15	White	Require driver's license and Internet address information as part of sex offender registration	3/11	Held in Committee	Amended into LB 97	
LB 19	Christensen	Change marriage license fee provisions and provide for marriage education	1/23	Held in Committee	IPP'd 4-14-2010	
LB 34	Ashford	Require employment verification of employees by employers and by contractors who want to be awarded a public contract	2/18	Held in Committee	Partially Amended into LB 403 then IPP'd 4-14-2010	
LB 35	Ashford	Adopt the Violence Prevention Act, prohibit certain gang activity, and change certain firearm provisions	2/20	General File w/AM 836	Governor Approved	Judiciary Priority Bill
LB 36	Flood	Change method and procedure for inflicting the death penalty	1/29	General File w/AM 828	Governor Approved	Flood Priority Bill
LB 38	Flood	Change assault, assault on an officer, and offenses by a confined person provisions	3/19	Held in Committee	IPP'd 4-14-2010	
LB 39	Flood	Adopt new rules of evidence relating to sexual offenses	3/19	General File	Amended into LB 97 then IPP'd 4-14-2010	
LB 40	Flood	Correct references to statutory provisions in civil procedure statutes	2/4	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 41	Flood	Clarify references to the county sheriff	1/22	General File	Adv to Select File IPP'd 4-14-2010	
LB 46	Wightman	Provide for costs and expenses	2/5	Held in Committee	Amended into LB	

		of estate administration			35 then IPP'd 4-14-2010	
LB 47	Wightman	Change the amount of the intestate share of the surviving spouse	2/5	General File w/AM 240	Amended into LB 35 then IPP'd 5-29-2009	
LB 63	Friend	Change provisions relating to assault, firearms, graffiti, gang affiliation, juveniles, and jailhouse informers	2/20	General File w/AM 212	Governor Approved	Ashford Priority Bill
LB 76	Pirsch	Authorize the aggregation of amounts under forgery in the second degree and criminal possession of a forged instrument	1/21	General File	Amended into LB 155 then IPP'd 5-29-09	
LB 78	Gay	Provide for deposit of inmate wages into the Victim's Compensation Fund	1/22	Held in Committee	IPP'd 4-14-2010	
LB 79	Pirsch	Change when a county attorney files a child support order modification complaint	1/30	Held in Committee	Amended into LB 288 then IPP'd 4-14-2010	
LB 82	Howard	Require notification of change in a juvenile's case manager under the Nebraska Juvenile Code	3/12	Held in Committee	IPP'd 4-14-2010	
LB 83	McGill	Provide for the care of domestic animals in protection orders	1/22	General File w/ AM77	Failed to advance to Select File IPP'd 4-14-2010	
LB 90	Heidemann	Remove a requirement of consent and waiver of physical appearance relating to audiovisual court appearances	1/23	General File	Governor Approved	
LB 97	Lautenbaugh	Change provisions relating to foreign corporations and provisions and penalties relating to certain sex offenders	3/11	General File w/ AM 893	Governor Approved	Speaker Priority Bill
LB 118	Wightman	Change decedents' estates provisions relating to collection of personal property by affidavit	2/5	Held in Committee	Amended into LB 35 then IPP'd	

		and succession to real property by affidavit			4-14-2010	
LB 122	Coash	Change terminology for the central register of child protection cases	3/18	General File	Governor Approved	Consent Calendar
LB 123	Karpisek	Change the Uniform Controlled Substances Act to include Salvia divinorum or Salvinorin A	1/21	General File	Governor Approved	
LB 144	Avery	Allow accessibility to certain disciplinary records regarding police officers and school district personnel	2/26	IPP'd; 3-3-09		
LB 145	Avery	Prohibit firearms at schools, colleges, and universities as prescribed	3/19	General File w/ AM 790	Amended into LB 430 then IPP'd 4-14-2010	
LB 147	Pirsch	Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders	3/18	General File w/ AM 756	Governor Approved	
LB 148	Pirsch	Change penalties for motor vehicle homicide and motor vehicle homicide of an unborn child	1/21	Held in Committee	IPP'd 4-14-2010	
LB 151	Stuthman	Eliminate provisions relating to ephedrine under the Uniform Controlled Substances Act	1/21	General File w/ AM49	Governor Approved	
LB 153	Lautenbaugh	Adopt the Tourism Liability Act	3/4	Held in Committee	IPP'd 4-14-2010	
LB 155	Rogert	Adopt the Public Protection Act, change provisions relating to theft offenses and criminal impersonation, and create the offenses of identity theft and identity fraud	1/28	General File w/ AM 1271	Governor Approved	Speaker Priority Bill
LB 156	Lautenbaugh	Eliminate the strict liability requirement for pursuits by law enforcement officers	1/30	IPP'd 2-4-09		
LB 170	Wightman	Change temporary conservator appointment provisions	2/5	IPP'd; 2-5-09		

LB 185	Louden	Change provisions relating to presentence investigations	1/22	IPP'd; 2-4-09		
LB 190	Avery	Provide for collection of DNA samples from individuals convicted of a felony	1/22	General File w/ AM85	Governor Approved	
LB 199	Stuthman	Change provisions relating to court support orders and collection of such support	3/4	General File w/AM 1213	Amended into LB 288 then IPP'd 5-29-2009	
LB 201	McGill	Change the Uniform Child Custody Jurisdiction and Enforcement Act relating to international application	1/23	General File w/ AM 83	Governor Approved	
LB 203	Rogert	Eliminate provisions relating to multiple constables and the service or execution of legal process	1/23	IPP'd; 2-4-09		
LB 208	Lautenbaugh	Add false information about employees to the crime of fraudulent insurance act and to the Insurance Fraud Act	2/26	General File	Governor Approved	Consent Calendar
LB 216	Wallman	Eliminate civil liability provisions relating to motor vehicle and aircraft guest statutes	1/30	General File	Governor Approved	
LB 226	Rogert	Change the age of majority to eighteen years of age for certain purposes	3/25	General File w/ AM 1590	Governor Approved	
LB 237	Lathrop	Adopt the Interstate Compact for Juveniles	3/18	General File w/ AM 870	Governor Approved	Speaker Priority Bill
LB 238	Lathrop	Adopt the Public Power Infrastructure Protection Act and change penalty provisions regarding trespass	3/4	General File w/ AM 903	Governor Approved	Consent Calendar
LB 244	Coash	Add Tramadol and Carisoprodol to schedules of controlled substances	1/28	Held in Committee	IPP'd 4-14-2010	
LB 252	Cornett	Prohibit possession of animal fighting paraphernalia	2/11	General File W/ AM 1761	Governor Approved	Consent Calendar
LB 253	Ashford	Adopt a new Nebraska Juvenile	2/25		IPP'd	

		Code and change child abuse reporting and registry, child relinquishment, and Foster Care Review Act provisions		Held in Committee	4-14-2010	
LB 258	Harms	Change and provide penalties for minors in possession of alcoholic liquor	3/19	General File w/AM 1803	Governor Approved	Harms Priority Bill
LB 260	Rogert	Adopt the Nebraska Claims for Wrongful Conviction and Imprisonment Act	2/19	General File w/AM 456	Governor Approved	Rogert Priority Bill
LB 265	Giese	Change the Sexual Predator Residency Restriction Act	3/12	Held in Committee	IPP'd 4-14-2010	
LB 274	Christensen	Authorize the Director of Correctional Services to assign felony offenders to an incarceration work camp as prescribed	2/19	General File	Governor Approved	Consent Calendar
LB 276	Nordquist	Change criminal mischief provisions and prohibit defacement	1/28	Held in Committee	IPP'd 4-14-2010	
LB 277	Mello	Prohibit the purchase of spray paint and industrial-strength marking pens by minors	1/28	IPP'd; 2-27-09		
LB 284	Fulton	Authorize employment restrictions for sexual predators	3/12	Held in Committee	IPP'd 4-14-2010	
LB 285	Pirsch	Change Sex Offender Registration Act provisions	3/18	General File w/AM 774	Governor Approved	Friend Priority Bill
LB 292	Lathrop	Adopt the Nebraska Uniform Athlete Agents Act	2/26	General File w/AM 496	Governor Approved	Lathrop Priority Bill
LB 304	Council	Change limitation of action provisions under the Political Subdivisions Tort Claims Act	2/4	General File	Failed to advance to Select File then IPP'd 4-14-2010	
LB 305	Council	Include state identification card holders in jury lists	2/4	General File	Amended into LB 35 then IPP'd 5-29-2009	
LB 306	Council	Repeal the death penalty and replace it with life imprisonment without possibility of parole	1/29	General File	IPP'd; 1-12-10	
LB 307	Council	Change sentencing requirements	2/19	General File	IPP'd 4-14-2010	Council Priority Bill

		with respect to certain minors				
LB 332	Ashford	Change provisions relating to courts	2/6	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 333	Ashford	Increase and provide for court fees	2/6	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 343	Ashford	Designate the time a judge's term ends	2/4	General File	Governor Approved	Consent Calendar
LB 344	Ashford	Change administration of the Civil Legal Services Program	2/6	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 345	Gay	Change juvenile court jurisdiction to exclude school truancy	2/25	IPP'd; 2-26-09		
LB 347	Cornett	Eliminate governmental agency liability with respect to dogs	2-11	General File w/ AM 985	Governor Approved	Consent Calendar
LB 351	Lautenbaugh	Provide for charging orders against a limited liability company member's transferable interest	2-27	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 352	Lautenbaugh	Change civil procedure service of summons provisions	2/5	General File w/ AM 1799	Amended into LB 35 then IPP'd 4-14-2010	
LB 353	Lautenbaugh	Change pleading provisions in an action for disputed corners and boundaries	2/5	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 354	Lautenbaugh	Provide for cross-appeals in contested cases under the Administrative Procedure Act	2/26	General File	Amended into LB 35 then IPP'd 5-29-09	
LB 356	Dubas	Provide behavioral health services for children without parental relinquishment of custody	2/25	General File	Amended into LB 603 then IPP'd 4-30-09	
LB 373	Lautenbaugh	Change death and disability-related provisions pertaining to emergency response personnel	2/26	General File w/ AM 1022	Governor Approved	
LB 374	Lautenbaugh	Authorize recovery of costs as part of the settlement of a civil action	2/27	General File w/ AM 925	Amended into LB 35 then IPP'd	

					5-29-09	
LB 375	Lautenbaugh	Increase claim amount and provide for payment for costs for certain civil suits	2/27	General File w/ AM 924	Amended into LB 35 then IPP'd	
LB 383	Pahls	Provide for limited immunity from prosecution under the Uniform Controlled Substances Act	3/19	Held in Committee	IPP'd 4-14-2010	
LB 403	Karpisek	Require verification of lawful presence in the United States to receive public benefits as prescribed	2/18	General File w/ AM413	Governor Approved	Judiciary Committee Priority
LB 409	Dierks	Provide violations and penalties for offenses against arson dogs	2/11	Held in Committee	IPP'd 4-14-2010	
LB 414	Ashford	Change salary of Supreme Court judges	2/25	General File w/ AM 812	Governor Approved	Speaker Priority Bill
LB 423	Cornett	Change child custody provisions and the Parenting Act	3/25	Held in Committee	IPP'd 4-14-2010	
LB 429	Christensen	Change employment provisions of persons committed to the Department of Correctional Services	2/19	General File	Amended into LB 63 then IPP'd 5-29-09	
LB 430	Christensen	Amend the Concealed Handgun Permit Act and state the power of cities and villages with respect to firearms	3/26	General File w/ AM 835	Governor Approved	Christensen Priority Bill
LB 433	Lathrop	Change provisions relating to interchange of court judges and court jurisdiction	2/4	Held in Committee	Amended into LB 35 then IPP'd 4-14-2010	
LB 442	Council	Change procedural and relief provisions of the Nebraska Fair Housing Act	2/27	Held in Committee	IPP'd 4-14-2010	
LB 472	Fulton	Change payment terms for scrap copper and catalytic converters	2/11	IPP'd; 2-26-09		
LB 494	McCoy	Change provisions relating to dangerous dogs	2/11	General File w/ AM 844	Governor Approved	Speaker Priority Bill
LB 496	Fulton	Authorize enforcement of traffic control signal violations by automated traffic enforcement	3/11	Held in Committee	IPP'd 4-14-2010	

		systems				
LB 499	Dubas	Allow breast-feeding as prescribed	3/18	Held in Committee		
LB 506	Pirsch	Change penalties related to the duty to stop at a motor vehicle accident	3/4	Held in Committee	IPP'd 4-14-2010	
LB 507	Pirsch	Change provisions and penalties regarding domestic assault in the third degree	3/20	General File w/ AM 2107	Governor Approved	Howard Priority Bill
LB 508	Pirsch	Prohibit certain gang-related initiations	2/20	Held in Committee	IPP'd 4-14-2010	
LB 510	Pirsch	Require the deposit and distribution of certain surcharges and inmate wages for the benefit of victims of crime	3/26	General File w/ AM 2095	Governor Approved	Pirsch Priority Bill
LB 513	Lautenbaugh	Eliminate subrogation and contribution rights against a political subdivision or the state for property damage related to vehicular pursuit	3/20	Held in Committee	IPP'd 4-14-2010	
LB 517	Hansen	Change provisions relating to family reunification and termination of parental rights	3/4	General File w/ AM 662	Governor Approved	Hansen Priority Bill
LB 518	McGill	Change provisions relating to homicide and other criminal offenses and penalties	3/11	Held in Committee	IPP'd 4-14-2010	
LB 589	Dierks	Designate both parents as joint custodians in a child custody determination unless there is proof otherwise	3/25	Held in Committee	IPP'd 4-14-2010	
LB 594	Dierks	Adopt the Women's Health Protection Act governing abortion and provide a civil remedy for failure to comply with the act	3/5	General File w/ AM1699	Governor Approved	Dierks Priority Bill
LB 595	Karpisek	Change coroner's examination provisions in motor vehicle accident cases	3/26	Held in Committee	IPP'd 4-14-2010	
LB 596	Ashford	Change a legal services fee	2/25	Held in Committee	IPP'd 4-14-2010	

LB 598	Ashford	Change the Nebraska Crime Victim's Reparations Act and authorize a Community Trust to assist with tragedies of violence or natural disaster	3/20	General File	Governor Approved	Consent Calendar
LB 625	Pirsch	Prohibit intentional exposure to another of a life-threatening communicable disease	3/20	Held in Committee	IPP'd 4-14-2010	
LB 659	Fulton	Provide for data collection relating to persons released from incarceration	3/26	Held in Committee	IPP'd 4-14-2010	
LB 660	Fulton	Change provisions relating to the Legislative Performance Audit Section and the Auditor of Public Accounts	3/25	Held in Committee	IPP'd 4-14-2010	
LB 668	Gay	Create offenses of assault on an emergency services provider or a health care provider in the first, second, and third degrees		Withdrawn; 2-27-09		
LB 669	Coash	Change the number of district, county, and separate juvenile court judges	2/6	General File	Partially amended into LB 35 then IPP'd 4-14-2010	
LB 671	Pirsch	Provide powers and duties and change membership of the Nebraska County Attorney Standards Advisory Council relating to death investigations	3/11	General File w/ AM 1009	Governor Approved	Pirsch Priority Bill
LB 672	Pirsch	Change provisions and penalties for certain firearms crimes		Withdrawn; 1-26-09		
LB 675	Fulton	Provide for additional voluntary and informed consents from a woman prior to abortion	3/5	General File w/ AM 994	Governor Approved	McCoy Priority Bill
LB 676	Fulton	Provide for additional voluntary and informed consents from a woman prior to abortion	3/5	Held in Committee	IPP'd 4-14-2010	
LR 9	Fulton	Encourage law enforcement agencies to enter into a memoranda of agreement with the U.S. Department of	2/18	Held in Committee	IPP'd 4-14-2010	

		Homeland Security to perform immigration law enforcement functions				
LR 26	Lautenbaugh	Strongly oppose the federal Freedom of Choice Act and urge Congress to summarily reject it	3/5	Held in Committee	IPP'd 4-14-2010	
LR 223	Council	Urge the members of Nebraska's congressional delegation to pass immigration reform legislation	5/26	Held in Committee	IPP'd 4-14-2010	

