

**THIRTY-SECOND DAY - FEBRUARY 23, 2012****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
SECOND SESSION****THIRTY-SECOND DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, February 23, 2012

**PRAYER**

The prayer was offered by Reverend Doctor Adam White, Lutheran Center-UNL Campus, Lincoln.

**ROLL CALL**

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

The roll was called and all members were present except Senators Conrad and Larson who were excused; and Senators Heidemann, Lautenbaugh, and McGill who were excused until they arrive.

**SENATOR COASH PRESIDING****CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-first day was approved.

**COMMITTEE REPORTS**

Transportation and Telecommunications

**LEGISLATIVE BILL 1030.** Placed on General File.

**LEGISLATIVE BILL 1155.** Placed on General File.

(Signed) Deb Fischer, Chairperson

**COMMITTEE REPORT**

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Roger Figard - Board of Public Roads Classifications and Standards

LeRoy Gerrard - Board of Public Roads Classifications and Standards  
 Darold Tagge - Board of Public Roads Classifications and Standards  
 David Wacker - Board of Public Roads Classifications and Standards  
 Timothy Weander - Board of Public Roads Classifications and Standards  
 Edward Wootton - Board of Public Roads Classifications and Standards

Aye: 7 Campbell, Dubas, Fischer, Hadley, Janssen, Loudon, Price. Nay: 0.  
 Absent: 1 Lautenbaugh. Present and not voting: 0.

(Signed) Deb Fischer, Chairperson

## RESOLUTION

**LEGISLATIVE RESOLUTION 408.** Introduced by Pahls, 31.

WHEREAS, Mikayla Savell-Flott, a freshman at Creighton University, received the Governor's Points of Light Award in the youth division during a ceremony at the State Capitol on February 15, 2012; and

WHEREAS, the award honors those who exemplify leadership in their commitment to community service; and

WHEREAS, Mikayla received the award based on her involvement at Millard West High School where she was a member of the National Honor Society and received the Volunteer of the Year award. Mikayla was also involved in the Tri-M Music Honor Society where she served as the student fundraising chair for the musical theatre department, raising more than \$7,500 for the organization. Over her high school career, Mikayla volunteered more than 995 community service hours and helped raise more than \$56,000 for her community; and

WHEREAS, Mikayla continued her service as a freshman at Creighton University where she was selected for the Freshman Leadership Program working with the Completely Kids program. She also helps raise money for Precious Moments daycare, a facility focused on a child's personal development and education.

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

1. That the Legislature congratulates Mikayla Savell-Flott on receiving the Governor's Points of Light Award.

2. That a copy of this resolution be sent to Mikayla Savell-Flott.

Laid over.

## COMMITTEE REPORTS

Enrollment and Review

**LEGISLATIVE BILL 1018.** Placed on Select File with amendment.  
 ER187 is available in the Bill Room.

**LEGISLATIVE BILL 1064.** Placed on Select File with amendment.  
ER186

- 1 1. On page 1, line 3, strike "sickness and accident" and
- 2 insert "certain disability".

**LEGISLATIVE BILL 773.** Placed on Select File.

**LEGISLATIVE BILL 904.** Placed on Select File.

**LEGISLATIVE BILL 735.** Placed on Select File with amendment.  
ER188

- 1 1. On page 1, line 3, after "governors" insert "or
- 2 governing bodies of certain public power districts or public power
- 3 and irrigation districts".

**LEGISLATIVE BILL 209.** Placed on Select File.

**LEGISLATIVE BILL 996.** Placed on Select File.

(Signed) Tyson Larson, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Nebraska Retirement Systems

Room 1525

Tuesday, March 13, 2012 12:10 p.m.

Ron Ecklund - Public Employees Retirement Board

Room 1525

Tuesday, March 20, 2012 12:10 p.m.

Presentation of Nebraska Public Employees Retirement Systems Annual  
Report

Presentation of Nebraska Investment Council Annual Report

(Signed) Jeremy Nordquist, Chairperson

**AMENDMENT - Print in Journal**

Senator Coash filed the following amendment to LB863:  
AM2129

- 1 1. Insert the following new sections:
- 2 Section 1. Section 18-2701, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 18-2701 Sections 18-2701 to 18-2738 and section 3 of this
- 5 act shall be known and may be cited as the Local Option Municipal
- 6 Economic Development Act.
- 7 Sec. 3. A qualifying business which derives its principal

8 source of income from the production of films, commercials, and  
 9 television programs which is utilizing an economic development  
 10 program shall (1) provide notice to the Nebraska Film Office or its  
 11 successor of each project for which the qualifying business intends  
 12 to utilize the economic development program and (2) acknowledge  
 13 in the production credits of the film, commercial, or television  
 14 program the State of Nebraska and the city operating the economic  
 15 development program. The acknowledgment shall be required only when  
 16 production credits are displayed and shall not be required if  
 17 prohibited by local, state, or federal law, rule, or regulation.

