

FORTY-SECOND DAY - MARCH 14, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****FORTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 14, 2013

PRAYER

The prayer was offered by Pastor Mel Luetchens, Retired United Methodist Pastor, Murdock.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Adams presiding.

The roll was called and all members were present except Senators Cook, Gloor, and Lautenbaugh who were excused; and Senators Ashford, Avery, Christensen, Mello, and Murante who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-first day was approved.

MESSAGE FROM THE GOVERNOR

March 12, 2013

Mr. President, Speaker Adams
and Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President, Speaker Adams and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the Commission of Industrial Relations:

Sarah Pillen, 3214 25 Street, Columbus, NE 68601

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
 (Signed) Dave Heineman
 Governor

Enclosures

COMMITTEE REPORT
 Health and Human Services

LEGISLATIVE BILL 487. Placed on General File with amendment.
 AM508

- 1 1. On page 3, lines 4 through 8, strike the new matter
- 2 and reinstate the stricken matter; and in line 6 after "facility"
- 3 insert ", except that no certificate of need is required for
- 4 relocation or transfer of rehabilitation beds from a health care
- 5 facility to another health care facility owned and operated by the
- 6 same entity".

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Mello designates LB97 as his priority bill.

Senator Adams designates LB438 as his priority bill.

Senator Ashford designates LB464 as his priority bill.

Senator Seiler designates LB299 as his priority bill.

Senator Wallman designates LB637 as his priority bill.

COMMUNICATION

Received a copy of a House Resolution from the state of South Carolina relating to supporting the federal transfer of public lands to western states of the United States of America and urging the United States Congress to engage in good faith communications and cooperation to coordinate the transfer of title to the western states.

MOTIONS - Approve Appointments

Senator Carlson moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 649:

Nebraska Game and Parks Commission
 Lynn Berggren

Voting in the affirmative, 27:

Adams	Conrad	Johnson	Pirsch	Wallman
Bloomfield	Crawford	Karpisek	Price	Watermeier
Bolz	Haar, K.	Krist	Scheer	Wightman
Brasch	Hansen	Larson	Schumacher	
Campbell	Harms	Lathrop	Seiler	
Carlson	Harr, B.	Nordquist	Smith	

Voting in the negative, 0.

Present and not voting, 14:

Chambers	Dubas	Janssen	McCoy	Schilz
Coash	Hadley	Kintner	McGill	Sullivan
Davis	Howard	Kolowski	Nelson	

Excused and not voting, 8:

Ashford	Christensen	Gloor	Mello
Avery	Cook	Lautenbaugh	Murante

The appointment was confirmed with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 656:

State Board of Health
Jeromy Warner

Voting in the affirmative, 31:

Adams	Haar, K.	Kolowski	Pirsch	Wallman
Bloomfield	Hansen	Krist	Price	Watermeier
Brasch	Harms	Larson	Scheer	Wightman
Campbell	Harr, B.	Lathrop	Schumacher	
Carlson	Johnson	McGill	Seiler	
Crawford	Karpisek	Mello	Smith	
Davis	Kintner	Nordquist	Sullivan	

Voting in the negative, 0.

Present and not voting, 11:

Bolz	Conrad	Howard	Nelson
Chambers	Dubas	Janssen	Schilz
Coash	Hadley	McCoy	

Excused and not voting, 7:

Ashford	Christensen	Gloor	Murante
Avery	Cook	Lautenbaugh	

The appointment was confirmed with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Senator Campbell moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 656:

Foster Care Advisory Committee
Elizabeth Neeley

Voting in the affirmative, 34:

Adams	Davis	Karpisek	Mello	Schumacher
Avery	Haar, K.	Kintner	Murante	Seiler
Brasch	Hadley	Kolowski	Nelson	Smith
Campbell	Hansen	Krist	Nordquist	Wallman
Carlson	Harms	Larson	Pirsch	Watermeier
Conrad	Harr, B.	Lathrop	Price	Wightman
Crawford	Johnson	McCoy	Scheer	

Voting in the negative, 0.

Present and not voting, 10:

Bloomfield	Chambers	Dubas	Janssen	Schilz
Bolz	Coash	Howard	McGill	Sullivan

Excused and not voting, 5:

Ashford	Christensen	Cook	Gloor	Lautenbaugh
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 31.

A BILL FOR AN ACT relating to handicapped parking; to amend sections 60-3,113.02 and 60-3,113.05, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for temporarily handicapped or disabled persons; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 38.

A BILL FOR AN ACT relating to the Nebraska Uniform Trust Code; to amend sections 30-3823 and 30-3855, Reissue Revised Statutes of Nebraska; to change provisions relating to testamentary powers and other powers, rights, and duties; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 70. With Emergency Clause.

A BILL FOR AN ACT relating to agriculture; to amend sections 2-3951, 2-3951.01, 2-3951.02, 2-3951.03, and 2-3951.04, Reissue Revised Statutes of Nebraska; to change provisions relating to membership of the Nebraska Dairy Industry Development Board; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

LEGISLATIVE BILL 88.

A BILL FOR AN ACT relating to cities of the primary class; to amend section 15-905, Reissue Revised Statutes of Nebraska; to change a zoning exception related to farmsteads; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Adams	Conrad	Howard	McGill	Schumacher
Avery	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	
Coash	Harr, B.	McCoy	Schilz	

Voting in the negative, 0.

Present and not voting, 2:

Bloomfield Janssen

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB283 with 40 ayes, 1 nay, 4 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 283.

