

THIRTIETH DAY - FEBRUARY 22, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****THIRTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Friday, February 22, 2013

PRAYER

The prayer was offered by Senator Harms.

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 Lautenbaugh who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-ninth day was approved.

COMMITTEE REPORTS

Health and Human Services

LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 13. Placed on General File with amendment.
AM260

- 1 1. Strike original sections 7 and 8 and insert the
- 2 following new sections:
- 3 Sec. 7. A county, city, or village that has adopted
- 4 any ordinance or resolution regulating radon resistant construction
- 5 shall provide for its administration and enforcement. Any such
- 6 ordinance or resolution shall comply with section 8 of this act.
- 7 Sec. 8. If a county, city, or village adopts, as part
- 8 of its residential building code pursuant to local ordinance or
- 9 resolution, regulations for radon resistant construction and the
- 10 fixtures, materials, and design and installation methods of radon
- 11 resistant construction, such regulations shall be, by no later than
- 12 January 1, 2016, at least as stringent as the rules and regulations
- 13 for radon resistant construction and the fixtures, materials, and
- 14 design and installation methods of radon resistant construction

15 adopted and promulgated by the Department of Health and Human
 16 Services.

17 2. On page 2, line 25, strike "Nebraska Department of
 18 Health and Human Services" and insert "United States Environmental
 19 Protection Agency".

20 3. On page 13, strike lines 8 through 12 and insert the
 21 following new subdivisions:

22 "(36) Radon measurement specialist means an individual
 23 who performs radon or radon progeny measurements for a radon
 1 measurement business or who provides professional advice on
 2 radon or radon progeny measurements, health risks, radon-related
 3 exposure, or radon entry routes;

4 (37) Radon mitigation specialist means an individual
 5 who designs mitigation systems or an individual who performs and
 6 evaluates diagnostic tests to determine appropriate radon or radon
 7 progeny mitigation systems for a radon mitigation business or is
 8 able to install active radon mitigation systems;

9 (38) Radon resistant construction means construction
 10 which meets the established standards as prescribed in a national
 11 radon resistant new construction code;"; in line 13 strike "(38)"
 12 and insert "(39)"; in line 16 strike "(39)" and insert "(40)"; and
 13 in line 20 after "oversight," insert "inspection, enforcement,".

14 4. On page 14, line 6, strike "2014" and insert "2015";
 15 and in lines 9, 12, and 13 strike "contractor" and insert
 16 "mitigation specialist".

17 5. On page 15, line 23, strike "and"; and in line 25
 18 after "district" insert "; and

19 (j) A professional engineer, as defined in section
 20 81-3422, designated by the chief medical officer".

(Signed) Kathy Campbell, Chairperson

Natural Resources

LEGISLATIVE BILL 493. Placed on General File with amendment.
 AM292

1 1. Strike original section 1 and insert the following new
 2 section:

3 Section 1. The Game and Parks Commission may lease or
 4 otherwise transfer portions of the Cowboy Trail to a political
 5 subdivision. The commission may lease portions of the Cowboy Trail
 6 to a nonprofit organization. After any such lease or transfer,
 7 the lessee or transferee shall maintain the property at its own
 8 expense.

(Signed) Tom Carlson, Chairperson

MESSAGE FROM THE GOVERNOR

February 19, 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 individuals are being appointed to the Commission for the Deaf and Hard of Hearing:

Michael Brummer, 815 Avenue D, Kearney, NE 68847
Margaret Propp, 7220 N. 15 St., Lincoln, NE 68521

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

NOTICE OF COMMITTEE HEARINGS

Natural Resources

Room 1525

Thursday, March 7, 2013 1:30 p.m.

Charles "Tod" Brodersen - Nebraska Ethanol Board
Mark A. Ondracek - Nebraska Ethanol Board

(Signed) Tom Carlson, Chairperson

General Affairs

Room 1510

Monday, March 4, 2013 1:30 p.m.

