

**FIFTY-FIRST DAY - MARCH 30, 2016**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 30, 2016

**PRAYER**

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

**ROLL CALL**

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

The roll was called and all members were present except Senators Coash, Davis, Hansen, McCoy, Morfeld, and Schilz who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fiftieth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 889.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 821.** Senator Chambers renewed his amendment, FA110, found on page 1313, to the committee amendment.

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, 2:

Cook Pansing Brooks

Voting in the negative, 33:

Baker	Fox	Hughes	McCoy	Smith
Bloomfield	Friesen	Johnson	Mello	Stinner
Brasch	Garrett	Kintner	Murante	Sullivan
Campbell	Gloor	Kolterman	Riepe	Watermeier
Craighead	Groene	Kuehn	Scheer	Williams
Davis	Hadley	Larson	Schnoor	
Ebke	Hilkemann	Lindstrom	Seiler	

Present and not voting, 10:

Bolz	Crawford	Harr, B.	Kolowski	McCollister
Chambers	Haar, K.	Howard	Krist	Schumacher

Excused and not voting, 4:

Coash	Hansen	Morfeld	Schilz
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The Chambers amendment lost with 2 ayes, 33 nays, 10 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO241

Reconsider the vote taken on FA110.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 37:

Baker	Davis	Hadley	Larson	Seiler
Bloomfield	Ebke	Harr, B.	Lindstrom	Smith
Bolz	Fox	Hilkemann	McCollister	Stinner
Brasch	Friesen	Hughes	McCoy	Watermeier
Campbell	Garrett	Johnson	Murante	Williams
Coash	Gloor	Kintner	Riepe	
Cook	Groene	Krist	Schnoor	
Crawford	Haar, K.	Kuehn	Schumacher	

Present and not voting, 4:

Howard          Kolowski          Morfeld          Pansing Brooks

Excused and not voting, 7:

Craighead      Kolterman      Scheer          Sullivan  
Hansen          Mello          Schilz

The Chambers motion to reconsider failed with 1 aye, 37 nays, 4 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA111

Amend AM2210

Page 1, line 8 after "employee" insert ", including an employee who is lesbian, gay, bisexual, or transgender".

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 1 nay, and 29 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 1:

Cook

Voting in the negative, 35:

Baker	Friesen	Hilkemann	Larson	Schnoor
Bloomfield	Garrett	Hughes	Lindstrom	Seiler
Brasch	Gloor	Johnson	McCollister	Smith
Campbell	Groene	Kintner	McCoy	Stinner
Davis	Haar, K.	Kolterman	Murante	Sullivan
Ebke	Hadley	Krist	Riepe	Watermeier
Fox	Harr, B.	Kuehn	Scheer	Williams

Present and not voting, 8:

Bolz              Crawford      Kolowski      Pansing Brooks  
Chambers      Howard      Morfeld      Schumacher

Excused and not voting, 5:

Coash          Craighead          Hansen          Mello          Schilz

The Chambers amendment lost with 1 aye, 35 nays, 8 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following motion:

MO242

Reconsider the vote taken on FA111.

**SPEAKER HADLEY PRESIDING**

Pending.

**SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR547 was referred to the Reference Committee.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR547	Executive Board

(Signed) Bob Krist, Chairperson  
Executive Board

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 606.** Introduced by Bolz, 29.

WHEREAS, Al Borchardt founded Midland Medical Supply Company on April 1, 1970, as a partnership between himself and a group of Lincoln physicians; and

WHEREAS, for over 40 years, Mr. Borchardt has been a strong force in the business of medical and surgical products distribution; and

WHEREAS, Midland Medical is currently the only independently owned and operated medical and surgical supply distributor located in Nebraska; and

WHEREAS, Mr. Borchardt has worked to strengthen independent ownership in medical products distribution while serving as a member of the board of directors of the Health Industry Distributors Association and the Independent Medical Co-Op; and

WHEREAS, Mr. Borchardt has given back to the Lincoln community as a member of Sesostriis Shrine; and

WHEREAS, Mr. Borchardt will be retiring from Midland Medical on May 1, 2016.