A BILL FOR AN ACT relating to limited liability companies; to amend section 9-614, Reissue Revised Statutes of Nebraska, and sections 67-248.02, 67-298, 70-1903, 77-2704.57, 77-2716, 77-2734.01, and 84-511, Revised Statutes Cumulative Supplement, 2012; to eliminate the Limited Liability Company Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 21-2601, 21-2601.01, 21-2602, 21-2603, 21-2604, 21-2604.01, 21-2605, 21-2606, 21-2607, 21-2608, 21-2609, 21-2610, 21-2611, 21-2612, 21-2613, 21-2614, 21-2615, 21-2616, 21-2617, 21-2617.01, 21-2618, 21-2619, 21-2620, 21-2621, 21-2622, 21-2623, 21-2624, 21-2625, 21-2626, 21-2627, 21-2628, 21-2629, 21-2630, 21-2631, 21-2631.01, 21-2631.02, 21-2631.03, 21-2632, 21-2632.01, 21-2633, 21-2634, 21-2635, 21-2636, 21-2637, 21-2638, 21-2639, 21-2640, 21-2641, 21-2642, 21-2643, 21-2644, 21-2645, 21-2646, 21-2647, 21-2648, 21-2649, 21-2650, 21-2651, 21-2652, 21-2653, and 21-2654, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Coash	Howard	McCoy	Schilz
Avery	Conrad	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Harms	Larson	Price	Wightman
Christensen	Harr, B.	Lathrop	Scheer	

Voting in the negative, 1:

Hansen

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 628.

A BILL FOR AN ACT relating to the Small Business Innovation Act; to amend sections 81-12,138, 81-12,142, and 81-12,143, Revised Statutes Cumulative Supplement, 2012; to redefine a term; to change the termination date for the act and a report date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Adams	Coash	Harr, B.	McCoy	Schilz
Avery	Conrad	Howard	McGill	Schumacher
Bloomfield	Crawford	Janssen	Mello	Seiler
Bolz	Davis	Johnson	Murante	Smith
Brasch	Dubas	Karpisek	Nelson	Sullivan
Campbell	Haar, K.	Kintner	Nordquist	Wallman
Carlson	Hadley	Kolowski	Pirsch	Watermeier
Chambers	Hansen	Krist	Price	Wightman
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 27.

A BILL FOR AN ACT relating to the Public Accountancy Act; to amend section 1-136.02, Reissue Revised Statutes of Nebraska; to change experience requirements; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 117.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,298, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to permits for overweight vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 165.

A BILL FOR AN ACT relating to the Motor Vehicle Industry Regulation Act; to amend section 60-1438, Revised Statutes Cumulative Supplement, 2012; to change a provision relating to warranty service; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB337 with 40 ayes, 3 nays, 2 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 337. With Emergency Clause.

A BILL FOR AN ACT relating to insurance; to amend sections 44-4805, 44-4815, 44-4821, 44-4826, 44-4827, and 44-4828, Reissue Revised Statutes of Nebraska; to change provisions of the Nebraska Insurers Supervision, Rehabilitation, and Liquidation Act relating to security arrangements involving a Federal Home Loan Bank; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 398.

A BILL FOR AN ACT relating to the Nebraska Rules of the Road; to amend section 60-6,300, Reissue Revised Statutes of Nebraska; to change provisions and penalties relating to certain excessively loaded vehicles; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB426 with 37 ayes, 5 nays, 3 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 426.

A BILL FOR AN ACT relating to insurance; to amend sections 44-1090, 44-6007.02, 44-6008, 44-6009, 44-6015, and 44-6016, Reissue Revised Statutes of Nebraska; to change provisions relating to fraternal benefit societies and risk-based capital; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 484.

A BILL FOR AN ACT relating to the Dentistry Practice Act; to amend section 38-1130, Reissue Revised Statutes of Nebraska; to change functions

authorized and authorization requirements for licensed dental hygienists; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford	Cook	Gloor	Lautenbaugh
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 510.

A BILL FOR AN ACT relating to the Open Meetings Act; to amend section 84-1411, Revised Statutes Cumulative Supplement, 2012; to authorize the Educational Service Unit Coordinating Council to hold videoconference and telephone conference meetings; to change telephone conference call provisions; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 44:

Adams	Coash	Howard	McCoy	Schilz
Avery	Conrad	Janssen	McGill	Schumacher
Bloomfield	Crawford	Johnson	Mello	Seiler
Bolz	Davis	Karpisek	Murante	Smith
Brasch	Dubas	Kintner	Nelson	Sullivan
Campbell	Haar, K.	Kolowski	Nordquist	Wallman
Carlson	Hadley	Krist	Pirsch	Watermeier
Chambers	Hansen	Larson	Price	Wightman
Christensen	Harms	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Harr, B.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB616 with 34 ayes, 4 nays, 7 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 616.

A BILL FOR AN ACT relating to finance; to amend sections 8-601 and 8-602, Reissue Revised Statutes of Nebraska; to adopt the Nebraska Money Transmitters Act; to provide penalties; to eliminate the Nebraska Sale of Checks and Funds Transmission Act; to harmonize provisions; to provide an operative date; to repeal the original sections; and to outright repeal sections 8-1001, 8-1001.01, 8-1002, 8-1003, 8-1004, 8-1005, 8-1006, 8-1007, 8-1008, 8-1009, 8-1010, 8-1011, 8-1012, 8-1012.01, 8-1013, 8-1014, 8-1016, 8-1017, 8-1018, and 8-1019, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?'"