LB444
LB456
LB653

(Signed) Russ Karpisek, Chairperson

AMENDMENT - Print in Journal

Senator Schumacher filed the following amendment to LB616:
AM294

- 1 1. Insert the following new section:
- 2 Sec. 49. Section 8-601, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 8-601 The Director of Banking and Finance may employ
- 5 deputies, examiners, attorneys, and other assistants as may be
- 6 necessary for the administration of the provisions and purposes
- 7 of the Nebraska Money Transmitters Act; Chapter 8, articles 1, 2,
- 8 3, 5, 6, 7, 8, 9, ~~10~~, 13, 14, 15, 16, 19, 20, 21, 23, 24, and
- 9 25; Chapter 21, article 17; and Chapter 45, articles 1, 2, 3,
- 10 7, 9, and 10. The director may levy upon financial institutions,
- 11 namely, the banks, trust companies, building and loan associations,
- 12 savings and loan associations, savings banks, and credit unions,
- 13 organized under the laws of this state, and holding companies, if
- 14 any, of such financial institutions, an assessment each year based
- 15 upon the asset size of the financial institution, except that in
- 16 determining the asset size of a holding company, the assets of
- 17 any financial institution or holding company otherwise assessed
- 18 pursuant to this section and the assets of any nationally chartered
- 19 financial institution shall be excluded. The assessment shall be a
- 20 sum determined by the director in accordance with section 8-606 and
- 21 approved by the Governor.
- 22 2. Renumber the remaining sections and correct the
- 23 repealer section accordingly.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 21, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Brashear, Kermit A.
Christian Heritage
Brendenkamp, Troy
Nebraska Rural Electric Association
Bromm, Curt/Bromm & Associates
Nebraska Medical Center
Daley, Frank (test account)
Accountability and Disclosure
Kissel/E&S Associates, LLC
Heartland Strategy Group, LLC
Ramaekers, Larry
Lakeview Community Schools
Young, Philip
Aksamit Resource Management

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:
<http://www.nebraskalegislature.gov/agencies/view.php>

MOTIONS - Approve Appointments

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 448:

Board of Trustees of the Nebraska State Colleges

John Chaney

Robert Engles

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Christensen	Krist
Avery	Coash	McGill

Excused and not voting, 1:

Lautenbaugh

The appointments were confirmed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 449:

Nebraska Educational Telecommunications Commission

Curt Frye

Clay Smith

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Present and not voting, 4:

Ashford	Christensen	Coash	Krist
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Excused and not voting, 1:

Lautenbaugh

The appointments were confirmed with 44 ayes, 0 nays, 4 present and not voting, and 1 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 453:

Foster Care Advisory Committee

Michelle Hynes

Sandra Kruback

Voting in the affirmative, 39:

Adams	Conrad	Harr, B.	McCoy	Schilz
Ashford	Cook	Howard	McGill	Schumacher
Avery	Crawford	Johnson	Murante	Seiler
Bloomfield	Dubas	Karpisek	Nelson	Smith
Brasch	Gloor	Kintner	Nordquist	Sullivan
Campbell	Haar, K.	Kolowski	Pirsch	Wallman
Carlson	Hansen	Larson	Price	Wightman
Chambers	Harms	Lautenbaugh	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Bolz	Coash	Hadley	Lathrop	Watermeier
Christensen	Davis	Krist	Mello	

Excused and not voting, 1:

Janssen

The appointments were confirmed with 39 ayes, 0 nays, 9 present and not voting, and 1 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 453:

Board of Emergency Medical Services

John Bonta

Karen Bowlin

Voting in the affirmative, 41:

Adams	Cook	Howard	Mello	Seiler
Ashford	Crawford	Johnson	Murante	Smith
Avery	Dubas	Karpisek	Nelson	Sullivan
Bloomfield	Gloor	Kintner	Nordquist	Wallman
Brasch	Haar, K.	Kolowski	Pirsch	Wightman
Campbell	Hadley	Larson	Price	
Carlson	Hansen	Lautenbaugh	Scheer	
Chambers	Harms	McCoy	Schilz	
Conrad	Harr, B.	McGill	Schumacher	

Voting in the negative, 0.

