

**SIXTEENTH DAY - JANUARY 27, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****SIXTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, January 27, 2011

**PRAYER**

The prayer was offered by Senator Avery.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., Senator Gloor presiding.

The roll was called and all members were present except Senator Conrad who was excused until she arrives.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifteenth day was approved.

**COMMITTEE REPORTS**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 23.** Placed on General File.

**LEGISLATIVE BILL 74.** Placed on General File.

**LEGISLATIVE BILL 75.** Placed on General File.

**LEGISLATIVE BILL 76.** Placed on General File with amendment.  
AM40

- 1 1. Insert the following new section:
- 2 Sec. 2 Section 8-1110, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 8-1110 Sections 8-1104 to 8-1109 shall not apply to any
- 5 of the following securities:
- 6 (1) Any security, including a revenue obligation, issued
- 7 or guaranteed by the State of Nebraska, any political subdivision,
- 8 or any agency or corporate or other instrumentality thereof or any
- 9 certificate of deposit for any of the foregoing;
- 10 (2) Any security issued or guaranteed by Canada, any
- 11 Canadian province, any political subdivision of any such province,
- 12 any agency or corporate or other instrumentality of one or more

13 of the foregoing, or any other foreign government with which the  
14 United States currently maintains diplomatic relations, if the  
15 security is recognized as a valid obligation by the issuer or  
16 guarantor;

17 (3) Any security issued or guaranteed by any federal  
18 credit union or any credit union or similar association organized  
19 and supervised under the laws of this state;

20 (4) Any security issued or guaranteed by any railroad,  
21 other common carrier, public utility, or holding company which is:  
22 (a) ~~A registered holding company under the Public Utility Holding~~  
23 ~~Company Act of 1935 or a subsidiary of such a company within the~~

1 ~~meaning of that act;~~ (b) regulated in respect of its rates and  
2 charges by a governmental authority of the United States or any  
3 state or municipality; or ~~(e)~~ (b) regulated in respect of the  
4 issuance or guarantee of the security by a governmental authority  
5 of the United States, any state, Canada, or any Canadian province;

6 (5)(a) Any security listed on the Chicago Stock Exchange,  
7 the Chicago Board Options Exchange, Tier I of the Pacific Stock  
8 Exchange, Tier I of the Philadelphia Stock Exchange, or any other  
9 stock exchange or market system approved by the director, if, in  
10 each case, quotations have been available and public trading has  
11 taken place for such class of security prior to the offer or sale  
12 of that security in reliance on the exemption; any other security  
13 of the same issuer which is of senior or substantially equal  
14 rank; any security called for by subscription rights or warrants  
15 so listed or approved; or any warrant or right to purchase or  
16 subscribe to any of the foregoing or to any security listed on the  
17 New York Stock Exchange, the American Stock Exchange, or the NASDAQ  
18 Global Market.

19 (b) The issuer of any security which has been approved  
20 for listing or designation on notice of issuance on such exchanges  
21 or market systems, and for which no quotations have been available  
22 and no public trading has taken place for any of such issuer's  
23 securities, may rely upon the exemption stated in subdivision

24 (5)(a) of this section, if a notice is filed with the director,  
25 together with a filing fee of two hundred dollars, prior to first  
26 use of a disclosure document covering such securities in this  
27 state, except that failure to file such notice in a timely manner  
1 may be cured by the director in his or her discretion.

