

TWENTY-SEVENTH DAY - FEBRUARY 14, 2012**LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE
SECOND SESSION****TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, February 14, 2012

PRAYER

The prayer was offered by Senator Nelson.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Sheehy presiding.

The roll was called and all members were present except Senator Conrad who was excused; and Senators Adams, Campbell, Karpisek, and Wightman who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-sixth day was approved.

COMMITTEE REPORTS

Banking, Commerce and Insurance

LEGISLATIVE BILL 964. Placed on General File with amendment.
AM1756

- 1 1. On page 2, line 25, strike "or authorized delegate".
- 2 2. On page 4, line 11, after "another" insert "but does
- 3 not include bill payment services in which an agent of a payee
- 4 receives money or monetary value on behalf of such payee".
- 5 3. On page 9, line 23, strike "or authorized delegate"
- 6 and insert "in this state".

(Signed) Rich Pahls, Chairperson

Executive Board

LEGISLATIVE RESOLUTION 358CA. Placed on General File.

LEGISLATIVE BILL 761. Placed on General File with amendment.
AM1883

- 1 1. On page 3, line 20, after "commission" insert "in
2 excess of ten thousand dollars".

LEGISLATIVE RESOLUTION 372CA. Indefinitely postponed.

(Signed) John Wightman, Chairperson

Health and Human Services

LEGISLATIVE BILL 834. Placed on General File with amendment.
AM1866

- 1 1. On page 6, line 8, after the period insert "Health
2 profession does not include the vocation of duly recognized members
3 of the clergy acting in their ministerial capacity".
4 2. On page 10, after line 13 insert the following new
5 subdivision:
6 "(a) The health, safety, and welfare of the public
7 are inadequately addressed by the present scope of practice or
8 limitations on the scope of practice;"; in line 14 strike "(a)" and
9 insert "(b)"; in line 19 strike "(b)" and insert "(c)"; in line
10 22 strike "(c)" and insert "(d)"; and in line 25 strike "(d)" and
11 insert "(e)".
12 3. On page 11, line 4, strike "(e)" and insert "(f)".
13 4. On page 19, line 1, after "71-6223" insert ", shall
14 make written findings on all criteria".

(Signed) Kathy Campbell, Chairperson

NOTICE OF COMMITTEE HEARINGS

Health and Human Services

Room 1510

Wednesday, February 22, 2012 1:30 p.m.

Thomas Deegan - Board of Emergency Medical Services

Room 1510

Friday, February 24, 2012 1:30 p.m.

Joel Cerny - Board of Emergency Medical Services

(Signed) Kathy Campbell, Chairperson

MESSAGES FROM THE GOVERNOR

February 13, 2012

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 503, 705, 706, 707, 708, 709, 710, and 946e were received in my office on February 7, 2012.

These bills were signed and delivered to the Secretary of State on February 13, 2012.

Sincerely,
(Signed) Dave Heineman
Governor

February 13, 2012

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

Dear Mr. President and Members of the Legislature:

In accordance with the February 13, 2012, letter that I received from Senator Wallman requesting a veto of LB415, I am returning the bill without my signature and with my objections. According to the letter, the introducer of the bill seeks to change the language to further improve the proposal. In this unusual circumstance of the primary introducer asking for a veto and in the spirit of cooperation, I will respect the desire of the Legislature to further review this issue, though I remain supportive of the intent of LB415.

For these reasons, I respectfully ask that you sustain my veto of LB415.

Sincerely,
(Signed) Dave Heineman
Governor

ANNOUNCEMENTS

Senator Brasch designates LB830 as her priority bill.

The Nebraska Retirement Systems Committee designates LB916 as its priority bill.

Senator Dubas designates LB825 as her priority bill.

Senator Christensen designates LB653 as his priority bill.

GENERAL FILE

LEGISLATIVE BILL 807. Title read. Considered.

Committee AM1785, found on page 362, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 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.

LEGISLATIVE BILL 862. Title read. Considered.

Committee AM1778, found on page 362, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 12 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 862A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 18 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 760. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 15 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 739. Title read. Considered.

Committee AM1669, found on page 365, was adopted with 32 ayes, 0 nays, 16 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 985. Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 5 present and not voting, and 2 excused and not voting.

RESOLUTIONS**LEGISLATIVE RESOLUTION 397.** Introduced by Harms, 48.

WHEREAS, the city of Gering, Nebraska, is celebrating its 125th anniversary on March 7, 2012; and

WHEREAS, Gering has had a rich history. It has played a vital role in the founding and development of Scotts Bluff County and in the development of western Nebraska; and

WHEREAS, Gering continues to provide leadership in the areas of economic development, agribusiness, and tourism; and

WHEREAS, Gering owes much of its 125 years of success to the hard-working and generous people of the Gering community.

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

1. That the Legislature congratulates Gering, Nebraska, on its 125th anniversary.

2. That a copy of this resolution be sent to the mayor of Gering, Edwin L. Mayo.

Laid over.

LEGISLATIVE RESOLUTION 398. Introduced by Harms, 48.

WHEREAS, Rita Stinner, the music program director at Western Nebraska Community College, has been named the 2012 Trailblazer of the Year by the Scottsbluff-Gering United Chamber of Commerce; and

WHEREAS, Ms. Stinner, a 2007 inductee into the Nebraska Music Educators Association Hall of Fame and a recipient of the Nebraska Arts Council's Governor's Arts Award for Excellence in Arts Education, has grown the Western Nebraska Community College music program from a handful of students in 1997 to an award-winning program; and

WHEREAS, Ms. Stinner has not only recruited students with great musical talent, but has also raised money so her students could travel for performances, including a performance at Carnegie Hall; and

WHEREAS, Ms. Stinner has also been instrumental in community and business groups, including Gering New Horizons, Valley Voices, Valley Eight, and Valley Bank and Trust Company.

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

1. That the Legislature congratulates Rita Stinner on being named the 2012 Trailblazer of the Year.

2. That a copy of this resolution be sent to Rita Stinner.

Laid over.

LEGISLATIVE RESOLUTION 399. Introduced by Lambert, 2.