Voting in the affirmative, 45:

Adams	Coash	Harr, B.	Lathrop	Scheer
Avery	Conrad	Howard	McCoy	Schilz
Bloomfield	Crawford	Janssen	McGill	Schumacher
Bolz	Davis	Johnson	Mello	Seiler
Brasch	Dubas	Karpisek	Murante	Smith
Campbell	Haar, K.	Kintner	Nelson	Sullivan
Carlson	Hadley	Kolowski	Nordquist	Wallman
Chambers	Hansen	Krist	Pirsch	Watermeier
Christensen	Harms	Larson	Price	Wightman

Voting in the negative, 0.

Excused and not voting, 4:

Ashford Cook Gloor Lautenbaugh

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 31, 38, 70, 88, 283, 628, 27, 117, 165, 337, 398, 426, 484, 510, and 616.

COMMITTEE REPORT Health and Human Services

LEGISLATIVE BILL 231. Placed on General File.

(Signed) Kathy Campbell, Chairperson

ANNOUNCEMENTS

Senator Howard designates LB528 as her priority bill.

The Natural Resources Committee designates LB388 as its priority bill.

Senator Avery designates LB362 as his priority bill.

The Appropriations Committee designates LB629 as its priority bill.

RESOLUTION

LEGISLATIVE RESOLUTION 98. Introduced by Nordquist, 7; B. Harr, 8; Howard, 9; Krist, 10; Lathrop, 12; Mello, 5; Pirsch, 4.

WHEREAS, the Omaha Central Eagles won the 2013 Class A Boys' State Basketball Championship; and

WHEREAS, the Eagles defeated Papillion-La Vista 69-44 in the championship game to win their fourth straight state title; and

WHEREAS, the Eagles have won seven out of the last eight Class A state championships in boys' basketball; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Omaha Central Eagles on winning the 2013 Class A Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Omaha Central Eagles and their coach, Eric Behrens.

Laid over.

SENATOR CARLSON PRESIDING

GENERAL FILE

LEGISLATIVE BILL 153. Title read. Considered.

Committee AM499, found on page 638, was offered.

Senator Harms moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 29 ayes, 1 nay, and 20 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

ANNOUNCEMENTS

The Urban Affairs Committee designates LB66 and LR29CA as its priority bill and resolution.

Senator Watermeier designates LB308 as his priority bill.

The Executive Board designates LB612 and LB242 as its priority bills.

Senator Sullivan designates LB497 as her priority bill.

Senator Chambers designates LB543 as his priority bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on March 14, 2013, at 10:25 a.m. were the following: LBs 31, 38, 70e, 88, 283, 628, 27, 117, 165, 337e, 398, 426, 484, 510, and 616.

(Signed) Jamie Kruse
Clerk of the Legislature's Office

AMENDMENTS - Print in Journal

Senator Karpisek filed the following amendment to LB259:
AM631

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 9-601, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 9-601 Sections 9-601 to 9-653 and sections 3 and 4 of
6 this act shall be known and may be cited as the Nebraska County and
7 City Lottery Act.
8 Sec. 2. Section 9-603, Reissue Revised Statutes of
9 Nebraska, is amended to read:
10 9-603 For purposes of the Nebraska County and City
11 Lottery Act, the definitions found in sections 9-603.02 to 9-618
12 and section 3 of this act shall be used.
13 Sec. 3. (1) Keno writer means a person whose primary
14 responsibilities include accepting inside tickets or other requests
15 for wagers and payments of wagers from players, issuing outside
16 tickets, voiding tickets, and redeeming winning tickets.
17 (2) Keno writer does not include a keno manager, a
18 lottery operator, or any other person who is directly in charge of
19 the manual selection of numbers.
20 Sec. 4. A person who is a keno writer and has no direct
21 responsibility for the selection of numbers shall not be considered
22 a lottery worker and shall not be required to be licensed for
23 purposes of the Nebraska County and City Lottery Act.
1 Sec. 5. Section 9-615.01, Reissue Revised Statutes of
2 Nebraska, is amended to read:
3 9-615.01 Lottery worker shall mean any person, other than
4 a keno writer, who performs work directly related to the conduct of
5 a lottery, including, but not limited to, ~~ticket writing, winning~~
6 number selection, winning number verification, ~~prize payment to~~
7 ~~winners~~, record keeping, shift checkout and review of keno writer
8 banks, and security.
9 Sec. 6. Original sections 9-601, 9-603, and 9-615.01,
10 Reissue Revised Statutes of Nebraska, are repealed.

Senator Nordquist filed the following amendment to LB306:
AM624

- 1 1. Insert the following new section:
2 Sec. 4. If any section in this act or any part of any
3 section is declared invalid or unconstitutional, the declaration
4 shall not affect the validity or constitutionality of the remaining
5 portions.
6 2. On page 4, line 20, strike "five", show as stricken,
7 and insert "six".
8 3. On page 5, strike beginning with line 4 through the

- 9 period in line 5.
 10 4. Renumber the remaining sections accordingly.

RESOLUTIONS

LEGISLATIVE RESOLUTION 99. Introduced by Johnson, 23; Bloomfield, 17; Brasch, 16; Janssen, 15; Schumacher, 22.

WHEREAS, the Howells-Dodge Jaguars won the 2013 Class D-1 Boys' State Basketball Championship; and

WHEREAS, the Jaguars defeated Paxton 49-34 in the championship game to win the state title; and

WHEREAS, the Jaguars finished their outstanding season with a record of 29-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Howells-Dodge Jaguars on winning the 2013 Class D-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Howells-Dodge Jaguars.

Laid over.