LB/LR	INTRODUCER	ONE-LINER	HEARING DATE	COMMITTEE DISPOSITION	FINAL DISPOSITION	COMMENTS
LB 687	Wightman	Change amounts of homestead allowance, exempt property, and family allowance for decedents' estates	1/20	General File	Amended into LB 712 then IPP'd 4-14-2010	
LB 694	Price	Provide restrictions for sexual predators and penalties	1/21	Held in Committee	IPP'd 4-14-2010	
LB 695	Price	Change the jurisdictional amount of the Small Claims Court	1/21	General File w/ AM 1849	Governor Approved	Consent Calendar
LB 699	McCoy	Require information obtained pursuant to certain arrests be forwarded to federal immigration authorities	2/17	Held in Committee	IPP'd 4-14-2010	
LB 703	Wightman	Change provisions relating to powers of attorney	1/20	General File	Amended into LB 712 then IPP'd 4-14-2010	
LB 707	Haar	Change provisions and penalties relating to unlawful intrusion	1/20	Held in Committee	IPP'd 4-14-2010	Speaker Priority Bill
LB 712	Rogert	Change the Disposition of Personal Property Landlord and Tenant Act	1/20	General File w/ AM 2288	Governor Approved	Judiciary Committee Priority Bill
LB 727	Coash	Change compensation for retired judges serving temporary duty	2/3	General File	Governor Approved	Speaker Priority Bill

LB 728	Lautenbaugh	Adopt the Exploited Children's Civil Remedy Act and redefine a term with respect to pleas	1/22	General File	Governor Approved	Langemeier Priority Bill
LB 732	Utter	Change provisions relating to certain forced sales of real property	1/28	General File	Governor Approved	Consent Calendar
LB 746	Giese	Change provisions relating to racial profiling	1/21	General File w/ AM 1669	Governor Approved	
LB 756	Wightman	Adopt the Nebraska Uniform Real Property Transfer on Death Act	2/3	Held in Committee	IPP'd 4-14-2010	
LB 757	Wightman	Provide for nonprobate transfer on death motor vehicle certificates of title	2/3	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 758	Wightman	Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives	2/3	General File	Governor Approved	Consent Calendar
LB 763	Mello	Adopt the Successor Asbestos-Related Liability Act	1/28	General File	Governor Approved	Cornett Priority Bill
LB 765	Fulton	Change criminal laws relating to gambling	2/24	Held in Committee	IPP'd 4-14-2010	
LB 769	Stuthman	Provide for immunity from liability for county clerks regarding incorrect or false marriage license application information	1/22	Held in Committee	IPP'd 4-14-2010	
LB 771	Flood	Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, discovery, and juveniles	2/5	General File w/ AM 2442	Governor Approved	Heidemann Priority Bill
LB 784	Louden	Change admission provisions relating to law enforcement training	1/21	Held in Committee	IPP'd 4-14-2010	
LB 792	Coash	Change controlled substances schedules	1/29	General File	Governor Approved	Consent Calendar
LB 795	Council	Authorize employment of law enforcement officers by natural resources districts as prescribed	2/10	General File w/ AM 2203	Amended into LB 817 then IPP'd 4-14-2010	
LB 800	Ashford	Provide methods of early	1/27	General File w/	Governor	Judiciary Committee

		intervention for children at risk		AM 2109	Approved	Priority Bill
LB 801	Fulton	Change the Uniform Deceptive Trade Practices Act	2/17	General File w/ AM 1972	Governor Approved	Speaker Priority Bill
LB 809	Rogert	Change statute of limitations for fraud involving certain assistance programs	1/29	General File	Governor Approved	Consent Calendar
LB 817	Rogert	Exempt concealed handgun permit holders from certificate to purchase a handgun requirements	1/29	General File w/ AM 1964	Governor Approved	Fulton Priority Bill
LB 822	Janssen	Change provisions relating to construction liens	1/28	Held in Committee	IPP'd 4-14-2010	
LB 824	Fischer	Change provisions relating to master jury lists	1/22	Held in Committee	Amended into LB712 then IPP'd 4-14-2010	
LB 830	Coash	Limit small tourism business liability and adopt the Tourism Insurance Act	1/28	General File w/ AM2258	Amended into LB779 then IPP'd 4-14-2010	
LB 835	Howard	Change reporting provisions of the Nebraska Hospital-Medical Liability Act	2/11	Held in Committee	IPP'd 4-14-2010	
LB 840	Lautenbaugh	Change provisions relating to criminal attempt	2/5	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 842	Lautenbaugh	Change procedures in cases of death during apprehension by law enforcement officers or while in custody	2/4	General File	Governor Approved	Speaker Priority Bill
LB 843	Lautenbaugh	Change provisions relating to arson	2/4	General File	Amended into LB 712 then IPP'd 4-14-2010	
LB 844	Lautenbaugh	Change provisions relating to Nebraska Law Enforcement Training Center tuition, fees, and expenses	1/21	General File	Governor Approved	Consent Calendar
LB 847	Council	Change Small Claims Court powers and provide for use of attorneys as prescribed	2/25	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 853	Wightman	Change criminal law statutes to reflect Nebraska Supreme Court opinion State v. Conover, 270	1/20	IPP'd; 3-24-2010		

		Neb. 446; 703 N.W.2d 898 (2005)				
LB 859	Lautenbaugh	Change provisions relating to trial by jury	1/28	Held in Committee	IPP'd 4-14-2010	
LB 860	Lautenbaugh	Change concealed handgun permit application provisions relating to misdemeanor crimes of violence	2/4	Held in Committee	Amended into LB 817 then IPP'd 4-14-2010	
LB 864	Pirsch	Provide duties for the Community Corrections Council	1/29	General File w/ AM 1679	Governor Approved	Speaker Priority Bill
LB 868	Flood	Change probation administrative sanctions, community service sentencing, and minors with alcohol-related criminal provisions and exempt community service offenders and probationers from workers' compensation coverage	2/10	Held in Committee	IPP'd 4-14-2010	
LB 874	Giese	Change provisions relating to probation office expenses	2/10	Held in Committee	IPP'd 4-14-2010	
LB 876	Howard	Change recovery amounts under the Nebraska Hospital-Medical Liability Act	2/11	Held in Committee	IPP'd 4-14-2010	
LB 880	Rogert	Change provisions relating to fireworks	2/10	General File w/ AM 2015	Governor Approved	Speaker Priority Bill
LB 881	Rogert	Change and eliminate provisions relating to fireworks	2/10	Held in Committee	Partially amended into LB880 then IPP'd 4-14-2010	
LB 886	Stuthman	Change and provide penalties for minors purchasing or possessing tobacco	2/5	Held in Committee	IPP'd 4-14-2010	
LB 889	Christensen	Change provisions relating to the justification for the use of force	2/4	Held in Committee	IPP'd 4-14-2010	
LB 894	Pirsch	Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure	2/18	General File w/ AM 1958	Governor Approved	Consent Calendar
LB 901	Wightman	Change child custody determination provisions	2/11	General File w/ AM1926	Governor Approved	Speaker Priority Bill

LB 905	Dubas	Change provisions relating to discharge of firearms	2/4	Held in Committee	Amended into LB 817 then IPP'd 4-14-2010	
LB 907	Conrad	Change provisions relating to homestead property exempt from execution	2/17	General File	Governor Approved	Consent Calendar
LB 915	McGill	Provide for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists	1/22	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 923	Ashford	Change provisions relating to sealing of juvenile criminal justice records	1/27	Held in Committee	Amended into LB800 then IPP'd 4-14-2010	
LB 936	Flood	Authorize court-ordered conditions for juvenile court dispositions	2/11	Held in Committee	IPP'd 4-14-2010	
LB 939	Stuthman	Change support order enforcement provisions	2/19	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 946	Hadley	Provide for court-ordered postsecondary education subsidy orders		Withdrawn; 2-5-2010		
LB 955	Giese	Adopt the Correctional Facility Reimbursement Act	2/18	Held in Committee	IPP'd 4-14-2010	
LB 968	McGill	Redefine abuse for certain domestic violence situations	2/5	Held in Committee	IPP'd 4-14-2010	
LB 971	Campbell	Change provisions relating to care and placement of neglected children and children in foster care	2/19	Held in Committee	IPP'd 4-14-2010	
LB 973	Coash	Change provisions relating to the central register of child protection cases and authorize a hearing	2/19	Held in Committee	IPP'd 4-14-2010	
LB 984	Howard	Change a penalty relating to child abuse	2/5	General File	Amended into LB507 then IPP'd 4-14-2010	
LB 988	Council	Change provisions relating to credit for imprisonment for fines and costs	2/24	General File w/ AM1685	Amended into LB 712 then IPP'd 4-14-2010	

LB 989	Council	Provide for administrative segregation of certain committed offenders as prescribed	2/18	Held in Committee	IPP'd 4-14-2010	
LB 990	Council	Change reduction of sentence provisions for a person sentenced to a city or county jail	2/24	General File w/ AM2183	Amended into LB 712 then IPP'd 4-14-2010	
LB 996	Lathrop	Change provisions relating to use of the federal immigration verification system by public contractors	2/17	Held in Committee	IPP'd 4-14-2010	
LB 1026	Wightman	Provide for transfers of civil actions in district court	2/3	General File w/ AM1802	Amended into LB712 then IPP'd 4-14-2010	
LB 1029	Stuthman	Change court nonjudicial days provisions	2/17	IPP'd; 3-24-10		
LB 1033	Christensen	Change provisions relating to regulation of concealed handguns	2/4	Held in Committee	IPP'd 4-14-2010	
LB 1037	Fulton	Change provisions relating to support enforcement and arrearages	2/19	Held in Committee	IPP'd 4-14-2010	
LB 1043	Lautenbaugh	Change medical lien provisions and provide for discovery of medical treatment value and payment rights	2/25	Held in Committee	IPP'd 4-14-2010	
LB 1045	Lautenbaugh	Change provisions relating to the designation of jury commissioner	2/19	General File	Amended into LB712 then IPP'd 4-14-2010	
LB 1046	Lautenbaugh	Change speedy trial and indefinite continuance provisions	2/19	Held in Committee	Amended into LB712 then IPP'd 4-14-2010	
LB 1047	Wightman	Provide for construction of terms in wills and trusts relating to federal laws	2/3	General File w/ AM1812	Governor Approved	Consent Calendar
LB 1050	Price	Require a second coroner's opinion as prescribed	2/18	Held in Committee	IPP'd 4-14-2010	
LB 1062	McGill	Change provisions relating to murder in the second degree and create the offenses of voluntary and involuntary manslaughter	2/18	Held in Committee	IPP'd 4-14-2010	

LB 1075	Carlson	Adopt the Alcoholic Liquor Liability Act	2/24	Held in Committee	IPP'd 4-14-2010	
LB 1084	Karpisek	Provide for seizures of pet animals and equines as prescribed	2/18	General File w/ AM 2259	Amended into LB 712 then IPP'd 4-14-2010	
LB 1085	Lautenbaugh	Change provisions relating to garnishment	2/17	General File	Governor Approved	Consent Calendar
LB 1089	Karpisek	Adopt the Nebraska Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act	2/25	Held in Committee	IPP'd 4-14-2010	
LB 1094	Lathrop	Adopt the Nonrecourse Civil Litigation Act	2/11	General File w/ AM1953	Governor Approved	Speaker Priority Bill
LB 1102	Giese	License and regulate wagering on historic horseraces	2/10	General File w/ AM2234	Failed Cloture Vote on General File IPP'd 4-14-2010	Lautenbaugh Priority Bill
LB 1103	Flood	Adopt the Abortion Pain Prevention Act	2/25	General File w/ AM2063	Governor Approved	Flood Priority Bill
LB 1104	Flood	Change judges' salaries	2/3	Held in Committee	IPP'd 4-14-2010	
LB 1105	Council	Require an audit of death penalty costs	2/24	General File w/AM 2147	Failed to adv to select file; IPP'd 4-14-2010	Council Priority Bill
LR 411	Council	Urge government attorneys, private attorneys, and fire investigators to review questionable arson convictions	3/30	Reported to Legislature; 3-31-10	Signed	

**BILLS PASSED DURING
THE 2010 LEGISLATIVE SESSION**

LB 147 (*Pirsch*) Provide name-change court orders to update the central register of child protection cases and the central registry of sex offenders

Legislative Bill 147 would provide that the clerks of the district courts send a copy, in hard or electronic form, of all name-change orders to the Department of Health and Human Services and to the sex-offender registration and community notification division of the Nebraska State Patrol. If the respective departments determine the name change is for a person on the central register of child protection cases or the central registry of sex offenders, the department must include the changed name and the former name in the registries and files or cross-reference the information under both names. If the department determines that a name change order is a match to a name on the central registry of sex offenders, the sex-offender registration and community notification division of the Nebraska State Patrol must notify the sheriff of the county in which such person resides.

Committee Amendment AM 756 was adopted on General File to add a duty for the Department of Health and Human Services to determine if any name-change orders sent by the clerks of the district courts match any name on the Adult Protective Services Central Registry. If the Department determines that a name change order is a match, the Department must include the changed name and the former name in the registry and file or cross-reference the information under both names. Additionally, the amendment requires that any name-change petition include the petitioner's address and date of birth.

To accommodate changes made to the law after the bill was advanced to General File, AM 1569 was adopted to update two statute sections. The updates do not affect the substantive intent of the bill. An operative date of January 1, 2012 was also added under AM 1569.

LB 147 was passed by the Legislature by a 45-0-4 vote and was signed by the Governor on February 11, 2010.

LB 190 (*Avery*) Provide for collection of DNA samples from individuals convicted of a felony and released on probation.

LB 190 would require the collection and submission to the State DNA Database, the DNA of all persons convicted of any felony in the State. LB 190 would require that any person currently imprisoned for any felony conviction be required to submit a DNA sample for inclusion into the DNA Database if they do not have such a sample already on file before being released from parole or before being released before serving their maximum sentence of confinement.

LB 190 was amended in Committee by AM 85, which requires the submission of DNA for the misdemeanor crimes of stalking as found under sections 28-311.02 to 28-311.05, false imprisonment in the first and second degree as found under sections 28-314 and 28-315, knowing and intentional sexual abuse of a vulnerable adult as described under subdivision (1) (c) of 28-386 and the violation of the Sex Offender Registration Act as described under 29-4011.

Senator Avery also amended LB 190 with AM 1555 and AM 1715 which created the State DNA Sample and Data Base Fund (which will be administered by the states Attorney Generals office) and requires all probationers to pay for the collection and inclusion of their DNA sample into the State database as a term of probation respectively.

LB 190 was passed by the Legislature by a 47-0-2 vote and was signed by the Governor on March 3, 2010.

LB 216 (Wallman) Eliminate civil liability provisions relating to motor vehicle and aircraft guest statutes.

LB 216 repeals the Nebraska Guest statutes, which currently provides that certain passengers in a motor vehicle or aircraft who are injured through the negligence of the driver cannot recover damages for his or her injuries unless the driver is found to have been under the influence of intoxicating liquor or to have committed gross negligence. Nebraska's versions of the guest statute are codified at N.R.S. §§3-129.01, 25-21,237, and 25-21,238.

Legislative Bill 216 outright repeals the guest statutes, thereby allowing injured passengers to sue a driver or pilot for negligence. LB 216 was passed by the Legislature by a 36-8-5 vote and was signed by the Governor on February 11, 2010.

LB 226 (Rogert) Change the age of majority to eighteen years of age for certain purposes

Legislative Bill 226 would amend various statute sections to lower the age of majority from nineteen to eighteen.

Committee Amendment AM 1590 was adopted on General File and replaced the language of the entire bill. Under AM 1590, an eighteen year old minor may consent to his or her own medical treatment if his or her parent or guardian delegates the power to consent to the minor with a properly executed power of attorney. Additionally, the amendment allows minors who have reached the age of eighteen to enter into binding contracts or leases and provides that they are legally responsible for the contracts.

On General File, AM 1633 was adopted to exclude wards of the state from the provisions of the bill. On Final Reading, the bill was returned to Select File for a specific amendment to add an emergency clause under AM 1894.

LB 226 was passed by the Legislature by a 46-0-3 vote and was signed by the Governor on March 3, 2010.

LB 252 (Cornett) Prohibit possession of animal fighting paraphernalia.

LB 252 amends Nebraska Statutes 28-101, 28-1006, 28-1007 and 28-1019 to prohibit and provide a penalty for the possession of animal fighting paraphernalia.

LB 252 prohibits a person from knowingly and intentionally owning or possessing animal fighting paraphernalia with the intent to commit a violation of 28-1005. For purposes of this act, animal fighting paraphernalia has the following meaning:

- materials of any kind that are used, intended for use, or designed for use, in the training, preparation, conditioning, or furtherance of the pitting of an animal against another as defined in section 28-1004.

Any person violating subsection (1) of this section is guilty of a Class IV felony.
(5yr/\$10,000/Both)

LB 252 also provides that if a person is convicted of a Class IV felony under this act, they will be prohibited from owning, possessing, or residing with an animal for at least five years as currently provided for under 28-1019 (1)(a) of the Nebraska Statutes. An exception to the ownership prohibition is provided if a licensed physician confirms in writing that animal ownership is essential to the health of such person (i.e., service dog).

LB 252 was amended in Committee by AM 1761 which made the following changes to the bill:

- Strikes section 3 of the bill as introduced;
- Provides that animal fighting paraphernalia does not include equipment, products, or materials of any kind used by a veterinarian licensed to practice veterinary medicine and surgery in this state; and
- Changes the penalty in section 2, subsection (c) from a Class IV felony to a Class I misdemeanor.

