

**SIXTY-FIFTH DAY - APRIL 16, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, April 16, 2015

**PRAYER**

The prayer was offered by Pastor Victor Diaz, Abundant Living Faith Center, Lexington.

**ROLL CALL**

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

The roll was called and all members were present except Senator Pansing Brooks who was excused; and Senators Garrett, Kolowski, Smith, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixty-fourth day was approved.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 15, 2015, 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

Husch Blackwell LLP  
Nebraska Families Collaborative

**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>

**GENERAL FILE**

**LEGISLATIVE BILL 268.** Title read. Considered.

Committee AM754, found on page 876, was offered.

Senator McCoy withdrew his amendments, AM916, AM917, and AM918, found on page 895.

Senator Kintner withdrew and refiled his amendment, AM926, found on page 938.

Senator Kintner offered his amendment, AM990, found on page 1196, to the committee amendment.

**SPEAKER HADLEY PRESIDING**

Pending.

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 171, 172, 173, 175, 176, and 177 were adopted.

**SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 171, 172, 173, 175, 176, and 177.

**GENERAL FILE**

**LEGISLATIVE BILL 268.** The Kintner amendment, AM990, found on page 1196 and considered in this day's Journal, to the committee amendment, was renewed.

**SENATOR KRIST PRESIDING**

Senator Kintner withdrew his amendment.

Senator Kintner offered his amendment, AM991, found on page 1196, to the committee amendment.

Senator Kintner withdrew his amendment.

Senator Kintner withdrew his amendment, AM992, found on page 1196.

Committee AM754, found on page 876 and considered in this day's Journal, was renewed.

Senator Williams moved the previous question. The question is, "Shall the debate now close?"

Senator Williams moved for a call of the house. The motion prevailed with 43 ayes, 0 nays, and 6 not voting.

Senator Williams requested a roll call vote, in reverse order, on the motion to cease debate.

Voting in the affirmative, 33:

Baker	Crawford	Harr, B.	Krist	Nordquist
Bolz	Davis	Hilkemann	Larson	Schumacher
Campbell	Ebke	Howard	Lindstrom	Seiler
Chambers	Garrett	Johnson	McCollister	Sullivan
Coash	Haar, K.	Kintner	Mello	Williams
Cook	Hadley	Kolowski	Morfeld	
Craighead	Hansen	Kolterman	Murante	

Voting in the negative, 7:

Bloomfield	Friesen	Hughes	Watermeier
Brasch	Gloor	Scheer	

Present and not voting, 7:

Groene	McCoy	Schnoor	Stinner
Kuehn	Riepe	Smith	

Excused and not voting, 2:

Pansing Brooks Schilz

The motion to cease debate prevailed with 33 ayes, 7 nays, 7 present and not voting, and 2 excused and not voting.

Senator Kintner requested a roll call vote on the committee amendment.

Voting in the affirmative, 31:

Baker	Crawford	Harr, B.	Larson	Seiler
Bloomfield	Davis	Hilkemann	Lindstrom	Sullivan
Bolz	Ebke	Howard	McCollister	Williams
Campbell	Garrett	Johnson	Mello	
Chambers	Haar, K.	Kolowski	Morfeld	
Coash	Hadley	Kolterman	Nordquist	
Cook	Hansen	Krist	Schumacher	

Voting in the negative, 13:

Brasch	Gloor	Kintner	Riepe	Watermeier
Craighead	Groene	Kuehn	Scheer	
Friesen	Hughes	McCoy	Schnoor	

Present and not voting, 3:

Murante	Smith	Stinner
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Excused and not voting, 2:

Pansing Brooks Schilz

The committee amendment was adopted with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

Senator McCoy withdrew his motion, MO41, found on page 750, to indefinitely postpone.

Senator McCoy withdrew his amendments, AM720 and AM721, found on page 760.

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

Voting in the affirmative, 30:

Baker	Crawford	Hansen	Kolterman	Murante
Bolz	Davis	Harr, B.	Krist	Nordquist
Campbell	Ebke	Hilkemann	Lindstrom	Schumacher
Chambers	Garrett	Howard	McCollister	Seiler
Coash	Haar, K.	Johnson	Mello	Sullivan
Cook	Hadley	Kolowski	Morfeld	Williams

Voting in the negative, 13:

Brasch	Gloor	Kintner	Riepe	Watermeier
Craighead	Groene	Kuehn	Scheer	
Friesen	Hughes	McCoy	Schnoor	

Present and not voting, 4:

Bloomfield	Larson	Smith	Stinner
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Excused and not voting, 2:

Pansing Brooks Schilz

Advanced to Enrollment and Review Initial with 30 ayes, 13 nays, 4 present

and not voting, and 2 excused and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**  
Judiciary

**LEGISLATIVE BILL 483.** Placed on General File.

(Signed) Les Seiler, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 575.** Placed on General File with amendment.  
AM1276 is available in the Bill Room.