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

1. That the Legislature congratulates Al Borchardt on the success of Midland Medical Supply Company and wishes him a happy retirement after his many years of service in the medical and surgical products distribution business.

2. That a copy of this resolution be sent to Al Borchardt.

Laid over.

**LEGISLATIVE RESOLUTION 607.** Introduced by Cook, 13.

WHEREAS, Tuesday, April 12, symbolizes the date in 2016 when the wages paid to American women catch up to the wages paid to men during the previous year; and

WHEREAS, Equal Pay Day has been observed annually since 1996; and

WHEREAS, more than 50 years after the passage of the Equal Pay Act, women, especially minority women, continue to suffer the consequences of unequal pay; and

WHEREAS, nearly four in ten mothers are the primary breadwinners in their households, and nearly two-thirds are primary or significant earners, making pay equity critical to families' economic security; and

WHEREAS, fair pay strengthens the security of families today and eases future retirement costs while enhancing the American economy.

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

1. That the Legislature designates April 12, 2016, as Equal Pay Day in Nebraska.

Laid over.

**LEGISLATIVE RESOLUTION 608.** Introduced by Mello, 5.

WHEREAS, the South Omaha Mural Project aims to create ten murals in South Omaha that represent the cultural traditions of South Omaha and honor the different ethnic groups that settled in South Omaha; and

WHEREAS, the South Omaha Mural Project is a collaboration by the Nebraska Arts Council, the South Omaha Business Association, artists, teachers, apprentices, and others; and

WHEREAS, the South Omaha Mural Project brings beauty to South Omaha's neighborhoods, highlights the cultural values of South Omaha's residents, and limits graffiti in its buildings and neighborhoods; and

WHEREAS, the South Omaha Mural Project is representative of the inclusive and diverse history of South Omaha.

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

1. That the Legislature finds that the South Omaha Mural Project enriches the State of Nebraska by presenting history through art and collaboration.
2. That the Legislature finds that the South Omaha Mural Project will have a lasting cultural impact on the City of Omaha and the State of Nebraska.
3. That a copy of this resolution be sent to the South Omaha Business Association and the Nebraska Arts Council.

Laid over.

**LEGISLATIVE RESOLUTION 609.** Introduced by Mello, 5; Smith, 14.

WHEREAS, the people of the State of Nebraska have enjoyed a well-established economic partnership with the people of the Republic of China (Taiwan); and

WHEREAS, beginning in 2014, Taiwan became Nebraska's eleventh largest import partner; and

WHEREAS, in 2014, Taiwan also became Nebraska's eleventh largest export partner, with \$119.6 million of Nebraska-based exports; and

WHEREAS, in 2013, the State of Nebraska embarked on a trade mission to Taiwan that led to a trade agreement for approximately \$400 million of Nebraska corn, soybeans, and wheat to be sold to Taiwan; and

WHEREAS, similar trade agreements between the State of Nebraska and Taiwan were signed in 2007 and 2010 that each resulted in nearly \$500 million in executed sales of Nebraska corn, soybeans, and wheat; and

WHEREAS, in 2015, Taiwan became the United States' tenth largest global trading partner and is the seventh largest export market for American agricultural products; and

WHEREAS, in 2015, the United States became Taiwan's second largest trading partner; and

WHEREAS, the United States and Taiwan continue to develop cultural and educational partnerships with universities, colleges, state economic development and agriculture agencies, state legislators, and chambers of commerce.

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

1. That the Legislature acknowledges the rich history of friendship and commerce between the State of Nebraska and Taiwan.
2. That copies of this resolution be sent to the Director General of the Taipei Economic and Cultural Office in Denver, Colorado and to the Secretary of State.

Laid over.

**LEGISLATIVE RESOLUTION 610.** Introduced by Stinner, 48.

WHEREAS, Andres Canales and Cole Kramer, members of Troop 17 of Gering, have 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 their scouting experience, Andres and Cole have 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, 13 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, Andres and Cole, through their hard work and perseverance, have joined other high achievers who are Eagle Scouts, such as astronauts, leaders of government and industry, artists, scientists, and athletes.

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

1. That the Legislature congratulates Andres Canales and Cole Kramer on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Andres Canales and Cole Kramer.