WHEREAS, Helen Frances (Koubek) Svoboda was born on February 28, 1912, in the family home in Plattsmouth, Nebraska; and

WHEREAS, Helen graduated from Plattsmouth High School, attended Peru State Teachers College, and worked at the Norfolk Canning Factory on the line and in the office as a bookkeeper; and

WHEREAS, Helen married John Svoboda in 1936 and had three daughters, who are Margaret, Cathy, and Mary, six grandchildren, and five great-grandchildren; and

WHEREAS, Helen became a housewife when she married John Svoboda because the Norfolk Canning Factory did not allow married women to work in its business; and

WHEREAS, when Helen was unmarried she and other girls started a Stitch and Nibble Club where they worked on items for their hope chests. Helen learned to crochet and made many items, including baby blankets which she still makes to donate; and

WHEREAS, Helen loved to cook and bake. She always tried new recipes and made thirteen to fifteen different kinds of cookies and candies at Christmas; and

WHEREAS, Helen has been a member of the Catholic Church all her life; and

WHEREAS, Helen will celebrate her one hundredth birthday with family and friends in Plattsmouth, Nebraska, on February 28, 2012.

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

1. That the Legislature congratulates Helen (Koubek) Svoboda on her one hundredth birthday on February 28, 2012.

2. That a copy of this resolution be sent to Helen (Koubek) Svoboda.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Wednesday, February 22, 2012 1:30 p.m.

LB912

LB1162

LB1169

LB785

LB914

Room 1113

Thursday, February 23, 2012 1:30 p.m.

LB1056
 LB1088
 LB1099
 LB940
 LB1153

Room 1113

Friday, February 24, 2012 1:30 p.m.

LB722
 LB1111
 LB1164
 LB1096

(Signed) Brad Ashford, Chairperson

ANNOUNCEMENTS

Senator McCoy designates LB970 as his priority bill.

Senator Smith designates LB1161 as his priority bill.

Senator McGill designates LB599 as her priority bill.

AMENDMENTS - Print in Journal

Senator Smith filed the following amendment to LB1161:
 AM1984

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 57-1101, Reissue Revised Statutes of
- 4 Nebraska, as amended by section 1, Legislative Bill 1, One Hundred
- 5 Second Legislature, First Special Session, 2011, is amended to
- 6 read:
- 7 57-1101 Any person engaged in, and any company,
- 8 corporation, or association formed or created for the purpose of,
- 9 transporting or conveying crude oil, petroleum, gases, or other
- 10 products thereof in interstate commerce through or across the
- 11 State of Nebraska or intrastate within the State of Nebraska, and
- 12 desiring or requiring a right-of-way or other interest in real
- 13 estate and being unable to agree with the owner or lessee of
- 14 any land, lot, right-of-way, or other property for the amount of
- 15 compensation for the use and occupancy of so much of any lot, land,
- 16 real estate, right-of-way, or other property as may be reasonably

17 necessary for the laying, relaying, operation, and maintenance
 18 of any such pipeline or the location of any plant or equipment
 19 necessary to operate such pipeline, shall have the right to acquire
 20 the same for such purpose through the exercise of the power of
 21 eminent domain, except that for any major oil pipeline as defined
 22 in section 5 of this act to be placed in operation in the State of
 23 Nebraska after the effective date of this act, any such person,
 1 company, corporation, or association shall comply with section 3,
 2 Legislative Bill 4, One Hundred Second Legislature, First Special
 3 Session, 2011, and receive the approval of the Governor for the
 4 route of the pipeline under such section, or beginning January
 5 1, 2013, shall apply for and receive an order approving the
 6 application under the Major Oil Pipeline Siting Act, prior to
 7 having the rights provided under this section. The procedure to
 8 condemn property shall be exercised in the manner set forth in
 9 sections 76-704 to 76-724.

10 Sec. 2. Section 3, Legislative Bill 1, One Hundred Second
 11 Legislature, First Special Session, 2011, is amended to read:

12 Sec. 3. (1) The purposes of the Major Oil Pipeline Siting
 13 Act are to:

14 (a) Ensure the welfare of Nebraskans, including
 15 protection of property rights, aesthetic values, and economic
 16 interests;

17 (b) Consider the lawful protection of Nebraska's natural
 18 resources in determining the location of routes of major oil
 19 pipelines within Nebraska;

20 (c) Ensure that a major oil pipeline is not constructed
 21 within Nebraska without receiving the approval of the commission
 22 under section 9 of this act;

23 (d) Ensure that the location of routes for major oil
 24 pipelines is in compliance with Nebraska law; and

25 (e) Ensure that a coordinated and efficient method for
 26 the authorization of such construction is provided.

27 (2) Nothing in the Major Oil Pipeline Siting Act shall be
 1 construed to regulate any safety issue with respect to any aspect
 2 of any interstate oil pipeline. The Major Oil Pipeline Siting Act
 3 is intended to deal solely with the issue of siting or choosing the
 4 location of the route aside and apart from safety considerations.
 5 The Legislature acknowledges and respects the exclusive federal
 6 authority over safety issues established by the federal law, the
 7 Pipeline Safety Act of 1994, 49 U.S.C. 60101 et seq., and the
 8 express preemption provision stated in that act. The Major Oil
 9 Pipeline Siting Act is intended to exercise only the remaining
 10 sovereign powers and purposes of Nebraska which are not included in
 11 the category of safety regulation.

12 (3) The Major Oil Pipeline Siting Act shall not apply to
 13 any major oil pipeline that has submitted an application to the
 14 United States Department of State pursuant to Executive Order 13337
 15 prior to ~~the effective date of this act.~~ January 1, 2013, or that

16 applies for or is granted international border crossing authority
17 prior to the effective date of this act, pursuant to any provision
18 established by federal legislation.

19 Sec. 3. Section 3, Legislative Bill 4, One Hundred Second
20 Legislature, First Special Session, 2011, is amended to read:

21 Sec. 3. (1) The department may (a) collaborate with
22 a federal agency or agencies in a review under the National
23 Environmental Policy Act involving a supplemental environmental
24 impact statement for oil pipeline projects within, through, or
25 across the state or (b) determine the route of an oil pipeline
26 within, through, or across the state to be included in an
27 application to a federal agency or agencies. Prior to entering
1 into such shared jurisdiction and authority any joint review with
2 a pipeline carrier or a federal agency or agencies, the department
3 shall enter into a memorandum of understanding with such federal
4 agency or agencies that sets set forth the responsibilities and
5 schedules that will lead to an effective and timely review under
6 the National Environmental Policy Act involving a supplemental
7 environmental impact statement. process.