(Signed) John Murante, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Campbell filed the following amendment to LB547:  
AM1275

(Amendments to Standing Committee amendments, AM785)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new sections:
- 3 Section 1. Section 43-2621, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 43-2621 (1) Funds provided to the State of Nebraska pursuant to the
- 6 Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857 et
- 7 seq., as such act and sections existed on January 1, 2015, shall be used
- 8 to implement the Quality Child Care Act, except as provided in
- 9 subsections (3) and (4) of this section.
- 10 (2) The Legislature finds that the reservations and allocations
- 11 contained in subsections (3) and (4) of this section are made pursuant to
- 12 the 2014 reauthorization of such federal act. The Legislature also finds
- 13 that such reservations and allocations are designed to improve the
- 14 quality of child care services and increase parental options for, and
- 15 access to, high-quality child care and are in alignment with its
- 16 comprehensive system of child care and early education programs.
- 17 (3)(a)(i) Beginning October 1, 2015, the Department of Health and
- 18 Human Services shall increase its reservation of federal funds received
- 19 from the child care and development block grant under such federal act
- 20 from four percent to seven percent for activities relating to the quality
- 21 of child care services.
- 22 (ii) Beginning October 1, 2017, the department shall increase its
- 23 reservation of federal funds received from such block grant from seven
- 24 percent to eight percent for activities relating to the quality of child
- 25 care services.
- 26 (iii) Beginning October 1, 2019, the department shall increase its

1 reservation of federal funds received from such block grant from eight  
2 percent to nine percent for activities relating to the quality of child  
3 care services.  
4 (b) In addition to the percentages reserved in subdivision (3)(a) of  
5 this section for activities relating to the quality of child care  
6 services, beginning October 1, 2016, the department shall reserve three  
7 percent of the federal funds received from such block grant for  
8 activities relating to the quality of care for infants and toddlers.  
9 (4)(a)(i) Beginning October 1, 2015, the increase from four percent  
10 to seven percent in reservation of federal funds for activities relating  
11 to the quality of child care services described in subdivision (3)(a)(i)  
12 of this section shall be allocated for quality rating and improvement  
13 system incentives and support under the Step Up to Quality Child Care  
14 Act.  
15 (ii) Beginning October 1, 2017, the increase from seven to eight  
16 percent in the reservation of federal funds for activities relating to  
17 the quality of child care services described in subdivision (3)(a)(ii) of  
18 this section, plus the percentage allocated as described in subdivision  
19 (4)(a)(i) of this section, which together total four percent, shall be  
20 allocated for quality rating and improvement system incentives and  
21 support under the Step Up to Quality Child Care Act.  
22 (iii) Beginning October 1, 2019, the increase from eight percent to  
23 nine percent in the reservation of federal funds for activities relating  
24 to the quality of child care services described in subdivision (3)(a)  
25 (iii) of this section, plus the percentage allocated as described in  
26 subdivision (4)(a)(ii) of this section, which together total five  
27 percent, shall be allocated for quality rating and improvement system  
28 incentives and support under the Step Up to Quality Child Care Act.  
29 (iv) After the federal fiscal year beginning on October 1, 2019,  
30 five percent of federal funds provided to the State of Nebraska pursuant  
31 to the Child Care and Development Block Grant Act of 1990, 42 U.S.C. 9857  
1 et seq., as such act and sections existed on January 1, 2015, which have  
2 been reserved for activities relating to the quality of child care  
3 services as described in subdivision (3)(a)(iii) of this section, shall  
4 be allocated for quality rating and improvement system incentives and  
5 support under the Step Up to Quality Child Care Act.  
6 (b) Beginning October 1, 2016, the three-percent reservation of  
7 federal funds for activities relating to the quality of care for infants  
8 and toddlers described in subdivision (3)(b) of this section shall be  
9 allocated for providing grants to programs described in section  
10 79-1104.02 that enter into agreements with child care providers.  
11 (c) Funds distributed pursuant to this subsection shall comply with  
12 federal regulations contained in 45 C.F.R. 98.11, as such regulations  
13 existed on January 1, 2015.  
14 (d) Nothing in this section shall prohibit the Department of Health  
15 and Human Services from allocating additional percentages of the child  
16 care and development block grant or other dollar amounts for activities  
17 relating to the quality of child care services or the quality of care for  
18 infants and toddlers.