2 (c) The director may adopt and promulgate rules and  
3 regulations which, after notice to such exchange or market system  
4 and an opportunity to be heard, remove any such exchange or market  
5 system from the exemption stated in subdivision (5)(a) of this  
6 section if the director finds that the listing requirements or  
7 market surveillance of such exchange or market system is such that  
8 the continued availability of such exemption for such exchange or  
9 market system is not in the public interest and that removal is  
10 necessary for the protection of investors;

11 (6) Any security which meets all of the following  
12 conditions:

13 (a) The issuer is organized under the laws of the United  
14 States or a state or has appointed a duly authorized agent in the  
15 United States for service of process and has set forth the name and  
16 address of such agent in its prospectus;

17 (b) A class of the issuer's securities is required to be  
18 and is registered under section 12 of the Securities Exchange Act  
19 of 1934 and has been so registered for the three years immediately  
20 preceding the offering date;

21 (c) Neither the issuer nor a significant subsidiary has  
22 had a material default during the last seven years, or during the  
23 issuer's existence if such existence is less than seven years, in  
24 the payment of (i) principal, interest, dividends, or sinking-fund  
25 installments on preferred stock or indebtedness for borrowed money  
26 or (ii) rentals under leases with terms of three or more years;

27 (d) The issuer has had consolidated net income, without  
1 taking into account extraordinary items and the cumulative effect  
2 of accounting changes, of at least one million dollars in four of  
3 its last five fiscal years, including its last fiscal year, and if  
4 the offering is of interest-bearing securities the issuer has had  
5 for its last fiscal year net income before deduction for income  
6 taxes and depreciation of at least one and one-half times the  
7 issuer's annual interest expense, taking into account the proposed  
8 offering and the intended use of the proceeds. However, if the  
9 issuer of the securities is a finance company which has liquid  
10 assets of at least one hundred five percent of its liabilities,  
11 other than deferred income taxes, deferred investment tax credit,  
12 capital stock, and surplus, at the end of its last five fiscal  
13 years, the net income requirement before deduction for interest  
14 expense shall be one and one-fourth times its annual interest  
15 expense. For purposes of this subdivision: (i) Last fiscal year  
16 means the most recent year for which audited financial statements  
17 are available, if such statements cover a fiscal period ending not  
18 more than fifteen months from the commencement of the offering;  
19 (ii) finance company means a company engaged primarily in the  
20 business of wholesale, retail, installment, mortgage, commercial,  
21 industrial, or consumer financing, banking, or factoring; and (iii)  
22 liquid assets means (A) cash, (B) receivables payable on demand or  
23 not more than twelve months following the close of the company's  
24 last fiscal year less applicable reserves and unearned income,  
25 and (C) readily marketable securities less applicable reserves and  
26 unearned income;

27 (e) If the offering is of stock or shares other than  
1 preferred stock or shares, such securities have voting rights which  
2 include (i) the right to have at least as many votes per share  
3 and (ii) the right to vote on at least as many general corporate  
4 decisions as each of the issuer's outstanding classes of stock or  
5 shares, except as otherwise required by law; and

6 (f) If the offering is of stock or shares other than  
 7 preferred stock or shares, such securities are owned beneficially  
 8 or of record on any date within six months prior to the  
 9 commencement of the offering by at least one thousand two hundred  
 10 persons, and on such date there are at least seven hundred fifty  
 11 thousand such shares outstanding with an aggregate market value  
 12 of at least three million seven hundred fifty thousand dollars  
 13 based on the average bid price for such day. When determining  
 14 the number of persons who are beneficial owners of the stock or  
 15 shares of an issuer, for purposes of this subdivision, the issuer  
 16 or broker-dealer may rely in good faith upon written information  
 17 furnished by the record owners;

18 (7) Any security issued or guaranteed as to both  
 19 principal and interest by an international bank of which the  
 20 United States is a member; or

21 (8) Any security issued by any person organized and  
 22 operated not for private profit but exclusively for religious,  
 23 educational, benevolent, charitable, fraternal, social, athletic,  
 24 or reformatory purposes, as a chamber of commerce, or as a trade or  
 25 professional association.

26 2. On page 7, line 23, strike "Public Utility Holding  
 27 Company Act of 1935," and show as stricken.

1 3. Renumber the remaining sections and correct the  
 2 repealer section accordingly.