8 (2) Since the objectives of the process are to ensure
9 adequate information gathering, full and careful agency and public
10 review, objective preparation of a supplemental environmental
11 impact statement, adherence to a defined schedule, and an
12 appropriate role for a pipeline carrier which avoids the appearance
13 of conflicts of interest, it is the intent of the Legislature that
14 the state fully fund the process of preparation of a supplemental
15 environmental impact statement or similar study or evaluation of
16 the route of an oil pipeline and that no fees will be required of
17 an applicant. The department may contract with outside vendors in
18 the process of preparation of a supplemental environmental impact
19 statement or similar study or evaluation of the route of an oil
20 pipeline. The department shall make every reasonable effort to
21 ensure that each vendor has no conflict of interest or relationship
22 to any pipeline carrier that applies for an oil pipeline permit.

23 (3) In order for the process to be efficient and
24 expeditious, the department's contracts with vendors pursuant to
25 this section for a supplemental environmental impact statement or
26 similar study or evaluation of the route of an oil pipeline shall
27 not be subject to the Nebraska Consultants' Competitive Negotiation
1 Act or sections 73-301 to 73-306 or 73-501 to 73-509.

2 (4) After the supplemental environmental impact statement
3 or similar study or evaluation of the route of an oil pipeline is
4 prepared, the department shall submit it to the Governor. Within
5 thirty days after receipt of the supplemental environmental impact
6 statement or similar study or evaluation of the route of an oil
7 pipeline from the department, the Governor shall indicate, in
8 writing, to the federal agency or agencies involved in the review
9 or any other appropriate federal agency or body as to whether he
10 or she approves any of the routes reviewed in the supplemental

11 environmental impact statement or similar study or evaluation of
 12 the route of an oil pipeline.

13 Sec. 4. Original section 57-1101, Reissue Revised
 14 Statutes of Nebraska, as amended by section 1, Legislative Bill
 15 1, One Hundred Second Legislature, First Special Session, 2011,
 16 section 3, Legislative Bill 1, One Hundred Second Legislature,
 17 First Special Session, 2011, and section 3, Legislative Bill 4,
 18 One Hundred Second Legislature, First Special Session, 2011, are
 19 repealed.

20 Sec. 5. Since an emergency exists, this act takes effect
 21 when passed and approved according to law.

Senator Wightman filed the following amendment to LB536:
 AM1988

(Amendments to Standing Committee amendments, AM1668)

1 1. Insert the following new section:

2 Sec. 9. A transfer on death deed shall be signed by
 3 the transferor or by some person in his or her presence and by
 4 his or her direction and shall be attested in writing by two
 5 or more disinterested witnesses, whose signatures along with the
 6 transferor's signature shall be made before an officer authorized
 7 to administer oaths under the laws of this state or under the laws
 8 of the state where execution occurs and evidenced by the officer's
 9 certificate, under official seal, in form and content substantially
 10 as follows:

11 I,, the transferor, sign my name to this
 12 instrument this day of 20, and being first duly
 13 sworn, do hereby declare to the undersigned authority that I sign
 14 and execute this transfer on death deed to transfer my interest
 15 in the described real property and that I sign it willingly or
 16 willingly direct another to sign for me, that I execute it as my
 17 free and voluntary act for the purposes therein expressed, that
 18 I am eighteen years of age or older or am not at this time a
 19 minor, and that I am of sound mind and under no constraint or undue
 20 influence.

21 Transferor

22 We, and, the witnesses, sign our names to
 1 this instrument, being first duly sworn, and do hereby declare to
 2 the undersigned authority that the transferor signs and executes
 3 this transfer on death deed to transfer his or her interest in
 4 the described real property and that he or she signs it willingly
 5 or willingly directs another to sign for him or her, and that he
 6 or she executes it as his or her free and voluntary act for the
 7 purposes therein expressed, and that each of us, in the presence
 8 and hearing of the transferor, hereby signs this deed as witness
 9 to the transferor's signing, and that to the best of his or her
 10 knowledge the transferor is eighteen years of age or older or is
 11 not at this time a minor and the transferor is of sound mind and
 12 under no constraint or undue influence.

- 13 Witness
 14 Witness
 15 THE STATE OF
 16 COUNTY OF
 17 Subscribed, sworn to, and acknowledged before me by
 18, the transferor, and subscribed and sworn to before me
 19 by and, witnesses, this day of
 20 20..... .
 21 (SEAL)(Signed)
 22 (Official capacity of officer)
 23 2. On page 1, line 3, strike "22" and insert "23".
 24 3. On page 2, line 7, after the period insert "A transfer
 25 on death deed is subject to the common-law principles of equity
 26 except to the extent modified by the Nebraska Uniform Real Property
 27 Transfer on Death Act.".
 1 4. On page 3, strike lines 1 through 3 and insert the
 2 following new subdivision:
 3 "(4) Must be recorded (i) within thirty days after being
 4 executed as required in section 9 of this act, (ii) before the
 5 transferor's death, and (iii) in the public records in the office
 6 of the register of deeds of the county where the property is
 7 located.".
 8 5. On page 4, line 16, after the second occurrence of
 9 "deed" insert "and that is executed with the same formalities as
 10 required in section 9 of this act"; and strike lines 20 through 23
 11 and insert the following new subdivision:
 12 "(2) Is acknowledged by the transferor after the
 13 acknowledgment of the deed being revoked and is recorded (i) within
 14 thirty days after being executed, (ii) before the transferor's
 15 death, and (iii) in the public records in the office of the
 16 register of deeds of the county where the deed is recorded.".
 17 6. On page 5, line 19, strike "20" and insert "21".
 18 7. On page 9, line 11, strike "16" and insert "17".
 19 8. On page 19, line 27, strike "27" and insert "28".
 20 9. On page 20, line 6, strike "12" and insert "13".
 21 10. On page 21, line 4, strike "12, 13, and 14" and
 22 insert "13, 14, and 15".
 23 11. Renumber the remaining sections accordingly.

Senator Wightman filed the following amendment to LB370:
 AM1996

- 1 1. Strike the original sections and all amendments
 2 thereto and insert the following new sections:
 3 Section 1. Section 77-1824, Reissue Revised Statutes of
 4 Nebraska, is amended to read:
 5 77-1824 The owner or occupant of any real property sold
 6 for taxes or any person having a lien thereupon or interest therein
 7 may redeem the same. For owner-occupied real property, the right
 8 of redemption expires forty-five days after the date of application

9 for the tax deed, and for all other real property, the right of
 10 redemption expires when the purchaser files an application for tax
 11 deed with the county treasurer. A redemption shall not be accepted
 12 by the county treasurer, or considered valid, unless received
 13 prior to the close of business forty-five days after the date of
 14 application for the tax deed for owner-occupied real property or
 15 prior to the close of business on the day the application for
 16 the tax deed is received by the county treasurer for other real
 17 property. Redemption shall be accomplished at any time before the
 18 ~~delivery of tax deed by the county treasurer~~ by paying the county
 19 treasurer for the use of such purchaser or his or her heirs or
 20 assigns the sum mentioned in his or her certificate, with interest
 21 thereon at the rate specified in section 45-104.01, as such rate
 22 may from time to time be adjusted by the Legislature, from the
 23 date of purchase to date of redemption, together with all other
 1 taxes subsequently paid, whether for any year or years previous
 2 or subsequent to the sale, and interest thereon at the same rate
 3 from date of such payment to date of redemption. In addition,
 4 if owner-occupied real property is redeemed after the day the
 5 purchaser files an application for a tax deed, the owner shall pay
 6 a redemption fee equal to twenty percent of all other amounts due.