LB 252 was passed by the Legislature by a 46-1-2 vote and was signed by the Governor on April 12, 2010.

LB 258 (Harms) Change and provide penalties for minors in possession of alcoholic liquor.

LB 258 as introduced would have required drivers under the age of 21 who were found to be in violation of Nebraska's minors in possession of alcohol laws to have their drivers license impounded for at least 60 days for the first offense and up to two years for a fourth offense. In addition, the individual found in violation would be subject to community service, alcohol education classes, or have to undergo an alcohol assessment

depending on the number of prior offenses for being a minor in possession of alcohol that the individual has.

LB 258 was amended in Committee by AM 1803, which provides that enhanced penalties under LB 258 shall only apply to those minors under 19 years of age and reduces the length of the license impoundment provided under LB 258 from “60 days to two years”, to “30 days to one year” under the Committee Amendment.

Finally, LB 258 was amended by AM 1888, introduced by Senator Karpisek, to provide that the license impoundment provided under this bill will be at the discretion of the judge hearing the case rather than being a mandatory part of every sentence.

LB 258 was passed by the Legislature by a 40-3-6 vote and was signed by the Governor on March 17, 2010.

LB 373 (Lautenbaugh) Change death and disability-related provisions pertaining to emergency response personnel.

LB 373 would provide a rebuttable presumption for police officers and firefighters that if death or disability as a result of hypertension, heart or respiratory defect, or disease occurs within three months of separation from employment, that there be a presumption that such death or disability occurred "while in the line of duty". The three month time period to calculate the presumption shall be multiplied by each year of the individual's service as a police officer or firefighter, not to exceed sixty months after separation, so an officer who served for three years would have a time frame of nine months from separation for purposes of utilizing the presumption under this section.

LB 373 would also provide that a firefighter or firefighter paramedic who suffers death or disability as a result of a blood-borne infectious disease, and had passed a physical examination upon entry into service as a firefighter or firefighter paramedic that failed to reveal any evidence of the existence of a blood-borne disease; or the firefighter or firefighter paramedic has engaged in the service of the fire department within ten years before the onset of the disease, shall be prima facie evidence that such death or disability resulted from injuries, accident, or other cause while "in the line of duty" for purposes of pension plan and disability benefits. An individual under this section can receive benefit of the presumption if the death or disability occurs within three months of separation from their employment. The three month time period used to calculate the presumption shall be multiplied by each year of the individual's service as a police officer or firefighter, not to exceed sixty months.

LB 373 was amended in Committee by AM 1022 to provide that there will only be a three month presumption provided under LB 373. LB 373 was passed by the Legislature by a 38-0-11 vote and was signed by the Governor on April 7, 2010.

LB 507 (Pirsch) Provide for payment of prenatal services in certain situations and change domestic assault and child abuse provisions.

LB 507 as introduced would change Nebraska law to permit the arrest and prosecution of a suspect who intentionally, knowingly or recklessly causes bodily injury to an intimate partner or threatens an intimate partner in a menacing manner.

LB 507 also provides two important changes in the way repeat offenders are charged:

- LB 507 removes the twelve year limitation on the use of a prior Domestic Assault conviction for enhancement.
- Second, and perhaps most important of all, LB 507 allows a prosecutor to use a prior conviction to enhance the penalty for violating this offense even when the prior case involved a different intimate partner. Currently, any prior conviction used to enhance the penalty must involve the same intimate partner.

LB 507 was amended in Committee by AM 2107, which made the following changes:

- Struck the inclusion of “recklessly” to the “knowingly and intentionally cause bodily injury to an intimate partner” standard currently provided in statute;
- Provides a new crime under this act when a person “threatens an intimate partner in a menacing manner”, which will be a Class I misdemeanor and is not eligible for enhancement for subsequent violations.

LB 507 was amended by AM 2457 which was introduced by Senator Howard. This amendment was originally introduced as LB 984 and increases the penalty for child abuse that results in serious bodily injury from a Class III felony to a Class II felony.

Finally, LB 507 was amended by amendments 2474 and 2477, both by Sen. Campbell, which provide that a pregnant Nebraska resident who is the victim of domestic violence may receive Medicaid benefits for prenatal services without having to provide the name of their child’s father to the Department of Health and Human Services if the resident asks the Executive Director of HHS to review their case and the Executive Director deems a suspension of the rules to provide the services to be warranted. Amendment 2477 clarified that prenatal services do not include abortion related services.

LB 507 was passed by the Legislature by a 49-0 vote and was approved by the Governor on April 13, 2010.

LB 510 (Pirsch) Provide funding for compensation of victims of crime and for rehabilitation of certain offenders.

LB 510 as introduced would assess a \$1 surcharge on all court filings and provide that up to five percent of wages from work release inmates under the Department of Corrections would be collected and dispersed to provide support to the Victim Information and Notification Everyday Network, crime victim assistance programs and nonprofit crime victim’s organizations.

LB 510 was amended in Committee by AM 2095, which provides that the \$1 assessment and the inmate wages collected would be divided, with 75% of the funds collected being utilized for additional funding to the Crime Victims Reparations Fund and 25% being used to create the Reentry Cash Fund, which would fund the welding and business technology job training programs implemented by the McCook Work Ethic Camp.

LB 510 was passed by the Legislature by a 38-1-10 vote and was approved by the Governor on April 14, 2010.

LB 594 (Dierks) Adopt the Women's Health Protection Act governing abortion and provide a civil remedy for failure to comply with the act

Legislative Bill 594 would enact the Women's Health Protection Act.

Section 1 would name the Act.

Section 2 would state the purpose of the Act.

Section 3 would establish definitions pertaining to the Act including: abortion, abortion provider, complications associated with abortion, emergency situation, negligible risk, patient, risk factor associated with abortion and self-induced abortion.

Section 4 would establish new requirements to be met before an abortion can be performed and before a patient can be referred for an abortion, except in an emergency situation. It is an act of malpractice or professional negligence to perform an abortion or refer a patient for an abortion unless:

1. Before the provider performs or refers for an abortion, a physician, psychiatrist, psychologist, mental health practitioner, physician assistant, registered nurse, or social worker licensed under the Uniform Credentialing Act has:
 - a. Evaluated the patient to identify any compulsion to consent to the abortion;
 - b. Evaluated the patient to identify risk factors associated with abortion;
 - c. Informed the patient and physician of results in writing, including checklist of positive and negative results for each risk factor and provided the written certification that the patient understands and appreciates the significance of the risk factors and is seeking the abortion without compulsion and
 - d. Retained a copy of evaluation results in the patient's permanent record.
2. If risk factors were identified, the patient was informed of the following:
 - a. Each complication associated with each identified risk factor;
 - b. Any quantifiable risk rate whenever relevant data exists.

Section 5 would provide a remedy for the intentional, knowing, or negligent failure to comply with the Act. Damages available to the patient or her survivors would include: \$10,000 for each failure to screen for a risk factor and for each failure to inform; actual damages; reasonable attorney's fees and costs as well as recovery for wrongful death if by preponderance of the evidence, the physician knew or should have known that consent was not fully informed or voluntary.

Section 6 would provide that any civil action under the Act must be commenced in accordance with statute section 44-2828, which establishes the statute of limitations for such actions at within two years of the alleged act or omission upon which the civil action is based. If the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier, but not more than ten years after the date of alleged act or omission.

Section 7 would require an abortion provider who performs an abortion on a minor to provide information required under section 4 of the Act to the patient's parent or guardian or the provider would bear the burden of proving patient was capable of independently evaluating the information.

Section 8 would require the patient to be provided with the information required under the Act at least 24 hours before scheduled abortion, except in case of an emergency situation or the abortion provider would bear the burden of proving the patient had sufficient reflection time, given her age, maturity, emotional state and mental capacity to comprehend and consider the information.

Section 9 would regulate civil actions under the Act as follows:

1. The failure to comply with requirements set forth in section 4 of the Act creates rebuttable presumption that the patient would not have had the abortion;
2. The absence of physical injury shall not preclude noneconomic damages;
3. Physicians are not automatically disqualified from serving as an expert if he or she does not perform elective abortions;
4. Any physician advertising services in NE is deemed to be transacting business in the state and shall be subject to the requirements of the Act;
5. The failure to comply with requirements set forth in section 4 of the Act creates presumption the negligence was willful or wanton unless the defendant proves by a preponderance of the evidence that a lesser mental state in fact applied;
6. Any waiver of liability for malpractice or professional negligence is void and unenforceable;
7. An affirmative defense exists to an allegation of inadequate exposure if the defendant omitted contested information because statistically significant surveys show that less than 5 % of patients consider the contested information relevant to the abortion decision and

8. The patient or her survivors have a cause of action for reckless endangerment against any person other than a licensed physician or pharmacist who attempts or completes an abortion or aids or abets a self-induced abortion. Proof of injury is not required to recover for wrongful death and the minimum award for damages shall be \$850,000 plus reasonable costs and attorney's fees.
9. Each violation of the Act entitles the patient or her survivors to \$10,000 for each failure to screen and each failure to inform plus actual damages and reasonable attorney's fees and costs.

Section 10 would provide that the statute of limitations for filing suit under the Act will be tolled during the period for which any portion of the Act is enjoined and subsequently upheld and for two years thereafter.

Section 11 would provide a severability clause.

Committee Amendment AM 1699 was adopted on General File to replace green copy of the bill. The amendment incorporates the provisions of the Act into existing statute as follows:

Section 1 adds language to the existing legislative findings in statute section 28-325 regarding abortion to declare the following:

- Current screening and counseling is not adequate to protect the health needs of women;
- Clarifying the minimum standard for preabortion screening and counseling is practical way to protect well being of women and ensure providers are aware of patient's risk profile; and
- Women's health can be protected by providing a cause of action against nonphysicians performing illegal abortions or encouraging self-abortions.

Section 2 adds definitions to existing definitions in statute section 28-326 related to abortion including: complications associated with abortion, negligible risk, risk factor associated with abortion and self induced abortion.

Section 3 adds provisions to the existing informed consent requirements in statute section 28-327 to require the following before consent to an abortion can be considered voluntary and informed, except in an emergency situation:

- At least 1 hour before the abortion, a physician, psychiatrist, psychologist, mental health practitioner, physician assistant, registered nurse, or social worker licensed under Uniform Credentialing Act must have:
 - Evaluated the woman to identify any perceived feeling of being pressured or coerced into seeking or consenting to abortion;
 - Evaluated the woman to identify risk factors associated with abortion;
 - Informed the woman and physician of results in writing, including checklist of positive and negative results for each risk factor and the written certification

- o of the woman and the licensed person that the woman was informed of the risk factors;
 - o Retained copy of evaluation results in woman's permanent record;
- If risk factors were identified, the woman was informed of the following:
 - o Each complication associated with each identified risk factor;
 - o Any quantifiable risk rate whenever relevant data exists;
- The physician performing the abortion has formed a reasonable medical judgment, documented in permanent record that:
 - o The preponderance of statistically validated medical studies demonstrates that the woman's risk factors are negligible risks;
 - o Continuance of the pregnancy would involve risk of injury greater than the abortion; or
 - o Continuance of the pregnancy would involve less risk of injury than the abortion.

Section 4 provides that any waiver of evaluations and notices is void and unenforceable.

Section 5 provides remedies for the intentional, knowing, or negligent failure to comply with informed consent. Available damages include reasonable costs and attorney's fees as well as recovery for wrongful death if by preponderance of the evidence the physician knew or should have known that consent was not fully informed or voluntary.

Section 6 provides that any civil action under the Act must be commenced in accordance with statute section 44-2828, which establishes the statute of limitations for such actions within two years of the alleged act or omission upon which the civil action is based. If the cause of action is not discovered and could not be reasonably discovered within such two-year period, the action may be commenced within one year from the date of such discovery or from the date of discovery of facts which would reasonably lead to such discovery, whichever is earlier, but not more than ten years after the date of alleged act or omission.

Section 7 requires an abortion provider who performs an abortion on minor to provide information required under section 3 to the woman's parent or guardian or the provider bears the burden of proving the patient was capable of independently evaluating the information.

Section 8 requires the woman to be provided with the information required under the Act at least 24 hours before scheduled abortion, except in case of an emergency situation or the abortion provider bears the burden of proving the woman had sufficient reflection time, given her age, maturity, emotional state and mental capacity to comprehend and consider the information.

Section 9 regulates civil actions arising under section 28-327 as follows:

10. The failure to comply with requirements set forth in section 28-327 creates rebuttable presumption that the patient would not have had the abortion;
11. The absence of physical injury shall not preclude noneconomic damages;

12. A physician is not automatically disqualified from serving as an expert if he or she does not perform elective abortions;
13. Any physician advertising services in NE is deemed to be transacting business in the state and shall be subject to the requirements of section 28-327;
14. An affirmative defense exists to an allegation of inadequate exposure if the defendant omitted contested information because statistically significant surveys show that less than 5 % of women consider the contested information relevant to the abortion decision and
15. The woman or her survivors have a cause of action for reckless endangerment against any person other than a licensed physician or pharmacist who attempts or completes an abortion or aids or abets a self-induced abortion. Proof of injury is not required to recover reasonable costs and attorney's fees for wrongful death.

Section 10 provides that the statute of limitations for filing suit will be tolled during the period for which any portion of the Women's Health Protection Act is enjoined and subsequently upheld and for two years thereafter. This section clarifies that the informed consent statute is not defining a standard of care for any medical procedure except induced abortion. This section clarifies that violation of the new informed consent requirements under this bill is not grounds for criminal or disciplinary action.

Section 11 harmonizes language in statute with the bill.

Section 12 harmonizes language in statute with the bill.

Section 13 provides a severability clause.

On General File, AM 2306 was adopted by the Legislature to make technical changes. On Select File, AM 2386 was adopted to clarify which subsections of statute section 28-327 must be violated to establish prima facie evidence of professional negligence. Also on Select File, AM 2509 was adopted to mandate that the Department of Health and Human Services to make available, on its website and through a 24-hour hotline, information about public and private agencies offering mental health services available to assist a woman after a risk factor evaluation.

LB 594, as amended, was passed by the Legislature on a 40-9-0 vote and signed by the Governor on April 13, 2010.

LB 695 (Price) Change the jurisdictional amount of the Small Claims Court.

LB 695 changes the jurisdictional amount for Small Claims Court from the current amount of \$2,700 to \$5,000. The current statute 25-2802 pertaining to the jurisdictional amount for Small Claims Court provides that the Nebraska Supreme Court shall adjust the jurisdictional amount every five years, utilizing the unadjusted Consumer Price Index

for All Urban Consumers that is published by the Federal Bureau of Labor Statistics for the five year period preceding the adjustment.

LB 695 was amended in Committee by AM1849, which changes the jurisdictional amount for Small Claims Court from \$5,000 to \$3,500. LB 695 was passed by the Legislature by a 48-0-1 vote and was signed by the Governor on April 12, 2010.

LB 712 (Rogert) Change provisions relating to legal process.

LB 712 amends the Disposition of Personal Property Landlord and Tenant Act as provided in 69-2304 and 69-2308 of the Nebraska Revised Statutes. The bill raises the threshold amount of personal property left on the premises by a former tenant that requires a public sale of such property. Current law requires a landlord to sell, at a public sale with proper notice, personal property left by the tenant, if such property is believed to be over \$250 in value. LB 712 would raise the amount of personal property requiring a public sale to \$1000.

LB 712 was amended in Committee and designated a committee priority bill and contains the following additional provisions:

--**Legislative Bill 1026** (LB 1026, as amended by the Judiciary Committee, appears in section 1 of AM 2288 to LB 712) would create a statutory process for transferring civil actions from one district court to a district court in another county in the state. The current law provides for the transfer of such cases, but does not provide statutory guidance on the procedure for the transfer.

Under LB 1026, the transfer may occur before or after the entry of a judgment. Any judgment shall commence in the transferee court on the first day of the month following the order of transfer. The transferor court would issue an order providing direction to the clerk of the transferor court to: transfer the action to the transferee court within 15 days after the date of the order; certify the proceedings; file the original paper of such action; certify a transcript of docket entries and certify the payment of any judgment, except judgments involving support order records maintained by the Title IV-D Division. The court order to transfer must specify how filing fees for the filing of a new civil action shall be paid by the transferring party. Also, if the transferred case involves a child support judgment, the Title IV-D Division is to transfer the records of the action to the transferee court.

The bill was advanced unanimously with Committee Amendment AM 1802, which would amend the provisions of the original bill and place them into the existing statute section 25-410. The amendments would clarify the transfer process and make it timelier by requiring the transfer of the action to occur within ten days, rather than fifteen days, after the entry of the transfer order. The amendment would provide that no additional court fees shall be required for the transfer.