LEGISLATIVE RESOLUTION 100. Introduced by Johnson, 23; Janssen, 15.

WHEREAS, the Wahoo Warriors won the 2013 Class C-1 Boys' State Basketball Championship; and

WHEREAS, the Warriors defeated Boone Central/Newman Grove 45-42 in the championship game to win the state title; and

WHEREAS, the Warriors finished their outstanding season with a record of 29-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Wahoo Warriors on winning the 2013 Class C-1 Boys' State Basketball Championship.

2. That a copy of this resolution be sent to the Wahoo Warriors.

Laid over.

LEGISLATIVE RESOLUTION 101. Introduced by Karpisek, 32.

WHEREAS, three seniors at Crete High School, Alexis Page, Nate Harms, and Anthony Fitzgerald, have been accepted into selective pre-medicine programs available to rural Nebraska students; and

WHEREAS, Alexis Page and Nate Harms were accepted into the Kearney Health Opportunities Program, a cooperative program between the University of Nebraska at Kearney and the University of Nebraska Medical Center; and

WHEREAS, Anthony Fitzgerald was accepted into the Rural Health Opportunities Program, a cooperative program between Chadron State College and the University of Nebraska Medical Center; and

WHEREAS, the purpose of these two programs is to recruit and educate students from rural Nebraska who are committed to returning to rural Nebraska to practice health care; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED THIRD LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates Alexis Page and Nate Harms for being accepted into the Kearney Health Opportunities Program and Anthony Fitzgerald for being accepted into the Rural Health Opportunities Program.

2. That a copy of this resolution be sent to Alexis Page, Nate Harms, and Anthony Fitzgerald.

Laid over.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 178. Indefinitely postponed.

LEGISLATIVE BILL 179. Indefinitely postponed.

LEGISLATIVE BILL 593. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

Revenue

LEGISLATIVE BILL 281. Placed on General File.

LEGISLATIVE BILL 97. Placed on General File with amendment.

AM572

- 1 1. Strike original section 5 and insert the following new
- 2 section:
- 3 Sec. 5. (1) The board of any land bank shall consist of:
- 4 (a) Seven voting members appointed by the mayor of the
- 5 municipality or municipalities that created the land bank and
- 6 confirmed by a two-thirds vote of the governing body of the

- 7 municipality or municipalities that created the land bank;
8 (b) As a nonvoting, ex officio member, the planning
9 director of each municipality that created the land bank or his or
10 her designee; and
11 (c) Such other nonvoting members as are appointed by the
12 mayor of the municipality or municipalities that created the land
13 bank.
14 (2) The seven voting members of the board:
15 (a) Shall be residents of the municipality or
16 municipalities that created the land bank or be representing an
17 entity whose primary place of business is within the municipality
18 or municipalities that created the land bank;
19 (b) Shall have, collectively, verifiable skills,
20 expertise, and knowledge in market-rate and affordable residential,
21 commercial, industrial, and mixed-use real estate development,
22 financing, law, purchasing and sales, asset management, economic
23 and community development, and the acquisition of tax sale
1 certificates;
2 (c) Shall represent, to the greatest extent possible, the
3 racial and ethnic diversity of the municipality or municipalities
4 that created the land bank; and
5 (d) Shall include the following:
6 (i) At least one member representing realtors;
7 (ii) At least one member representing the banking
8 industry;
9 (iii) At least one member representing real estate
10 developers;
11 (iv) At least one member representing a chamber of
12 commerce;
13 (v) At least one member representing a nonprofit
14 corporation involved in affordable housing; and
15 (vi) At least one member representing owners of multiple
16 residential or commercial properties.
17 (3) The members of the board shall select annually from
18 among themselves a chairperson, a vice-chairperson, a treasurer,
19 and such other officers as the board may determine.
20 (4) A public official or public employee shall be
21 eligible to be a member of the board.
22 (5) A vacancy on the board among the appointed board
23 members shall be filled in the same manner as the original
24 appointment.
25 (6) Board members shall serve without compensation.
26 (7) The board shall meet in regular session according to
27 a schedule adopted by the board and shall also meet in special
1 session as convened by the chairperson or upon written notice
2 signed by a majority of the voting members. The presence of a
3 majority of the voting members of the board shall constitute a
4 quorum.
5 (8) Except as otherwise provided in subsections (9) and

6 (11) of this section and in sections 10 and 14 of this act, all
7 actions of the board shall be approved by the affirmative vote of a
8 majority of the voting members present and voting.

9 (9) Any action of the board on the following matters
10 shall be approved by a majority of the voting members:

11 (a) Adoption of bylaws and other rules and regulations
12 for conduct of the land bank's business;

13 (b) Hiring or firing of any employee or contractor of
14 the land bank. This function may, by majority vote of the voting
15 members, be delegated by the board to a specified officer or
16 committee of the land bank, under such terms and conditions, and to
17 the extent, that the board may specify;

18 (c) The incurring of debt;

19 (d) Adoption or amendment of the annual budget; and

20 (e) Sale, lease, encumbrance, or alienation of real
21 property, improvements, or personal property with a value of more
22 than fifty thousand dollars.

23 (10) Members of a board shall not be liable personally on
24 the bonds or other obligations of the land bank, and the rights of
25 creditors shall be solely against such land bank.