7 Sec. 2. For purposes of sections 77-1801 to 77-1863,
 8 owner-occupied real property means real property that is actually
 9 occupied by the record owner of the real property, the surviving
 10 spouse of the record owner, or a minor child of the record owner.

11 Sec. 3. Section 77-1825, Reissue Revised Statutes of
 12 Nebraska, is amended to read:

13 77-1825 The county treasurer shall enter a memorandum
 14 of such redemption of real property in the sales book, and such
 15 ~~treasurer~~ shall give a receipt therefor to the person redeeming the
 16 same, for which he or she the county treasurer may charge a fee
 17 of two dollars. The county treasurer shall send written notice of
 18 redemption, by registered or certified mail, to the holder of the
 19 county treasurer's certificate of tax sale, provided if the post
 20 office address of the holder of the certificate is filed in the
 21 office of the county treasurer. The redemption money, including any
 22 redemption fee under section 77-1824, shall be paid to or upon the
 23 order of the holder on return of the certificate.

24 Sec. 4. Section 77-1831, Reissue Revised Statutes of
 25 Nebraska, is amended to read:

26 77-1831 (1) No purchaser at any sale for taxes or his
 27 or her assignees shall be entitled to a tax deed from the county
 1 treasurer for the real property so purchased unless such purchaser
 2 or assignee, at least three months before applying for the tax
 3 deed, serves or causes to be served a notice stating when such
 4 ~~purchaser purchased the real property, the description thereof, in~~
 5 ~~whose name assessed, for what year taxed or specially assessed, and~~
 6 that, after the expiration of at least three months from the date
 7 of service of such notice, the tax deed will be applied for.

8 The notice shall include:

9 (a) The following statement in sixteen-point type: UNLESS
10 YOU ACT YOU WILL LOSE THIS PROPERTY;

11 (b) The date when the purchaser purchased the real
12 property sold by the county for taxes;

13 (c) The description of the real property;

14 (d) In whose name the real property was assessed;

15 (e) The amount of taxes represented by the tax sale
16 certificate, the year the taxes were levied or assessed, and any
17 subsequent taxes paid and interest accrued as of the date the
18 notice is signed by the purchaser; and

19 (f) 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 property 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 at the close of
6 business forty-five days after the date of application for the tax
7 deed for owner-occupied real property or at the close of business
8 on the day the purchaser files an application for a tax deed with
9 the county treasurer for all other real property.

10 (2) In addition to the notice required under subsection
11 (1) of this section, no purchaser of owner-occupied real property
12 at any sale for taxes or his or her assignees shall be entitled
13 to a tax deed from the county treasurer for the real property so
14 purchased unless such purchaser or assignee, upon application for
15 the deed, serves or causes to be served a notice that, after the
16 expiration of forty-five days after the date of application for the
17 tax deed, the tax deed will be executed and delivered by the county
18 treasurer unless the owner redeems the real property.

19 The notice shall include:

20 (a) The date when the purchaser purchased the real
21 property sold by the county for taxes;

22 (b) The description of the real property;

23 (c) In whose name the real property was assessed;

24 (d) The amount of taxes represented by the tax sale
25 certificate, the year the taxes were levied or assessed, and any
26 subsequent taxes paid and interest accrued as of the date the
27 notice is signed by the purchaser plus the amount of the redemption
1 fee; and

2 (e) The following statements:

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

5 (ii) The right of redemption requires payment to the
 6 county treasurer, for the use of such purchaser, or his or her
 7 heirs or assigns, the amount of taxes represented by the tax sale
 8 certificate for the year the taxes were levied or assessed and any
 9 subsequent taxes paid and interest accrued as of the date payment
 10 is made to the county treasurer. In addition, if the real property
 11 is owner-occupied real estate and the redemption occurs after the
 12 day the purchaser files an application for a tax deed, a redemption
 13 fee equal to twenty percent of all other amounts due must be paid;
 14 and

15 (iii) The right of redemption expires forty-five days
 16 after the date of application for the tax deed for owner-occupied
 17 real property.

18 Sec. 5. Section 77-1832, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 77-1832 (1) Service of the notice provided by subsection
 21 (1) of section 77-1831 shall be made by certified

22 (a) Personal or residence service as described in section
 23 25-505.01 upon every person in actual possession or occupancy of
 24 the real property and upon the person in whose name the title to
 25 the real property appears of record who can be found in this state;
 26 or

27 (b) Certified mail, return receipt requested, upon the
 1 person in whose name the title to the real property appears of
 2 record who cannot be found in this state or who cannot be served by
 3 personal or residence service to the address where the property tax
 4 statement was mailed and upon every encumbrancer of record in the
 5 office of the register of deeds of the county. Whenever the record
 6 of a lien shows the post office address of the lienholder, notice
 7 shall be sent by certified mail, return receipt requested, to the
 8 holder of such lien at the address appearing of record.

9 (2) Service of the notice pursuant to subsection (2) of
 10 section 77-1831 shall be made by certified mail upon the owner of
 11 owner-occupied real property.

12 (3) Personal or residence service shall be made by the
 13 county sheriff of the county where service is made or by a person
 14 authorized by section 25-507. The sheriff or other person serving
 15 the notice shall be entitled to the statutory fee prescribed in
 16 section 33-117.

17 Sec. 6. Section 77-1833, Reissue Revised Statutes of
 18 Nebraska, is amended to read:

19 77-1833 The service of ~~notice~~ notices provided by section
 20 77-1832 shall be proved by affidavit, and the notice and affidavit
 21 shall be filed and preserved in the office of the county treasurer.
 22 The purchaser or assignee shall also affirm in the affidavit that
 23 a title search was conducted to determine those persons entitled
 24 to notice pursuant to such section. The certified mail return

25 receipt shall be filed with and accompany the return of service.
 26 The affidavit shall be filed with the application for the tax deed
 27 pursuant to section 77-1837. For each service of such notice, a
 1 fee of one dollar shall be allowed. The amount of such fees shall
 2 be noted by the county treasurer in the sales book opposite the
 3 real property described in the notice and shall be collected by
 4 the county treasurer in case of redemption for the benefit of the
 5 holder of the certificate.