Present and not voting, 7:

Bolz	Coash	Krist	Watermeier
Christensen	Davis	Lathrop	

Excused and not voting, 1:

Janssen

The appointments were confirmed with 41 ayes, 0 nays, 7 present and not voting, and 1 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 211A. Title read. Considered.

Advanced to Enrollment and Review Initial with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

SPEAKER ADAMS PRESIDING

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 408. With Emergency Clause.

A BILL FOR AN ACT relating to the Tax Equity and Educational Opportunities Support Act; to amend sections 79-1022, 79-1023, 79-1027, and 79-1031.01, Revised Statutes Cumulative Supplement, 2012; to change dates and provisions relating to certification and distribution of state aid; to delete obsolete provisions; to harmonize provisions; 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, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Janssen

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

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LB408.

SENATOR GLOOR PRESIDING

GENERAL FILE

LEGISLATIVE BILL 434. Title read. Considered.

Senator Price offered the following amendment:

AM324

- 1 1. On page 6, line 17, after the period insert
- 2 "Participation in an emergency management registry by persons with
- 3 special needs and their families shall be voluntary.".

The Price amendment was adopted with 43 ayes, 0 nays, and 6 present and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, and 7 present and not voting.

RESOLUTIONS

LEGISLATIVE RESOLUTION 65. Introduced by Seiler, 33; Adams, 24.

WHEREAS, Ardyce Bohlke was appointed to the Legislature to fill a vacancy in 1991. She was elected in 1992 and was reelected in 1996, serving until 2001; and

WHEREAS, during her tenure with the Legislature, Ardyce Bohlke served for eight years on the Education Committee, including seven years as the committee's chairwoman. She was always deeply interested in and passionate about education issues; and

WHEREAS, Ardyce Bohlke worked diligently to improve education funding and equity; and

WHEREAS, Ardyce Bohlke also spearheaded legislation creating incentives for school districts to merge or consolidate, implementing welfare reform, and giving young people driving privileges more gradually. She was known as someone who would never shy away from tough issues and as someone who had the skills and experience necessary to address those issues; and

WHEREAS, Ardyce Bohlke always had a strong belief in public service, and she continued her public service after leaving the Legislature through her work with various community organizations; and

WHEREAS, Ardyce Bohlke passed away on February 21, 2013.

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

1. That the Legislature honors Ardyce Bohlke for her service to the State of Nebraska.

2. That the Legislature extends its deep sympathy to the family of Ardyce Bohlke.

3. That a copy of this resolution be sent to the family of Ardyce Bohlke.

Laid over.

LEGISLATIVE RESOLUTION 66. Introduced by Hadley, 37.

WHEREAS, Thomas Connelly, a junior at Kearney Catholic High School, won the 2013 Class C State Wrestling Championship in the 170-pound division; and

WHEREAS, Thomas's win led the Kearney Catholic Stars to a third-place team finish; and

WHEREAS, Thomas finished the year with a 39-2 record.

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

1. That the Legislature congratulates Thomas Connelly on winning the 2013 Class C State Wrestling Championship in the 170-pound division.

2. That a copy of this resolution be sent to Thomas Connelly and the Kearney Catholic High School wrestling coach, Matt Rogers.

Laid over.

LEGISLATIVE RESOLUTION 67. Introduced by Hadley, 37.

WHEREAS, YMCAs throughout America have provided immeasurable benefits to people of all ages for over 160 years, and the YMCAs of Nebraska have served our communities throughout the state for over 14 decades; and

WHEREAS, more than 279,000 families in Nebraska benefit directly from the YMCA's extensive programming for all ages and interest groups and from the YMCA's focus on youth development, healthy living, including chronic disease prevention, and social responsibility; and

WHEREAS, more than 168,000 Nebraska children and youth benefit each year from programs such as YMCA day care and after-school care, basketball, volleyball and other sports, character counts, and other programs which build self-esteem, interpersonal skills, and social skills; and

WHEREAS, no one is turned away for inability to pay. The Nebraska YMCAs provide more than \$3.4 million of annual support to our communities; and

WHEREAS, more than 7,079 individuals volunteer at the YMCA each year, making the YMCAs of Nebraska one of the largest volunteer-led and driven organizations in Nebraska. In addition, each YMCA in Nebraska is governed by a local volunteer board of directors who generously give of their time, expertise, and resources in order to strengthen our communities by addressing local needs.