19 Sec. 2. Section 79-1104.02, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 79-1104.02 (1) The Early Childhood Education Endowment Cash Fund,  
22 consisting of the interest, earnings, and proceeds from the Early  
23 Childhood Education Endowment Fund and the earnings from the private  
24 endowment created by the endowment provider, funds transferred from the  
25 Education Innovation Fund pursuant to section 9-812, and any additional  
26 private donations made directly thereto, shall be used exclusively to  
27 provide funds for the Early Childhood Education Grant Program for at-risk  
28 children from birth to age three as set forth in this section.

29 (2) Grants provided by this section shall be to school districts and  
30 cooperatives of school districts for early childhood education programs  
31 for at-risk children from birth to age three, as determined by the board  
1 of trustees pursuant to criteria set forth by the board of trustees.

2 School districts and cooperatives of school districts may establish  
3 agreements with other public and private entities to provide services or  
4 operate programs.

5 (3) Each program selected for a grant pursuant to this section may  
6 be provided a grant for up to one-half of the total budget of such  
7 program per year. Programs selected for grant awards may receive  
8 continuation grants subject to the availability of funding and the  
9 submission of a continuation plan which meets the requirements of the  
10 board of trustees.

11 (4) Programs shall be funded across the state and in urban and rural  
12 areas to the fullest extent possible.

13 (5) Each program selected for a grant pursuant to this section shall  
14 meet the requirements described in subsection (2) of section 79-1103,  
15 except that the periodic evaluations of the program are to be specified  
16 by the board of trustees and the programs need not include continuity  
17 with programs in kindergarten and elementary grades and need not include  
18 instructional hours that are similar to or less than the instructional  
19 hours for kindergarten. The programs may continue to serve at-risk  
20 children who turn three years of age during the program year until the  
21 end of the program year, as specified by the board of trustees.

22 (6) The board of trustees may issue grants to early childhood  
23 education programs entering into agreements pursuant to subsection (2) of  
24 this section with child care providers, if the child care provider  
25 enrolls in the quality rating and improvement system described in the  
26 Step Up to Quality Child Care Act prior to the beginning of the initial  
27 grant period. Child care providers shall participate in training approved  
28 by the Early Childhood Training Center which is needed for participation  
29 or advancement in the quality rating and improvement system.

30 (7) The board of trustees shall require child care providers in  
31 programs receiving grants under this section to obtain a step three  
1 rating or higher on the quality scale described in section 71-1956 within  
2 three years of the starting date of the initial grant period to continue  
3 funding the program. The board of trustees shall require the child care  
4 provider to maintain a step three rating or higher on such quality scale  
5 after three years from the starting date of the initial grant period to

6 continue funding the program.  
 7 (8) If a child care provider fails to achieve or maintain a step  
 8 three rating or higher on the quality scale described in such section  
 9 after three years from the starting date of the initial grant period, the  
 10 child care provider shall obtain and maintain the step three rating on  
 11 such quality scale before any new or continuing grants may be issued for  
 12 programs in which such child care provider participates.  
 13 (9) Any school district entering into agreements pursuant to  
 14 subsection (2) of this section with child care providers must employ or  
 15 contract with, either directly or indirectly, a program coordinator  
 16 holding a certificate as defined in section 79-807.  
 17 (10) Up to ten percent of the total amount deposited in the Early  
 18 Childhood Education Endowment Cash Fund each fiscal year may be reserved  
 19 by the board of trustees for evaluation and technical assistance for the  
 20 Early Childhood Education Grant Program with respect to programs for at-  
 21 risk children from birth to age three.  
 22 Sec. 3. Original sections 43-2621 and 79-1104.02, Reissue Revised  
 23 Statutes of Nebraska, are repealed.

#### UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Cook - LB268

#### VISITORS

Visitors to the Chamber were 15 fourth-grade students and teachers from Trinity Lutheran School, Lincoln; 46 fourth-grade students and teachers from Pierce; 8 tenth- through twelfth-grade students and teacher from Osceola; 16 fourth-grade students and teacher from St. John the Baptist Elementary, Plattsmouth; and 25 fourth-grade students and teacher from St. Bonaventure, Columbus.

The Doctor of the Day was Dr. Frank Weirman from Lincoln.

#### ADJOURNMENT

At 1:08 p.m., on a motion by Senator Sullivan, the Legislature adjourned until 10:00 a.m., Monday, April 20, 2015.

Patrick J. O'Donnell  
 Clerk of the Legislature