Laid over.

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

Senator Smith filed the following amendment to LB958:  
AM2775 is available in the Bill Room.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 465.** Placed on Final Reading.

**LEGISLATIVE BILL 465A.** Placed on Final Reading.

**LEGISLATIVE BILL 742.** Placed on Final Reading.

ST80

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

1. The following new section has been inserted:

Sec. 10. Section 23-2517, Reissue Revised Statutes of Nebraska, is amended to read:

23-2517 (1) Sections 23-2517 to 23-2533 and section 12 of this act shall be known and may be cited as the County Civil Service Act.

(2) The general purpose of the County Civil Service Act is to establish a system of personnel administration that meets the social, economic, and program needs of county offices. This system shall provide means to recruit, select, develop and maintain an effective and responsive work force, and shall include policies and procedures for employee hiring and advancement, training and career development, position classification, salary administration, fringe benefits, discharge and other related activities. All appointments and promotions under the County Civil Service Act shall be made based on merit and fitness.

2. On page 1, line 2; and page 33, line 19, "23-2517," has been inserted after "23-2503,".

3. The remaining sections have been renumbered accordingly.

**LEGISLATIVE BILL 837.** Placed on Final Reading.

**LEGISLATIVE BILL 1083.** Placed on Final Reading.

**LEGISLATIVE BILL 1083A.** Placed on Final Reading.

(Signed) Matt Hansen, Chairperson

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR547

(Signed) Bob Krist, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 889A.** Introduced by Mello, 5.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 889, One Hundred Fourth Legislature, Second Session, 2016.

**GENERAL FILE**

**LEGISLATIVE BILL 959.** Title read. Considered.

Committee AM2622, found on page 1075, was offered.



Senator Sullivan offered her amendment, AM2771, found on page 1298, to the committee amendment.

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

Senator Sullivan offered her amendment, AM2692, found on page 1298, to the committee amendment.

The Sullivan amendment lost with 2 ayes, 26 nays, 19 present and not voting, and 2 excused and not voting.

Pending.

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

Senator Campbell filed the following amendment to LB746A:  
AM2782

(Amendments to Final Reading copy)

1 1. Insert the following new sections:

2 Sec. 3. Laws 2015, LB657, section 10, is amended to read:

3 Sec. 10. AGENCY NO. 3 — LEGISLATIVE COUNCIL

4 Program No. 122 - Legislative Services

5	FY2015-16	FY2016-17
6 GENERAL FUND	9,271,131	9,574,405
7 <u>CASH FUND</u>	<u>60,000</u>	<u>70,000</u>
8 <del>CASH FUND</del>	<del>130,000</del>	<del>130,000</del>
9 FEDERAL FUND est.	39,270	39,270
10 <u>PROGRAM TOTAL</u>	<u>9,370,401</u>	<u>9,683,675</u>
11 <del>PROGRAM TOTAL</del>	<del>9,440,401</del>	<del>9,743,675</del>
12 SALARY LIMIT	6,834,905	7,047,126

13 There is included in the appropriation to this program for FY2015-16  
14 \$5,000 ~~\$75,000~~ Cash Funds and for FY2016-17 \$15,000 ~~\$75,000~~ Cash Funds  
15 from the Nebraska Health Care Cash Fund for the purpose of ongoing  
16 health-related research and public policy development by the Health and  
17 Human Services Committee of the Legislature. Such funds may be used for,  
18 but shall not be limited to, hiring temporary legal research assistance,  
19 consulting and research contracts, reimbursement for necessary and  
20 appropriate expenses incurred in connection with such research and policy  
21 development, and actual and necessary travel reimbursement for task  
22 forces and committees established to conduct health policy work.  
23 The unexpended General Fund appropriation balance existing on June  
24 30, 2015, is hereby reappropriated.

25 Sec. 4. Original Laws 2015, LB657, section 10, is repealed.

26 2. On page 2, after line 15 insert:

1 "The unexpended General Fund appropriation balance existing on June

2 30, 2016, is hereby reappropriated.".

3 3. Renumber the remaining section accordingly.