6 Sec. 7. Section 77-1834, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 77-1834 If the person in whose name the title to the
 9 real property appears of record in the office of the register
 10 of deeds in the county or if the encumbrancer in whose name an
 11 encumbrance on the real property appears of record in the office of
 12 the register of deeds in the county cannot, upon diligent inquiry,
 13 be found, ~~then such the~~ purchaser or his or her assignee shall
 14 publish the notice in some newspaper published in the county and
 15 having a general circulation in the county or, if no newspaper is
 16 printed in the county, then in a newspaper published in this state
 17 nearest to the county in which the real property is situated.

18 Sec. 8. Section 77-1835, Reissue Revised Statutes of
 19 Nebraska, is amended to read:

20 77-1835 The notice provided by section 77-1834 shall
 21 be inserted three consecutive weeks, ~~the first time not more~~
 22 ~~than five months and~~ the last time not less than three months
 23 ~~before the time of redemption shall expire.~~ applying for the tax
 24 deed. Proof of publication shall be made by filing in the county
 25 treasurer's office the affidavit of the publisher, manager, or
 26 other employee or foreman of such newspaper, that to his or her
 27 personal knowledge, ~~said the~~ notice was published for the time and
 1 in the manner provided ~~herein, in this section,~~ setting out a copy
 2 of the notice and the date upon which the same was published. ~~Such~~
 3 ~~affidavit~~ The purchaser or assignee shall also file an affidavit
 4 in the office that a title search was conducted to determine those
 5 persons entitled to notice pursuant to such section. The affidavits
 6 shall be filed with the application for the tax deed pursuant to
 7 section 77-1837. The affidavits shall be preserved as a part of
 8 the files of said the office. Any publisher, manager, or employee
 9 or foreman of a newspaper knowingly or negligently making a false
 10 affidavit regarding any such matters shall be guilty of perjury,
 11 and shall be punished accordingly. Section 25-520.01 does not apply
 12 to publication of notice pursuant to section 77-1834.

13 Sec. 9. Section 77-1837, Reissue Revised Statutes of
 14 Nebraska, is amended to read:

15 77-1837 (1) At any time within six months after the
 16 expiration of three years ~~from after~~ the date of sale of any real
 17 estate for taxes or special assessments, if such real estate has
 18 not been redeemed, the county treasurer, on ~~request,~~ application,
 19 on production of the certificate of purchase, and upon compliance

20 with the provisions of sections 77-1801 to 77-1863 and sections
 21 2 and 10 of this act, shall execute and deliver ~~to the purchaser~~
 22 ~~or his or her heirs or assigns~~ a deed of conveyance for the real
 23 estate described in such certificate as provided in this section.
 24 The failure of the county treasurer to issue the deed of conveyance
 25 if requested within the timeframe provided in this section shall
 26 not impair the validity of such deed if there has otherwise been
 27 compliance with the provisions of sections 77-1801 to 77-1863 and
 1 sections 2 and 10 of this act.

2 (2) If the tax deed is for owner-occupied real property,
 3 the county treasurer shall not execute and deliver the tax deed for
 4 forty-five days after the time specified in subsection (1) of this
 5 section until the right of redemption expires. If the real property
 6 is not owner-occupied real property or if forty-five days have
 7 passed since the time specified in subsection (1) of this section
 8 for owner-occupied real property and the right of redemption has
 9 expired, the county treasurer shall execute and deliver the tax
 10 deed previously executed to the purchaser or his or her heirs or
 11 assigns.

12 Sec. 10. The laws in effect on the date of the issuance
 13 of a tax sale certificate govern all matters related to tax deeds
 14 proceedings, including noticing and application, and foreclosure
 15 proceedings. Changes in law shall not apply retroactively with
 16 regard to the tax sale certificates previously issued.

17 Sec. 11. Original sections 77-1824, 77-1825, 77-1831,
 18 77-1832, 77-1833, 77-1834, 77-1835, and 77-1837, Reissue Revised
 19 Statutes of Nebraska, are repealed.

COMMITTEE REPORTS

Revenue

LEGISLATIVE BILL 209. Placed on General File with amendment.
 AM1949

1 1. On page 2, strike lines 10 through 16 and insert
 2 "(2)(a) Deductions for refunds made pursuant to sections
 3 77-4105 and 77-5726 shall be delayed for one year after the refunds
 4 have been made to the taxpayers. The Department of Revenue shall
 5 notify the municipality liable for such refunds of the pending
 6 refunds, the amount of the refunds, and the month in which the
 7 deductions will be made or begin.

8 (b) If the total amount of refunds claimed under
 9 sections 77-4105 and 77-5726 exceeds twenty-five percent of the
 10 municipality's sales and use tax receipts for the municipality's
 11 prior fiscal year, the department shall deduct such refunds over
 12 the period of one year in equal monthly amounts beginning after the
 13 one-year notification period required by subdivision (2)(a) of this
 14 section.

15 (c) This subsection applies to refunds owed by cities of
 16 the first class, cities of the second class, and villages."

LEGISLATIVE BILL 727. Placed on General File with amendment.
AM1902

1 1. Insert the following new sections:

2 Sec. 34. Section 77-2701, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 77-2701 Sections 77-2701 to 77-27,135.01 and 77-27,228 to
5 77-27,236 and sections 36 and 37 of this act shall be known and may
6 be cited as the Nebraska Revenue Act of 1967.

7 Sec. 35. Section 77-2701.04, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 77-2701.04 For purposes of sections 77-2701.04 to
10 77-2713 and sections 36 and 37 of this act, unless the context
11 otherwise requires, the definitions found in sections 77-2701.05 to
12 77-2701.53 and section 36 of this act shall be used.

13 Sec. 36. (1) Admission means the right or privilege to
14 have access to a place or location where amusement, entertainment,
15 or recreation is provided to an audience, spectators, or the
16 participants in the activity. Admission includes a membership
17 that allows access to or use of a place or location, but which
18 membership does not include the right to hold office, vote, or
19 change the policies of the organization.