The clerk of the transferor court must file with the transferee court certification of the payment records of any judgment in the action maintained by the transferor court, including those involving support orders. Under the amendment, the judgment shall commence, and shall be a lien on the property of the debtor in any county in which such judgment is filed, once it is filed and entered on the judgment record of the transferee court. However, if the transferred case involves a support order with payment records maintained by the Title IV-D Division, the transferor court order must notify the division to make changes in the records and support payments shall commence in the transferee court on the first day of the month following the order of transfer.

--**Legislative Bill 1045** (LB 1045 appears in section 2 of AM 2288 to LB 712) would amend statute section 25-1625 to eliminate the provision for the clerk of the district court to perform the duties of the jury commissioner when a county has more than 150,000 inhabitants but not more than 200,000 inhabitants. The bill would also increase the population threshold from 150,000 to 200,000 inhabitants for counties to have a separate jury commissioner or to have the duties performed by the election commissioner if authorized by the judges of the district court. The bill advanced from Committee by an 8-0 vote.

--**Legislative Bill 824** (LB 824, as amended by the Judiciary Committee, appears in section 3 of AM 2288 to LB 712) would amend section 25-1628(2) to reduce the frequency of production of master jury lists in counties with low population. Under current law, counties with 3,000 or more inhabitants must refresh the jury pool annually. Counties with less than 3,000 inhabitants must refresh every two years. Under LB 824, counties with 7,000 or more inhabitants must refresh the jury pool annually. Counties with a population between 3,000 and 7,000 inhabitants must refresh every two years. Counties with less than 3,000 inhabitants must refresh when ordered to do so by the district judge.

The bill was attached to LB712 as amended with Committee Amendment AM 1600, which would amend the bill to require jury pool refreshment every five years for counties with less than 3,000 inhabitants.

--**Legislative Bill 915** (LB 915 appears in section 3 of AM 2288 to LB 712) would amend section 25-1628(1) to provide that driver's license numbers and state identification card numbers be included in the lists of information given to the jury commissioner by the officer in charge of the election records and by the Department of Motor Vehicles. The jury commissioner shall use the information in reducing duplication and producing a master jury list. LB915 was advanced from Committee by a vote of 7-0, with one member absent.

--**Legislative Bill 847** (LB 847 appears in sections 4,5 & 6 of AM 2288 to LB 712) would amend statute sections related to Small Claims Court to restore provisions that were removed from law under LB 1014 in 2008 which provided a method for a defendant to vacate a default judgment. The bill would also provide that parties may be represented

by attorney for the purpose of filing a motion for a new trial to set aside, vacate or modify a default judgment. LB 847 was advanced from Committee by a vote of 8-0.

--**Legislative Bill 1046** (LB 1046, as amended by the Judiciary Committee, appears in sections 7 & 8 of AM 2288 to LB 712) would amend statute sections 29-1207 and 29-1208 to change speedy trial and indefinite continuance provisions. Under the bill, a defendant who seeks and obtains an indefinite continuance has an affirmative duty to end the continuance by giving notice of a request for a trial date. The court may end such a continuance by setting a trial date, in which case the excludable period ends on the date the trial commences. Also under the bill, a defendant would be deemed to have waived his or her right to a speedy trial and would be excluded from asserting a right to a speedy trial when the period of delay resulting from a continuance granted at the request of or with the consent of the defendant or his or her counsel extends beyond the statutory six month period.

The bill was attached to LB712 with a committee amendment, which would provide that the defendant or his or her counsel must request a continuance, not merely consent to a continuance that extends beyond the statutory six month period in order for the defendant to be deemed to have waived his or her right to a speedy trial.

--**Legislative Bill 988** (Sen. Council) advanced from the Judiciary Committee with AM 1685 attached by an 8-0 vote and would simply increase the amount of credit for imprisonment for nonpayment of a fine, cost, or for default on an installment plan used to pay a fine from the current daily amount of "\$60" to the new amount of \$80. (Located in Section 9 of AM 2288) AM 1685 to LB 988 would change the amount listed on p.2, line 21 of the bill from "eighty" dollars to "ninety" dollars.

--**Legislative Bill 687** (Sen. Wightman) advanced from Committee by an 8-0 vote. LB 687 would change the amount of money exempted from an estate that is provided to the spouse and or child of a decedent leaving an estate beginning January 1, 2011 in the following instances:

- A surviving spouse of a Nebraska resident would be entitled to a homestead allowance of \$20,000 beginning January 1, 2011 upon the resident's death, an increase from the current amount of \$7,500 which continues until January 1, 2011. If the Nebraska resident dies leaving no surviving spouse, each minor child and each dependent child of the deceased resident is entitled to a share of the \$20,000 that was available to the surviving spouse if such spouse existed, with the amount being divided by the number of minor and dependent children. (Section 10 of AM 2288)
- The surviving spouse of a Nebraska resident would be entitled to exempt personal property valued up to \$5,000 from the estate for a Nebraska resident who dies before January 1, 2011 and \$12,500 for a resident who dies on or after January 1, 2011. (Section 11 of AM 2288)
- The personal representative of an estate may provide a family allowance in a lump sum not to exceed \$9,000 to the family of a decedent who dies on or before

January 1, 2011 and \$20,000 for a decedent who dies on or after January 1, 2011. The amount provided for the family allowance can be divided into a monthly amount not greater than the \$9,000 and \$20,000 totals. (Section 12 of AM 2288)

--**Legislative Bill 703** (Sen. Wightman) advanced from the Judiciary Committee by an 8-0 vote and would amend the following acts and sections of law:

- The Uniform Durable Power of Attorney Act contained in sections 30-2664 to 30-2672 of the Nebraska Statutes (Section 14 of AM2288);
- The Nebraska Short Form Act contained in sections 49-1501 to 49-1561 of the Nebraska Statutes (Section 31 of AM2288); and
- General powers available under a "Power of Attorney" (Section 33 of AM2288),

These sections would be amended by providing that an agent or attorney in fact, acting under a power of attorney may, create or change rights of survivorship and/or a beneficiary designation, as long as the power of attorney expressly grants the authority to do so.

--**Legislative Bill 757** (LB 757 appears in sections 15 & 16 of AM 2288 to LB 712) would amend statute section 30-2715 and add provisions to statute allowing a motor vehicle governed by a certificate of title to be titled in transfer-on-death. A person who owns a motor vehicle may provide for the transfer of such vehicle upon his or her death, or the death of the last survivor of a joint-tenancy-with-right-of-survivorship by including in the certificate of title a designation of beneficiary or beneficiaries to whom the vehicle will be transferred on death. LB757 advanced from Committee by an 8-0 vote.

--**Legislative Bill 939** (LB 939 appears in sections 17 through 30 of AM 2288 to LB 712) would amend statute sections related to child support enforcement to allow the Department of Health and Human Services to effectively collect child support and remain in compliance with federal regulations. To comply with federal law, the bill would allow DHHS to modify a child support order in health care coverage cases within three years of entry of the order. The bill would also provide that DHHS may review child support orders within the three year period after the obligation is ordered when a substantial change in circumstances is demonstrated, has lasted at least three months and is expected to last for an additional six months. The bill would also authorize DHHS to utilize income withholding to collect other monetary judgments related to the support of the child that the obligor has been ordered to pay and owes to a federal or state governmental unit in cases when services are being provided under Title IV-D and the support obligation is current. The bill would also require financial institutions to include the account balance with the information provided to DHHS for each obligor that is matched to an account within the financial institution's system. LB939 was advanced from Committee by an 8-0 vote.

--**Legislative Bill 712** (Sen. Rogert) advanced from the Judiciary Committee by an 8-0 vote and would amend 69-2304(2) which contains a notice from a landlord to a tenant that property believed to be worth less than \$250, may be kept, sold, or destroyed without further notice if the tenant failed to reclaim the property within the time indicated in the

notice by increasing the amount of the property identified in the notice to less than \$1,000. (Section 34 of AM 2288) LB 712 would also amend 69-2308 which provides that a landlord is not required to sell at public auction, property that is not released pursuant to 69-2307 if the landlord reasonably believes that the total resale value of the property not released is less than \$1,000, and the landlord may retain the property for their own use or dispose of it in any manner that the landlord may choose. (Section 35 of AM 2288)

LB 712 was amended on general file by AM 2355 (Sen. Karpisek) and on select file by AM 2491 (Sen. Council) and AM 2472 (Sen. Lautenbaugh), which did the following:

- AM 2355 incorporated the provisions of LB 1084 which provides a court procedure for a county to obtain payments for the maintenance, care and disposition of any pet animals or equines seized by a sheriff while a case is pending against a defendant for the mistreatment of the animals,
- AM 2491 incorporated the provisions of LB 990, making the calculation of time served or “good-time” in city and county jails consistent with that of state facilities, and;
- AM 2472 incorporated the provisions of LB’s 840 and 843 to provide the following: LB 840 amended the Criminal Attempt statutes found in (§ 28-201) to include IC and ID felonies and LB 843 amends the 1st and 2nd degree Arson Statutes (§ 28-502 & 28-503) to encompass the damage of the *contents* of a building to achieve a more uniform application of the arson statutes.

LB 712 was passed by the Legislature by a 48-0-1 vote and was signed by the Governor on April 13, 2010.

LB 727 (Coash) Change compensation for retired judges serving temporary duty

Legislative Bill 727 would amend section 24-730 to authorize the Supreme Court to enhance compensation for retired judges serving temporary duty. Under the bill, the Supreme Court may give retired judges a stipend in addition to their daily compensation when they consent to serve a minimum number of days annually and are appointed to serve. The temporary duty is also referred to as “extended service” in the bill. The amount of the stipend would be determined by the Supreme Court.

LB 712 was designated as a Speaker Priority, passed by the Legislature by a 49-0-0 vote and signed by the Governor on April 1, 2010.

LB 728 (Lautenbaugh) Adopt the Exploited Children's Civil Remedy Act and redefine a term with respect to pleas

Legislative Bill 728 provides the victims of child pornography offenses a civil cause of action against their exploiters. The bill is modeled after Federal and Florida law.

LB 728 provides any child (or parent or guardian of such child), who was a participant or portrayed observer in any visual depiction of child pornography, a civil cause of action against any person who, while in the State of Nebraska: created the visual depiction;

distributed the visual depiction; actively acquired the visual depiction; or aided or assisted with the creation, distribution or active acquisition of the visual depiction. Actively acquire is defined as intentionally seeking out and obtaining said materials.

Additionally, LB 728 provides a cause of action to a victim when the visual depiction: was created here in Nebraska; was distributed by someone while they were present in Nebraska; or was actively acquired by someone while they were present in Nebraska. The act will not give a cause of action to a victim when they lived in Nebraska but the person who possesses or distributes the visual depiction lives in another state or country. Likewise, the victim cannot bring suit in Nebraska if they live here now but the visual depiction was created in another state or country. LB 728 does not create a cause of action if the participant was 16 years or older at the time the visual depiction was created and the participant willfully and voluntarily participated in the creation of the visual depiction.

To prevail on this cause of action the victim must show: (1) that they are a child participant or portrayed observer in a visual depiction of child pornography; (2) that such visual depiction was created, distributed or actively acquired (or who aided another with the creation, distribution, or active acquisition) by the defendant while they were within the territorial boundaries of the State of Nebraska; and (3) that they suffered or continue to suffer personal or psychological injury as a result of the defendant's creation, distribution or active acquisition of that visual depiction.

A child victim has three years to bring suit against any person who created, distributed or actively acquired the child pornography containing them, from the latter of: the conclusion of any criminal prosecution against the person they wish to sue; the receipt of notice from law enforcement advising them that a person had been identified who created, distributed, actively acquired or aided in the creation, distribution or active acquisition of child pornography containing their likeness; or the date of their 18th birthday.

A victim who prevails under this cause of action can recover: actual damages, which cannot be less than \$150,000; plus reasonable attorney's fees; plus can be awarded temporary, preliminary and permanent injunctive relief as the court deems necessary and appropriate.

No defense to a cause of action brought pursuant to this act exists if the defendant: did not know the victim; did not personally appear in the child porn image or video; was not present when the image or video was made or did not participate, observe or assist with any of the exploitative acts occurring within the image or video.

In addition, a person who knowingly and willfully aided or assisted in the creation, distribution or active acquisition is subject to civil action even if they were not in the State of Nebraska at the time. Also, LB 728 provides that a victim with a cognizable claim can bring their action using a pseudonym. Furthermore, LB 728 empowers the Attorney General's Office to pursue claims on behalf of victims.

Finally, the act modifies Neb. Rev. Stat. § 29-119 regarding the definition of “crime victim” so as to include identified child pornography victims. This is being done in order to provide a mechanism, through the Nebraska Crime Victim’s Rights Act, for such victims to be notified about the apprehension of someone who created, distributed or possessed sexually explicit visual depictions of them. As a result, they will also be made aware of someone they can potentially sue under this Act.

On General File, AM 2157 was adopted by the Legislature to exempt cable and internet providers from liability under the act.

On Select File, AM 2223 was adopted by the Legislature to make technical corrections and to exempt law enforcement officers engaged in law enforcement duties and governmental entities from liability under the act.

LB 728 was designated as Senator Langemeier’s Priority bill, passed by the Legislature by a 47-1-1 vote and signed by the Governor on April 5, 2010.

LB 732 (Utter) Change provisions relating to certain forced sales of real property

Legislative Bill 732 would amend statute sections 25-1326, 25-1327, 25-2144 and 77-1912 related to forced sales of real property. The bill would provide that sales conducted by a master commissioner or a sheriff may be postponed for up to 45 days without requiring an additional notice of sale be published. There must be a notice of postponement given by public declaration at the time and place designated for the sale. The bill does contain an emergency clause.

Committee Amendment AM 1727 was adopted on General File to provide greater clarification regarding the contents of the notice of postponement. Under the amendment, the notice of postponement must contain the new date, time and place for the postponed sale. In addition, AM 1727 adds the clarifying language to the notice of postponement provisions in the Trust Deeds Act to provide uniformity.

On Select File, AM 2481 was adopted to remove the emergency clause.

LB 732 was passed on the Consent Calendar by the Legislature by a 48-0-1 vote and signed by the Governor on April 12, 2010.

LB 746 (Giese) Change provisions relating to racial profiling

LB 746 would amend Neb. Rev. Stat 20-504 which required state and local law enforcement officers to collect certain data and information that might show a pattern or use of racial profiling. With the requirement for law enforcement officers to collect such data having expired on January 1, 2010, LB 746 would extend the end date for the collection of this information to January 1, 2014.

LB 746 would also amend the membership of the Racial Profiling Advisory Committee by requiring the addition of the following new members:

- A representative appointed by the Nebraska branches of the National Association for the Advancement of Colored People;
- The executive director of the Commission on Mexican-Americans or his or her designee; and
- The executive director of the Commission on Indian Affairs or his or her designee.

LB 746 was amended in Committee by AM 1669, to provide the following:

- The Governor shall appoint the additional members to the Racial Profiling Advisory Committee,
- The Committee shall meet “semi-annually” instead of “quarterly”, and
- The Committee may provide analysis of the data collected to the Executive Director of the Commission on Law Enforcement and Criminal Justice.

LB 746 was also amended by AM 1962 (Sen. Giese) to clarify the name of the commission that one of the new members to the racial Profiling Advisory Committee shall come from, the Latino-Americans Commission (which was formerly the Mexican-American Commission.)

LB 746 was passed by the Legislature by a 46-0-3 vote and was signed by the Governor on March 3, 2010.

LB 758 (*Wightman*) Change provisions relating to doctrines of cy pres and deviation and powers of personal representatives

Legislative Bill 758 amends statute sections 30-2201, 30-2476, and 30-3839 and adds provisions to statute providing that the doctrine of Cy Pres applies to wills. The doctrine is applied by a court when a testator had a charitable purpose that can no longer be carried out exactly as it was specified in the will. The doctrine allows the court to order that the funds be directed to another charitable purpose that closely approximates the testator’s intention as nearly as possible.

Under LB 758, the doctrine shall only be applied to a will or a trust if the document creating the charitable interest does not otherwise provide for an alternate disposition of the property in the event the will’s charitable interest becomes unlawful, impracticable, impossible to achieve, or wasteful.

In addition, the bill provides the personal representative of an estate with the power to incorporate an unincorporated business into any form of limited liability organization, subject to any direction otherwise contained in the will or court order.

LB 758 was passed by the Legislature on Consent Calendar by a 48-0-1 vote and was signed by the Governor on April 12, 2010.

LB 763 (Mello) Adopt the Successor Asbestos-Related Liability Act

Legislative Bill 763 enacts the Successor Asbestos-Related Liability Act. The bill applies only to companies that (1) made a decision to merge in years prior January 1, 1972, which are prior to the 1972 adoption of Federal Occupational Safety & Health Act (OSHA) regulations governing work-place asbestos exposure, and (2) after the merger, did not engage in the business of mining asbestos, in the business of selling or distributing asbestos fibers, or in the business of manufacturing, distributing, removing or installing asbestos-containing products that were the same or substantially the same as those products previously manufactured, distributed, removed or installed by the transferor.