(Signed) Rich Pahls, Chairperson

Executive Board

**LEGISLATIVE BILL 264.** Placed on General File.

**LEGISLATIVE BILL 326.** Placed on General File with amendment.  
 AM139

1 1. Insert the following new section:

2 Sec. 2. Since an emergency exists, this act takes effect  
 3 when passed and approved according to law.

(Signed) John Wightman, Chairperson

Judiciary

**LEGISLATIVE BILL 12.** Placed on General File.

**LEGISLATIVE BILL 85.** Placed on General File.

(Signed) Brad Ashford, Chairperson

**MESSAGE FROM THE GOVERNOR**

January 25, 2011

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

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

Contingent upon your approval, the following individuals are being appointed to the Nebraska Educational Telecommunications Commission:

Steve Seline, 8704 Hickory, Omaha, NE 68124  
Dennis Baack, 2233 Surfside Drive, Lincoln, NE 68528

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificates and background information are included for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**RESOLUTION**

**LEGISLATIVE RESOLUTION 61.** Introduced by Wightman, 36.

WHEREAS, Principal Barry McFarland of Morton Elementary School in Lexington, Nebraska, was named the National Distinguished Principal from Nebraska for 2011; and

WHEREAS, Principal McFarland has stated that while transforming Morton Elementary School into more of a community center that hosts indoor soccer leagues, basketball games, Girl Scouts, and Boy Scouts is one of his favorite accomplishments, the biggest accomplishments have been in the classroom; and

WHEREAS, during Principal McFarland's seven years at Morton Elementary School, the writing proficiency scores have increased from forty-eight percent to ninety percent; and

WHEREAS, Principal McFarland has also expanded the HOSTS (Helping One Student To Succeed) program, which brings community people into the schools to work one-on-one with students and help the students with their reading and writing skills, which has fostered this increase in test scores; and

WHEREAS, Principal McFarland has remained humble and prefers to give credit for this prestigious award to his staff and the great things they do at Morton Elementary School; and

WHEREAS, with Principal McFarland's distinction comes the opportunity for him to represent Nebraska principals in Washington, D.C., this coming fall, something he is looking forward to doing.

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

1. That the Nebraska Legislature congratulates Principal Barry McFarland for being named the National Distinguished Principal from Nebraska for 2011.

2. That the Legislature congratulates Principal McFarland for his accomplishments at Morton Elementary School.

3. That a copy of this resolution be sent to Principal McFarland.

Laid over.

### **NOTICE OF COMMITTEE HEARINGS**

Agriculture

Room 2102

Tuesday, February 15, 2011 1:30 p.m.

LB592 (cancel)

(Signed) Tom Carlson, Chairperson

Government, Military and Veterans Affairs

Room 1507

Thursday, February 3, 2011 1:30 p.m.

Roger Bradford "Brad" von Gillern - Nebraska Accountability and Disclosure Commission

LB234

LB254

LB278

LB556

(Signed) Bill Avery, Chairperson

**COMMITTEE REPORT**

## Government, Military and Veterans Affairs

The Government, Military and Veterans Affairs Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Samuel Seever - State Personnel Board

Aye: 8 Senators Avery, Brasch, Janssen, Karpisek, Pahls, Price, Schumacher, Sullivan. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bill Avery, Chairperson

**MOTION - Print in Journal**

Senator Carlson filed the following motion to LB592:

MO4

Withdraw bill.

**MOTIONS - Approve Appointments**

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 355:

Nebraska Investment Council

John Maginn

Voting in the affirmative, 39:

Adams	Cook	Hansen	Lautenbaugh	Pirsch
Avery	Cornett	Harms	Louden	Schilz
Bloomfield	Dubas	Harr, B.	McCoy	Schumacher
Brasch	Fischer	Howard	McGill	Smith
Campbell	Fulton	Karpisek	Mello	Sullivan
Christensen	Gloor	Krist	Nelson	Wallman
Coash	Haar, K.	Langemeier	Nordquist	Wightman
Conrad	Hadley	Larson	Pahls	

Voting in the negative, 0.