26 (11) The board shall adopt policies and procedures to
27 specify the conditions that must be met in order for the land bank
1 to give an automatically accepted bid as authorized in sections 17
2 and 18 of this act. The adoption of such policies and procedures
3 shall require the approval of two-thirds of the voting members of
4 the board. At a minimum, such policies and procedures shall ensure
5 that the automatically accepted bid shall only be given for one of
6 the following reasons:

7 (a) The real property substantially meets more than one
8 of the following criteria as determined by two-thirds of the voting
9 members of the board:

10 (i) The property is not occupied by the owner or any
11 lessee or licensee of the owner;

12 (ii) There are no utilities currently being provided to
13 the property;

14 (iii) Any buildings on the property have been deemed
15 unfit for human habitation, occupancy, or use by local housing
16 officials;

17 (iv) Any buildings on the property are exposed to the
18 elements such that deterioration of the building is occurring;

19 (v) Any buildings on the property are boarded up;

20 (vi) There have been previous efforts to rehabilitate any
21 buildings on the property;

22 (vii) There is a presence of vermin, uncut vegetation, or
23 debris accumulation on the property;

24 (viii) There have been past actions by the municipality
25 to maintain the grounds or any building on the property; or

26 (ix) The property has been out of compliance with orders
27 of local housing officials;

- 1 (b) The real property is contiguous to a parcel that
 2 meets more than one of the criteria in subdivision (11)(a) of this
 3 section or that is already owned by the land bank; or
 4 (c) Acquisition of the real property by the land bank
 5 would serve the best interests of the community as determined
 6 by two-thirds of the voting members of the board. In determining
 7 whether the acquisition would serve the best interests of the
 8 community, the board shall take into consideration the hierarchical
 9 ranking of priorities for the use of real property conveyed by a
 10 land bank established pursuant to subsection (5) of section 10 of
 11 this act, if any such hierarchical ranking is established.
 12 2. On page 16, line 7, after "bank" insert "and to the
 13 Revenue Committee of the Legislature"; and in line 8 after the
 14 period insert "The report submitted to the Revenue Committee shall
 15 be submitted electronically.".
 16 3. On page 17, line 12, after "claims" insert ", except
 17 that no lien or claim represented by a tax sale certificate held by
 18 a private third party shall be discharged or extinguished pursuant
 19 to this section".
 20 4. On page 18, line 12; and page 20, line 2, strike "(9)"
 21 and insert "(11)".
 22 5. On page 19, line 23, strike "that were the basis for
 23 the sale of" and insert "due on".
 24 6. On page 20, line 25, strike "all" and insert "the".

LEGISLATIVE BILL 308. Placed on General File with amendment.
 AM583

- 1 1. Insert the following new section:
 2 Sec. 3. Section 77-2734.07, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 77-2734.07 (1) There shall be added to federal taxable
 5 income the amount of any federal deduction because of a
 6 carryforward of a net operating loss or any capital loss.
 7 (2) There shall be allowed a deduction for a carryforward
 8 of a net operating loss or capital loss that is connected with
 9 operations in Nebraska. For a net operating loss or capital loss
 10 incurred in taxable years beginning or deemed to begin on or after
 11 January 1, 1987, and before January 1, 2014, the deduction shall
 12 be allowed only for each of the five taxable years succeeding the
 13 year of the loss. For a net operating loss incurred in taxable
 14 years beginning or deemed to begin on or after January 1, 2014,
 15 the deduction shall be allowed only for each of the twenty taxable
 16 years succeeding the year of the loss. For a capital loss incurred
 17 in taxable years beginning or deemed to begin on or after January
 18 1, 2014, the deduction shall be allowed only for each of the five
 19 taxable years succeeding the year of the loss.
 20 (3) Except as otherwise provided in this section, there
 21 shall be allowed a carryback of a net operating loss or a capital
 22 loss that is connected with operations in Nebraska. For a net

23 operating loss or capital loss incurred in taxable years beginning
 1 or deemed to begin on or after January 1, 1987, no such carryback
 2 shall be allowed.

3 (4) The amounts in subsections (2) and (3) of this
 4 section shall be computed pursuant to rules and regulations
 5 adopted and promulgated by the Tax Commissioner. Such regulations
 6 shall be in accord with the laws of the United States regarding
 7 carryforwards and carrybacks.

8 2. On page 10, line 4, strike "section 77-2715" and
 9 insert "sections 77-2715 and 77-2734.07".

10 3. Renumber the remaining section accordingly.

LEGISLATIVE BILL 341. Placed on General File with amendment.
 AM564

1 1. Strike original sections 5, 8, and 12 and insert the
 2 following new sections:

3 Sec. 5. Section 77-1818, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 77-1818 The purchaser of any real property sold by the
 6 county treasurer for taxes shall be entitled to a certificate
 7 in writing, describing the real property so purchased, the sum
 8 paid, and the time when the purchaser will be entitled to a deed,
 9 which certificate shall be signed by the county treasurer in his
 10 or her official capacity and shall be presumptive evidence of
 11 the regularity of all prior proceedings. Each tax lien shall be
 12 shown on a single certificate. The purchaser acquires a perpetual
 13 lien of the tax on the real property, and if after the taxes
 14 become delinquent he or she subsequently pays any taxes levied on
 15 the property, whether levied for any year or years previous or
 16 subsequent to such sale, he or she shall have the same lien for
 17 them and may add them to the amount paid by him or her in the
 18 purchase.

