

SIXTY-THIRD DAY - APRIL 19, 2013

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION**

SIXTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Friday, April 19, 2013

PRAYER

The prayer was offered by Pastor Dan Delzell, Wellspring Lutheran Church, Papillion.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Carlson presiding.

The roll was called and all members were present except Senators McGill and Smith who were excused; and Senators Harms, Mello, Price, and Sullivan who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the sixty-second day was approved.

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>

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of April 18, 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

Amack, Angela K.

Nebraska Commission on Public Advocacy, The (Withdrawn 04/15/2013)
O'Hara Lindsay & Associates, Inc.
American Communications Group, Inc.

GENERAL FILE

LEGISLATIVE BILL 243. Title read. Considered.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 208. Title read. Considered.

Senator B. Harr offered his amendment, AM153, found on page 685.

The B. Harr amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 377. Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 42. Title read. Considered.

Committee AM268, found on page 473, was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 59. Title read. Considered.

Committee AM198, found on page 473, was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

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

LEGISLATIVE BILL 493. Title read. Considered.

Committee AM292, found on page 490, was offered.

Senator Carlson offered the following amendment to the committee amendment:

AM1057

(Amendments to Standing Committee amendments, AM292)

- 1 1. On page 1, strike beginning with "After" in line 6
- 2 through the first "the" in line 7 and insert "The".

The Carlson amendment was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

The committee amendment, as amended, was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 345. Title read. Considered.

SENATOR CARLSON PRESIDING

Committee AM350, found on page 501, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 172. Title read. Considered.

Committee AM182, found on page 503, 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 643. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 1 nay, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 386. Title read. Considered.

Committee AM275, found on page 550, was adopted with 32 ayes, 0 nays, 15 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.

EXPLANATION OF VOTES

Had I been present, I would have voted "aye" on final passage of LBs 153, 153A, 55e, 79e, 79Ae, 158e, 203, 230, 263e, 271, 388, 495e, 495Ae, 612e, and 629.

(Signed) Beau McCoy

AMENDMENTS - Print in Journal

Senator Schilz filed the following amendment to LB423:
AM1056

(Amendments to E & R amendments, ER40)

- 1 1. On page 4, line 3, after "metropolitan" insert "or
- 2 primary".
- 3 2. On page 7, line 9, after "owner" insert "or
- 4 custodian"; strike beginning with "experiencing" in line 26
- 5 through "is" in line 27; and in line 27 after "severely" insert
- 6 "emaciated".
- 7 3. On page 10, line 3, strike "person" and insert "owner
- 8 or custodian".
- 9 4. On page 11, line 5, after "owner" insert "or
- 10 custodian"; and in line 20 after "metropolitan" insert "or
- 11 primary".

Senator Schilz filed the following amendment to LB68:
AM575

- 1 1. Strike section 11 and insert the following new
- 2 section:
- 3 Sec. 11. (1) License fees for the Plant Protection and
- 4 Plant Pest Act due on January 1, 2014, shall be the amount in
- 5 column A of subsection (3) of this section.
- 6 (2) The license fees due January 1, 2015, and each
- 7 January 1 thereafter shall be set by the director on or before July
- 8 1 of each year. The director may raise or lower such fees each
- 9 year to meet the criteria in this subsection, but the fee shall not
- 10 be greater than the amount in column B of subsection (3) of this
- 11 section. The same percentage shall be applied to each category for
- 12 all fee increases or decreases. The director shall use the fees in
- 13 column A of subsection (3) of this section as a base for future fee
- 14 increases or decreases. The director shall determine the fees based
- 15 on estimated annual revenue and fiscal year-end cash fund balances
- 16 as follows:
- 17 (a) The estimated annual revenue shall not be greater
- 18 than one hundred seven percent of program cash fund appropriations
- 19 allocated for the Plant Protection and Plant Pest Act; and
- 20 (b) The estimated fiscal year-end cash fund balance
- 21 shall not be greater than seventeen percent of program cash fund

22 appropriations allocated for the act.

23 (3) License Fees.

	<u>A</u>	<u>B</u>
1 <u>License Fees</u>		
2 <u>Nursery stock</u>		
3 <u>distributor license</u>		
4 <u>as set forth in</u>		
5 <u>section 2-1091.01</u>		
6 <u>for the first acre</u>	<u>\$115</u>	<u>\$140</u>
7 <u>Fee for additional acres</u>	<u>\$5.00 per acre</u>	<u>\$6.00 per acre</u>
8 <u>Distributing without</u>	<u>25% of the fee</u>	
9 <u>obtaining a nursery</u>	<u>per month up to</u>	
10 <u>stock distributor</u>	<u>100% of the</u>	
11 <u>license fee</u>	<u>license fee</u>	

12 (4) Other fees for the Plant Protection and Plant Pest

13 Act under subsection (5) of this section in effect on January
 14 1, 2014, shall be the amount in column A of such subsection.

15 The department may increase or decrease such fees by rules
 16 or regulations adopted and promulgated by the department. Such
 17 increases shall not result in fees greater than the amount in
 18 column B of subsection (5) of this section.

19 (5) Other Fees.

	<u>A</u>	<u>B</u>
20 <u>Other Fees</u>		
21 <u>Certification fee for</u>		
22 <u>nursery stock growing</u>		
23 <u>acres as set forth in</u>	<u>Included in</u>	
24 <u>section 2-1095</u>	<u>license fee</u>	
25 <u>Late applications for</u>		
1 <u>certification of nursery</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
2 <u>stock growing acres</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
3 <u>Reinspections or</u>		
4 <u>requested inspections</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
5 <u>for nursery stock</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
6 <u>Phytosanitary or</u>	<u>\$30 per certificate</u>	<u>\$40 per</u>
7 <u>export certificates</u>	<u>and \$7 for taking</u>	<u>certificate and</u>
8 <u>set forth in</u>	<u>an application</u>	<u>\$10 for taking</u>
9 <u>section 2-1091</u>	<u>by telephone</u>	<u>an application</u>
10		<u>by telephone</u>
11 <u>Phytosanitary or</u>		
12 <u>export certificate</u>		
13 <u>inspections and</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
14 <u>reinspections</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
15 <u>European corn borer</u>		
16 <u>quarantine certification</u>		
17 <u>license set forth in</u>	<u>\$50 per license,</u>	<u>\$65 per license,</u>
18 <u>section 2-1091</u>	<u>annually</u>	<u>annually</u>
19 <u>European corn borer</u>	<u>\$6.25 for</u>	<u>\$10.00 for</u>
20 <u>certificate</u>	<u>packet of 25</u>	<u>packet of 25</u>

21	<u>Quarantine compliance</u>		
22	<u>agreements as set</u>	<u>\$50 per agreement</u>	<u>\$65 per agreement</u>
1	<u>forth in section 2-1091</u>	<u>annually</u>	<u>annually</u>
2	<u>Quarantine compliance</u>		
3	<u>agreement inspections</u>	<u>\$24 per hour</u>	<u>\$27 per hour</u>
4	<u>and reinspections</u>	<u>\$0.42 per mile</u>	<u>\$0.50 per mile</u>
5	<u>(6) Any fee remaining unpaid for more than one month</u>		
6	<u>shall be considered delinquent and the person owing the fee shall</u>		
7	<u>pay an additional administrative fee of twenty-five percent of the</u>		
8	<u>delinquent amount for each month it remains unpaid, not to exceed</u>		
9	<u>one hundred percent of the original amount due. The department may</u>		
10	<u>waive the additional administrative fee based upon the existence</u>		
11	<u>and extent of any mitigating circumstances that have resulted</u>		
12	<u>in the late payment of such fee. The purpose of the additional</u>		
13	<u>administrative fee is to cover the administrative costs associated</u>		
14	<u>with collecting fees and all money collected as an additional</u>		
15	<u>administrative fee shall be remitted to the State Treasurer for</u>		
16	<u>credit to the Plant Protection and Plant Pest Cash Fund.</u>		
17	2. On page 9, strike beginning with " <u>The</u> " in line 1		
18	through line 3 and insert " <u>The license fees are set forth in</u>		
19	<u>section 11 of this act.</u> ".		
20	3. On page 11, line 16, strike " <u>of actual costs assessed</u>		
21	<u>to the applicant</u> "; and strike beginning with " <u>Such</u> " in line 17		
22	through line 18.		

Senator Mello filed the following amendment to LB242:
AM789

- 1 1. Insert the following new sections:
- 2 Section 1. Section 81-8,245, Revised Statutes Cumulative
- 3 Supplement, 2012, is amended to read:
- 4 81-8,245 The Public Counsel shall have the power to:
- 5 (1) Investigate, on complaint or on his or her own
- 6 motion, any administrative act of any administrative agency;
- 7 (2) Prescribe the methods by which complaints are to be
- 8 made, received, and acted upon; determine the scope and manner
- 9 of investigations to be made; and, subject to the requirements
- 10 of sections 81-8,240 to 81-8,254, determine the form, frequency,
- 11 and distribution of his or her conclusions, recommendations, and
- 12 proposals;
- 13 (3) Conduct inspections of the premises, or any parts
- 14 thereof, of any administrative agency or any property owned,
- 15 leased, or operated by any administrative agency as frequently as
- 16 is necessary, in his or her opinion, to carry out duties prescribed
- 17 under sections 81-8,240 to 81-8,254;
- 18 (4) Request and receive from each administrative agency,
- 19 and such agency shall provide, the assistance and information
- 20 the counsel deems necessary for the discharge of his or her
- 21 responsibilities; inspect and examine the records and documents
- 22 of all administrative agencies notwithstanding any other provision

23 of law; and enter and inspect premises within any administrative
1 agency's control;

2 (5) Issue a subpoena, enforceable by action in an
3 appropriate court, to compel any person to appear, give sworn
4 testimony, or produce documentary or other evidence deemed relevant
5 to a matter under his or her inquiry. A person thus required
6 to provide information shall be paid the same fees and travel
7 allowances and shall be accorded the same privileges and immunities
8 as are extended to witnesses in the district courts of this state
9 and shall also be entitled to have counsel present while being
10 questioned;

11 (6) Undertake, participate in, or cooperate with general
12 studies or inquiries, whether or not related to any particular
13 administrative agency or any particular administrative act, if he
14 or she believes that they may enhance knowledge about or lead to
15 improvements in the functioning of administrative agencies;

16 (7) Make investigations, reports, and recommendations
17 necessary to carry out his or her duties under the State Government
18 Effectiveness Act; ~~and~~

19 (8) Carry out his or her duties under the Office of
20 Inspector General of Nebraska Child Welfare Act. If any of
21 the provisions of sections 81-8,240 to 81-8,254 conflict with
22 provisions of the Office of Inspector General of Nebraska Child
23 Welfare Act, the provisions of such act shall control; ~~and-~~

24 (9) Investigate allegations of violation of subdivision
25 (2) of section 84-908 by an administrative agency pursuant to a
26 complaint made to his or her office and make a determination as
27 to whether such administrative agency has violated the act. The
1 Public Counsel shall report his or her determination in writing to
2 the Governor, the Secretary of State, the Attorney General, the
3 Executive Board of the Legislative Council, and the director or
4 chief executive officer of the agency.

5 Sec. 3. Section 84-908, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 84-908 (1) No adoption, amendment, or repeal of any
8 rule or regulation shall become effective until the same has been
9 approved by the Governor and filed with the Secretary of State
10 after a hearing has been set on such rule or regulation pursuant to
11 section 84-907. When determining whether to approve the adoption,
12 amendment, or repeal of any rule or regulation relating to an issue
13 of unique interest to a specific geographic area, the Governor's
14 considerations shall include, but not be limited to: ~~(1)-(a)~~
15 Whether adequate notice of hearing was provided in the geographic
16 area affected by the rule or regulation. Adequate notice shall
17 include, but not be limited to, the availability of copies of the
18 rule or regulation at the time notice was given pursuant to section
19 84-907; and ~~(2)-(b)~~ whether reasonable and convenient opportunity
20 for public comment was provided for the geographic area affected by
21 the rule or regulation. If a public hearing was not held in the

- 22 affected geographic area, reasons shall be provided by the agency
 23 to the Governor. Any rule or regulation properly adopted by any
 24 agency shall be filed with the Secretary of State.
 25 (2) No agency shall utilize, enforce, or attempt to
 26 enforce any rule or regulation or proposed rule or regulation
 27 unless the rule, regulation, or proposed rule or regulation has
 1 been approved by the Governor and filed with the Secretary of State
 2 after a hearing pursuant to section 84-907.
 3 2. Amend the repealer and renumber the remaining sections
 4 accordingly.

GENERAL FILE

LEGISLATIVE BILL 166. Title read. Considered.

Committee AM188, found on page 562, was adopted with 31 ayes, 0 nays, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 192. Title read. Considered.

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

LEGISLATIVE BILL 458. 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.

SENATOR COASH PRESIDING

LEGISLATIVE BILL 459. Title read. Considered.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 19 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 549. Title read. Considered.

Committee AM427, found on page 619, 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 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 435. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 361. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 420. Title read. Considered.

Committee AM555, found on page 671, was adopted with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 154. 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 477. 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 442. Title read. Considered.

Committee AM570, found on page 682, was adopted with 29 ayes, 0 nays, 18 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 303. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 349. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 15 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 222. Title read. Considered.

Committee AM244, found on page 734, 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 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 344. Title read. Considered.

Committee AM549, found on page 747, was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 34 ayes, 0 nays, 13 present and not voting, and 2 excused and not voting.

LEGISLATIVE BILL 500. 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 223. Title read. Considered.

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

LEGISLATIVE BILL 103. Title read. Considered.

Senator Lathrop offered his amendment, AM86, found on page 1036.

The Lathrop amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 10 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 329. 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 169. Title read. Considered.

Committee AM232, found on page 862, was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 17 present and not voting, and 3 excused and not voting.

LEGISLATIVE BILL 277. Title read. Considered.

Committee AM240, found on page 863, 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 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 538. Title read. Considered.

Committee AM301, found on page 864, was offered.

Senator Chambers offered his amendment, AM1051, found on page 1032, to the committee amendment.

The Chambers amendment was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

The committee amendment, as amended, was adopted with 25 ayes, 0 nays, 19 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 332. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 14 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 141. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 647. Title read. Considered.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

SENATOR CARLSON PRESIDING

LEGISLATIVE BILL 107. Title read. Considered.

Committee AM870, found on page 986, was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 69. Title read. Considered.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

COMMITTEE REPORTS

Education

LEGISLATIVE BILL 323. Indefinitely postponed.

LEGISLATIVE BILL 416. Indefinitely postponed.

LEGISLATIVE BILL 506. Indefinitely postponed.

LEGISLATIVE BILL 640. Indefinitely postponed.

LEGISLATIVE BILL 645. Indefinitely postponed.

(Signed) Kate Sullivan, Chairperson

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB407:
AM1034 is available in the Bill Room.

Senator Karpisek filed the following amendment to LB407:
AM1055

(Amendments to Standing Committee amendments, AM1018)

- 1 1. Insert the following new amendment:
- 2 15. On page 45, line 25, after "(3)", insert "For school
- 3 fiscal year 2013-14 and each school fiscal year thereafter, a
- 4 Class II, III, IV, V, or VI school district may exceed its budget
- 5 authority for the general fund budget of expenditures as calculated
- 6 pursuant to section 79-1023 for such school fiscal year by an
- 7 amount not to exceed two percent over the previous school year
- 8 if such increase is approved by a seventy-five percent majority
- 9 vote of the school board of such district. Such increase shall not
- 10 be included in the general fund operating expenditures for such
- 11 district.
- 12 (4)".
- 13 2. Renumber the remaining amendment accordingly.

Senators K. Haar and Kolowski filed the following amendment to LB407:
AM1036

(Amendments to Standing Committee amendments, AM1018)

- 1 1. On page 1, strike line 1 and insert "1. Strike
- 2 original section 10 and insert the following new sections:
- 3 Sec. 10. Section 79-1007.25, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 79-1007.25 (1) For school fiscal year 2010-11 and
- 6 each school fiscal year thereafter, years through 2012-13, the
- 7 department shall calculate a teacher education allowance for each
- 8 district as follows:

9 ~~(1)-(a)~~ Teacher education points shall be calculated for
 10 each district by the department based upon data from the fall
 11 personnel report required pursuant to section 79-804 for the school
 12 fiscal year immediately preceding the school fiscal year in which
 13 aid is to be paid. Each full-time equivalent teacher shall ~~(a)-(i)~~
 14 be under contract with a school district as required pursuant to
 15 section 79-818 and ~~(b)-(ii)~~ only be counted one time in awarding
 16 any points pursuant to this section. Each district shall receive
 17 one point for each full-time equivalent teacher who has earned and
 18 been awarded a master's degree or an education specialist's degree
 19 and two points for each full-time equivalent teacher who has earned
 20 and been awarded a doctoral degree;

21 ~~(2)-(b)~~ A teacher education index shall be calculated for
 22 each district by dividing the ratio of teacher education points for
 1 the district divided by the number of full-time equivalent teachers
 2 in the district by the ratio of teacher education points for all
 3 districts divided by the number of full-time equivalent teachers in
 4 all districts; and

5 ~~(3)-(c)~~ The teacher education allowance for each district
 6 shall equal eight and one-half percent of the statewide average
 7 general fund operating expenditures per formula student multiplied
 8 by the district's formula students and multiplied by the difference
 9 of the product of the district's teacher education index minus one,
 10 except that if the result is less than zero, the teacher education
 11 allowance shall equal zero.

12 (2) For school fiscal year 2013-14, the department shall
 13 calculate a teacher education allowance for each district as
 14 follows:

15 (a) Teacher education points shall be calculated for each
 16 district by the department based upon data from the fall personnel
 17 report required pursuant to section 79-804 for the school fiscal
 18 year immediately preceding the school fiscal year in which aid is
 19 to be paid. Each full-time equivalent teacher shall (i) be under
 20 contract with a school district as required pursuant to section
 21 79-818 and (ii) only be counted one time in awarding any points
 22 pursuant to this section. Each district shall receive one point for
 23 each full-time equivalent teacher who has earned and been awarded a
 24 master's degree or an education specialist's degree and two points
 25 for each full-time equivalent teacher who has earned and been
 26 awarded a doctoral degree;

27 (b) A teacher education ratio shall be calculated for
 1 each district by dividing the teacher education points for the
 2 district by the total teacher education points for all districts;
 3 and

4 (c) The teacher education allowance for each district
 5 shall equal the teacher education ratio multiplied by twenty-five
 6 million dollars, except that if the result is less than zero, the
 7 teacher education allowance shall equal zero.

8 (3) For school fiscal year 2014-15 and each school fiscal

9 year thereafter, the department shall calculate a teacher education
10 allowance for each district as follows:

11 (a) Teacher education points shall be calculated for each
12 district by the department based upon data from the fall personnel
13 report required pursuant to section 79-804 for the school fiscal
14 year immediately preceding the school fiscal year in which aid is
15 to be paid. Each full-time equivalent teacher shall (i) be under
16 contract with a school district as required pursuant to section
17 79-818 and (ii) only be counted one time in awarding any points
18 pursuant to this section;

19 (b) Each district shall receive:

20 (i) One point for each full-time equivalent teacher who
21 has attained an advanced degree in his or her subject area field;

22 (ii) 1.10 points for each full-time equivalent teacher
23 with eighteen additional credit hours of postsecondary education in
24 his or her endorsed subject area;

25 (iii) 1.125 points for each full-time equivalent teacher
26 with eighteen additional credit hours of postsecondary education in
27 his or her endorsed subject area in a teacher shortage area;

1 (iv) 1.15 points for each full-time equivalent teacher
2 with twenty-seven additional credit hours of postsecondary
3 education in his or her endorsed subject area;

4 (v) 1.175 points for each full-time equivalent teacher
5 with twenty-seven additional credit hours of postsecondary
6 education in his or her endorsed subject area in a teacher shortage
7 area;

8 (vi) 1.20 points for each full-time equivalent teacher
9 with a master's degree in his or her endorsed subject area;

10 (vii) 1.225 points for each full-time equivalent teacher
11 with a master's degree in his or her endorsed subject area in a
12 teacher shortage area;

13 (viii) 1.25 points for each full-time equivalent teacher
14 with a master's degree with nine additional credit hours of
15 postsecondary education in his or her endorsed subject area;

16 (ix) 1.275 points for each full-time equivalent teacher
17 with a master's degree with nine additional credit hours of
18 postsecondary education in his or her endorsed subject area in a
19 teacher shortage area;

20 (x) 1.30 points for each full-time equivalent teacher
21 with a master's degree with eighteen additional credit hours of
22 postsecondary education in his or her endorsed subject area;

23 (xi) 1.325 points for each full-time equivalent teacher
24 with a master's degree with eighteen additional credit hours of
25 postsecondary education in his or her endorsed subject area in a
26 teacher shortage area;

27 (xii) 1.35 points for each full-time equivalent teacher
1 with a master's degree with twenty-seven additional credit hours of
2 postsecondary education in his or her endorsed subject area;

3 (xiii) 1.375 points for each full-time equivalent teacher

- 4 with a master's degree with twenty-seven additional credit hours of
 5 postsecondary education in his or her endorsed subject area in a
 6 teacher shortage area;
 7 (xiv) 1.40 points for each full-time equivalent teacher
 8 with a master's degree and thirty-six additional credit hours of
 9 postsecondary education in his or her endorsed subject area;
 10 (xv) 1.425 points for each full-time equivalent teacher
 11 with a master's degree and thirty-six additional credit hours of
 12 postsecondary education in his or her endorsed subject area in a
 13 teacher shortage area; and
 14 (xvi) 1.45 points for each full-time equivalent teacher
 15 with a doctorate degree;
 16 (c) A teacher education ratio shall be calculated for
 17 each district by dividing the weighted teacher education points for
 18 the district by the total weighted teacher education points for all
 19 districts; and
 20 (d) The teacher education allowance for each district
 21 shall equal twenty-five million dollars multiplied by the teacher
 22 education ratio, except that if the result is less than zero, the
 23 teacher education allowance shall equal zero.
 24 2. Strike amendments 12 and 13 and renumber the remaining
 25 amendments accordingly.
 26 3. On page 1, strike beginning with "teacher" in line 20
 27 through the comma in line 22.
 1 4. On page 2, strike beginning with "teacher" in line 5
 2 through the comma in line 7.
 3 5. On page 4, line 16, after the second comma insert
 4 "teacher education allowance,".

Senator Kolowski filed the following amendment to LB407:
 AM1039

- (Amendments to Standing Committee amendments, AM1018)
 1 1. Strike line 1 and insert "1. Strike original section 9
 2 and insert the following new sections:
 3 Sec. 9. Section 79-1007.23, Revised Statutes Cumulative
 4 Supplement, 2012, is amended to read:
 5 79-1007.23 (1) For state aid calculated for school fiscal
 6 ~~year 2009-10 and each school fiscal year thereafter; years through~~
 7 2012-13:
 8 ~~(4)~~~~(a)~~ The department shall calculate an instructional
 9 time allowance for each district which submits the information
 10 required for the calculation on a form prescribed by the department
 11 on or before October 15 of the school fiscal year preceding
 12 the school fiscal year for which aid is being calculated. The
 13 instructional time allowance shall be equal to the product of the
 14 formula students of such district multiplied by the instructional
 15 time factor for such district multiplied by eighty-five percent
 16 of the statewide average general fund operating expenditures per
 17 formula student;

18 ~~(2)~~(b) The instructional time factor shall equal the
 19 difference of the ratio of the district's average hours of
 20 instruction for each full-time student during the regular school
 21 year for the most recently available complete data year divided
 22 by: ~~(a)~~(i) For state aid calculated for school fiscal year
 1 2009-10, the comparison group average hours of instruction for
 2 each full-time student during the regular school year for the
 3 most recently available complete data year minus one; or ~~(b)~~
 4 (ii) for state aid calculated for school fiscal year 2010-11 ~~and~~
 5 ~~each through~~ school fiscal year ~~thereafter, 2012-13,~~ the statewide
 6 average hours of instruction for each full-time student during the
 7 regular school year for the most recently available complete data
 8 year minus one, except that if the result is less than zero, the
 9 instructional time factor shall equal zero;

10 ~~(3)~~(c) For school fiscal years 2009-10 and 2010-11,
 11 the comparison group average hours of instruction for each
 12 full-time student shall be an average of the averages for all
 13 school districts in the comparison group. The average hours of
 14 instruction shall be defined by the department and shall not
 15 include extracurricular activities outside of the regular school
 16 day or time designated for students to eat lunch. The statewide
 17 average hours of instruction for each full-time student shall be an
 18 average of the averages for all school districts; and

19 ~~(4)~~(d) For school fiscal ~~year years~~ 2011-12 and ~~each~~
 20 ~~school fiscal year thereafter, 2012-13,~~ the average hours of
 21 instruction shall be defined by the department and shall be
 22 based on scheduled time for courses and the number of students
 23 participating in such courses as reported to the department for the
 24 most recently available complete data year. Hours of instruction
 25 shall not include extracurricular activities outside of the regular
 26 school day or time designated for students to eat lunch. The
 27 statewide average hours of instruction for each student shall be an
 1 average of the averages for all school districts.

2 (2) For state aid calculated for school fiscal year
 3 2013-14 and each school fiscal year thereafter:

4 (a) The department shall calculate an instructional time
 5 allowance for each district which submits the information required
 6 for the calculation on a form prescribed by the department on or
 7 before October 15 of the school fiscal year preceding the school
 8 fiscal year for which aid is being calculated. The instructional
 9 time allowance shall equal the product of the formula students
 10 multiplied by the instructional time factor for such district
 11 multiplied by one and one-half percent of the statewide average
 12 general fund operating expenditures per formula student;

13 (b) The instructional time factor shall equal the ratio
 14 of the district's days of instruction for each full-time student
 15 during the regular school year for the most recently available
 16 complete data year divided by one hundred seventy-five, except that
 17 if the result is less than one, the instructional time factor shall

18 equal zero;

19 (c) The average days of instruction shall not exceed the
 20 amount published in student or parent handbooks indicating bell
 21 schedule and student calendar days for the most recently available
 22 complete data year. Districts shall update the bell schedule and
 23 student calendar with adjustments made during the year noted on the
 24 district's web site; and

25 (d) Day of instruction means any day students are in
 26 session for their fully scheduled class time.

27 2. On page 3, line 2, after the second comma insert
 1 "instructional time allowance."; in line 4 after the quotation mark
 2 insert "; and in lines 15 and 16 reinstate the stricken matter".

3 3. On page 4, strike beginning with "in" in line 7
 4 through the semicolon in line 8 and insert "in lines 15 and 16
 5 reinstate the stricken matter;"; and in line 16 after the second
 6 comma insert "instructional time allowance.".

Senator Bolz filed the following amendment to LB407:
 AM1038

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new sections:
 2 Sec. 2. Section 79-804, Reissue Revised Statutes of
 3 Nebraska, is amended to read:
 4 79-804 (1) Each teacher or administrator shall register
 5 his or her certificate with the public, private, denominational,
 6 or parochial school in which the teacher or administrator is
 7 employed. The superintendent or administrator of the school shall
 8 endorse upon the certificate that it has been registered and the
 9 date of registration. Such registration shall be without fee. No
 10 employment of a teacher or administrator shall be valid until the
 11 certificate is so registered. On or before September 15 of each
 12 year, the public, private, denominational, and parochial schools
 13 shall file with the State Department of Education a fall personnel
 14 report which shall specify the names of all individuals employed
 15 by the school who are required by law to hold a certificate,
 16 the information required by subsection (2) of this section, for
 17 public schools, and such other information as the Commissioner of
 18 Education directs. The superintendent or administrator of ~~the each~~
 19 public, private, denominational, or parochial school shall transmit
 20 within ten days to the State Department of Education the name of
 21 the teacher or administrator to be employed, together with the
 22 position to which employed, if the teacher or administrator is
 1 employed after the submission of the fall personnel report. The
 2 Commissioner of Education shall certify to the school the name of
 3 any teacher or administrator who has not been issued a certificate
 4 or given evidence of application to the State Department of
 5 Education and qualification for a certificate or permit. The
 6 teacher or administrator shall not be reimbursed for any services
 7 to the school after the date of receipt of notification by the
 8 school.
 9 (2) For public schools, the fall personnel report shall
 10 also include:

11 (a) For each teacher employed by the school district, the
 12 name, salary not including extra-duty salary, years of experience
 13 in the school district, benefits, highest postsecondary education
 14 degree level attained, and hours of postsecondary education earned
 15 past that degree level; and

16 (b) For each instructional paraprofessional employed by
 17 the school district, the name, total years of experience as an
 18 instructional paraprofessional, years of experience in the district
 19 as an instructional paraprofessional, and highest postsecondary
 20 degree level attained.

21 ~~(2)~~(3) The Commissioner of Education shall notify the
 22 county treasurer to withhold all school money belonging to any
 23 district employing an uncertificated teacher or administrator until
 24 the teacher or administrator has obtained a certificate or has been
 25 dismissed by the board employing such teacher or administrator. The
 26 county treasurer shall withhold such money.

27 Sec. 5. Section 79-1007.04, Revised Statutes Cumulative
 1 Supplement, 2012, is amended to read:

2 79-1007.04 (1) For school fiscal years 2008-09 through
 3 2012-13, the department shall determine the elementary class size
 4 allowance for each school district from information submitted by a
 5 school district on a form prescribed by the department on or before
 6 October 15 of the school fiscal year preceding the school fiscal
 7 year for which aid is being calculated.

8 (2) For school fiscal year 2008-09, the allowance shall
 9 equal the statewide average general fund operating expenditures per
 10 formula student multiplied by 0.20 then multiplied by the number of
 11 students in the school district in kindergarten through grade eight
 12 who qualify for free or reduced-price lunches and who spend at
 13 least fifty percent of the school day in a classroom with a minimum
 14 of ten students and a maximum of twenty students as reported on
 15 the fall membership report from the school fiscal year immediately
 16 preceding the school fiscal year in which the aid is to be paid.

17 (3) For school fiscal years 2009-10 through 2012-13, the
 18 allowance shall equal the statewide average general fund operating
 19 expenditures per formula student multiplied by twenty percent of
 20 the number of students in the school district in kindergarten
 21 through grade three who spend at least fifty percent of the school
 22 day in one or more classrooms with a minimum of ten students and
 23 a maximum of twenty students as reported on the fall membership
 24 report from the school fiscal year immediately preceding the
 25 school fiscal year in which the aid is to be paid for state aid
 26 certified pursuant to section 79-1022 and as reported on the annual
 27 statistical summary report from the school fiscal year immediately
 1 preceding the school fiscal year in which the aid was paid for the
 2 final calculation of state aid pursuant to section 79-1065.

3 (4) On or before November 15, 2013, and on or before each
 4 November 15 thereafter, the State Department of Education shall
 5 make an elementary class size report for all school districts and
 6 school buildings in the state. The report shall include:

7 (a) The average number of students in each classroom in
 8 which the students spend at least fifty percent of the school day
 9 for grades kindergarten through three, reported by grade level; and

10 (b) The years of experience in the district, total

11 years of experience, and the highest postsecondary degree attained
 12 for each certificated teacher providing instruction and each
 13 instructional paraprofessional providing instructional assistance
 14 to students in kindergarten through grade three.

15 2. Amend the repealer and renumber the remaining sections
 16 accordingly.

Senator Krist filed the following amendment to LB407:
 AM1041

(Amendments to Standing Committee amendments, AM1018)

1 1. Insert the following new section:
 2 Sec. 11. Section 79-1008.02, Revised Statutes Cumulative
 3 Supplement, 2012, is amended to read:
 4 79-1008.02 A minimum levy adjustment shall be calculated
 5 and applied to any local system that has a general fund common
 6 levy for the fiscal year during which aid is certified that is
 7 less than the maximum levy, for such fiscal year for such local
 8 system, allowed pursuant to subdivision (2)(a) or (b) of section
 9 77-3442 without a vote pursuant to section 77-3444 less five cents
 10 ~~for learning communities and less ten cents for all other all local~~
 11 systems. To calculate the minimum levy adjustment, the department
 12 shall subtract the local system general fund common levy for such
 13 fiscal year for such local system from the maximum levy allowed
 14 pursuant to subdivision (2)(a) or (b) of section 77-3442 without
 15 a vote pursuant to section 77-3444 less five cents for ~~learning~~
 16 ~~communities and less ten cents for all other all local systems~~
 17 and multiply the result by the local system's adjusted valuation
 18 divided by one hundred. The minimum levy adjustment shall be added
 19 to the formula resources of the local system for the determination
 20 of equalization aid pursuant to section 79-1008.01. If the minimum
 21 levy adjustment is greater than or equal to the allocated income
 22 tax funds calculated pursuant to section 79-1005.01, the local
 1 system shall not receive allocated income tax funds. If the
 2 minimum levy adjustment is less than the allocated income tax funds
 3 calculated pursuant to section 79-1005.01, the local system shall
 4 receive allocated income tax funds in the amount of the difference
 5 between the allocated income tax funds calculated pursuant to
 6 section 79-1005.01 and the minimum levy adjustment. This section
 7 does not apply to the calculation of aid for a local system
 8 containing a learning community for the first school fiscal year
 9 for which aid is calculated for such local system.
 10 2. Amend the repealer and renumber the remaining sections
 11 accordingly.

GENERAL FILE

LEGISLATIVE BILL 281. Title read. Considered.

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

Senator Pirsch requested a roll call vote, in reverse order, on the advancement of the bill.

Voting in the affirmative, 15:

Bloomfield	Conrad	Hansen	Lathrop	Pirsch
Brasch	Gloor	Johnson	McCoy	Scheer
Christensen	Hadley	Kintner	Nelson	Seiler

Voting in the negative, 8:

Adams	Crawford	Karpisek	Wallman
Chambers	Davis	Krist	Wightman

Present and not voting, 13:

Avery	Coash	Haar, K.	Kolowski	Schumacher
Campbell	Cook	Harms	Lautenbaugh	
Carlson	Dubas	Howard	Nordquist	

Excused and not voting, 13:

Ashford	Janssen	Mello	Schilz	Watermeier
Bolz	Larson	Murante	Smith	
Harr, B.	McGill	Price	Sullivan	

Due to a voting error, the corrected vote on the advancement of LB281 is as follows:

Voting in the affirmative, 15:

Bloomfield	Conrad	Hansen	Lathrop	Pirsch
Brasch	Gloor	Johnson	McCoy	Scheer
Christensen	Hadley	Kintner	Nelson	Seiler

Voting in the negative, 7:

Adams	Crawford	Karpisek	Wallman
Chambers	Davis	Krist	

Present and not voting, 13:

Avery	Coash	Haar, K.	Kolowski	Schumacher
Campbell	Cook	Harms	Lautenbaugh	
Carlson	Dubas	Howard	Nordquist	

Excused and not voting, 14:

Ashford	Janssen	Mello	Schilz	Watermeier
Bolz	Larson	Murante	Smith	Wightman
Harr, B.	McGill	Price	Sullivan	

Failed to advance to Enrollment and Review Initial with 15 ayes, 7 nays, 13 present and not voting, and 14 excused and not voting.

The Chair declared the call raised.

MOTION - Print in Journal

Senator Krist filed the following motion to LB474:
MO51
Recommit to the Revenue Committee.

VISITORS

Visitors to the Chamber were 40 fourth- and fifth-grade students and teachers from Juniata; 60 fourth-grade students and teachers, and Senator McCoy's daughter, Audrey, from Life Gate Christian School, Omaha; 21 fourth- and fifth-grade students and teachers from Lewiston; David and Sharon Kay from Pennsylvania; the Beal's family from Johnstown, recipients of the Leopold Conservation Award; 15 third- and fourth-grade students and sponsors from Zion Lutheran, Pierce; and 12 fourth-grade students and sponsors from Zion Lutheran, Hastings.

ADJOURNMENT

At 2:16 p.m., on a motion by Senator McCoy, the Legislature adjourned until 10:00 a.m., Monday, April 22, 2013.

Patrick J. O'Donnell
Clerk of the Legislature