Present and not voting, 9:

Ashford	Council	Heidemann	Lathrop	Utter
Carlson	Flood	Janssen	Pankonin	

Excused and not voting, 1:

## Price

The appointment was confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 excused and not voting.

Senator Nordquist moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 355:

Public Employees Retirement Board  
 Randall Rehmeier  
 Richard Wassinger

Voting in the affirmative, 37:

Adams	Cornett	Harms	McGill	Smith
Avery	Council	Howard	Mello	Sullivan
Bloomfield	Dubas	Karpisek	Nelson	Utter
Brasch	Fischer	Krist	Nordquist	Wallman
Campbell	Gloor	Larson	Pahls	Wightman
Christensen	Haar, K.	Lautenbaugh	Pirsch	
Coash	Hadley	Louden	Schilz	
Conrad	Hansen	McCoy	Schumacher	

Voting in the negative, 0.

Present and not voting, 10:

Ashford	Cook	Fulton	Heidemann	Lathrop
Carlson	Flood	Harr, B.	Janssen	Pankonin

Excused and not voting, 2:

Langemeier Price

The appointments were confirmed with 37 ayes, 0 nays, 10 present and not voting, and 2 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 364:

Nebraska Child Abuse Prevention Fund Board  
 Rebecca Brown  
 Brandon Verzal

Voting in the affirmative, 39:



Adams	Cook	Haar, K.	Lautenbaugh	Schilz
Avery	Cornett	Hadley	McCoy	Schumacher
Bloomfield	Council	Hansen	McGill	Smith
Brasch	Dubas	Harms	Mello	Sullivan
Campbell	Fischer	Howard	Nelson	Utter
Christensen	Flood	Karpisek	Pahls	Wallman
Coash	Fulton	Krist	Pirsch	Wightman
Conrad	Gloor	Larson	Price	

Voting in the negative, 0.

Present and not voting, 8:

Ashford	Harr, B.	Janssen	Nordquist
Carlson	Heidemann	Lathrop	Pankonin

Excused and not voting, 2:

Langemeier Louden

The appointments were confirmed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### **MOTION - Withdraw LB492**

Senator Mello renewed his motion, MO3, found on page 378, to withdraw LB492.

The Mello motion to withdraw the bill prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

### **NOTICE OF COMMITTEE HEARINGS**

Appropriations

Room 1524

Monday, February 7, 2011 1:30 p.m.

LB373  
 LB374  
 LB375  
 LB376  
 LB377  
 LB378  
 LB379  
 LB380  
 LB131

(Signed) Lavon Heidemann, Chairperson

Revenue

Room 1524

Thursday, February 3, 2011 1:30 p.m.

LB389

(Signed) Abbie Cornett, Chairperson

Judiciary

Room 1113

Friday, February 4, 2011 1:30 p.m.

LB284

(Signed) Brad Ashford, Chairperson

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 62.** Introduced by Larson, 40.

WHEREAS, the Crofton High School girls' cross country team won the 2010 Class D Girls' State Cross Country Championship; and

WHEREAS, the Crofton High School girls' cross country team won the state championship by a substantial margin; and

WHEREAS, the win gave the Crofton High School girls' cross country team a state championship for the fifth consecutive year; 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 SECOND LEGISLATURE OF NEBRASKA, FIRST SESSION:

1. That the Legislature congratulates the Crofton High School girls' cross country team on winning the 2010 Class D Girls' State Cross Country Championship.

2. That a copy of this resolution be sent to the Crofton High School girls' cross country team and their coach, Jayne Arens.

Laid over.

**GENERAL FILE**

**LEGISLATIVE BILL 157.** Senator Coash renewed his amendment, AM106, found on page 371 and considered on page 374, as amended.

Senator Flood renewed his amendment, AM112, found on page 378, to the Coash amendment.