18 2. On page 3, line 23, after "section" insert "18-2701,  
 19 Reissue Revised Statutes of Nebraska, and section"; and in line 24  
 20 strike "is" and insert "are".

21 3. Renumber the remaining sections accordingly.

### ANNOUNCEMENT

The Chair announced today is Senator Flood's birthday.

### GENERAL FILE

**LEGISLATIVE RESOLUTION 358CA.** Senator Council renewed her amendment, AM2100, found on page 606.

Senator Council moved for a call of the house. The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

Senator Council requested a roll call vote on her amendment.

Voting in the affirmative, 3:

Cook	Council	Schumacher
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Voting in the negative, 42:

Adams	Cornett	Harms	Lathrop	Schilz
Ashford	Dubas	Harr, B.	Lautenbaugh	Seiler
Avery	Fischer	Heidemann	Louden	Smith
Bloomfield	Flood	Howard	McCoy	Sullivan
Brasch	Fulton	Janssen	Nelson	Wallman
Campbell	Gloor	Karpisek	Nordquist	Wightman
Carlson	Haar, K.	Krist	Pahls	
Christensen	Hadley	Lambert	Pirsch	
Coash	Hansen	Langemeier	Price	

Excused and not voting, 4:

Conrad	Larson	McGill	Mello
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The Council amendment lost with 3 ayes, 42 nays, and 4 excused and not voting.

The Chair declared the call raised.

Senator Council renewed her amendment, AM2101, found on page 609.

The Council amendment lost with 5 ayes, 13 nays, 27 present and not voting, and 4 excused and not voting.

Pending.

### AMENDMENTS - Print in Journal

Senator Cornett filed the following amendment to LB1118:  
AM2092

(Amendments to Final Reading copy)

- 1 1. On page 12, line 3, strike "three" and insert "two".

Senator Cornett filed the following amendment to LB1049:  
AM1886

- 1 1. On page 3, line 19, strike "fifty".

Senator Adams filed the following amendment to LB446:  
AM2154

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-1242, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 79-1242 Funds generated from the property tax levy shall
- 5 only be used for purposes approved by representatives of two-thirds
- 6 of the member school districts in an educational service unit,
- 7 representing a majority of the students in the member school
- 8 districts. The valuation of individual school districts shall
- 9 not be ~~considered in the only consideration in determining the~~
- 10 utilization of such funds received after July 1, 2010. Each
- 11 educational service unit shall prepare and transmit a written
- 12 proposal of core services offerings and use of the property tax
- 13 levy to all member school districts. The member school districts
- 14 through their designated representatives shall indicate their
- 15 approval or disapproval of the proposal within thirty calendar
- 16 days after receipt of the proposal, and failure to so indicate
- 17 within such time period shall be deemed approval of the proposal.
- 18 2. On page 15, line 4, strike "and 79-1241.03" and insert
- 19 ", 79-1241.03, and 79-1242".
- 20 3. Renumber the remaining section and correct internal
- 21 references accordingly.

**GENERAL FILE**

**LEGISLATIVE RESOLUTION 358CA.** Senator Council renewed her amendment, AM2102, found on page 609.

Senator Council withdrew her amendment.

Senator Council renewed her amendment, AM2103, found on page 609.

The Council amendment lost with 3 ayes, 24 nays, 19 present and not voting, and 3 excused and not voting.

Senator Carlson moved for a call of the house. The motion prevailed with 39 ayes, 0 nays, and 10 not voting.

Senator Carlson requested a roll call vote on the advancement of the resolution.

Voting in the affirmative, 30:

Adams	Christensen	Gloor	Karpisek	Price
Ashford	Coash	Haar, K.	Langemeier	Schumacher
Avery	Cook	Harms	Lathrop	Seiler
Brasch	Cornett	Harr, B.	Louden	Smith
Campbell	Dubas	Heidemann	McGill	Wallman
Carlson	Fulton	Howard	Nelson	Wightman

Voting in the negative, 12:

Bloomfield	Flood	Lambert	Pahls
Council	Hansen	Lautenbaugh	Pirsch
Fischer	Krist	McCoy	Schilz

Present and not voting, 3:

Hadley	Nordquist	Sullivan
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Excused and not voting, 4:

Conrad	Janssen	Larson	Mello
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Advanced to Enrollment and Review Initial with 30 ayes, 12 nays, 3 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORTS**

## Education

**LEGISLATIVE BILL 1104.** Placed on General File with amendment. AM2077 is available in the Bill Room.

**LEGISLATIVE BILL 1105.** Placed on General File with amendment. AM2065

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-2,104, Revised Statutes Cumulative
- 3 Supplement, 2010, is amended to read:
- 4 79-2,104 (1) Any student in any public school or
- 5 his or her parents, guardians, teachers, counselors, or school
- 6 administrators shall have access to the school's files or records
- 7 maintained concerning such student, including the right to inspect,
- 8 review, and obtain copies of such files or records. No other
- 9 person shall have access to such files or records except (a) when
- 10 a parent, guardian, or student of majority age provides written
- 11 consent or (b) as provided in subsection (3) of this section. The
- 12 contents of such files or records shall not be divulged in any
- 13 manner to any unauthorized person. All such files or records shall
- 14 be maintained so as to separate academic and disciplinary matters,
- 15 and all disciplinary material shall be removed and destroyed after
- 16 a student's continuous absence from the school for a period of
- 17 three years.
- 18 (2) Each public school may establish a schedule of fees
- 19 representing a reasonable cost of reproduction for copies of a
- 20 student's files or records for the parents or guardians of such
- 21 student, except that the imposition of a fee shall not prevent
- 22 parents of students from exercising their right to inspect and
- 23 review the students' files or records and no fee shall be charged
- 1 to search for or retrieve any student's files or records.
- 2 (3)(a) This section does not preclude authorized
- 3 representatives of (i) auditing officials of the United States,
- 4 (ii) auditing officials of this state, or (iii) state educational
- 5 authorities from having access to student or other records which
- 6 are necessary in connection with the audit and evaluation of
- 7 federally supported or state-supported education programs or in
- 8 connection with the enforcement of legal requirements which relate
- 9 to such programs, except that, when collection of personally
- 10 identifiable data is specifically authorized by law, any data
- 11 collected by such officials with respect to individual students
- 12 shall be protected in a manner which shall not permit the personal
- 13 identification of students and their parents by other than the
- 14 officials listed in this subsection. Personally identifiable
- 15 data shall be destroyed when no longer needed for such audit,
- 16 evaluation, or enforcement of legal requirements.
- 17 (b) This section does not preclude or prohibit the
- 18 disclosure of student records to any other person or entity which

19 may be allowed to have access pursuant to the federal Family  
 20 Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g,  
 21 as such act existed on January 1, 2009, and regulations adopted  
 22 thereunder.

23 (4) The Legislature finds and declares that the sharing  
 24 of student data, records, and information among school districts,  
 25 educational service units, learning communities, and the State  
 26 Department of Education, to the fullest extent practicable and  
 27 permitted by law, is vital to advancing education in this state.  
 1 Whenever applicable law permits the sharing of such student  
 2 data, records, and information, each school district, educational  
 3 service unit, and learning community shall share such student  
 4 data, records, and information unless otherwise prohibited by  
 5 law. The State Board of Education shall adopt and promulgate  
 6 rules and regulations providing for and requiring the uniform  
 7 sharing of student data, records, and information among school  
 8 districts, educational service units, learning communities, and the  
 9 department.

10 2. On page 3, line 25; and page 4, line 1, strike "March"  
 11 and insert "February".

12 3. On page 4, line 2, after "district" insert "on or  
 13 before August 1 immediately following the change in residence  
 14 or the effective date of the merger"; in line 4 after "years"  
 15 insert "or within thirty days after the change in residence or  
 16 the effective date of the merger for attendance during the current  
 17 school year"; and in lines 6 and 7 strike "sixty" through "section"  
 18 and insert "thirty days".

19 4. On page 44, line 24, after the second comma insert  
 20 "79-2,104,".

21 5. Renumber the remaining sections accordingly.

**LEGISLATIVE BILL 1084.** Indefinitely postponed.

(Signed) Greg Adams, Chairperson

### AMENDMENTS - Print in Journal

Senator Fulton filed the following amendment to LB727:  
 AM2132

1 1. On page 72, line 8, strike "and" and show as stricken;  
 2 in line 14 strike the period, show as stricken, and insert ";"  
 3 (7) Fees and admissions charged for participants in any  
 4 activity provided by a nonprofit organization that is exempt from  
 5 income tax under section 501(c)(3) of the Internal Revenue Code  
 6 of 1986, as amended, which organization conducts statewide sport  
 7 events with multiple sports for both adults and youth; and  
 8 (8) Fees and admissions charged for participants in any  
 9 activity provided by a nonprofit organization that is exempt from  
 10 income tax under section 501(c)(3) of the Internal Revenue Code of



11 1986, as amended, which organization is affiliated with a national  
 12 organization, primarily dedicated to youth development and healthy  
 13 living, and offers sports instruction and sports leagues or sports  
 14 events in multiple sports."

Senator Langemeier filed the following amendment to LB849:  
 AM2091

(Amendments to E & R amendments, ER185)

- 1 1. Strike sections 3 and 4.
- 2 2. On page 2, line 9, strike "commission" and insert
- 3 "Game and Parks Commission".
- 4 3. Renumber the remaining section accordingly.

### GENERAL FILE

**LEGISLATIVE BILL 830.** Title read. Considered.

### SENATOR LANGEMEIER PRESIDING

Committee AM1971, found on page 518, was considered.

### SENATOR CARLSON PRESIDING

The committee amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

### AMENDMENT - Print in Journal

Senator McCoy filed the following amendment to LB1018:  
 AM2161

(Amendments to E & R amendments, ER187)

- 1 1. Insert the following new section:
- 2 Sec. 12. (a) A domestic limited partnership that has been
- 3 converted pursuant to the Nebraska Uniform Limited Partnership Act
- 4 is for all purposes the same domestic limited partnership that
- 5 existed before the conversion.
- 6 (b) When a conversion takes effect, all of the following
- 7 apply:
- 8 (1) All property owned by the converting entity remains
- 9 vested in the converted entity. The converting entity shall file a
- 10 certificate of conversion in the office of the register of deeds
- 11 for each county in which the converting entity owns real property.
- 12 Such certificate of conversion shall be indexed against the real
- 13 property owned;
- 14 (2) All debts, liabilities, and other obligations of the
- 15 converting entity continue as obligations of the converted entity;

16 (3) An action or proceeding pending by or against the  
 17 converting entity may be continued as if the conversion had not  
 18 occurred;

19 (4) The shares or interests of the converting entity are  
 20 reclassified into shares, interests, other securities, obligations,  
 21 rights to acquire shares, interests or other securities, or into  
 22 cash or other property in accordance with the plan of conversion  
 1 and the partners, limited partners, or interest holders of the  
 2 converting entity are entitled only to the rights provided to them  
 3 under the terms of the conversion and to any appraisal rights they  
 4 may have under the organic law of the converting entity; and

5 (5) Except as prohibited by other law, all of the rights,  
 6 privileges, immunities, powers, and purposes of the converting  
 7 entity remain vested in the converted entity and, except as  
 8 otherwise provided in the plan of conversion, the terms and  
 9 conditions of the plan of conversion take effect.

10 (c) A converted entity that is a foreign limited  
 11 liability company consents to the jurisdiction of the courts  
 12 of this state to enforce any obligation owed by the converting  
 13 corporation if, before the conversion, the converting corporation  
 14 was subject to suit in this state on the obligation.

15 2. On page 12, lines 25 and 27, strike "merger" and  
 16 insert "conversion".

17 3. On page 19, line 8, strike "section 21-2653" and  
 18 insert "21-2647 to 21-2652".

19 4. On page 23, line 25, strike "(1)" and insert "(a)".

20 5. On page 24, line 2, strike "(a)" and insert "(1)"; in  
 21 line 4 strike "(b)" and insert "(2)"; in line 6 strike "(c)" and  
 22 insert "(3)"; in line 8 strike "(d)" and insert "(4)"; in line 10  
 23 strike "(e)" and insert "(5)"; in line 12 strike "(f)" and insert  
 24 "(6)"; in line 14 strike "(i)" and insert "(A)"; in line 18 strike  
 25 "(ii)" and insert "(B)"; and in line 22 strike "(2)" and insert  
 26 "(b)".

27 6. On page 25, line 5, strike "12" and insert "13".

1 7. Renumber the remaining sections accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 985A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2011, LB374, sections 99 and 101; to appropriate funds to aid in carrying out the provisions of Legislative Bill 985, One Hundred Second Legislature, Second Session, 2012; to repeal the original sections; and to declare an emergency.

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Fulton asked unanimous consent to add his name as cointroducer to LB712. No objections. So ordered.

Senators Bloomfield and Schilz asked unanimous consent to add their names as cointroducers to LB239. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were 18 fourth- through eight-grade students and teachers from Prairie Hill Learning Center; 60 fourth-grade students and teachers from Ashland-Greenwood Elementary; Senator Hadley's wife, Marilyn, from Kearney; Nancy George and Patty Lydiatt from Kearney; and David Sawyer from Burwell.

The Doctor of the Day was Dr. Kent Zhao from Omaha.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator K. Haar, the Legislature adjourned until 9:00 a.m., Friday, February 24, 2012.

Patrick J. O'Donnell  
Clerk of the Legislature