20 For purposes of this section:

21 (a) Access to a place or location means the right to be
22 in the place or location for purposes of amusement, entertainment,
23 or recreation at a time when the general public is not allowed at
1 that place or location absent the granting of the admission;

2 (b) Entertainment means the amusement or diversion
3 provided to an audience or spectators by performers; and

4 (c) Recreation means a sport or activity engaged in by
5 participants for purposes of refreshment, relaxation, or diversion
6 of the participants. Recreation does not include practice or
7 instruction.

8 (2) Admission does not include the lease or rental of a
9 location, facility, or part of a location or facility if the lessor
10 cedes the right to determine who is granted access to the location
11 or facility to the lessee for the period of the lease or rental.

12 Sec. 37. Sales and use taxes shall not be imposed on the
13 gross receipts from the sale, use, or other consumption of amounts
14 charged to participate in a youth sports event, youth sports
15 league, or youth competitive educational activity by political
16 subdivisions or organizations that are exempt from income tax under
17 section 501(c)(3) of the Internal Revenue Code.

18 For purposes of this section:

19 (1) Competitive educational activity means a tournament
20 or a single competition that occurs over a limited period of
21 time annually or intermittently where the participants engage in a
22 competitive educational activity;

23 (2) Sports event means a tournament or a single
 24 competition that occurs over a limited period of time annually or
 25 intermittently where the participants engage in a sport;

26 (3) Sports league means an organized series of sports
 27 competitions taking place over several weeks or months between
 1 teams or individuals that are members of the league; and

2 (4) Youth sports event, youth sports league, or youth
 3 competitive educational activity means an event, league, or
 4 activity that is restricted to participants who are less than
 5 nineteen years of age.

6 Sec. 38. Section 77-2701.16, Reissue Revised Statutes of
 7 Nebraska, is amended to read:

8 77-2701.16 (1) Gross receipts means the total amount of
 9 the sale or lease or rental price, as the case may be, of the
 10 retail sales of retailers.

11 (2) Gross receipts of every person engaged as a public
 12 utility specified in this subsection, as a community antenna
 13 television service operator, or as a satellite service operator or
 14 any person involved in connecting and installing services defined
 15 in subdivision (2)(a), (b), or (d) of this section means:

16 (a)(i) In the furnishing of telephone communication
 17 service, other than mobile telecommunications service as described
 18 in section 77-2703.04, the gross income received from furnishing
 19 ancillary services, except for conference bridging services, and
 20 intrastate telecommunications services, except for value-added,
 21 nonvoice data service; and

22 (ii) In the furnishing of mobile telecommunications
 23 service as described in section 77-2703.04, the gross income
 24 received from furnishing mobile telecommunications service that
 25 originates and terminates in the same state to a customer with a
 26 place of primary use in Nebraska;

27 (b) In the furnishing of telegraph service, the gross
 1 income received from the furnishing of intrastate telegraph
 2 services;

3 (c) In the furnishing of gas, electricity, sewer, and
 4 water service, the gross income received from the furnishing of
 5 such services upon billings or statements rendered to consumers for
 6 such utility services;

7 (d) In the furnishing of community antenna television
 8 service or satellite service, the gross income received from
 9 the furnishing of such community antenna television service as
 10 regulated under sections 18-2201 to 18-2205 or 23-383 to 23-388 or
 11 satellite service; and

12 (e) The gross income received from the provision,
 13 installation, construction, servicing, or removal of property used
 14 in conjunction with the furnishing, installing, or connecting of
 15 any public utility services specified in subdivision (2)(a) or
 16 (b) of this section or community antenna television service or
 17 satellite service specified in subdivision (2)(d) of this section,

18 except when acting as a subcontractor for a public utility,
19 this subdivision does not apply to the gross income received by
20 a contractor electing to be treated as a consumer of building
21 materials under subdivision (2) or (3) of section 77-2701.10 for
22 any such services performed on the customer's side of the utility
23 demarcation point.

24 (3) Gross receipts of every person engaged in selling,
25 leasing, or otherwise providing intellectual or entertainment
26 property means:

27 (a) In the furnishing of computer software, the gross
1 income received, including the charges for coding, punching, or
2 otherwise producing any computer software and the charges for the
3 tapes, disks, punched cards, or other properties furnished by the
4 seller; and

5 (b) In the furnishing of videotapes, movie film,
6 satellite programming, satellite programming service, and satellite
7 television signal descrambling or decoding devices, the gross
8 income received from the license, franchise, or other method
9 establishing the charge.

10 (4) Gross receipts for providing a service means:

11 (a) The gross income received for building cleaning and
12 maintenance, pest control, and security;

13 (b) The gross income received for motor vehicle washing,
14 waxing, towing, and painting;

15 (c) The gross income received for computer software
16 training;

17 (d) The gross income received for installing and applying
18 tangible personal property if the sale of the property is subject
19 to tax. If any or all of the charge for installation is free to
20 the customer and is paid by a third-party service provider to the
21 installer, any tax due on that part of the activation commission,
22 finder's fee, installation charge, or similar payment made by the
23 third-party service provider shall be paid and remitted by the
24 third-party service provider;

25 (e) The gross income received for services of
26 recreational vehicle parks;

27 (f) The gross income received for labor for repair or
1 maintenance services performed with regard to tangible personal
2 property the sale of which would be subject to sales and use taxes,
3 excluding motor vehicles, except as otherwise provided in section
4 77-2704.26 or 77-2704.50;

5 (g) The gross income received for animal specialty
6 services except (i) veterinary services, (ii) specialty services
7 performed on livestock as defined in section 54-183, and (iii)
8 animal grooming performed by a licensed veterinarian or a licensed
9 veterinary technician in conjunction with medical treatment; and

10 (h) The gross income received for detective services.

11 (5) Gross receipts includes the sale of admissions, ~~which~~
12 ~~means the right or privilege to have access to or to use a place~~

13 ~~or location. An admission includes a membership that allows access~~
 14 ~~to or use of a place or location, but which membership does not~~
 15 ~~include the right to hold office, vote, or change the policies of~~
 16 ~~the organization. When an admission to an activity or a membership~~
 17 ~~constituting an admission pursuant to this subsection is combined~~
 18 ~~with the solicitation of a contribution, the portion or the amount~~
 19 ~~charged representing the fair market price of the admission shall~~
 20 ~~be considered a retail sale subject to the tax imposed by section~~
 21 ~~77-2703. The organization conducting the activity shall determine~~
 22 ~~the amount properly attributable to the purchase of the privilege,~~
 23 ~~benefit, or other consideration in advance, and such amount shall~~
 24 ~~be clearly indicated on any ticket, receipt, or other evidence~~
 25 ~~issued in connection with the payment.~~

26 (6) Gross receipts includes the sale of live plants
 27 incorporated into real estate except when such incorporation is
 1 incidental to the transfer of an improvement upon real estate or
 2 the real estate.