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

1. That the Legislature recognizes the YMCAs of Nebraska for their contributions to the citizens of Nebraska.

2. That the Legislature declares February 28, 2013, as "Support the YMCAs of Nebraska Day."

Laid over.

LEGISLATIVE RESOLUTION 68. Introduced by Hadley, 37.

WHEREAS, Adam Keating, a junior at Kearney Catholic High School, won the 2013 Class C State Wrestling Championship in the 132-pound division; and

WHEREAS, Adam's win led the Kearney Catholic Stars to a third-place team finish; and

WHEREAS, this is Adam's second state wrestling championship, having also won as a sophomore; and

WHEREAS, Adam finished the year with a 41-2 record.

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

1. That the Legislature congratulates Adam Keating on his state wrestling championship and his career achievements.

2. That a copy of this resolution be sent to Adam Keating and the Kearney Catholic High School wrestling coach, Matt Rogers.

Laid over.

LEGISLATIVE RESOLUTION 69. Introduced by Hadley, 37.

WHEREAS, Hunter Bamford, a senior at Kearney High School, won the 2013 Class A State Wrestling Championship in the 126-pound division; and

WHEREAS, Hunter's win led the Kearney Bearcats to a third-place team finish; and

WHEREAS, this is Hunter's third state wrestling championship, having also won as a freshman and a sophomore. Hunter also won a silver medal in his junior year; and

WHEREAS, Hunter finished with a career record of 161 wins and 3 losses.

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

1. That the Legislature congratulates Hunter Bamford on his state wrestling championship and his career achievements.

2. That a copy of this resolution be sent to Hunter Bamford and the Kearney High School wrestling coach, Ty Swarm.

Laid over.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 3. Placed on General File with amendment.
AM351

1 1. Strike original section 1 and insert the following new
2 sections:

3 Section 1. Section 28-101, Revised Statutes Cumulative
4 Supplement, 2012, is amended to read:

5 28-101 Sections 28-101 to 28-1356 and section 2 of this
6 act shall be known and may be cited as the Nebraska Criminal Code.

7 Sec. 2. (1) A person commits the offense of fraudulently
8 filing a financing statement, lien, or document if the person
9 directly, or through an intermediary, submits for filing or
10 recording in the public record, as defined in section 28-911:

11 (a) Any document purporting to create a nonconsensual
12 common-law lien, as defined in section 52-1901, knowing or having
13 reason to know that the lien is a nonconsensual common-law lien;

14 (b) A financing statement pursuant to article 9,
15 Uniform Commercial Code, knowing or having reason to know that
16 the financing statement is not based on a bona fide security
17 agreement or was not authorized or authenticated by the alleged
18 debtor identified in the financing statement or an authorized
19 representative of the alleged debtor; or

20 (c) Any document filed in an attempt to harass an entity,
21 individual, or public official or obstruct a government operation
22 or judicial proceeding, knowing or having reason to know such
23 document contained false information.

1 (2) Fraudulently filing a financing statement, lien, or
2 document is a Class IV felony.

3 (3) Lack of belief in the jurisdiction or authority of
4 the state or of the government of the United States is no defense
5 to prosecution under this section.

6 Sec. 3. Section 52-1901, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 52-1901 For purposes of sections 52-1901 to 52-1904 and
9 sections 4 to 6 of this act, nonconsensual common-law lien means a
10 document that purports to assert a lien against real or personal
11 property of any person or entity and:

12 (1) Is not expressly provided for by a specific state or
13 federal statute;

14 (2) Does not depend on the consent of the owner of the
15 real or personal property affected; and

16 (3) Is not an equitable or constructive lien imposed by a
17 state or federal court of competent jurisdiction.