Under LB 763: (1) "asbestos claim" is defined as any claim, wherever or whenever made, for damages, losses, indemnification, contribution, or other relief arising out of, based on, or in anyway related to asbestos; (2) "corporation," "successor corporation," "successor asbestos related liabilities," and "transferor" are defined; (3) the cumulative successor liability of a corporation is limited to the fair market value of the total gross assets of the transferor determined at the time of the merger or consolidation; (4) methods are specified for calculating a successor corporation's fair market value of total gross assets; (5) it is established that the coefficient for increasing the fair market value of total gross assets on a year-by-year basis by taking the sum of the prime rate of interest plus 1%; and (6) the Act is applicable to all asbestos claims filed on or after the effective date of the Act and any pending asbestos claims in which the trial has not commenced by the bill's effective date.

LB 763 was passed by the Legislature on by a 47-1-1 vote and was signed by the Governor on April 1, 2010.

LB 771 (Flood) Change certain provisions relating to assault, criminal attempt, weapons, arrests, bail, custody, jailhouse witnesses, and juveniles.

LB 771 as introduced incorporate provisions of LB 38 (sections 3-9), which was introduced by Sen. Mike Flood during the 2009 legislative session. These sections would amend the statutes regarding crimes and offenses against peace officers, probation officers, and employees of the Department of Correctional Services by including Department of Health and Human Services (DHHS) staff who works in a Regional Center facility or a Youth Rehabilitation and Treatment Center (YRTC).

LB 771 would allow for the filing of felony charges against persons who commit certain assault or other offenses (1) while legally confined in a Regional Center facility or YRTC, or (2) while committed as a mentally ill dangerous person or dangerous sex offender under the Nebraska Mental Health Commitment Act or the Sex Offender Commitment Act.

LB 771 would also add references to Class IC and Class ID felonies to the Criminal Attempt statute, (Neb. Rev. Stat. § 28-201). Currently § 28-201 does not mention IC or ID felonies.

LB 771 was amended in Committee by AM 2442, which provides that sections 3-9 of LB 771 are only applicable as they relate to offenses committed by a dangerous sex offender committed under the Sex Offender Commitment Act.

LB 771 was passed by the Legislature by a 49-0-0 vote and was approved by the Governor on April 13, 2010.

LB 792 (Coash) Change controlled substances schedules.

LB 792 Amends the Nebraska's controlled substances schedule up to reflect several changes made to the Federal Controlled Substances Act.

LB 792 was passed by the Legislature by a 48-0-1 vote and was approved by the Governor on April 12, 2010.

LB 800 (Ashford) Provide methods of early intervention for children at risk

Legislative Bill 800 would reform in the juvenile justice system and provide for early intervention with at-risk children and families. The bill addresses early intervention, parental involvement, school attendance, and alternatives to detention through the following proposals:

- Authorize the implementation of civil citations for juveniles with minor offenses to avoid creating an arrest record.
- Explicitly prohibit status offenders from being sent to secure detention.
- Enact graduated sanctions for violations of probation.
- Evaluations
 - Authorize OJS to identify the appropriate post-adjudication evaluation and be responsible for completing it.
 - Reduce the timeframe for completing evaluations.
 - Establish timeframe for a hearing on the evaluation results.
- Change provisions related to temporary placement to emphasize the need to place juveniles in the least restrictive environment possible
- Authorize the use of videoconferencing in certain juvenile proceedings.
- Truancy
 - Remove language allowing each district to define and use the distinction between excused and unexcused absence.
 - Remove language allowing the school to end efforts to meet with parents after the parent refuses to participate in a meeting to address the student's truancy if the request and refusal are documented.
 - Add provisions requiring school administrators, attendance officers or enforcement officers to make contact with family of the truant student after 5, 10 and 20 truanancies and document the contact. After the third

contact, the case can be referred to the county attorney. There must be three documented attempts to get the student to school or the county attorney will not accept the filing.

- Authorize county attorney to issue an infraction against the parent of a truant student. The first infraction would carry a \$300 fine that could be waived if the parent participates in mediation with a representative from the school. The second infraction would carry a \$500 fine and could be waived with participation in mediation. After the third infraction, the parent can be charged with a Class III misdemeanor.
- Require each school district to provide a report to Department of Education regarding truancy and strategies developed by district to address truancy.
- Authorize school districts within a Learning Community to establish a reintegration center to assist students who have been out of school for some time or those who have dropped out completely.
- Authorize the Learning Community Coordinating Council to award grants to non-profit organizations providing intervention services for at-risk juveniles focusing on closing the learning gap.
- Require school districts to report to the Department of Education on expulsions, suspensions, referrals to the county attorney for truancy and any contact with law enforcement within 48 hours of occurrence.
- Establish a child-at-risk task force that includes the Department of Education, Probation, HHS, school superintendents and the UNMC College of Public Health.
- Eliminate the use of three-judge panel appeals of juvenile cases where the court orders implementation of a plan different from what HHS recommended and expedite appeals of juvenile cases at the Court of Appeals.
- Clarify juvenile court jurisdiction over parents by giving the court authority to require the parent, guardian or custodian to participate in the therapeutic services necessary for the rehabilitation of the juvenile.
- Add language to provide that in distributing funds provided under the County Juvenile Services Aid Program, counties shall prioritize programs and services that will reduce the juvenile detention population.

Committee Amendment, AM 2109 was adopted on General File to replace the green copy with the following provisions:

1. Authorizes a pilot project to implement civil citations (Sections 8, 9, 10, 11)
 - a. Section 9 – A pilot project *may* be established in a county containing a city of the metropolitan class to authorize the use of civil citations. A peace officer may issue a civil citation to a juvenile who has committed a misdemeanor other than an offense involving a firearm, sexual assault or domestic violence. A civil citation is a non-criminal notice given to the juvenile, the county attorney, the juvenile assessment center and the parent or guardian. The juvenile must report to the juvenile assessment center within seventy-two hours for assessment and diversion referrals to community service and treatment services. If the juvenile fails to report or

- comply with his or her diversion assignments or if the juvenile commits a third offense, then a peace officer may take the juvenile into temporary custody.
- b. Section 10 - The Supreme Court will promulgate the civil citation form.
 - c. §43-245(4) – Defines civil citation as a non-criminal notice which cannot result in a criminal record.
2. Temporary Custody by a law enforcement officer (Sections 13, 14)
 - a. §43-248(1) & (2) – Combine (1) & (2) to allow officer to take a juvenile into temporary custody if there are reasonable grounds to believe the juvenile has committed a violation of state law or municipal ordinance (misdemeanor offense does not have to be committed in presence of officer for purposes of temporary custody)
 - b. §43-248(6) - Add language to allow officer to take a juvenile into temporary custody if there are reasonable grounds to believe the juvenile is truant from school.
 - c. §43-250(4) – If a juvenile is taken into temporary custody because there are reasonable grounds to believe the juvenile is truant from school, the officer shall deliver the juvenile to school.
 3. Status offenders in secure detention for violating a valid court order (Section 14)
 - §43-250(1)(c)(vi) – Adds language to phase out, before January 1, 2013, the practice of ordering status offenders who have violated a valid court order into secure detention. This provision corresponds with the Juvenile Justice and Delinquency Prevention Reauthorization Act of 2009.
 4. Enact graduated (administrative) sanctions for violations of probation (Sections 5, 6, 8, 13)
 - a. §29-2258 – authorizes probation officers to exercise power of temporary custody if there is reasonable cause to believe that a juvenile has or is about to violate his or her probation and that the juvenile will attempt to leave the jurisdiction or place lives or property in danger.
 - b. Section 6 – Establishes administrative sanctions for juveniles within the Probation Administration Act (§29-2269). With full knowledge and consent of the juvenile and his or her parent or guardians, additional probation requirements may be imposed on juveniles under supervision of probation for substance abuse and status offense violations of conditions of their probation. Sanctions may be imposed in lieu of formal revocation proceedings at the discretion of the probation officer and his or her chief probation officer. Sanctions may include: counseling, increased supervision, increased substance abuse counseling, referral for evaluation, curfew modification, community service, travel restrictions, etc.
 - c. §43-248(5) – Adds language to provide that a juvenile may be taken into temporary custody by a peace officer without a warrant when a probation officer has reasonable cause to believe that a juvenile has or is about to violate his or her probation and that the juvenile will attempt to leave the jurisdiction or place lives or property in danger.
 5. Establish timeframe for hearings on the evaluation results (Sections 19, 31)

- a. §43-258 – Require a juvenile to appear in front of a judge for a hearing on the report within ten days of the court receiving the pre-adjudication evaluation report.
 - b. §43-415 – Require the court to hold a hearing within 10 days after the post-adjudication evaluation is completed and returned to the court by OJS.
- 6. Enhance provisions related to temporary placement to emphasize the need to place juveniles in the least restrictive environment possible (Sections 12, 19)
 - a. §43-246(9) – When temporary placement of a juvenile is necessary, emphasize the need to place juveniles in the least restrictive environment possible that is consistent with public safety and in the best interest of the juvenile.
 - b. §43-258(2) – When temporary placement of a juvenile is necessary for pre-adjudication evaluation, emphasize the need to place juveniles in the least restrictive environment possible that is consistent with public safety and in the best interest of the juvenile.
- 7. Authorize the use of videoconferencing in certain juvenile proceedings (Section 21)

§43-278 – Add language to allow the use of videoconferencing for all communications, notices, orders, authorizations and requests, for nonevidentiary hearings, for all evidentiary hearings approved by the court and by stipulation of the parties.
- 8. Truancy (Sections 23, 33, 34)
 - a. Require each school district to have a policy on excessive absenteeism developed in collaboration with the county attorney.
 - b. Remove language allowing the school to end efforts to meet with parents after the parent refuses to participate in a meeting to address the student's truancy if the request and refusal are documented.
 - c. Require the district to report a case to the county attorney after 20 days of absence per year or the hourly equivalent regardless of whether the absence was excused.
 - d. Section 23 - Authorize juvenile court to suspend driving privileges of truant juveniles (and law violators). Violations of such a court order shall be handled in the juvenile court. Authorize juvenile court to issue fines not exceeding \$500 or order community service for parents of truant juveniles.
- 9. Require school districts to report data to the Department of Education (Section 35)

§79-527(2) – Requires school districts to report to the Commissioner on Education on a monthly basis indicating the occurrence of and the reason for excessive absenteeism, suspension, expulsion, referral to the county attorney for truancy and any contact with law enforcement.
- 10. Establish the Truancy Intervention Task Force (Section 36)

The task force shall include the Commissioner of Education, the Probation Administrator and the Chief Executive Officer of HHS. The task force will evaluate the data that is sent to the department, including excessive absence,

suspension, expulsion, referrals for excessive absence and contact with law enforcement. The task force will develop recommendations on how to reduce truancy and report to the Legislature on or before July 1, 2011.

11. Juvenile appeals (Sections 1, 3, 22, 24)
 - a. §24-313, §25-2728, §43-285(2)(3) – strike language related to juvenile review panels
 - b. §43-287.01 – 43-287.05 – Outright repeal these sections in order to eliminate the use of three-judge panel appeals of juvenile cases in which the court orders implementation of a plan that differs from the plan recommended by HHS.
 - c. §42-2,106.01 – Amends language to provide that the Court of Appeals shall conduct its review of final orders or judgments from a juvenile court in an expedited manner.
12. County Juvenile Services Aid Program (Section 32)

§43-2404.02(3) – Add language to provide that in distributing funds provided under the County Juvenile Services Aid Program, counties shall prioritize programs and services that will reduce the juvenile detention population.
13. Sealing juvenile records as described in LB 923 (Sections 2, 11, 25, 26, 27, 29, 30)
 - a. Provide a process for juvenile records to be sealed.
 - b. Sealing a record means that the record will not be available to the public except upon order of a court for good cause shown.
 - c. The sealing process is available to juveniles (under age 18 at time of offense) who: are offered pretrial diversion or mediation by the county attorney; are the subject of a juvenile court petition filed by the county attorney in juvenile court for a misdemeanor offense, felony offense, status offense or traffic offense; and are the subject of a criminal complaint filed by the county attorney in county court for a misdemeanor or infraction, except for waiverable traffic offenses.
 - d. The county attorney or city attorney must provide a juvenile who is eligible for the sealing process with written notice of the following:
 - i. Plain language statement that the juvenile may petition the court to have records sealed when the juvenile completes diversion, mediation, probation, supervision, treatment or rehabilitation provided for under the juvenile code, or when the juvenile completes the diversion or sentence ordered by the county court; and
 - ii. Plain language description of what sealing the record means.
 - e. If no petition or complaint was filed against the juvenile or if the resulting diversion or mediation is completed, the county attorney or city attorney must notify the appropriate public office or agency responsible for arrest or custody. Upon receiving such notice the office or agency shall immediately seal all original records housed at the office or agency pertaining to the citation, arrest, custody, complaint, disposition, diversion or mediation.

- f. If a juvenile who is eligible for the sealing process has satisfactorily completed diversion, mediation, probation, supervision, treatment or rehabilitation provided for under the juvenile code, or the diversion or sentence ordered by the county court ***and*** the juvenile has reached the age of 17, the court shall automatically initiate proceedings to seal the records.
- g. If a juvenile who is eligible for the sealing process has satisfactorily completed diversion, mediation, probation, supervision, treatment or rehabilitation provided for under the juvenile code, or the diversion or sentence ordered by the county court, the court may initiate proceedings to seal the records upon the motion of the juvenile or upon the court's own motion regardless of the juvenile's age.
- h. Proceedings to seal records are initiated by notifying the county attorney or city attorney and DHHS if the juvenile is a ward of the state or if DHHS was a party in the case. The county attorney, city attorney or DHHS may file a response within 30 days of notice. If no response is filed or the response does not contain an objection to the records being sealed, the court may order the records sealed without a hearing. The court has discretion to conduct a hearing on the motion to seal the records within 30 days of the court's decision to hold the hearing. If the county attorney, city attorney or DHHS objects to the sealing of the records, the court must conduct a hearing on the motion within 30 days after receiving the response. After the hearing, the court may order the sealing of the records if it finds that the juvenile has been rehabilitated to a satisfactory degree based on the following: age; nature of the offense and role of the juvenile; behavior after adjudication and response to treatment; education and employment history; and any other circumstances related to the rehabilitation. The court shall notify the juvenile whose records are sealed. If the court does not order the records to be sealed, the juvenile may not move the court to have the records sealed for 1 year, unless waived by the court.
- i. If the court orders the records be sealed, the juvenile may reply that no record exists upon any inquiry in the matter. The court, county attorneys, institution, persons and agencies must reply that no record exists upon ***public*** inquiry. The court must do the following:
 - j. Order that any information or other data related to the matter be deemed never to have occurred.
 - k. Send notice of order to seal to any law enforcement agencies, county attorneys, city attorneys, institutions, persons, agencies, treatment providers, therapists or other service providers referenced in the court record and order that all original records of the case be sealed. The order to seal a record applies to every public office or agency regardless of receiving notice. Upon written request of the subject of the order and a copy of the order, a public office or agency shall seal all records related to the case.
 - l. A sealed record shall be accessible to law enforcement officers, county attorneys, city attorneys and the sentencing judge in the prosecuting and

sentencing of criminal defendants. Inspection of the records may be done by the following persons:

- i. The court or any person allowed to inspect by order of the court for good cause shown
 - ii. Probation
 - iii. DHHS for purposes of juvenile intake services, preparation of case plans and reports, preparations of evaluations, the supervision and protection of persons placed with HHS or for licensing or certification purposes
 - iv. The juvenile subject of the sealed records
 - v. Party to a civil action based on the sealed records
 - vi. Persons engaged in bona fide research
- m. No person shall knowingly release, disseminate or make available the sealed records or they may be held in contempt of court. However, DHHS may release, disseminate or make available information from a sealed record in performance of its duties in supervising and protecting persons placed with the department.
- n. In applications for employment, license or other privilege, a person cannot be questioned about the sealed records. If questioned, the person subject to the sealed records may respond as if the incident leading to the sealed records did not occur.
- o. Applications for employment shall state that applicant is not obligated to disclose sealed juvenile records. Employers cannot ask if an applicant has had a juvenile record sealed. The Department of Labor shall develop a link on its website to inform employers of their duties and prohibitions pertaining to sealed juvenile records.
14. Funding for the Office of Violence Prevention grants (Section 7)
§ 29-1161.07 - \$350,000 will be transferred from the Probation Program Cash Fund to the Violence Prevention Cash Fund. The OVP shall distribute the funds through a grant process to organizations and governmental entities for the reduction of street and gang violence and the reduction of homicides and injuries caused by firearms.