19 Sec. 8. Section 77-1824, Revised Statutes Cumulative
 20 Supplement, 2012, is amended to read:

21 77-1824 The owner or occupant of any real property sold
 22 for taxes or any person having a lien thereupon or interest therein
 23 may redeem the same. ~~For owner-occupied real property, the right~~
 1 ~~of redemption expires forty five days after the date of application~~
 2 ~~for the tax deed, and for all other real property, the~~ The right of
 3 redemption expires when the purchaser files an application for tax
 4 deed with the county treasurer. A redemption shall not be accepted
 5 by the county treasurer, or considered valid, unless received
 6 ~~prior to the close of business forty five days after the date of~~
 7 ~~application for the tax deed for owner-occupied real property or~~
 8 ~~prior to the close of business on the day the application for~~
 9 ~~the tax deed is received by the county treasurer, for other real~~
 10 ~~property.~~ Redemption shall be accomplished by paying the county
 11 treasurer for the use of such purchaser or his or her heirs or
 12 assigns the sum mentioned in his or her certificate, with interest

13 thereon at the rate specified in section 45-104.01, as such rate
 14 may from time to time be adjusted by the Legislature, from the
 15 date of purchase to date of redemption, together with all other
 16 taxes subsequently paid, whether for any year or years previous
 17 or subsequent to the sale, and interest thereon at the same rate
 18 from date of such payment to date of redemption. The amount due
 19 for redemption shall include the issuance fee charged pursuant to
 20 section 77-1823. In addition, if owner-occupied real property is
 21 redeemed after the day the purchaser files an application for a tax
 22 deed, the owner shall pay a redemption fee equal to twenty percent
 23 of all other amounts due.

24 Sec. 12. Section 77-1831, Revised Statutes Cumulative
 25 Supplement, 2012, is amended to read:

26 77-1831 (1) No-Except as otherwise provided in this
 27 section, no purchaser at any sale for taxes or his or her
 1 assignees shall be entitled to a tax deed from the county treasurer
 2 for the real property so purchased unless such purchaser or
 3 assignee, at least three months before applying for the tax deed,
 4 serves or causes to be served a notice that states, after the
 5 expiration of at least three months from the date of service of
 6 such notice, the tax deed will be applied for. In the case of
 7 owner-occupied property, no purchaser at any sale for taxes or
 8 his or her assignees shall be entitled to a tax deed from the
 9 county treasurer for the real property so purchased unless such
 10 purchaser or assignee, at least three months and forty-five days
 11 before applying for the tax deed, serves or causes to be served a
 12 notice that states, after the expiration of at least three months
 13 and forty-five days from the date of service of such notice, the
 14 tax deed will be applied for.

15 The notice shall include:

- 16 (a)-(1) The following statement in sixteen-point type:
 17 UNLESS YOU ACT YOU WILL LOSE THIS PROPERTY;
 18 (b)-(2) The date when the purchaser purchased the real
 19 property sold by the county for taxes;
 20 (c)-(3) The description of the real property;
 21 (d)-(4) In whose name the real property was assessed;
 22 (e)-(5) The amount of taxes represented by the tax sale
 23 certificate, the year the taxes were levied or assessed, and ~~any~~
 24 subsequent taxes paid and interest a statement that subsequent
 25 taxes may have been paid and interest may have accrued as of the
 26 date the notice is signed by the purchaser; and
 27 (f)-(6) The following statements:
 1 (i)-(a) That the issuance of a tax deed is subject to the
 2 right of redemption under sections 77-1824 to 77-1830;
 3 (ii)-(b) The right of redemption requires payment to the
 4 county treasurer, for the use of such purchaser, or his or her
 5 heirs or assigns, the amount of taxes represented by the tax sale
 6 certificate for the year the taxes were levied or assessed and any
 7 subsequent taxes paid and interest accrued as of the date payment

8 is made to the county treasurer; and ~~in addition, if the real~~
 9 ~~property is owner occupied real property and the redemption occurs~~
 10 ~~after the day the purchaser files an application for a tax deed,~~
 11 ~~a redemption fee equal to twenty percent of all other amounts due~~
 12 ~~must be paid; and~~

13 (iii) The (c) Except as provided for real property that
 14 is actually occupied by the record owner of the real property,
 15 the surviving spouse of the record owner, or a minor child of the
 16 record owner, right of redemption expires at the close of business
 17 forty five days after on the date of application for the tax deed,
 18 and a deed may be applied for after the expiration of three months
 19 from the date of service of this notice. For real property that
 20 is actually occupied by the record owner of the real property,
 21 the surviving spouse of the record owner, or a minor child of the
 22 record owner, a deed may be applied for after the expiration of
 23 three months and forty-five days after the service of this notice.
 24 ~~for owner occupied real property or at the close of business on~~
 25 ~~the day the purchaser files an application for a tax deed with the~~
 26 ~~county treasurer for all other real property.~~

27 (2) ~~In addition to the notice required under subsection~~
 1 ~~(1) of this section, no purchaser of owner occupied real property~~
 2 ~~at any sale for taxes or his or her assignees shall be entitled~~
 3 ~~to a tax deed from the county treasurer for the real property so~~
 4 ~~purchased unless such purchaser or assignee, upon application for~~
 5 ~~the deed, serves or causes to be served a notice that, after the~~
 6 ~~expiration of forty five days after the date of application for the~~
 7 ~~tax deed, the tax deed will be executed and delivered by the county~~
 8 ~~treasurer unless the owner redeems the real property.~~

9 The notice shall include:

10 (a) ~~The date when the purchaser purchased the real~~
 11 ~~property sold by the county for taxes;~~
 12 (b) ~~The description of the real property;~~
 13 (c) ~~In whose name the real property was assessed;~~
 14 (d) ~~The amount of taxes represented by the tax sale~~
 15 ~~certificate, the year the taxes were levied or assessed, and any~~
 16 ~~subsequent taxes paid and interest accrued as of the date the~~
 17 ~~notice is signed by the purchaser plus the amount of the redemption~~
 18 ~~fee; and~~