18 Sec. 4. A nonconsensual common-law lien is not binding or
19 enforceable at law or in equity. Any nonconsensual common-law lien
20 that is recorded is void and unenforceable.

21 Sec. 5. In order that the owner of real property upon

22 which a nonconsensual common-law lien is recorded shall have notice
 23 of the recording of the lien, the claimant shall cause the sheriff
 24 to serve a copy of the recorded lien upon the owner of the
 25 real property upon which the nonconsensual common-law lien is
 26 recorded and the sheriff shall make return thereof without delay by
 27 filing proof of service with the register of deeds as provided in
 1 subsection (1) of section 25-507.01. There shall be no filing fee
 2 for filing the proof of service. A judicial proceeding to enforce
 3 a nonconsensual common-law lien shall be instituted by the claimant
 4 within ten days after recording the lien. Failure to serve a copy
 5 of the recorded lien upon the owner or failure to file a judicial
 6 proceeding to enforce the lien shall cause the lien to lapse and be
 7 of no legal effect.

8 Sec. 6. Section 52-1902, Reissue Revised Statutes of
 9 Nebraska, is amended to read:

10 ~~52-1902~~ If a person submits for filing or recording to
 11 the Secretary of State, county clerk, register of deeds, or clerk
 12 of any court any document purporting to create a nonconsensual
 13 common-law lien against real or personal property in violation of
 14 ~~this section 52-1901 and sections 4 to 6 of this act~~ or section
 15 76-296 and such document is so filed or recorded, the ~~person~~
 16 claimant submitting the document is liable to the person or entity
 17 against whom the lien is claimed for actual damages plus costs and
 18 reasonable attorney's fees.

19 Sec. 7. Original sections 52-1901 and 52-1902, Reissue
 20 Revised Statutes of Nebraska, and section 28-101, Revised Statutes
 21 Cumulative Supplement, 2012, are repealed.

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

LEGISLATIVE BILL 345. Placed on General File with amendment.
 AM350

1 1. Strike sections 3 and 4 and insert the following new
 2 sections:

3 Sec. 3. Sections 2 and 5 of this act become operative
 4 on January 1, 2013. Sections 1 and 4 of this act become operative
 5 three calendar months after the adjournment of this legislative
 6 session. The other sections of this act become operative on their
 7 effective date.

8 Sec. 4. Original section 76-2,126, Revised Statutes
 9 Cumulative Supplement, 2012, is repealed.

10 Sec. 5. Original section 76-3409, Revised Statutes
 11 Cumulative Supplement, 2012, is repealed.

12 2. On page 2, line 15, after "certificate" insert "and
 13 recorded".

14 3. Renumber the remaining section accordingly.

(Signed) Brad Ashford, Chairperson

NOTICE OF COMMITTEE HEARING
Health and Human Services

Room 1510

Wednesday, March 20, 2013 1:30 p.m.

LB586 (cancel)

(Signed) Kathy Campbell, Chairperson

MOTION - Print in Journal

Senator Mello filed the following motion to LB586:

MO13

Withdraw bill.

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 22, 2013, at 10:35 a.m. was the following: LB408e.

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

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 225A. Introduced by Smith, 14.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 225, One Hundred Third Legislature, First Session, 2013.

GENERAL FILE

LEGISLATIVE BILL 510. Title read. Considered.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, and 13 present and not voting.

LEGISLATIVE BILL 363. Title read. Considered.

Committee AM166, found on page 422, was offered.

Pending.