3 (7) Gross receipts includes the sale of any building
 4 materials annexed to real estate by a person electing to be taxed
 5 as a retailer pursuant to subdivision (1) of section 77-2701.10.

6 (8) Gross receipts includes the sale of and recharge of
 7 prepaid calling service and prepaid wireless calling service.

8 (9) Gross receipts includes the retail sale of digital
 9 audio works, digital audiovisual works, digital codes, and digital
 10 books delivered electronically if the products are taxable when
 11 delivered on tangible storage media. A sale includes the transfer
 12 of a permanent right of use, the transfer of a right of use that
 13 terminates on some condition, and the transfer of a right of use
 14 conditioned upon the receipt of continued payments.

15 (10) Gross receipts does not include:

16 (a) The amount of any rebate granted by a motor vehicle
 17 or motorboat manufacturer or dealer at the time of sale of the
 18 motor vehicle or motorboat, which rebate functions as a discount
 19 from the sales price of the motor vehicle or motorboat; or

20 (b) The price of property or services returned or
 21 rejected by customers when the full sales price is refunded
 22 either in cash or credit.

23 2. Renumber the remaining sections accordingly and
 24 correct the internal references, operative date section, and
 25 repealer so that the sections added by this amendment become
 26 operative on July 1, 2012.

LEGISLATIVE BILL 830. Placed on General File with amendment.
 AM1971

- 1 1. On page 2, line 18, after "model" insert "protein or
- 2 lipid".

(Signed) Abbie Cornett, Chairperson

Natural Resources

LEGISLATIVE BILL 653. Placed on General File with amendment.
AM1844

- 1 1. Strike the original sections and insert the following
2 new sections:
3 Section 1. Section 46-288, Reissue Revised Statutes of
4 Nebraska, is amended to read:
5 46-288 For purposes of this section and section 46-289
6 and section 2 of this act, unless the context otherwise requires:
7 (1) Basin of origin shall mean the river basin in which
8 the point or proposed point of diversion of water is located;
9 (2) Beneficial use shall include, but not be limited
10 to, reasonable and efficient use of water for domestic,
11 municipal, agricultural, industrial, commercial, power production,
12 subirrigation, fish and wildlife, ground water recharge, interstate
13 compact, water quality maintenance, or recreational purposes.
14 Nothing in this subdivision shall be construed to affect the
15 preferences for use of surface water as provided in section 46-204;
16 (3) Interbasin transfer shall mean the diversion of water
17 in one river basin and the transportation of such water to another
18 river basin for storage or utilization for a beneficial use or as
19 described in section 2 of this act; and
20 (4) River basin shall mean any of the following natural
21 hydrologic basins of the state as shown on maps located in the
22 Department of Natural Resources: (a) The White River and Hat Creek
23 basin; (b) the Niobrara River basin; (c) the Platte River basin,
1 including the North Platte and South Platte River basins, except
2 that for purposes of transfer between the North and South Platte
3 River basins each shall be considered a separate river basin;
4 (d) the Loup River basin; (e) the Elkhorn River basin; (f) the
5 Republican River basin; (g) the Little Blue River basin; (h) the
6 Big Blue River basin; (i) the Nemaha River basin; and (j) the
7 Missouri tributaries basin.
8 Sec. 2. (1) The Legislature finds that, for the best
9 management of Nebraska's water resources and for the protection of
10 public and private property, interbasin transfers of unappropriated
11 surface water from one river basin to another river basin should be
12 allowed without a permit issued by the department but only pursuant
13 to an agreement among the applicable districts and the department.
14 (2) The board of directors of a natural resources
15 district or an irrigation district in any river basin may
16 establish a written agreement with the department and the board
17 of directors of the natural resources district or an irrigation
18 district in an adjacent river basin to allow interbasin transfers
19 of unappropriated surface water without a permit pursuant to
20 section 46-233 in order to mitigate public and private property
21 damage when necessary. Such agreement shall (a) be established in
22 writing prior to the occurrence of such transfer, (b) specify that

23 the river basin of destination shall be inferior in right to all
 24 current and future surface water appropriations and internal water
 25 resources projects within the basin of origin, and (c) include,
 26 but need not be limited to, (i) any prearranged purchase price of
 27 water, (ii) the location where such interbasin transfers can take
 1 place, (iii) the conditions under which such interbasin transfers
 2 can take place, and (iv) a requirement to notify the department
 3 and any affected rural water districts, public power and irrigation
 4 districts, or other special purpose districts in the basin of
 5 origin and the river basin of destination.

6 Sec. 3. Original section 46-288, Reissue Revised Statutes
 7 of Nebraska, is repealed.

LEGISLATIVE BILL 743. Placed on General File with amendment.
 AM1825

1 1. On page 4, line 17, strike "legal expenses".

(Signed) Chris Langemeier, Chairperson

GENERAL FILE

LEGISLATIVE BILL 526. Title read. Considered.

Committee AM1784, found on page 379, was considered.

SENATOR GLOOR PRESIDING

PRESIDENT SHEEHY PRESIDING

Senator Carlson offered the following amendment to the committee amendment:

AM1992

(Amendments to Standing Committee amendments, AM1784)

- 1 1. Insert the following new amendment:
- 2 1. Insert the following new section:
- 3 Sec. 3. Since an emergency exists, this act takes effect
- 4 when passed and approved according to law.
- 5 2. Renumber the remaining amendment accordingly.

The Carlson amendment was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 17 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 780. 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 861. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 733. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 860. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 15 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 878. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 759. Title read. Considered.

Committee AM1787, found on page 381, was adopted with 27 ayes, 0 nays, 18 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 786. Title read. Considered.

Committee AM1736, found on page 384, was adopted with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 14 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 811. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present

and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 1031. Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 887. Title read. Considered.

Committee AM1764, found on page 391, was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 943. Title read. Considered.

Committee AM1763, found on page 391, was adopted with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

COMMITTEE REPORTS Nebraska Retirement Systems

LEGISLATIVE BILL 867. Placed on General File.

LEGISLATIVE BILL 916. Placed on General File with amendment. AM1739 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 400. Introduced by Ashford, 20.