The Flood amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator Coash offered the following amendment to his amendment:  
AM140

(Amendments to AM106)

- 1 1. Strike sections 32, 33, 34, 35, 37, 42, and 43 and
- 2 insert the following new section:
- 3 Sec. 29. Section 30-2209, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 30-2209 Subject to additional definitions contained in
- 6 the subsequent articles which are applicable to specific articles
- 7 or parts, and unless the context otherwise requires, in the
- 8 Nebraska Probate Code:
  - 9 (1) Application means a written request to the registrar
  - 10 for an order of informal probate or appointment under part 3 of
  - 11 Article 24.
  - 12 (2) Beneficiary, as it relates to trust beneficiaries,
  - 13 includes a person who has any present or future interest, vested
  - 14 or contingent, and also includes the owner of an interest by
  - 15 assignment or other transfer, and as it relates to a charitable
  - 16 trust includes any person entitled to enforce the trust.
  - 17 (3) Child includes any individual entitled to take as
  - 18 a child under the code by intestate succession from the parent
  - 19 whose relationship is involved and excludes any person who is only
  - 20 a stepchild, a foster child, or a grandchild or any more remote
  - 21 descendant.
  - 22 (4) Claim, in respect to estates of decedents and
    - 1 protected persons, includes liabilities of the decedent or
    - 2 protected person whether arising in contract, in tort or otherwise,
    - 3 and liabilities of the estate which arise at or after the death of
    - 4 the decedent or after the appointment of a conservator, including
    - 5 funeral expenses and expenses of administration. The term does not
    - 6 include estate or inheritance taxes, demands or disputes regarding
    - 7 title of a decedent or protected person to specific assets alleged
    - 8 to be included in the estate.
    - 9 (5) Court means the court or branch having jurisdiction
    - 10 in matters relating to the affairs of decedents. This court in this
    - 11 state is known as county court or, for purposes of guardianship
    - 12 of a juvenile over which a separate juvenile court already has
    - 13 jurisdiction, the county court or separate juvenile court.

14 (6) Conservator means a person who is appointed by a  
15 court to manage the estate of a protected person.

16 (7) Devise, when used as a noun, means a testamentary  
17 disposition of real or personal property and, when used as a verb,  
18 means to dispose of real or personal property by will.

19 (8) Devisee means any person designated in a will to  
20 receive a devise. In the case of a devise to an existing trust or  
21 trustee, or to a trustee on trust described by will, the trust or  
22 trustee is the devisee and the beneficiaries are not devisees.

23 (9) Disability means cause for a protective order as  
24 described by section 30-2630.

25 (10) Disinterested witness to a will means any individual  
26 who acts as a witness to a will and is not an interested witness  
27 to such will.

1 (11) Distributee means any person who has received  
2 property of a decedent from his or her personal representative  
3 other than as a creditor or purchaser. A testamentary trustee  
4 is a distributee only to the extent of distributed assets or  
5 increment thereto remaining in his or her hands. A beneficiary  
6 of a testamentary trust to whom the trustee has distributed  
7 property received from a personal representative is a distributee  
8 of the personal representative. For purposes of this provision,  
9 testamentary trustee includes a trustee to whom assets are  
10 transferred by will, to the extent of the devised assets.

11 (12) Estate includes the property of the decedent, trust,  
12 or other person whose affairs are subject to the Nebraska Probate  
13 Code as originally constituted and as it exists from time to time  
14 during administration.

15 (13) Exempt property means that property of a decedent's  
16 estate which is described in section 30-2323.

17 (14) Fiduciary includes personal representative,  
18 guardian, conservator, and trustee.

19 (15) Foreign personal representative means a personal  
20 representative of another jurisdiction.

21 (16) Formal proceedings mean those conducted before a  
22 judge with notice to interested persons.

23 (17) Guardian means a person who has qualified as  
24 a guardian of a minor or incapacitated person pursuant to  
25 testamentary or court appointment, but excludes one who is merely  
26 a guardian ad litem.

27 (18) Heirs mean those persons, including the surviving  
1 spouse, who are entitled under the statutes of intestate succession  
2 to the property of a decedent.

3 (19) Incapacitated person is as defined in section  
4 30-2601.