COMMITTEE REPORTS

Judiciary

LEGISLATIVE BILL 172. Placed on General File with amendment.
AM182

1 1. Insert the following section:

2 Section 1. Section 30-2601, Revised Statutes Cumulative
3 Supplement, 2012, is amended to read:

4 30-2601 Unless otherwise apparent from the context, in
5 the Nebraska Probate Code:

6 (1) Incapacitated person means any person who is impaired
7 by reason of mental illness, mental deficiency, physical illness
8 or disability, chronic use of drugs, chronic intoxication, or
9 other cause (except minority) to the extent that the person
10 lacks sufficient understanding or capacity to make or communicate
11 responsible decisions concerning himself or herself;

12 (2) A protective proceeding is a proceeding under the
13 provisions of section 30-2630 to determine that a person cannot
14 effectively manage or apply his or her estate to necessary ends,
15 either because the person lacks the ability or is otherwise
16 inconvenienced, or because the person is a minor, and to secure
17 administration of the person's estate by a conservator or other
18 appropriate relief;

19 (3) A protected person is a minor or other person for
20 whom a conservator has been appointed or other protective order has
21 been made;

22 (4) A ward is a person for whom a guardian has been
23 appointed. A minor ward is a minor for whom a guardian has been
1 appointed solely because of minority;

2 (5) Full guardianship means the guardian has been granted
3 all powers which may be conferred upon a guardian by law;

4 (6) Limited guardianship means any guardianship which is
5 not a full guardianship; and

6 (7) For purposes of article 26 of the Nebraska Probate
7 Code, interested person means children, spouses, those persons
8 who would be the heirs if the ward or person alleged to be
9 incapacitated died without leaving a valid ~~last will and testament~~
10 who are adults and any trustee of any trust executed by the ward
11 or person alleged to be incapacitated. After the death of a ward,
12 interested person also includes the personal representative of a
13 deceased ward's estate, the deceased ward's heirs in an intestate
14 estate, and the deceased ward's devisees in a testate estate. The
15 meaning of interested person as it relates to particular persons
16 may vary from time to time and must be determined according to the
17 particular purposes of, and matter involved in, any proceeding. If
18 there are no persons identified as interested persons above, then
19 interested person shall also include any person or entity named as
20 a devisee in the most recently executed ~~last will and testament~~ of
21 the ward or person alleged to be incapacitated.

- 22 2. On page 3, lines 24 and 25, strike "an affidavit of
 23 mailing" and insert "a certificate of mailing".
 24 3. On page 4, line 8, strike "an affidavit of mailing",
 25 show as stricken, and insert "a certificate of mailing".
 26 4. On page 7, line 7, strike "30-2628" and insert
 27 "30-2601, 30-2628,".
 1 5. Renumber the remaining sections accordingly.

LEGISLATIVE BILL 403. Placed on General File with amendment.
 AM130

- 1 1. On page 2, line 17, after "disposable" insert "or
 2 refillable".

(Signed) Brad Ashford, Chairperson

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB94:
 FA9

Page 4, line 22 after "elk" insert: "provided that no such elk is a member of the species homo sapiens.".

Senator Chambers filed the following amendment to LB94:
 FA10

Page 2, line 21, strike "disposed of", show as stricken and insert "allocated".

Senator Chambers filed the following amendment to LB94:
 FA11

Page 2, lines 24 and 25 strike "who shall be eligible", show as stricken and insert "eligibility".

Senator Chambers filed the following amendment to LB94:
 FA12

Page 3, line 11 strike "twenty-nine" and insert "one thousand"; line 12 strike "two hundred fourteen", show as stricken and insert "ten thousand".

Senator Chambers filed the following amendment to LB94:
 FA13

Page 4, line 12 strike "twenty", show as stricken and insert "thirty"; line 13 strike "forty" show as stricken and insert "sixty".

UNANIMOUS CONSENT - Add Cointroducers

Senator Dubas asked unanimous consent to add her name as cointroducer to LB483. No objections. So ordered.

Senator Coash asked unanimous consent to add his name as cointroducer to LB47. No objections. So ordered.

VISITOR

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

ADJOURNMENT

At 11:58 a.m., on a motion by Senator Watermeier, the Legislature adjourned until 10:00 a.m., Monday, February 25, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