4 4. On page 1, line 1, after the semicolon insert "to amend Laws

5 2015, LB657, section 10;"; and in line 3 after the semicolon insert "to  
6 change an appropriation; to repeal the original section;".

### EASE

The Legislature was at ease from 11:59 a.m. until 12:25 p.m.

### SENATOR COASH PRESIDING

#### GENERAL FILE

**LEGISLATIVE BILL 959.** Senator Friesen offered the following amendment to the committee amendment:

AM2772

(Amendments to Standing Committee amendments, AM2622)

1 1. Insert the following new section:

2 Sec. 8. Section 79-1022, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 79-1022 (1) On or before April 10, 2014, and on or before March 1 of  
5 each year thereafter for each ensuing fiscal year, the department shall  
6 determine the amounts to be distributed to each local system and each  
7 district for the ensuing school fiscal year pursuant to the Tax Equity  
8 and Educational Opportunities Support Act and shall certify the amounts  
9 to the Director of Administrative Services, the Auditor of Public  
10 Accounts, each learning community, and each district. The amounts to be  
11 distributed to each local system under this subsection shall be equal to  
12 at least five hundred dollars per formula student for school fiscal year  
13 2017-18, one thousand five hundred dollars per formula student for school  
14 fiscal year 2018-19, two thousand five hundred dollars per formula  
15 student for school fiscal year 2019-20, three thousand five hundred  
16 dollars per formula student for school fiscal year 2020-21, and four  
17 thousand five hundred dollars per formula student for school fiscal year  
18 2021-22 and each school fiscal year thereafter. The amount to be  
19 distributed to each district that is not a member of a learning community  
20 from the amount certified for a local system shall be proportional based  
21 on the formula students attributed to each district in the local system.  
22 The amount to be distributed to each district that is a member of a  
23 learning community from the amount certified for the local system shall  
24 be proportional based on the formula needs calculated for each district  
25 in the local system. On or before April 10, 2014, and on or before March  
26 1 of each year thereafter for each ensuing fiscal year, the department  
1 shall report the necessary funding level for the ensuing school fiscal  
2 year to the Governor, the Appropriations Committee of the Legislature,  
3 and the Education Committee of the Legislature. The report submitted to  
4 the committees of the Legislature shall be submitted electronically.  
5 Except as otherwise provided in this subsection, certified state aid  
6 amounts, including adjustments pursuant to section 79-1065.02, shall be  
7 shown as budgeted non-property-tax receipts and deducted prior to  
8 calculating the property tax request in the district's general fund

9 budget statement as provided to the Auditor of Public Accounts pursuant  
 10 to section 79-1024.  
 11 (2) Except as provided in this subsection, subsection (8) of section  
 12 79-1016, and sections 79-1033 and 79-1065.02, the amounts certified  
 13 pursuant to subsection (1) of this section shall be distributed in ten as  
 14 nearly as possible equal payments on the last business day of each month  
 15 beginning in September of each ensuing school fiscal year and ending in  
 16 June of the following year, except that when a school district is to  
 17 receive a monthly payment of less than one thousand dollars, such payment  
 18 shall be one lump-sum payment on the last business day of December during  
 19 the ensuing school fiscal year.  
 20 2. Renumber the remaining sections, correct internal references, and  
 21 correct the repealer accordingly.

#### **SPEAKER HADLEY PRESIDING**

Senator Friesen withdrew his amendment.

Committee AM2622, found on page 1075 and considered in this day's  
 Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 28 ayes, 0 nays,  
 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present  
 and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 1067.** Title read. Considered.

Senator Krist offered his amendment, AM2549, found on page 1262.

#### **SENATOR COASH PRESIDING**

Pending.

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

Senator Johnson filed the following amendment to LB958:  
 AM2786

(Amendments to Standing Committee amendments, AM2717)

1 1. Insert the following new section:  
 2 Sec. 3. Section 77-1301, Revised Statutes Cumulative Supplement,  
 3 2014, is amended to read:  
 4 77-1301 (1) All real property in this state subject to taxation  
 5 shall be assessed as of January 1 at 12:01 a.m., which assessment shall  
 6 be used as a basis of taxation until the next assessment. For the  
 7 assessment occurring on January 1, 2016, the assessed value for all real  
 8 property in this state subject to taxation shall be the same as the  
 9 property's assessed value on January 1, 2015, except that for any

10 property that was improved after January 1, 2015, as determined by the  
 11 county assessor, the assessed value for such property shall add the value  
 12 of any such improvement.