19 (e) ~~The following statements:~~

20 (i) ~~That the issuance of a tax deed is subject to the~~
 21 ~~right of redemption under sections 77-1824 to 77-1830;~~

22 (ii) ~~The right of redemption requires payment to the~~
 23 ~~county treasurer, for the use of such purchaser, or his or her~~
 24 ~~heirs or assigns, the amount of taxes represented by the tax sale~~
 25 ~~certificate for the year the taxes were levied or assessed and any~~
 26 ~~subsequent taxes paid and interest accrued as of the date payment~~
 27 ~~is made to the county treasurer. In addition, if the real property~~
 1 ~~is owner occupied real estate and the redemption occurs after the~~
 2 ~~day the purchaser files an application for a tax deed, a redemption~~

3 fee equal to twenty percent of all other amounts due must be paid;
4 and

5 ~~(iii) The right of redemption expires forty five days~~
6 ~~after the date of application for the tax deed for owner occupied~~
7 ~~real property.~~

8 Sec. 16. Section 77-1837, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 77-1837 ~~(4)~~ At any time within ~~six~~nine months after
11 the expiration of three years after the date of sale of any
12 real estate for taxes or special assessments, if such real estate
13 has not been redeemed, the county treasurer, on application, on
14 production of the certificate of purchase, and upon compliance
15 with the provisions of sections 77-1801 to 77-1863, shall execute
16 and deliver a deed of conveyance for the real estate described
17 in such certificate as provided in this section. The failure of
18 the county treasurer to issue the deed of conveyance if requested
19 within the timeframe provided in this section shall not impair the
20 validity of such deed if there has otherwise been compliance with
21 the provisions of sections 77-1801 to 77-1863.

22 ~~(2) If the tax deed is for owner occupied real property,~~
23 ~~the county treasurer shall not execute and deliver the tax deed for~~
24 ~~forty five days after the time specified in subsection (1) of this~~
25 ~~section until the right of redemption expires. If the real property~~
26 ~~is not owner occupied real property or if forty five days have~~
27 ~~passed since the time specified in subsection (1) of this section~~
1 ~~for owner occupied real property and the right of redemption has~~
2 ~~expired, the county treasurer shall execute and deliver the tax~~
3 ~~deed previously executed to the purchaser or his or her heirs or~~
4 ~~assigns.~~

5 Sec. 18. Section 77-1902, Revised Statutes Cumulative
6 Supplement, 2012, is amended to read:

7 77-1902 When land has been sold for delinquent taxes and
8 a tax sale certificate or tax deed has been issued, the holder of
9 such tax sale certificate or tax deed may, instead of demanding
10 a deed or, if a deed has been issued, by surrendering the same
11 in court, proceed in the district court of the county in which
12 the land is situated to foreclose the lien for taxes represented
13 by the tax sale certificate or tax deed and all subsequent tax
14 liens thereon, excluding any lien on real estate for special
15 assessments levied by any sanitary and improvement district which
16 special assessments have not been previously offered for sale by
17 the county treasurer, in the same manner and with like effect as
18 in the foreclosure of a real estate mortgage, except as otherwise
19 specifically provided by sections 77-1903 to 77-1917. Such action
20 shall only be brought within ~~six~~nine months after the expiration
21 of three years from the date of sale of any real estate for taxes
22 or special assessments.

23 2. On page 9, strike beginning with the comma in line 12
24 through the comma in line 13 and show as stricken.

- 25 3. On page 17, line 1, strike "and" and after the last
 26 comma insert "77-1837, and 77-1902,".
 27 4. Renumber the remaining sections accordingly.

(Signed) Galen Hadley, Chairperson

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Pillen, Sarah - Commission of Industrial Relations - Business and Labor

(Signed) John Wightman, Chairperson
 Executive Board

GENERAL FILE

LEGISLATIVE BILL 429. Title read. Considered.

Committee AM390, found on page 615, was offered.

Senator Avery moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE RESOLUTION 41CA. Placed on Select File with amendment.

ER27

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. At the general election in November 2014 the
- 4 following proposed amendment to the Constitution of Nebraska shall
- 5 be submitted to the electors of the State of Nebraska for approval
- 6 or rejection:
- 7 To amend Article III, section 24:
- 8 III-24 (1) Except as provided in this section, the
- 9 Legislature shall not authorize any game of chance or any
- 10 lottery or gift enterprise when the consideration for a chance
- 11 to participate involves the payment of money for the purchase of

12 property, services, or a chance or admission ticket or requires an
13 expenditure of substantial effort or time.

14 (2) The Legislature may authorize and regulate a state
15 lottery pursuant to subsection (3) of this section and other
16 lotteries, raffles, and gift enterprises which are intended solely
17 as business promotions or the proceeds of which are to be used
18 solely for charitable or community betterment purposes without
19 profit to the promoter of such lotteries, raffles, or gift
20 enterprises.