On Select File, AM 2385 was adopted to make technical changes; strike the requirement for law enforcement to send a copy of a civil citation to the victim; allow the juvenile court to impound the driver's license or permit of a juvenile or prohibit the juvenile's ability to obtain a license or permit if he or she has been adjudicated under §43-247(4) for a traffic offense; add a requirement for the court to notify the Crime Commission and the DMV when an order to seal the record has been issued; amend the language of §79-209 to clarify that school administrators, not classroom teachers, should be involved in addressing cases of excessive absence; harmonize language with changes made to §79-527 in LB 1070; clarify that school districts need only report the number of and reason for long-term suspensions, not all suspensions; clarify that school districts need only report the number of and reason for contacts with law enforcement officials other than those serving as school resource officers; and clarify that districts that are members of a

learning community must send the data reports to the learning community coordinating council as well as the commissioner.

Also on Select File, AM 2461 was adopted to provide that persons eighteen years of age or younger who are convicted or adjudicated for a controlled substance offense could have their licenses impounded or be prohibited from obtaining a license; be required to attend a drug education class; be required to complete community service hours or be required to submit to a drug assessment.

LB 800 was passed by the Legislature by a 48-0-1 vote and was approved by the Governor on April 13, 2010.

LB 801 (Fulton) Change the Uniform Deceptive Trade Practices Act

Legislative Bill 801 amends the Uniform Deceptive Trade Practices Act to define pyramid promotional scheme and other terms to distinguish illegal pyramid schemes from legitimate direct selling businesses. The bill provides for a private cause of action for violation of the UDTPA for damages and require that the Attorney General be notified by certified mail of the filing of such action and of any final judgment within 7 days. Under the bill, the Attorney General may intervene as a party in such an action. In addition, the Attorney General may issue cease and desist orders against any person engaged in activities in violation of the UDTPA. The bill establishes the burden of proof for violations of the UDTPA at the standard of preponderance of the evidence.

Under the bill, the submission of false documents to local, state, or federal government in the course of one's business, vocation or occupation is a violation of the UDTPA.

Also under the bill, the distributor of a covered file-sharing program (peer-to-peer network) is required to provide clear and conspicuous notice to the owner or user of the computer on which the software is installed that their files will be made available to the public without requiring intentional activation of the file-sharing function by the owner or user.

Committee Amendment AM 1972 was adopted on General File to reverse the change made to the statute of limitations for civil actions under the UDTPA back to within four years from the date of purchase of the goods or services. The amendment also removed language which made it a violation of the UDTPA to submit a document containing false statements to federal, state and local governments. The amendment also removed the provision allowing for recovery of actual damages.

On Select File, AM 2447 was adopted to exempt interactive computer service companies, cable operators and telecommunications service operators from civil liability under the Act.

LB 801 was passed by the Legislature by a 44-0-5 vote and was approved by the Governor on April 13, 2010.

LB 809 (Rogert) Change statute of limitations for fraud involving certain assistance programs.

LB 809 would lengthen the criminal statute of limitations for submitting false Medicaid claims from the current three year time frame to five years. LB 809 would apply when the crime committed is valued at \$500 or more.

LB 809 was passed by the Legislature by a 47-0-2 vote and was approved by the Governor on April 12, 2010.

LB 817 (Rogert) Authorize contracting for law enforcement by natural resources districts, change provisions relating to handguns and firearms, and require the Nebraska State Patrol to provide notice to permit holders.

LB 817 would allow firearms dealers in Nebraska to accept a valid State of Nebraska "Concealed Handgun Permit" in lieu of a "Firearm Purchase Certificate" for the purchase of a handgun.

LB 817 was amended in Committee by AM 1964, which incorporated LB 905 (Dubas) which provided that shooting a firearm from a motor vehicle while in the territorial boundaries of a city of the first class, a county containing a city of the metropolitan class or primary class would be a Class IC felony. AM 1964 also provided that a peace officer (as defined in section 69-2429) is not required to obtain a firearm purchase permit in order to obtain a handgun.

LB 817 was amended by AM 2203 (Ashford), AM 2045 (Lautenbaugh) and AM 2415 (Christensen) to provide the following:

- AM 2203 incorporated LB795(Council), which authorizes natural resources districts to contract with law enforcement agencies for protection of public property and law enforcement at natural resources district recreation areas.
- AM 2045 incorporated LB860(Lautenbaugh), which allows concealed carry permits to be granted to individuals with a misdemeanor crime of violence on their record if the misdemeanor occurred more than 10 years prior to the application.
- AM 2415 clarified that a city may not require the registration of a concealed firearm owned, possessed, or transported by a valid concealed carry permit holder.

LB 817 was passed by the Legislature by a 43-0-6 vote and was approved by the Governor on April 13, 2010.

LB 842 (Lautenbaugh) Change procedures in cases of death during apprehension by law enforcement officers or while in custody

LB 842 removes the provisions of § 29-1401 which mandate the appointment of a Special Prosecutor for deaths that occur while an individual is being apprehended or while in-custody of the State.

LB 842 was passed by the Legislature by a 39-4-6 vote and was approved by the Governor on April 13, 2010.

LB 844 (Lautenbaugh) Change provisions relating to Nebraska Law Enforcement Training Center tuition, fees, and expenses.

LB 844 eliminates the requirement that the Law Enforcement Training Center charge tuition for mandated training beginning January 1, 2011.

LB 844 was passed by the Legislature by a 46-0-3 vote and was approved by the Governor on April 12, 2010.

LB 864 (Pirsch) Provide, change, and eliminate duties for the Community Corrections Council

LB 864 amends sections 47-619 and 47-624 of the Nebraska Statutes to provide an additional duty to the Community Corrections Council: that it shall collaborate with the Probation Administration, The Department of Parole, and The Department of Corrections to develop a plan for the implementation and funding of additional Reporting Centers in judicial districts which currently lack such a center.

LB 864 was amended in Committee by AM 1679 to require several new duties of the Community Corrections Council:

- The duty to educate criminal justice stakeholders and the general public about the availability and use of community correctional facilities and programs, in addition to educating the Courts and the Board of Parole;
- Research and evaluate existing community corrections facilities and programs, within the limits of available funding;
- Develop standardized definitions of outcome measures for community corrections facilities and programs, to include recidivism, employment, and substance abuse;
- Provide an annual report to the Legislature and the Governor on the development and performance of community corrections facilities and programs.

LB 864 was advanced by the Legislature by a 48-0 vote and was signed by the Governor on April 7, 2010.

LB 880 (Rogert) Change provisions relating to fireworks

LB 880 adds a new period for the sale of fireworks from Dec. 28 to Jan. 1, and repeals the requirement that the Nebraska fire marshal test all fireworks before being allowed for

sale in the state, as long as the fireworks have been tested and approved by a nationally recognized and certified testing facility.

LB 880 was amended in Committee to remove the inclusion of additional fees imposed under the original version of LB 880 and to clarify what is deemed to be a permissible firework and what is specifically deemed to not qualify as a permissible firework.

LB 880 was passed by the Legislature by a 48-0-1 vote and was approved by the Governor on April 07, 2010.

LB 894 (Pirsch) Change provisions relating to shoplifting and prohibit possession of any store security device countermeasure

LB 894 would make the removal or disabling of electronic merchandise tags used by retailers, or possession of devices designed to do so, illegal.

LB 894 was amended in Committee by AM 1958 to clarify the definition of security device as well as to include that any attempt to “bypass” a security device is also a violation of this act.

LB 894 was passed by the Legislature by a 47-0-2 vote and was approved by the Governor on April 12, 2010.

LB 901 (Wightman) Change child custody determination provisions

Legislative Bill 901 restores statutory language eliminated in 2007 that outlined specific factors the courts are to consider in determining custody and parenting time issues, and grants the courts limited authority to waive the requirement for mediation of custody and parenting time disputes.

Currently, section 42-364 provides that custody is to be determined on the basis of the best interest of the child as defined in the Parenting Act, which was enacted in 2007 by LB 554. However, LB 554 removed a list of factors district courts previously considered to determine a child’s best interest in custody and visitation matters. LB 901 restores the statutory language to remove any uncertainty regarding the specific factors courts shall consider in determining custody and parenting arrangements.

LB 901 also authorizes the court to waive the mediation requirement that went into effect on July 1, 2010 in limited circumstances if:

- Good cause is shown; *and*
 - Both parents agree and such parental agreement is bona fide and not asserted to avoid the purposes of the Parenting Act; or
 - Mediation or specialized alternative dispute resolution is not possible without undue delay or hardship to either parent.

In these limited cases, the court must hold a separate evidentiary hearing and the burden of proof for the party or parties seeking the waiver is clear and convincing evidence.

LB 901 contains an emergency clause to make the waiver authority effective prior to the July 1, 2010 date for mandatory mediation. The operative date for the bill is July 1, 2010.

Committee Amendment AM 1926 was adopted on General File to add provisions and replace the original version of the bill. The amendment harmonizes the restored language with the Parenting Act. The amendment also broadens the authority of the court to waive mandatory mediation in modification proceedings with the same requirements that apply to an original action. Finally, the amendment adds the waiver authority to the mandatory mediation provision of the Parenting Act in section 43-2937.

LB 901 was passed by the Legislature by a 48-0-1 vote and was approved by the Governor on April 7, 2010.

LB 907 (Conrad) Change provisions relating to homestead property exempt from execution

Legislative Bill 907 amends statute sections 40-102 and 40-105 to extend the \$60,000 homestead property exemption that is currently available to the “head of a family” to allow unmarried persons who are 65 and older, but not the “head of a family,” to protect their home equity from execution in bankruptcy proceedings.

LB 907 was passed by the Legislature by a 47-0-2 vote and was approved by the Governor on April 12, 2010.

LB 1047 (Wightman) Provide for construction of terms in wills and trusts relating to federal laws

Legislative Bill 1047 would create a new statute section to provide a default rule of construction for a decedent who does not or could not change their estate plan to account for a year when there would be no federal estate tax or generation-skipping transfer tax.

Committee Amendment AM 1812 would add an emergency clause to the bill.

LB 1047 was passed by the Legislature by a 46-0-3 vote and was approved by the Governor on April 12, 2010.

LB 1094 (Lathrop) Adopt the Nonrecourse Civil Litigation Act

Legislative Bill 1094 creates the Non-Recourse Civil Litigation Act. The Act provides for regulation of civil litigation funding companies doing business in Nebraska. Regulations under the bill include: the information required in a contract for nonrecourse civil litigation funding; restrictions on paying or receiving commissions, referral fees or

rebates and assessing fees; requirements for registering civil litigation funding companies with the Secretary of State and for renewing the registration; and the authority for the Secretary of State to collect fees and data and administer the Act.

Committee Amendment AM 1953 was adopted on General File to replace the definition of consumer with: a person residing or domiciled in Nebraska or who elects to enter into a transaction under the act, whether it be in person, over the Internet, by facsimile, or by any other electronic means and who has a pending legal claim and is represented by an attorney at the time he or she receives the nonrecourse civil litigation funding.

The amendment also adds provisions requiring the Secretary of State to request certain documents from a registration applicant to use in determining the company's character, fitness and financial responsibility. The Secretary of State must request the following documents:

1. a copy of the company's articles of incorporation, articles of organization, certificate of limited liability or other organizational documents and
2. proof of a surety bond or irrevocable letter of credit equal to double the amount of the largest funding in the past calendar year or \$50,000, whichever is greater.

LB 1094 was passed by the Legislature by a 42-0-7 vote and was approved by the Governor on April 13, 2010.

LB 1103 (Flood) Adopt the Abortion Pain Prevention Act

Legislative Bill 1103 would adopt the Abortion Pain Prevention Act. The bill provides definitions for the following terms: abortion, attempt to perform or induce an abortion, gestational, fertilization, medical emergency, reasonable medical judgment, physician, probable gestational age, unborn child or fetus, and woman.

The bill provides legislative findings concerning fetal development and ability to experience pain, abortion methods used at and after 20 weeks, anesthesia, and the state's interest in reducing or preventing actions that inflict pain.

The bill requires a determination of probable gestational age of the unborn child to be made before an abortion is performed except in a case of medical emergency. The bill also prohibits abortions to be performed when the probable gestational age of the unborn child is 20 or more weeks, unless the woman has a medical condition which necessitates an abortion to prevent her death or to avert serious risk of substantial and irreversible physical impairment of a major bodily function. A claim or diagnosis that the woman will engage in conduct resulting in her death or irreversible physical impairment will not constitute an exception to the twenty week abortion ban. If an abortion is performed after twenty weeks gestational age the physician must terminate the pregnancy in such manner as provides the best opportunity for the unborn child to survive unless such a method would pose greater risk of the woman's death or irreversible physical impairment.

The bill requires physicians who perform or attempt to perform an abortion to report to the Department of Health and Human Services the following information:

- The probable gestational age including the method and basis for determination;
- The basis of the emergency if no determination of gestational age was made;
- The basis for exception to 20 week ban;
- The method of abortion and
- The basis for exception to the survival requirement

The department must issue a public report on the information from the reports by June 30 each year. The bill provides penalties for failure to report timely, accurate or complete information.

Under the bill, any person who intentionally or recklessly performs or attempts to perform an abortion in violation of the Act is guilty of a Class IV felony. No penalty can be assessed against the woman.

The bill provides that (1) any woman upon whom an abortion has been performed in violation of the Act, (2) the father of the unborn child who was the subject of such abortion, or (3) the grandparent of such an unborn child may maintain an action against the person who performed the abortion in knowing or reckless violation of the Act for actual damages. The bill also provides a cause of action for attempted violations of the Act as well as injunctive relief to prevent the provider from further violations. In addition, this section addresses attorney's fees.

The bill provides for the preservation of the anonymity of any woman upon whom an abortion has been performed or attempted in civil or criminal proceedings brought under the Act.

The bill provides for severability if any part of the Act is found to be unconstitutional.

The bill provides the suspension of a physician's license for between three and eighteen months for violations of the requirement to determine the gestational age of the fetus or for failure to submit a timely, accurate or complete report to DHHS.

Committee Amendment AM 2063 was adopted on General File to replace the green copy of the bill. The amendment contains the original provisions of LB 1103 with the following changes:

1. The Act is renamed the Pain-Capable Unborn Child Protection Act.
2. References to gestational age are changed to post-fertilization age throughout the bill.
3. Legislative findings in section 3 (4), (5) and (6) are stricken and replaced with findings about observations of responses to pain and the use of pain medication on unborn children. Another finding asserts that Nebraska has a compelling state interest in protecting the lives of the unborn from the stage at which they are capable of feeling pain.

4. Adds an exception to the ban on abortions at 20 weeks post-fertilization age for abortions necessary to preserve the life of an unborn child.
5. Strikes the ability of a grandparent to maintain an action against the person who performed the abortion in an intentional or reckless violation of the Act for actual damages.
6. Strikes language that limits the discretion of the medical board to discipline professionals under the Act.

Also on General File, AM 2430 was adopted to establish an operative date for the act on October 15, 2010. On Select File, AM 2533 was adopted to add clarifying language.

LB 1103 was passed by the Legislature by a 44-5-0 vote and was approved by the Governor on April 13, 2010.

BILLS ADVANCED TO SELECT FILE DURING THE 2010 SESSION

LB 41 (*Flood*) Clarify references to the county sheriff

LB 41 would amend 29-4004 (9) by clarifying that an individual who is required to register or who is already registered under the Sex Offender Registration Act must notify in writing the sheriff of the county to which the offender has moved of their arrival within five working days.

LB 41 advanced from Committee by an 8-0 vote and advanced to select file by a 40-0 vote on January 29, 2009.

**BILLS ADVANCED TO GENERAL FILE
DURING THE 2010 SESSION**

LB 687 (Wightman) Change amounts of homestead allowance, exempt property, and family allowance for decedents' estates

LB 687 would change the amount of money exempted from an estate that is provided to the spouse and/or child of a decedent leaving an estate beginning January 1, 2011 in the following instances:

- A surviving spouse of a Nebraska resident would be entitled to a homestead allowance of \$20,000, beginning January 1, 2011, upon the resident's death, an increase from the current amount of \$7,500 which continues until January 1, 2011. If the Nebraska resident dies leaving no surviving spouse, each minor child and each dependent child of the deceased resident is entitled to a share of the \$20,000 that was available to the surviving spouse if such spouse existed. The amount would be divided by the number of minor and dependent children.
- The surviving spouse of a Nebraska resident would be entitled to exempt personal property valued up to \$5,000 from the estate for a Nebraska resident who dies before January 1, 2011 and \$12,500 for a resident who dies on or after January 1, 2011.
- The personal representative of an estate may provide a family allowance in a lump sum not to exceed \$9,000 to the family of a decedent who dies on or before January 1, 2011 and \$20,000 for a decedent who dies on or after January 1, 2011. The amount provided for the family allowance can be divided into a monthly amount not greater than the \$9,000 and \$20,000 totals.