5 (20) Informal proceedings mean those conducted without  
6 notice to interested persons by an officer of the court acting as  
7 a registrar for probate of a will or appointment of a personal  
8 representative.

9 (21) ~~Interested~~ Except for purposes of article 26 of the  
10 Nebraska Probate Code, interested person includes heirs, devisees,  
11 children, spouses, creditors, beneficiaries, and any others having  
12 a property right in or claim against a trust estate or the  
13 estate of a decedent, ward, or protected person which may be  
14 affected by the proceeding. It also includes persons having  
15 priority for appointment as personal representative, and other  
16 fiduciaries representing interested persons. The meaning as it  
17 relates to particular persons may vary from time to time and must  
18 be determined according to the particular purposes of, and matter  
19 involved in, any proceeding.

20 (22) Interested witness to a will means any individual  
21 who acts as a witness to a will at the date of its execution and  
22 who is or would be entitled to receive any property thereunder  
23 if the testator then died under the circumstances existing at  
24 the date of its execution, but does not include any individual,  
25 merely because of such nomination, who acts as a witness to a  
26 will by which he or she is nominated as personal representative,  
27 conservator, guardian, or trustee.

1 (23) Issue of a person means all his or her lineal  
2 descendants of all generations, with the relationship of parent and  
3 child at each generation being determined by the definitions of  
4 child and parent contained in the Nebraska Probate Code.

5 (24) Lease includes an oil, gas, or other mineral lease.

6 (25) Letters include letters testamentary, letters  
7 of guardianship, letters of administration, and letters of  
8 conservatorship.

9 (26) Minor means an individual under nineteen years of  
10 age, but in case any person marries under the age of nineteen years  
11 his or her minority ends.

12 (27) Mortgage means any conveyance, agreement, or  
13 arrangement in which property is used as security.

14 (28) Nonresident decedent means a decedent who was  
15 domiciled in another jurisdiction at the time of his or her  
16 death.

17 (29) Notice means compliance with the requirements of  
18 notice pursuant to subdivisions (a)(1) and (a)(2) of section  
19 30-2220.

20 (30) Organization includes a corporation, government, or  
21 governmental subdivision or agency, business trust, estate, trust,  
22 partnership, limited liability company, or association, two or more  
23 persons having a joint or common interest, or any other legal  
24 entity.

25 (31) Parent includes any person entitled to take, or who  
26 would be entitled to take if the child died without a will, as  
27 a parent under the Nebraska Probate Code, by intestate succession  
1 from the child whose relationship is in question and excludes any  
2 person who is only a stepparent, foster parent, or grandparent.

3 (32) Person means an individual, a corporation, an  
4 organization, a limited liability company, or other legal entity.

5 (33) Personal representative includes executor,  
6 administrator, successor personal representative, special  
7 administrator, and persons who perform substantially the same  
8 function under the law governing their status.

9 (34) Petition means a written request to the court for an  
10 order after notice.

11 (35) Proceeding includes action at law and suit in  
12 equity, but does not include a determination of inheritance tax  
13 under Chapter 77, article 20, or estate tax apportionment as  
14 provided in sections 77-2108 to 77-2112.

15 (36) Property includes both real and personal property or  
16 any interest therein and means anything that may be the subject of  
17 ownership.

18 (37) Protected person is as defined in section 30-2601.

19 (38) Protective proceeding is as defined in section  
20 30-2601.

21 (39) Registrar refers to the official of the court  
22 designated to perform the functions of registrar as provided in  
23 section 30-2216.

24 (40) Relative or relation of a person means all persons  
25 who are related to him or her by blood or legal adoption.

26 (41) Security includes any note, stock, treasury  
27 stock, bond, debenture, evidence of indebtedness, certificate  
1 of interest or participation in an oil, gas, or mining title  
2 or lease or in payments out of production under such a title  
3 or lease, collateral-trust certificate, transferable share,  
4 voting-trust certificate or, in general, any interest or instrument  
5 commonly known as a security, or any certificate of interest or  
6 participation, any temporary or interim certificate, receipt, or  
7 certificate of deposit for, or any warrant or right to subscribe to  
8 or purchase, any of the foregoing.