WHEREAS, Bob Leddy, a junior at Creighton Preparatory School, has been named one of the top youth volunteers in Nebraska for 2012 in the 17th annual Prudential Spirit of Community Awards program; and

WHEREAS, as one of more than 26,000 young people across the country who participated in this year's program, Bob Leddy has achieved an extraordinary honor in being named a Distinguished Finalist in 2012; and

WHEREAS, Bob Leddy is the founder and president of the first Habitat for Humanity Campus Chapter in Nebraska and has recruited four additional high schools to initiate chapters. Under Bob's leadership, his chapter has raised fifty thousand dollars toward their goal of ninety thousand dollars, participated in numerous local builds, and will travel to Kenya next summer to participate in a Habitat for Humanity build; and

WHEREAS, the Prudential Spirit of Community Awards were created in 1995 by Prudential Financial in partnership with the National Association of Secondary School Principals to honor young volunteers across the nation who have demonstrated an extraordinary commitment to serving their communities; and

WHEREAS, students such as Bob Leddy represent the best of our country's youth and are role models to their peers and their communities.

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

1. That the Legislature congratulates Bob Leddy on being named a 2012 Distinguished Finalist in the Prudential Spirit of Community Awards and recognizes his leadership, initiative, and compassion for others.

2. That a copy of this resolution be sent to Bob Leddy.

Laid over.

ANNOUNCEMENT

Senator Price designates LB1080 as his priority bill.

AMENDMENTS - Print in Journal

Senator Schumacher filed the following amendment to LB967:
AM1998

- 1 1. Insert the following new section:
- 2 Sec. 2. Section 48-125, Revised Statutes Supplement,
- 3 2011, is amended to read:
- 4 48-125 (1)(a) Except as hereinafter provided, all amounts
- 5 of compensation payable under the Nebraska Workers' Compensation
- 6 Act shall be payable periodically in accordance with the methods
- 7 of payment of wages of the employee at the time of the injury or
- 8 death. Such payments shall be sent directly to the person entitled
- 9 to compensation or his or her designated representative except as
- 10 otherwise provided in section 48-149.
- 11 (b) Fifty percent shall be added for waiting time for all
- 12 delinquent payments after thirty days' notice has been given of
- 13 disability or after thirty days from the entry of a final order,
- 14 award, or judgment of the Nebraska Workers' Compensation Court,
- 15 except that for any award or judgment against the state in excess
- 16 of one hundred thousand dollars which must be reviewed by the
- 17 Legislature as provided in section 48-1,102, fifty percent shall be
- 18 added for waiting time for delinquent payments thirty days after
- 19 the effective date of the legislative bill appropriating any funds
- 20 necessary to pay the portion of the award or judgment in excess of
- 21 one hundred thousand dollars.
- 22 (2)(a) Whenever the employer refuses payment of
- 23 compensation or medical payments subject to section 48-120, or when
- 1 the employer neglects to pay compensation for thirty days after

2 injury or neglects to pay medical payments subject to such section
 3 after thirty days' notice has been given of the obligation for
 4 medical payments, and proceedings are held before the compensation
 5 court, a reasonable attorney's fee shall be allowed the employee
 6 by the compensation court in all cases when the employee receives
 7 an award. Attorney's fees allowed shall not be deducted from
 8 the amounts ordered to be paid for medical services nor shall
 9 attorney's fees be charged to the medical providers.

10 (b) If the employer files an appeal from an award of a
 11 judge of the compensation court and fails to obtain any reduction
 12 in the amount of such award, the Court of Appeals or Supreme Court
 13 shall allow the employee a reasonable attorney's fee to be taxed as
 14 costs against the employer for such appeal.

15 (c) If the employee files an appeal from an order of
 16 a judge of the compensation court denying an award and obtains
 17 an award or if the employee files an appeal from an award of a
 18 judge of the compensation court when the amount of compensation due
 19 is disputed and obtains an increase in the amount of such award,
 20 the Court of Appeals or Supreme Court may allow the employee a
 21 reasonable attorney's fee to be taxed as costs against the employer
 22 for such appeal.

23 (d) A reasonable attorney's fee allowed pursuant to this
 24 subsection shall not affect or diminish the amount of the award.

25 (3) When an attorney's fee is allowed pursuant to this
 26 section, there shall further be assessed against the employer an
 27 amount of interest on the final award obtained, computed from the
 1 date compensation was payable, as provided in section 48-119, until
 2 the date payment is made by the employer, at a rate equal to the
 3 rate of interest ~~allowed per annum under section 45-104.01, as~~
 4 provided in section 45-103, as such rate may from time to time be
 5 adjusted by the Legislature. Interest shall apply only to those
 6 weekly compensation benefits awarded which have accrued as of the
 7 date payment is made by the employer. If the employer pays or
 8 tenders payment of compensation, the amount of compensation due is
 9 disputed, and the award obtained is greater than the amount paid
 10 or tendered by the employer, the assessment of interest shall be
 11 determined solely upon the difference between the amount awarded
 12 and the amount tendered or paid.

13 2. Renumber the remaining section and correct the
 14 repealer accordingly.

Senator Krist filed the following amendment to LB831:
 AM2008

1 1. Insert the following new sections:

2 Sec. 24. The Genetic Counseling Practice Act shall not
 3 be construed to require any genetic counselor to counsel or refer
 4 for abortion, and licensing of a genetic counselor shall not be
 5 contingent upon his or her participation in counseling with respect
 6 to abortion. The refusal of a genetic counselor to participate

- 7 in counseling with respect to abortion shall not form the basis
8 for any claim of damages on account of the refusal or for any
9 disciplinary or recriminatory action against the genetic counselor
10 if the genetic counselor informs the patient that the genetic
11 counselor will not participate in counseling with respect to
12 abortion and offers to direct the patient to the online directory
13 of licensed genetic counselors maintained by the department.
14 Sec. 25. The department shall maintain an online
15 directory of all genetic counselors licensed by the department.
16 2. On page 2, line 1, strike "23" and insert "25".
17 3. Renumber the remaining sections accordingly.

CONFLICT OF INTEREST STATEMENT

Pursuant to Rule 1, Sec. 19, Senator Bloomfield has filed a Potential Conflict of Interest Statement under the Nebraska Political Accountability and Disclosure Act. The statement is on file in the Clerk of the Legislature's Office.

VISITOR

The Doctor of the Day was Dr. Craig Pekny from Omaha.

ADJOURNMENT

At 11:57 a.m., on a motion by Senator Fulton, the Legislature adjourned until 9:00 a.m., Wednesday, February 15, 2012.

Patrick J. O'Donnell
Clerk of the Legislature