LB 687 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 687 was IPP'd on April 14, 2010.

LB 703 (Wightman) Change provisions relating to powers of attorney

LB 703 amends the following provisions of Nebraska statute to provide that an agent or attorney in fact, acting under a power of attorney, may create or change rights of survivorship and/or a beneficiary designation, as long as the power of attorney expressly grants the authority to do so:

- The Uniform Durable Power of Attorney Act contained in sections 30-2664 to 30-2672 of the Nebraska Statutes;
- The Nebraska Short Form Act contained in sections 49-1501 to 49-1561 of the Nebraska Statutes; and
- General powers available under a "Power of Attorney"

LB 703 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 703 was IPP'd on April 14, 2010.

LB 757 (Wightman) Provide for nonprobate transfer on death motor vehicle certificates of title

Legislative Bill 757 amends statute section 30-2715 and adds provisions to statute allowing a motor vehicle governed by a certificate of title to be titled in transfer-on-death. A person who owns a motor vehicle may provide for the transfer of such vehicle upon his or her death, or the death of the last survivor of a joint-tenancy-with-right-of-survivorship by including in the certificate of title a designation of beneficiary or beneficiaries to who the vehicle will be transferred on death.

LB 757 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 757 was IPP'd on April 14, 2010.

LB 795 (Council) Authorize employment of law enforcement officers by natural resources districts as prescribed

LB 795 authorizes natural resource districts to expend funds to contract with or enter into agreements with law enforcement agencies for the protection of public property and the enforcement of Nebraska laws at recreation areas owned or controlled by natural resources districts.

LB 795 was amended into LB 817 which was signed by the governor on April 13, 2010. LB 795 was IPP'd on April 14, 2010.

LB 830 (Coash) Limit small tourism business liability and adopt the Tourism Insurance Act

Legislative Bill 830 would establish the Tourism Insurance Act. The bill would provide definitions for the following terms: fee, gross negligence, liability insurance, property, recreation or tourism activities and small tourism business. The bill would establish the intent of the act as encouraging small tourism businesses to make property available to persons for recreation or tourism activities by limiting liability for those that acquire and maintain liability insurance. The bill would require small tourism businesses to post a sign on their property warning patrons of potential dangers of participation in tourism activities and indicating that the business is not liable for injury or death resulting from ordinary negligence and assumes limited liability for injury or death resulting from gross negligence. The bill would cap liability of small tourism businesses for incidents that occur on their property and are related to the tourism activity. The liability would be limited for the gross negligence of the small tourism business resulting in injury or death to \$500,000 for one person per occurrence and \$3,000,000 for two or more persons per occurrence. The bill would require small tourism businesses to acquire liability insurance and have an active policy to be covered by the limited liability protection under the act. The bill would require the liability insurance policy to be posted in a readily available place on the property.

The operative date for the act would be January 1, 2011.

Committee Amendment AM 2258 strikes the original provisions of LB 830 and replaces them with provisions to establish the Agritourism Insurance Act. The bill provides definitions for the following terms: liability insurance, agritourism activities, small agritourism activities. The bill establishes the intent of the act as encouraging the development of small agritourism businesses by providing a non-refundable income tax credit to such businesses that acquire and maintain liability insurance. The bill creates the Agritourism Insurance Fund to hold funds transferred from the Local Civic, Cultural and Convention Center Financing Fund which will provide funding for the tax credits. The Department of Economic Development will grant the tax credit to qualified businesses as applications are received. A small agritourism business could apply for the tax credit for a maximum of five consecutive years. The tax credit will be equal to twenty percent of the cost of liability insurance, not to exceed \$2,000 annually. The bill caps the total amount of tax credits granted per year at \$100,000.

LB 830, as amended by AM 2258, was amended into LB 779 which was signed by the governor on April 13, 2010. LB 830 was IPP'd on April 14, 2010.

LB 840 (Lautenbaugh) Change provisions relating to criminal attempt

LB 840 amends the Criminal Attempt statute (§ 28-201) to include IC and ID felonies. When a person attempts to commit a crime, the Criminal Attempt Statute comes into play. If an individual is unsuccessful in committing an underlying crime, a prosecutor may charge that defendant with the Criminal Attempt of the underlying crime.

LB 840 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 840 was IPP'd on April 14, 2010.

LB 843 (Lautenbaugh) Change provisions relating to arson

LB 843 would amend 1st degree arson (28-502) and 2nd degree arson (28-503) statutes to provide that damage done to the "contents" of a building by the intentional setting of fire or use of explosives shall qualify for having violated these statutes. Both 28-502 and 28-503 currently require that damage must be done to the building itself in order to be convicted under these statutes.

LB 843 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 843 was IPP'd on April 14, 2010.

LB 847 (Council) Change Small Claims Court powers and provide for use of attorneys as prescribed

Legislative Bill 847 amends statute sections related to Small Claims Court to restore provisions that were removed from law under LB 1014 in 2008 which provided a method for a defendant to vacate a default judgment. The bill also provides that parties may be

represented by attorney for the purpose of filing a motion for a new trial to set aside, vacate or modify a default judgment.

LB 847 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 847 was IPP'd on April 14, 2010.

LB 915 (McGill) Provide for use of motor vehicle operator license numbers and state identification card numbers in compiling jury lists

Legislative Bill 915 amends section 25-1628(1) to provide that driver's license numbers and state identification card numbers be included in the lists of information given to the jury commissioner by the officer in charge of the election records and by the Department of Motor Vehicles. The jury commissioner shall use the information in reducing duplication and producing a master jury list.

LB 915 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 915 was IPP'd on April 14, 2010.

LB 939 (Stuthman) Change support order enforcement provisions

Legislative Bill 939 amends statute sections related to child support enforcement to allow the Department of Health and Human Services to effectively collect child support and remain in compliance with federal regulations. To comply with federal law, the bill allows DHHS to modify a child support order in health care coverage cases within three years of entry of the order. The bill also provides that DHHS may review child support orders within the three year period after the obligation is ordered when a substantial change in circumstances is demonstrated, has lasted at least three months and is expected to last for an additional six months. The bill also authorizes DHHS to utilize income withholding to collect other monetary judgments related to the support of the child that the obligor has been ordered to pay and owes to a federal or state governmental unit in cases when services are being provided under Title IV-D and the support obligation is current. The bill also requires financial institutions to include the account balance with the information provided to DHHS for each obligor that is matched to an account within the financial institution's system.

LB 939 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 939 was IPP'd on April 14, 2010.

LB 984 (Howard) Change a penalty relating to child abuse

LB 984 increases the penalty for child abuse that results in serious bodily injury from a Class III felony to a Class II felony.

LB 984 was amended into LB 507 which was signed by the governor on April 13, 2010. LB 984 was IPP'd on April 14, 2010.

LB 988 (Council) Change provisions relating to credit for imprisonment for fines and costs

LB 988 increases the amount of credit for imprisonment for nonpayment of a fine, cost, or for default on an installment plan used to pay a fine from the current daily amount of "\$60" to the new amount of \$90.

LB 988 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 988 was IPP'D on April 14, 2010.

LB 990 (Council) Change reduction of sentence provisions for a person sentenced to a city or county jail

LB 990 would makes the calculation of time served or "good-time" in city and county jails consistent with that of state correctional facilities, which currently allow one day off of a sentence for every day served.

LB 990 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 990 was IPP'D on April 14, 2010.

LB 1026 (Wightman) Provide for transfers of civil actions in district court

Legislative Bill 1026 creates a statutory process for transferring civil actions from one district court to a district court in another county in the state. The current law provides for the transfer of such cases, but does not provide statutory guidance on the procedure for the transfer.

Under LB 1026, the transfer may occur before or after the entry of a judgment. Any judgment shall commence in the transferee court on the first day of the month following the order of transfer. The transferor court would issue an order providing direction to the clerk of the transferor court to: transfer the action to the transferee court within 15 days after the date of the order; certify the proceedings; file the original paper of such action; certify a transcript of docket entries and certify the payment of any judgment, except judgments involving support order records maintained by the Title IV-D Division. The court order to transfer must specify how filing fees for the filing of a new civil action shall be paid by the transferring party. Also, if the transferred case involves a child support judgment, the Title IV-D Division is to transfer the records of the action to the transferee court.

Committee Amendment AM 1802 amends the provisions of the original bill and place them into the existing statute section 25-410. The amendments clarifies the transfer process and makes it more timely by requiring the transfer of the action to occur within ten days, rather than fifteen days, after the entry of the transfer order. The amendment provides that no additional court fees shall be required for the transfer. The clerk of the transferor court must file with the transferee court certification of the payment records of any judgment in the action maintained by the transferor court, including those involving support orders. Under the amendment, the judgment shall commence, and shall be a lien

on the property of the debtor in any county in which such judgment is filed, once it is filed and entered on the judgment record of the transferee court. However, if the transferred case involves a support order with payment records maintained by the Title IV-D Division, the transferor court order must notify the division to make changes in the records and support payments shall commence in the transferee court on the first day of the month following the order of transfer.

LB 1026, as amended by AM 1802, was amended into LB 712 which was signed by the governor on April 13, 2010. LB 1026 was IPP'd on April 14, 2010.

LB 1045 (Lautenbaugh) Change provisions relating to the designation of jury commissioner

Legislative Bill 1045 amends statute section 25-1625 to eliminate the provision for the clerk of the district court to perform the duties of the jury commissioner when a county has more than 150,000 inhabitants but not more than 200,000 inhabitants. The bill also increases the population threshold from 150,000 to 200,000 inhabitants for counties to have a separate jury commissioner or to have the duties performed by the election commissioner if authorized by the judges of the district court.

LB 1045 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 1045 was IPP'd on April 14, 2010.

LB 1084 (Karpisek) Provide for seizures of pet animals and equines as prescribed

LB 1084 provides a court procedure for a county to obtain regular payments for the maintenance, care and disposition of any pet animals or equines seized by a sheriff while a case is pending against a defendant for the mistreatment of such animals.

LB 1084 would also provide that any pet animal or equine seized under a search warrant or validly seized without a warrant may be kept on the property from which the animal was seized by the officer that seized the animal.

LB 1084 would add to subsection (2) of 29-818 the following requirements:

- When a pet animal is seized, that the court provide notice of the time, date, and place of hearing regarding the animal to the person who owns or controls the animal in question. The hearing shall be no later than 10 days after seizure of the animal.
- At the hearing, the court shall determine the disposition of the pet, and if the pet is not going to be returned to its owner, the court shall order the person from whom the pet was seized to pay expenses for the support and maintenance of the pet. The court shall consider the person's ability to pay expenses and the amount of such payments. Payments shall be for 30 day periods, with the first payment due on or before the tenth day following the hearing.

LB 1084 was amended in Committee by AM 2259 and simply provides that notice of the hearing provided under LB 1084 must be given "to the person who owns, keeps, harbors,

maintains, or controls such pet animal or equine and to any lien or security interest holder of record.”

This amendment is designed to provide all interested parties in the pet animal or equine notice of a disposition hearing regarding the seized pet animal or equine stemming from a person’s failure to pay the expenses of the seized pet animal or equine.

LB 1084 was amended into LB 712 on March 25, 2010 and LB 712 was signed by the Governor on April 13, 2010. LB 1084 as introduced was IPP’D on April 14, 2010.

LB 1102 (Giese) License and regulate wagering on historic horse races

LB 1102 would allow Nebraska licensed horse racing premises the ability to install and operate Instant Racing Terminals. Under the bill, it shall be a Class III misdemeanor to install and operate Instant Racing Terminals outside the premises of a Nebraska licensed horse racetrack.

The stated purpose by the introducer of LB 1102 for allowing the installation of Instant Racing Terminals was to allow the Nebraska horse racing industry to provide an additional mode of horse race wagering inside the premises of a licensed horse racetrack. The Instant Racing Terminals was believed to provide revenue to the State of Nebraska and Nebraska’s licensed horse racetracks. Consequently, Instant Racing Terminals were also believed to provide for the preservation of jobs associated with the Nebraska horse racing industry.

LB 1102 was advanced from the Committee with Committee Amendment 2234 attached by a 5-2 vote. Committee Amendment 2234 would have made the following changes to LB 1102:

- Provides a definition of “historic horserace” to clarify legislative intent;
- Requires the county board of the county containing the race track where these machines are to be located, to have adopted a resolution approving of this form of wagering before a license can be issued;
- Provides that the Commission may adopt rules and regulations to implement subdivision (7) as provided under this act;
- Requires the "Commission" to determine and mandate that enough of the historic horserace be shown on the machine to maintain the integrity of the race; The amount will be determined by the Commission;
- Would establish a one-time licensing fee of \$1,000 on each machine used for pari-mutuel wagering on historic horse races;
- Provides a tax rate on the gross sum wagered on historical horse races at 1% of the first one hundred million collected, 1.5% of the second, one hundred million collected and 2% on all money collected thereafter;
- Creates the Historic Horseracing Distribution Fund and provides that all costs for the administration of the fund shall be paid from the fund; and

- Finally, AM 2234 provides that all funds in excess of the costs of administration shall be divided as follows:
 1. 5% of the remaining amount shall go to the state racing commission for community betterment grants for areas within one mile of the location of a licensed racetrack;
 2. After the cost of administration of the Historic Horseracing Distribution Fund and the community betterment grants are subtracted the remainder of the funds shall be distributed equally to the: 1) **Compulsive Gamblers Assistance Fund**, 2) **Probation Program Cash Fund**, and 3) **Violence Prevention Cash Fund**.

LB 1102 failed a cloture vote on March 30, 2010 and was subsequently IPP'D on April 14, 2010.

LB 1105 (Council) Require an audit of death penalty costs

LB 1105 would require that the Auditor of Public Accounts be charged with conducting an audit of the costs of administering the death penalty in Nebraska. The audit would be completed by December 1, 2010 and submitted to the Legislature. The audit conducted would have addressed the following topics related to the death penalty:

- Shall examine the cost of the death penalty to the Attorney General's Office for salaries, benefits and operating expenses related to the prosecution of the death penalty;
- Examine the cost to the Department of Correctional Services for staff salaries, benefits and operating expenses, including the housing of inmates on death row;
- Examine the costs to counties in county attorney staff time and other expenses;
- Examine the costs to the county public defender's office and the Public Advocacy Commission;
- Costs of court-appointed attorneys hired to defend capital cases; and
- Examine the costs to the Supreme Court, Court of Appeals and districts courts and an estimate of the cost of federal courts in staff salaries, benefits, and operating expenses related to death penalty cases.
- The audit conducted shall also make a comparison of costs borne by the Attorney General, Department of Correctional Services, law enforcement, Counties, Courts and advocacy offices involved in capital cases compared to noncapital cases.

LB 1105 was amended in Committee by Amendment 2147, which would have made the following changes:

- Provides that the Community Corrections Council, not the State Auditor, is directed to supervise a study of the costs of administering the death penalty in Nebraska.

- Provides that it is the intent of the Legislature that the Council uses the College of Public Affairs and Community Service located at the University of Nebraska at Omaha to coordinate and conduct the study.
- Provides that the Study conducted shall examine the direct and indirect costs of administering the death penalty and non-death-penalty sentences resulting from murder in the first degree in Nebraska.
- Provides that the cost for the study shall not exceed \$50,000.

LB 1105 failed to advance to Select File on March 25, 2010 and was IPP'D on April 14, 2010.

**BILLS ADVANCED TO GENERAL FILE
DURING THE 2010 SESSION**

LB 687 (Wightman) Change amounts of homestead allowance, exempt property, and family allowance for decedents' estates

LB 687 would change the amount of money exempted from an estate that is provided to the spouse and/or child of a decedent leaving an estate beginning January 1, 2011 in the following instances:

- A surviving spouse of a Nebraska resident would be entitled to a homestead allowance of \$20,000, beginning January 1, 2011, upon the resident's death, an increase from the current amount of \$7,500 which continues until January 1, 2011. If the Nebraska resident dies leaving no surviving spouse, each minor child and each dependent child of the deceased resident is entitled to a share of the \$20,000 that was available to the surviving spouse if such spouse existed. The amount would be divided by the number of minor and dependent children.
- The surviving spouse of a Nebraska resident would be entitled to exempt personal property valued up to \$5,000 from the estate for a Nebraska resident who dies before January 1, 2011 and \$12,500 for a resident who dies on or after January 1, 2011.
- The personal representative of an estate may provide a family allowance in a lump sum not to exceed \$9,000 to the family of a decedent who dies on or before January 1, 2011 and \$20,000 for a decedent who dies on or after January 1, 2011. The amount provided for the family allowance can be divided into a monthly amount not greater than the \$9,000 and \$20,000 totals.

LB 687 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 687 was IPP'd on April 14, 2010.

LB 703 (Wightman) Change provisions relating to powers of attorney

LB 703 amends the following provisions of Nebraska statute to provide that an agent or attorney in fact, acting under a power of attorney, may create or change rights of survivorship and/or a beneficiary designation, as long as the power of attorney expressly grants the authority to do so:

- The Uniform Durable Power of Attorney Act contained in sections 30-2664 to 30-2672 of the Nebraska Statutes;
- The Nebraska Short Form Act contained in sections 49-1501 to 49-1561 of the Nebraska Statutes; and
- General powers available under a "Power of Attorney"

LB 703 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 703 was IPP'd on April 14, 2010.

LB 757 (Wightman) Provide for nonprobate transfer on death motor vehicle certificates of title

Legislative Bill 757 amends statute section 30-2715 and adds provisions to statute allowing a motor vehicle governed by a certificate of title to be titled in transfer-on-death. A person who owns a motor vehicle may provide for the transfer of such vehicle upon his or her death, or the death of the last survivor of a joint-tenancy-with-right-of-survivorship by including in the certificate of title a designation of beneficiary or beneficiaries to who the vehicle will be transferred on death.

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LB 795 (Council) Authorize employment of law enforcement officers by natural resources districts as prescribed

LB 795 authorizes natural resource districts to expend funds to contract with or enter into agreements with law enforcement agencies for the protection of public property and the enforcement of Nebraska laws at recreation areas owned or controlled by natural resources districts.

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LB 830 (Coash) Limit small tourism business liability and adopt the Tourism Insurance Act

Legislative Bill 830 would establish the Tourism Insurance Act. The bill would provide definitions for the following terms: fee, gross negligence, liability insurance, property, recreation or tourism activities and small tourism business. The bill would establish the intent of the act as encouraging small tourism businesses to make property available to persons for recreation or tourism activities by limiting liability for those that acquire and maintain liability insurance. The bill would require small tourism businesses to post a sign on their property warning patrons of potential dangers of participation in tourism activities and indicating that the business is not liable for injury or death resulting from ordinary negligence and assumes limited liability for injury or death resulting from gross negligence. The bill would cap liability of small tourism businesses for incidents that occur on their property and are related to the tourism activity. The liability would be limited for the gross negligence of the small tourism business resulting in injury or death to \$500,000 for one person per occurrence and \$3,000,000 for two or more persons per occurrence. The bill would require small tourism businesses to acquire liability insurance and have an active policy to be covered by the limited liability protection under the act. The bill would require the liability insurance policy to be posted in a readily available place on the property.

The operative date for the act would be January 1, 2011.

Committee Amendment AM 2258 strikes the original provisions of LB 830 and replaces them with provisions to establish the Agritourism Insurance Act. The bill provides definitions for the following terms: liability insurance, agritourism activities, small agritourism activities. The bill establishes the intent of the act as encouraging the development of small agritourism businesses by providing a non-refundable income tax credit to such businesses that acquire and maintain liability insurance. The bill creates the Agritourism Insurance Fund to hold funds transferred from the Local Civic, Cultural and Convention Center Financing Fund which will provide funding for the tax credits. The Department of Economic Development will grant the tax credit to qualified businesses as applications are received. A small agritourism business could apply for the tax credit for a maximum of five consecutive years. The tax credit will be equal to twenty percent of the cost of liability insurance, not to exceed \$2,000 annually. The bill caps the total amount of tax credits granted per year at \$100,000.

LB 830, as amended by AM 2258, was amended into LB 779 which was signed by the governor on April 13, 2010. LB 830 was IPP'd on April 14, 2010.

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LB 840 amends the Criminal Attempt statute (§ 28-201) to include IC and ID felonies. When a person attempts to commit a crime, the Criminal Attempt Statute comes into play. If an individual is unsuccessful in committing an underlying crime, a prosecutor may charge that defendant with the Criminal Attempt of the underlying crime.

LB 840 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 840 was IPP'd on April 14, 2010.

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LB 843 would amend 1st degree arson (28-502) and 2nd degree arson (28-503) statutes to provide that damage done to the "contents" of a building by the intentional setting of fire or use of explosives shall qualify for having violated these statutes. Both 28-502 and 28-503 currently require that damage must be done to the building itself in order to be convicted under these statutes.

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LB 847 (Council) Change Small Claims Court powers and provide for use of attorneys as prescribed

Legislative Bill 847 amends statute sections related to Small Claims Court to restore provisions that were removed from law under LB 1014 in 2008 which provided a method for a defendant to vacate a default judgment. The bill also provides that parties may be

represented by attorney for the purpose of filing a motion for a new trial to set aside, vacate or modify a default judgment.

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LB 939 (Stuthman) Change support order enforcement provisions

Legislative Bill 939 amends statute sections related to child support enforcement to allow the Department of Health and Human Services to effectively collect child support and remain in compliance with federal regulations. To comply with federal law, the bill allows DHHS to modify a child support order in health care coverage cases within three years of entry of the order. The bill also provides that DHHS may review child support orders within the three year period after the obligation is ordered when a substantial change in circumstances is demonstrated, has lasted at least three months and is expected to last for an additional six months. The bill also authorizes DHHS to utilize income withholding to collect other monetary judgments related to the support of the child that the obligor has been ordered to pay and owes to a federal or state governmental unit in cases when services are being provided under Title IV-D and the support obligation is current. The bill also requires financial institutions to include the account balance with the information provided to DHHS for each obligor that is matched to an account within the financial institution's system.

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LB 984 increases the penalty for child abuse that results in serious bodily injury from a Class III felony to a Class II felony.

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LB 988 (Council) Change provisions relating to credit for imprisonment for fines and costs

LB 988 increases the amount of credit for imprisonment for nonpayment of a fine, cost, or for default on an installment plan used to pay a fine from the current daily amount of "\$60" to the new amount of \$90.

LB 988 was amended into LB 712 which was signed by the governor on April 13, 2010. LB 988 was IPP'D on April 14, 2010.

LB 990 (Council) Change reduction of sentence provisions for a person sentenced to a city or county jail

LB 990 would make the calculation of time served or "good-time" in city and county jails consistent with that of state correctional facilities, which currently allow one day off of a sentence for every day served.

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LB 1026 (Wightman) Provide for transfers of civil actions in district court

Legislative Bill 1026 creates a statutory process for transferring civil actions from one district court to a district court in another county in the state. The current law provides for the transfer of such cases, but does not provide statutory guidance on the procedure for the transfer.

Under LB 1026, the transfer may occur before or after the entry of a judgment. Any judgment shall commence in the transferee court on the first day of the month following the order of transfer. The transferor court would issue an order providing direction to the clerk of the transferor court to: transfer the action to the transferee court within 15 days after the date of the order; certify the proceedings; file the original paper of such action; certify a transcript of docket entries and certify the payment of any judgment, except judgments involving support order records maintained by the Title IV-D Division. The court order to transfer must specify how filing fees for the filing of a new civil action shall be paid by the transferring party. Also, if the transferred case involves a child support judgment, the Title IV-D Division is to transfer the records of the action to the transferee court.

Committee Amendment AM 1802 amends the provisions of the original bill and place them into the existing statute section 25-410. The amendments clarify the transfer process and makes it more timely by requiring the transfer of the action to occur within ten days, rather than fifteen days, after the entry of the transfer order. The amendment provides that no additional court fees shall be required for the transfer. The clerk of the transferor court must file with the transferee court certification of the payment records of any judgment in the action maintained by the transferor court, including those involving support orders. Under the amendment, the judgment shall commence, and shall be a lien

on the property of the debtor in any county in which such judgment is filed, once it is filed and entered on the judgment record of the transferee court. However, if the transferred case involves a support order with payment records maintained by the Title IV-D Division, the transferor court order must notify the division to make changes in the records and support payments shall commence in the transferee court on the first day of the month following the order of transfer.

LB 1026, as amended by AM 1802, was amended into LB 712 which was signed by the governor on April 13, 2010. LB 1026 was IPP'd on April 14, 2010.

LB 1045 (Lautenbaugh) Change provisions relating to the designation of jury commissioner

Legislative Bill 1045 amends statute section 25-1625 to eliminate the provision for the clerk of the district court to perform the duties of the jury commissioner when a county has more than 150,000 inhabitants but not more than 200,000 inhabitants. The bill also increases the population threshold from 150,000 to 200,000 inhabitants for counties to have a separate jury commissioner or to have the duties performed by the election commissioner if authorized by the judges of the district court.

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LB 1084 provides a court procedure for a county to obtain regular payments for the maintenance, care and disposition of any pet animals or equines seized by a sheriff while a case is pending against a defendant for the mistreatment of such animals.

LB 1084 would also provide that any pet animal or equine seized under a search warrant or validly seized without a warrant may be kept on the property from which the animal was seized by the officer that seized the animal.

LB 1084 would add to subsection (2) of 29-818 the following requirements:

- When a pet animal is seized, that the court provide notice of the time, date, and place of hearing regarding the animal to the person who owns or controls the animal in question. The hearing shall be no later than 10 days after seizure of the animal.
- At the hearing, the court shall determine the disposition of the pet, and if the pet is not going to be returned to its owner, the court shall order the person from whom the pet was seized to pay expenses for the support and maintenance of the pet. The court shall consider the person's ability to pay expenses and the amount of such payments. Payments shall be for 30 day periods, with the first payment due on or before the tenth day following the hearing.

LB 1084 was amended in Committee by AM 2259 and simply provides that notice of the hearing provided under LB 1084 must be given "to the person who owns, keeps, harbors,

maintains, or controls such pet animal or equine and to any lien or security interest holder of record.”

This amendment is designed to provide all interested parties in the pet animal or equine notice of a disposition hearing regarding the seized pet animal or equine stemming from a person’s failure to pay the expenses of the seized pet animal or equine.

LB 1084 was amended into LB 712 on March 25, 2010 and LB 712 was signed by the Governor on April 13, 2010. LB 1084 as introduced was IPP’D on April 14, 2010.

LB 1102 (Giese) License and regulate wagering on historic horse races

LB 1102 would allow Nebraska licensed horse racing premises the ability to install and operate Instant Racing Terminals. Under the bill, it shall be a Class III misdemeanor to install and operate Instant Racing Terminals outside the premises of a Nebraska licensed horse racetrack.

The stated purpose by the introducer of LB 1102 for allowing the installation of Instant Racing Terminals was to allow the Nebraska horse racing industry to provide an additional mode of horse race wagering inside the premises of a licensed horse racetrack. The Instant Racing Terminals was believed to provide revenue to the State of Nebraska and Nebraska’s licensed horse racetracks. Consequently, Instant Racing Terminals were also believed to provide for the preservation of jobs associated with the Nebraska horse racing industry.

LB 1102 was advanced from the Committee with Committee Amendment 2234 attached by a 5-2 vote. Committee Amendment 2234 would have made the following changes to LB 1102:

- Provides a definition of “historic horserace” to clarify legislative intent;
- Requires the county board of the county containing the race track where these machines are to be located, to have adopted a resolution approving of this form of wagering before a license can be issued;
- Provides that the Commission may adopt rules and regulations to implement subdivision (7) as provided under this act;
- Requires the "Commission" to determine and mandate that enough of the historic horserace be shown on the machine to maintain the integrity of the race; The amount will be determined by the Commission;
- Would establish a one-time licensing fee of \$1,000 on each machine used for pari-mutuel wagering on historic horse races;
- Provides a tax rate on the gross sum wagered on historical horse races at 1% of the first one hundred million collected, 1.5% of the second, one hundred million collected and 2% on all money collected thereafter;
- Creates the Historic Horseracing Distribution Fund and provides that all costs for the administration of the fund shall be paid from the fund; and

- Finally, AM 2234 provides that all funds in excess of the costs of administration shall be divided as follows:
 1. 5% of the remaining amount shall go to the state racing commission for community betterment grants for areas within one mile of the location of a licensed racetrack;
 2. After the cost of administration of the Historic Horseracing Distribution Fund and the community betterment grants are subtracted the remainder of the funds shall be distributed equally to the: 1) **Compulsive Gamblers Assistance Fund**, 2) **Probation Program Cash Fund**, and 3) **Violence Prevention Cash Fund**.

LB 1102 failed a cloture vote on March 30, 2010 and was subsequently IPP'D on April 14, 2010.

LB 1105 (Council) Require an audit of death penalty costs

LB 1105 would require that the Auditor of Public Accounts be charged with conducting an audit of the costs of administering the death penalty in Nebraska. The audit would be completed by December 1, 2010 and submitted to the Legislature. The audit conducted would have addressed the following topics related to the death penalty:

- Shall examine the cost of the death penalty to the Attorney General's Office for salaries, benefits and operating expenses related to the prosecution of the death penalty;
- Examine the cost to the Department of Correctional Services for staff salaries, benefits and operating expenses, including the housing of inmates on death row;
- Examine the costs to counties in county attorney staff time and other expenses;
- Examine the costs to the county public defender's office and the Public Advocacy Commission;
- Costs of court-appointed attorneys hired to defend capital cases; and
- Examine the costs to the Supreme Court, Court of Appeals and districts courts and an estimate of the cost of federal courts in staff salaries, benefits, and operating expenses related to death penalty cases.
- The audit conducted shall also make a comparison of costs borne by the Attorney General, Department of Correctional Services, law enforcement, Counties, Courts and advocacy offices involved in capital cases compared to noncapital cases.

LB 1105 was amended in Committee by Amendment 2147, which would have made the following changes:

- Provides that the Community Corrections Council, not the State Auditor, is directed to supervise a study of the costs of administering the death penalty in Nebraska.

- Provides that it is the intent of the Legislature that the Council uses the College of Public Affairs and Community Service located at the University of Nebraska at Omaha to coordinate and conduct the study.
- Provides that the Study conducted shall examine the direct and indirect costs of administering the death penalty and non-death-penalty sentences resulting from murder in the first degree in Nebraska.
- Provides that the cost for the study shall not exceed \$50,000.

LB 1105 failed to advance to Select File on March 25, 2010 and was IPP'D on April 14, 2010.

BILLS INDEFINITELY POSTPONED BY THE JUDICIARY COMMITTEE DURING THE 2010 SESSION

LB 853 (Wightman) Change criminal law statutes to reflect Nebraska Supreme Court opinion *State v. Conover*, 270 Neb. 446; 703 N.W.2d 898 (2005)

LB 853 proposes to strike language found unconstitutional by the Nebraska Supreme Court in 2005.

In 2002, the legislature held a special session to address Nebraska's capital punishment sentencing scheme in light of a U.S. Supreme Court case, Ring v. Arizona. During the special session, language was adopted to clarify that the current penalty for a Class IA felony, when the death penalty is not utilized, is life imprisonment without parole. Six sections of law were amended to add the words "without parole."

However, in 2005, the Nebraska Supreme Court, in State v. Conover, struck down the "without parole" language in two of the six sections where it had been added during the special session, holding that the changes were unconstitutional because they were outside the scope of the Governor's call, which related only to the Ring v. Arizona decision. LB 853 would strike the phrase "without parole" in all six sections where it was inserted during the 2002 special session, thereby bringing the statutes into compliance with the Nebraska Supreme Court's decision.

The Committee voted to indefinitely postpone LB 853 on March 24, 2010.

LB 1029 (Stuthman) Change court nonjudicial days provisions

Legislative Bill 1029 would amend section 25-2221 to provide for court closure due to inclement weather or other emergency. Partial days and days on which the court is closed for inclement weather or other emergency shall be designated as nonjudicial days for the entire day.

The Committee voted to indefinitely postpone LB 1029 on March 24, 2010.

REPORT ON THE PRIORTIZING
OF INTERIM STUDY RESOLUTIONS
Pursuant to Rule 4, Section 3(c)

COMMITTEE: Judiciary

DATE: 4/13/2010

The following resolutions were referred to the Committee on April 6, 2010. The committee has prioritized the resolutions in the following order:

<u>Resolution No.</u>	<u>Subject</u>
<u>LR 571 Judiciary Committee</u>	Study the implementation of Office of Violence Prevention created under LB 63 (2009') and Study the implementation of LB 800 (2010')
<u>LR488 Wightman</u>	Interim study to analyze the provisions of LB756, a bill to adopt the Nebraska Uniform Real Property Transfer on Death Act, with current Nebraska law
<u>LR430 Christensen</u>	Interim study to examine Nebraska's laws regarding a person's right to self-defense by the use of force and to review the Castle Doctrine laws in other states
<u>LR 535 Conrad</u>	Interim study to evaluate and identify the objectives of the Criminalistics Laboratory Division of the Nebraska State Patrol
<u>LR479 Ashford</u>	Interim study to review matters under the jurisdiction of the Judiciary Committee
<u>LR495 Giese</u>	Interim study to examine district probation offices
<u>LR432 Haar</u>	Interim study to examine Nebraska's child support collection methods
<u>LR525 Haar</u>	Interim study to examine Nebraska's laws on unlawful intrusion, stalking, and criminal trespass
<u>LR522 Janssen</u>	Interim study to examine the legality of the State of Nebraska knowingly offering state benefits to illegal immigrants