21 (3)(a) The Legislature may establish a lottery to be
22 operated and regulated by the State of Nebraska. The proceeds of
23 the lottery shall be appropriated by the Legislature for the costs
1 of establishing and maintaining the lottery and for the following
2 purposes, as directed by the Legislature:

3 (i) The first five hundred thousand dollars after the
4 payment of prizes and operating expenses shall be transferred to
5 the Compulsive Gamblers Assistance Fund;

6 (ii) Forty-four and one-half percent of the money
7 remaining after the payment of prizes and operating expenses and
8 the initial transfer to the Compulsive Gamblers Assistance Fund
9 shall be transferred to the Nebraska Environmental Trust Fund to be
10 used as provided in the Nebraska Environmental Trust Act;

11 (iii) Forty-four and one-half percent of the money
12 remaining after the payment of prizes and operating expenses
13 and the initial transfer to the Compulsive Gamblers Assistance Fund
14 shall be used for education as the Legislature may direct;

15 (iv) Ten percent of the money remaining after the payment
16 of prizes and operating expenses and the initial transfer to
17 the Compulsive Gamblers Assistance Fund shall be transferred to
18 the Nebraska State Fair Board if the most populous city within
19 the county in which the fair is located provides matching funds
20 equivalent to ten percent of the funds available for transfer. Such
21 matching funds may be obtained from the city and any other private
22 or public entity, except that no portion of such matching funds
23 shall be provided by the state. If the Nebraska State Fair ceases
24 operations, ten percent of the money remaining after the payment
25 of prizes and operating expenses and the initial transfer to the
26 Compulsive Gamblers Assistance Fund shall be transferred to the
27 General Fund; and

1 (v) One percent of the money remaining after the payment
2 of prizes and operating expenses and the initial transfer to the
3 Compulsive Gamblers Assistance Fund shall be transferred to the
4 Compulsive Gamblers Assistance Fund.

5 (b) No lottery game shall be conducted as part of the
6 lottery unless the type of game has been approved by a majority of
7 the members of the Legislature.

8 (4) Nothing in this section shall be construed to
9 prohibit (a) the enactment of laws providing for the licensing
10 and regulation of wagering on the results of live or replayed

11 horseraces, wherever run, either within or outside of the state, by
 12 the parimutuel method, when such wagering is conducted by licensees
 13 within a licensed racetrack enclosure or (b) the enactment of laws
 14 providing for the licensing and regulation of bingo games conducted
 15 by nonprofit associations which have been in existence for a period
 16 of five years immediately preceding the application for license,
 17 except that bingo games cannot be conducted by agents or lessees of
 18 such associations on a percentage basis.

19 Sec. 2. The proposed amendment shall be submitted to the
 20 electors in the manner prescribed by the Constitution of Nebraska,
 21 Article XVI, section 1, with the following ballot language:

22 A constitutional amendment to provide for enactment of
 23 laws providing for licensing and regulation of wagering on live or
 24 replayed horseraces, wherever run, either within or outside of the
 25 state, by the parimutuel method, when such wagering is conducted by
 26 licensees within a licensed racetrack enclosure.

27 For
 1 Against.

LEGISLATIVE BILL 105. Placed on Select File with amendment.
 ER28

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

3 Section 1. Section 71-1908, Reissue Revised Statutes of
 4 Nebraska, is amended to read:

5 71-1908 (1) Sections 71-1908 to 71-1923 and section 2
 6 of this act shall be known and may be cited as the Child Care
 7 Licensing Act.

8 (2) The Legislature finds that there is a present and
 9 growing need for quality child care programs and facilities. There
 10 is a need to establish and maintain licensure of persons providing
 11 such programs to ensure that such persons are competent and are
 12 using safe and adequate facilities. The Legislature further finds
 13 and declares that the development and supervision of programs are
 14 a matter of statewide concern and should be dealt with uniformly
 15 on the state and local levels. There is a need for cooperation
 16 among the various state and local agencies which impose standards
 17 on licensees, and there should be one agency which coordinates the
 18 enforcement of such standards and informs the Legislature about
 19 cooperation among the various agencies.

20 Sec. 2. An applicant for a license under the Child
 21 Care Licensing Act shall provide to the department written proof
 22 of liability insurance coverage of at least one hundred thousand
 23 dollars per occurrence prior to issuance of the license. A licensee
 1 subject to the Child Care Licensing Act on the operative date
 2 of this act shall obtain such liability insurance coverage and
 3 provide written proof to the department within thirty days after
 4 the operative date of this act. Failure by a licensee to maintain
 5 the required level of liability insurance coverage shall be deemed

6 noncompliance with the Child Care Licensing Act. If the licensee
7 is the State of Nebraska or a political subdivision, the licensee
8 may utilize a risk retention group or a risk management pool for
9 purposes of providing such liability insurance coverage or may
10 self-insure all or part of such coverage.

11 Sec. 3. This act becomes operative on July 1, 2014.

12 Sec. 4. Original section 71-1908, Reissue Revised
13 Statutes of Nebraska, is repealed.

14 2. On page 1, line 4, after the semicolon insert "to
15 provide an operative date;".

(Signed) John Murante, Chairperson

ANNOUNCEMENTS

Senator Harms designates LB240 as his priority bill.

Senator Krist designates LB140 as his priority bill.

Senator Bolz designates LB507 as her priority bill.

UNANIMOUS CONSENT - Add Cointroducers

Senator Wallman asked unanimous consent to add his name as cointroducer to LB577. No objections. So ordered.

Senator Krist asked unanimous consent to add his name as cointroducer to LB308. No objections. So ordered.

VISITORS

Visitors to the Chamber were 27 fourth-grade students and teacher from Cornerstone Elementary, Bellevue; 11 members of Leadership Nebraska City; and members of Nebraska Association of Nurse Anesthetists/Bryan Students from Lincoln.

The Doctor of the Day was Dr. Dale Michels from Lincoln.

ADJOURNMENT

At 12:08 p.m., on a motion by Senator Johnson, the Legislature adjourned until 9:00 a.m., Friday, March 15, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