9 (42) Settlement, in reference to a decedent's estate,  
10 includes the full process of administration, distribution, and  
11 closing.

12 (43) Special administrator means a personal  
13 representative as described by sections 30-2457 to 30-2461.

14 (44) State includes any state of the United States, the  
15 District of Columbia, the Commonwealth of Puerto Rico, and any  
16 territory or possession subject to the legislative authority of the  
17 United States.

18 (45) Successor personal representative means a  
19 personal representative, other than a special administrator,  
20 who is appointed to succeed a previously appointed personal  
21 representative.

22 (46) Successors mean those persons, other than creditors,  
23 who are entitled to property of a decedent under his or her will or  
24 the Nebraska Probate Code.

25 (47) Supervised administration refers to the proceedings  
26 described in Article 24, part 5.

27 (48) Testacy proceeding means a proceeding to establish a  
1 will or determine intestacy.

2 (49) Testator means the maker of a will.

3 (50) Trust includes any express trust, private or  
4 charitable, with additions thereto, wherever and however created.  
5 It also includes a trust created or determined by judgment or  
6 decree under which the trust is to be administered in the manner  
7 of an express trust. Trust excludes other constructive trusts,  
8 and it excludes resulting trusts, conservatorships, personal  
9 representatives, trust accounts as defined in Article 27, custodial  
10 arrangements pursuant to the Nebraska Uniform Transfers to Minors  
11 Act, business trusts providing for certificates to be issued  
12 to beneficiaries, common trust funds, voting trusts, security  
13 arrangements, liquidation trusts, and trusts for the primary  
14 purpose of paying debts, dividends, interest, salaries, wages,  
15 profits, pensions, or employee benefits of any kind, and any  
16 arrangement under which a person is nominee or escrowee for  
17 another.

18 (51) Trustee includes an original, additional, or  
19 successor trustee, whether or not appointed or confirmed by court.

20 (52) Ward is as defined in section 30-2601.

21 (53) Will means any instrument, including any codicil or  
22 other testamentary instrument complying with sections 30-2326 to  
23 30-2338, which disposes of personal or real property, appoints  
24 a personal representative, conservator, guardian, or trustee,  
25 revokes or revises an earlier executed testamentary instrument,  
26 or encompasses any one or more of such objects or purposes.

27 2. On page 5, line 23, strike "eighteen" and insert  
1 "nineteen".

2 3. On page 23, line 8, strike "the party" and insert  
3 "such person".

4 4. On page 47, lines 8 and 9, strike "or older but is  
5 less than eighteen years".

6 5. Renumber the remaining sections and correct internal  
7 references and the repealer section accordingly.

The Coash amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

The Coash amendment, AM106, as amended, was adopted with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 157A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 134.** Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 81.** Title read. Considered.

Committee AM14, found on page 333, was considered.

Pending.

### **COMMITTEE REPORT**

Urban Affairs

**LEGISLATIVE BILL 146.** Placed on General File.

(Signed) Amanda McGill, Chairperson

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Baack, Dennis - Nebraska Educational Telecommunications Commission -  
Education

Seline, Steve - Nebraska Educational Telecommunications Commission -  
Education

(Signed) John Wightman, Chairperson  
Executive Board

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator McCoy asked unanimous consent to add his name as cointroducer to LB294. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB367. No objections. So ordered.

Senator McCoy asked unanimous consent to add his name as cointroducer to LB469, LB508, LB521, LB575, and LR40CA. No objections. So ordered.

Senator Cook asked unanimous consent to add her name as cointroducer to LB589. No objections. So ordered.



**VISITOR**

The Doctor of the Day was Dr. Ronald Craig from Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Adams, the Legislature adjourned until 10:00 a.m., Friday, January 28, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature

