

**SEVENTEENTH DAY - JANUARY 31, 2014**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED THIRD LEGISLATURE  
SECOND SESSION**

**SEVENTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, January 31, 2014

**PRAYER**

The prayer was offered by Senator Bolz.

**ROLL CALL**

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

The roll was called and all members were present except Senators Cook, Hadley, Harms, Mello, and Nordquist who were excused; and Senators Avery, Kintner, Lautenbaugh, Schilz, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixteenth day was approved.

**NOTICE OF COMMITTEE HEARINGS**

Health and Human Services

Room 1510

Friday, February 7, 2014 1:30 p.m.

Becky Rieken - Commission for the Blind and Visually Impaired  
Paul L. Salansky Jr. - State Board of Health  
Jeromy Warner - State Board of Health  
Trisha Crandall - Nebraska Child Abuse Prevention Fund Board  
Lisa L. Knoche - Nebraska Child Abuse Prevention Fund Board  
Brandon Verzal - Nebraska Child Abuse Prevention Fund Board  
Donald L. Harmon - Board of Emergency Medical Services  
Community Services Block Grant Program

(Signed) Kathy Campbell, Chairperson

**COMMITTEE REPORT**

## Natural Resources

The Natural Resources 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.

Galen Frenzen - Nebraska Ethanol Board  
Paul Kenney - Nebraska Ethanol Board

Aye: 7 Brasch, Carlson, Dubas, Johnson, Kolowski, Schilz, Smith. Nay: 0.  
Absent: 1 K. Haar. Present and not voting: 0.

(Signed) Tom Carlson, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of January 30, 2014, 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

Heartland Strategy Group, LLC  
Nebraska Coalition of Agricultural Manufacturers  
Kelley & Jerram, PC, LLO  
BRIXCO, INC.  
Kissel/E&S Associates, LLC  
Nebraska State Historical Society Foundation  
Kubat, Rick  
Metropolitan Utilities District  
Levy, David C.  
Sandhills Wind Energy, LLC  
Otto, James A.  
Nebraska Winery and Grape Growers Association (NWGGA)  
Otto, Richard J. dba Advocacy-Legislation-Leadership  
Nebraska Winery and Grape Growers Association (NWGGA)  
Pappas, James E.  
Independent Cattlemen of Nebraska (ICON)  
UNO Chapter of the AAUP  
Peterson, Alan E.  
Media of Nebraska, Inc.  
Reandean, Noah  
Accreditation Association for Ambulatory Health Care

**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>

**MOTION - Withdraw LB1079**

Senator Davis offered his motion, MO126, found on page 419, to withdraw LB1079.

The Davis motion to withdraw the bill prevailed with 27 ayes, 0 nays, 11 present and not voting, and 11 excused and not voting.

**MOTION - Approve Appointments**

Senator Dubas moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 398:

State Highway Commission

Ronald Books  
Jerome Fagerland  
Doug Leafgreen  
E.J. Militti Jr.

Voting in the affirmative, 33:

Adams	Christensen	Hansen	Lathrop	Seiler
Bloomfield	Conrad	Harr, B.	McCoy	Sullivan
Bolz	Crawford	Janssen	McGill	Wallman
Brasch	Davis	Johnson	Murante	Watermeier
Campbell	Dubas	Kolowski	Pirsch	Wightman
Carlson	Garrett	Krist	Scheer	
Chambers	Gloor	Larson	Schumacher	

Voting in the negative, 0.

Present and not voting, 6:

Ashford	Haar, K.	Nelson
Coash	Howard	Smith

Excused and not voting, 10:

Avery	Hadley	Karpisek	Lautenbaugh	Nordquist
Cook	Harms	Kintner	Mello	Schilz

The appointments were confirmed with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**MOTION - Suspend Rules**

Senator Ashford offered the following motion to LB464:  
MO129

Suspend the rules, Rule 3, Sec. 14, to permit the Judiciary Committee to schedule a public hearing on AM1734.

The Ashford motion to suspend the rules prevailed with 31 ayes, 0 nays, 8 present and not voting, and 10 excused and not voting.

**NOTICE OF COMMITTEE HEARING**

Judiciary

Room 1113

Wednesday, February 5, 2014 1:30 p.m.

AM1734 to LB464

(Signed) Brad Ashford, Chairperson

**AMENDMENTS - Print in Journal**

Senator Sullivan filed the following amendment to LB967:  
AM1712

- 1 1. Insert the following new section:
- 2 Sec. 4. Section 79-1007.20, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 79-1007.20 (1) School districts may apply to the
- 5 department for a student growth adjustment, on a form prescribed
- 6 by the department, on or before October 15 of the school fiscal
- 7 year immediately preceding the school fiscal year for which aid
- 8 is being calculated. Such form shall require an estimate of the
- 9 average daily membership for the school fiscal year for which aid
- 10 is being calculated, the estimated student growth calculated by
- 11 subtracting the fall membership of the current school fiscal year
- 12 from the estimated average daily membership for the school fiscal
- 13 year for which aid is being calculated, and evidence supporting
- 14 the estimates. On or before the immediately following December
- 15 1, the department shall approve the estimated student growth,
- 16 approve a modified student growth, or deny the application based
- 17 on the requirements of this section, the evidence submitted on the
- 18 application, and any other information provided by the department.
- 19 The state board shall establish procedures for appeal of decisions
- 20 of the department to the state board for final determination.
- 21 (2) The student growth adjustment for each approved
- 22 district shall equal the sum of the product of the school
- 23 district's basic funding per formula student multiplied by the
- 1 difference of the approved student growth minus the greater of

2 twenty-five students or one percent of the fall membership for the  
 3 school fiscal year immediately preceding the school fiscal year for  
 4 which aid is being calculated plus the product of fifty percent of  
 5 the school district's basic funding per formula student multiplied  
 6 by the greater of twenty-five students or one percent of the fall  
 7 membership for the school fiscal year immediately preceding the  
 8 school fiscal year for which aid is being calculated.

9 ~~(3) For school fiscal year 2011-12 and each school fiscal~~  
 10 ~~year thereafter, the~~ The department shall calculate a student  
 11 growth adjustment correction for each district that received a  
 12 student growth adjustment for aid distributed in the most recently  
 13 available complete data year. Such student growth correction shall  
 14 equal the product of the difference of the ~~average daily membership~~  
 15 ~~for such school fiscal year minus the estimated average daily~~  
 16 ~~membership~~ actual student growth for such school fiscal year minus  
 17 the estimated student growth for such school fiscal year used to  
 18 calculate the student growth adjustment for such school fiscal  
 19 year multiplied by the school district's basic funding per formula  
 20 student used in the final calculation of aid pursuant to section  
 21 79-1065 for such school fiscal year, except that the absolute value  
 22 of a negative correction shall not exceed the original adjustment.

23 2. Renumber the remaining sections and amend the repealer  
 24 accordingly.

Senator Sullivan filed the following amendment to LB725:  
 AM1683

1 1. Insert the following new section:  
 2 Section 1. Section 79-1007.20, Revised Statutes  
 3 Supplement, 2013, is amended to read:  
 4 79-1007.20 (1) School districts may apply to the  
 5 department for a student growth adjustment, on a form prescribed  
 6 by the department, on or before October 15 of the school fiscal  
 7 year immediately preceding the school fiscal year for which aid  
 8 is being calculated. Such form shall require an estimate of the  
 9 average daily membership for the school fiscal year for which aid  
 10 is being calculated, the estimated student growth calculated by  
 11 subtracting the fall membership of the current school fiscal year  
 12 from the estimated average daily membership for the school fiscal  
 13 year for which aid is being calculated, and evidence supporting  
 14 the estimates. On or before the immediately following December  
 15 1, the department shall approve the estimated student growth,  
 16 approve a modified student growth, or deny the application based  
 17 on the requirements of this section, the evidence submitted on the  
 18 application, and any other information provided by the department.  
 19 The state board shall establish procedures for appeal of decisions  
 20 of the department to the state board for final determination.  
 21 (2) The student growth adjustment for each approved  
 22 district shall equal the sum of the product of the school  
 23 district's basic funding per formula student multiplied by the

1 difference of the approved student growth minus the greater of  
 2 twenty-five students or one percent of the fall membership for the  
 3 school fiscal year immediately preceding the school fiscal year for  
 4 which aid is being calculated plus the product of fifty percent of  
 5 the school district's basic funding per formula student multiplied  
 6 by the greater of twenty-five students or one percent of the fall  
 7 membership for the school fiscal year immediately preceding the  
 8 school fiscal year for which aid is being calculated.

9 (3) ~~For school fiscal year 2011-12 and each school fiscal~~  
 10 ~~year thereafter, the~~ The department shall calculate a student  
 11 growth adjustment correction for each district that received a  
 12 student growth adjustment for aid distributed in the most recently  
 13 available complete data year. Such student growth correction shall  
 14 equal the product of the difference of the ~~average daily membership~~  
 15 ~~for such school fiscal year minus the estimated average daily~~  
 16 ~~membership~~ actual student growth for such school fiscal year minus  
 17 the estimated student growth for such school fiscal year used to  
 18 calculate the student growth adjustment for such school fiscal  
 19 year multiplied by the school district's basic funding per formula  
 20 student used in the final calculation of aid pursuant to section  
 21 79-1065 for such school fiscal year, except that the absolute value  
 22 of a negative correction shall not exceed the original adjustment.  
 23 2. Renumber the remaining sections and amend the repealer  
 24 accordingly.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**      **Committee**  
 LR427      Agriculture

(Signed) John Wightman, Chairperson  
Executive Board

**SELECT FILE**

**LEGISLATIVE BILL 278.** Senator Schumacher offered his motion, MO127, found on page 419, to bracket until April 17, 2014.

Senator Schumacher withdrew his motion to bracket.

Senator Chambers offered the following amendment:

FA184  
On page 3, in lines 8 and 9, strike new matter and reinstate stricken matter.

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

The Chambers amendment was adopted with 25 ayes, 14 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Pending.

## SENATOR COASH PRESIDING

### COMMITTEE REPORTS

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 766.** Placed on General File.

**LEGISLATIVE BILL 772.** Placed on General File.

**LEGISLATIVE BILL 806.** Placed on General File.

**LEGISLATIVE BILL 744.** Placed on General File with amendment.

AM1757

- 1 1. On page 2, line 11, after the period insert "For
- 2 administrative and budgetary purposes only, the commission shall be
- 3 housed within the Nebraska State Historical Society.".
- 4 2. On page 3, line 2, after the period insert "The
- 5 commission is empowered to expend any appropriations authorized by
- 6 the Legislature to carry out the purposes of this act.".

(Signed) Bill Avery, Chairperson

### NOTICE OF COMMITTEE HEARINGS

Agriculture

Room 1510

Tuesday, February 18, 2014 1:30 p.m.

LB942  
LB1080  
LB941

Tuesday, February 25, 2014 1:30 p.m.

LB1002  
LR413  
LR414

(Signed) Ken Schilz, Chairperson

Business and Labor

Room 2102

Monday, February 10, 2014 1:30 p.m.

LB951  
LB731  
LB793  
LB961  
LB997  
LB1083

Monday, February 24, 2014 1:30 p.m.

LB949  
LB950  
LB955  
LB1090  
LB1036  
LB1073  
Joel Carlson - Commission of Industrial Relations

(Signed) Steve Lathrop, Chairperson

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 33.** Placed on Final Reading.**LEGISLATIVE BILL 56.** Placed on Final Reading.

ST38

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with "section" in line 2 through line 6 has been struck and "sections 32-615 and 32-811, Revised Statutes Cumulative Supplement, 2012; to change provisions relating to write-in candidates; to provide for automatic nomination of certain county officers; to harmonize provisions; and to repeal the original sections." inserted.

**LEGISLATIVE BILL 76.** Placed on Final Reading.**LEGISLATIVE BILL 174.** Placed on Final Reading.

ST37

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, the matter beginning with the first occurrence of "the" in line 1 through line 5 has been struck and "cities of the metropolitan class; to amend sections 14-415 and 60-6,304, Reissue Revised Statutes of Nebraska;



to change a penalty for violation of building ordinances or regulations; to change provisions relating to load contents and spillage under the Nebraska Rules of the Road; to provide a penalty; to harmonize provisions; and to repeal the original sections." inserted.

2. On page 3, line 15, "section" has been struck and "sections 14-415 and" inserted; and in line 16 "is" has been struck and "are" inserted.

**LEGISLATIVE BILL 215.** Placed on Final Reading.

ST41

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 4, "Promotion" has been struck and "Improvement" inserted.

**LEGISLATIVE BILL 371.** Placed on Final Reading.

**LEGISLATIVE BILL 403.** Placed on Final Reading.

ST40

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER125, on page 2, line 13, "child-proof" has been struck and "child" inserted.

**LEGISLATIVE BILL 446.** Placed on Final Reading.

**LEGISLATIVE BILL 470.** Placed on Final Reading.

**LEGISLATIVE BILL 656.** Placed on Final Reading.

ST39

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E and R amendments, ER124, on page 1, line 2, a comma has been inserted before the first "and".

2. On page 1, line 5, a comma has been inserted after "Corp.".

3. On page 3, line 20, the second stricken comma has been reinstated.

4. On page 8, line 2, "sections" has been struck, shown as stricken, and "section" inserted; in line 8 the comma has been struck; and in line 18 the comma has been struck and shown as stricken.

**LEGISLATIVE BILL 657.** Placed on Final Reading.

**LEGISLATIVE BILL 658.** Placed on Final Reading.

**LEGISLATIVE BILL 659.** Placed on Final Reading.

(Signed) John Murante, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 278.** Senator Chambers offered the following amendment:

FA185

On page 3, in lines 2 and 11, reinstate the stricken matter and strike the new matter.

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

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Adams	Coash	Hansen	Karpisek	McGill
Ashford	Conrad	Harr, B.	Kolowski	Schumacher
Campbell	Davis	Howard	Krist	Sullivan
Chambers	Haar, K.	Johnson	Lathrop	Wallman

Voting in the negative, 15:

Avery	Carlson	Kintner	Murante	Schilz
Bloomfield	Christensen	Lautenbaugh	Nelson	Seiler
Brasch	Garrett	McCoy	Pirsch	Smith

Present and not voting, 3:

Crawford	Dubas	Gloor
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Excused and not voting, 11:

Bolz	Harms	Mello	Watermeier
Cook	Janssen	Nordquist	Wightman
Hadley	Larson	Scheer	

The Chambers amendment lost with 20 ayes, 15 nays, 3 present and not voting, and 11 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA188

Page 3, in line 3 strike "three hundred" and insert "one hundred fifty"; in line 4 strike "one thousand" and insert "five hundred", and in line 5 strike "eight" and insert "four".

Pending.

**NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Monday, February 10, 2014 1:00 p.m.

Jess D. Zeiss - Board of Trustees of the Nebraska State Colleges  
Mary Lauritzen - Coordinating Commission for Postsecondary Education  
William "Scott" Wilson - Coordinating Commission for Postsecondary  
Education  
Dwayne Probyn - Coordinating Commission for Postsecondary Education  
Lori L. Warner - Coordinating Commission for Postsecondary Education  
LB1103  
LB1077  
LB779  
LB1055  
LB1061

Tuesday, February 11, 2014 1:30 p.m.

LR421CA  
LB1059  
LB865  
LB1101  
LB1068  
LB1070

(Signed) Kate Sullivan, Chairperson

**RESOLUTION****LEGISLATIVE RESOLUTION 432.** Introduced by Dubas, 34.

WHEREAS, Cody Myers of Columbus, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Cody has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Cody, through his hard work and perseverance, has joined other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Cody Myers on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Cody Myers.

Laid over.

#### **MOTION - Print in Journal**

Senator Krist filed the following motion to LB13:

MO128

Bracket until April 10, 2014.

#### **AMENDMENT - Print in Journal**

Senator Lautenbaugh filed the following amendment to LB399:

FA186

Amend ER123

On page 2, line 7, after the words "county attorney" insert new language "or his or her designee".

#### **CONFLICT OF INTEREST STATEMENTS**

Pursuant to Rule 1, Sec. 19, Senator Mello has filed Potential Conflict of Interest Statements under the Nebraska Political Accountability and Disclosure Act. The statements are on file in the Clerk of the Legislature's Office.

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

Senator Conrad asked unanimous consent to add her name as cointroducer to LB773, LB1056, and LB661. No objections. So ordered.

Senator Garrett asked unanimous consent to add his name as cointroducer to LB433. No objections. So ordered.

#### **VISITORS**

Visitors to the Chamber were Jamshed Merchant, Consul General, from Canada; and Senator Wightman's granddaughter, Emalie, and Trent Hollis from Omaha.

The Doctor of the Day was Dr. Rob Rhodes from Lincoln.

**ADJOURNMENT**

At 12:04 p.m., on a motion by Speaker Adams, the Legislature adjourned until 10:00 a.m., Monday, February 3, 2014.

Patrick J. O'Donnell  
Clerk of the Legislature