13 (2) Beginning January 1, 2014, in any county with a population of at  
 14 least one hundred fifty thousand inhabitants according to the most recent  
 15 federal decennial census, the county assessor shall provide notice of  
 16 preliminary valuations to real property owners on or before January 15 of  
 17 each year. Such notice shall be (a) mailed to the taxpayer or (b)  
 18 published on a web site maintained by the county assessor or by the  
 19 county.

20 (3) The county assessor shall complete the assessment of real  
 21 property on or before March 19 of each year, except beginning January 1,  
 22 2014, in any county with a population of at least one hundred fifty  
 23 thousand inhabitants according to the most recent federal decennial  
 24 census, the county assessor shall complete the assessment of real  
 25 property on or before March 25 of each year.

26 2. Renumber the remaining sections and correct the repealer  
 1 accordingly.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 959A.** Introduced by Sullivan, 41.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 959, One Hundred Fourth Legislature, Second Session, 2016; and to declare an emergency.

### **SPEAKER'S ANNOUNCEMENT**

Pursuant to Rule 4, Section 8, LR601 was referred to the Reference Committee.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LR601	Executive Board

(Signed) Bob Krist, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING(S)**

Executive Board

Room 2102

Wednesday, April 6, 2016 12:00 p.m.

LR601

(Signed) Bob Krist, Chairperson

**GENERAL FILE****LEGISLATIVE BILL 1067.** Senator Krist offered the following motion:

MO243

Bracket until April 20, 2016.

Senator Murante moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 2 nays, and 20 not voting.

The Krist motion to bracket failed with 0 ayes, 38 nays, 9 present and not voting, and 2 excused and not voting.

The Krist amendment, AM2549, found on page 1262 and considered in this day's Journal, was renewed.

**SPEAKER HADLEY PRESIDING****PRESIDENT FOLEY PRESIDING**

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

Senator Krist requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 16:

Baker	Davis	Kolowski	Morfeld
Bolz	Gloor	Krist	Pansing Brooks
Campbell	Haar, K.	Lindstrom	Schumacher
Cook	Hansen	Mello	Seiler

Voting in the negative, 22:

Brasch	Garrett	Kintner	Murante	Sullivan
Coash	Groene	Kolterman	Scheer	Watermeier
Crawford	Hilkemann	Kuehn	Schilz	
Ebke	Hughes	McCollister	Schnoor	
Friesen	Johnson	McCoy	Smith	

Present and not voting, 9:

Bloomfield	Fox	Harr, B.	Riepe	Williams
Craighead	Hadley	Howard	Stinner	

Excused and not voting, 2:

Chambers      Larson

The Krist amendment lost with 16 ayes, 22 nays, 9 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 835.** Placed on Select File with amendment.  
ER235 is available in the Bill Room.

**LEGISLATIVE BILL 686.** Placed on Select File.

**LEGISLATIVE BILL 1098.** Placed on Select File.

**LEGISLATIVE BILL 1098A.** Placed on Select File.

**LEGISLATIVE BILL 1000.** Placed on Select File with amendment.

ER236

1 1. In the Standing Committee amendments, AM2704, on page 2, lines 5  
2 and 12, strike the comma.  
3 2. On page 1, strike beginning with the second "to" in line 1  
4 through line 6 and insert "to amend sections 29-1404, 29-1406,  
5 29-1407.01, and 29-1420, Reissue Revised Statutes of Nebraska, and  
6 section 29-1401, Revised Statutes Cumulative Supplement, 2014; to provide  
7 for adoption of policies relating to body-worn cameras and eyewitness  
8 suspect identifications; to provide and change provisions relating to  
9 grand juries; to harmonize provisions; and to repeal the original  
10 sections."

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 1067.** Senator Sullivan offered the following amendment:

AM2781

1 1. Insert the following new section:

2 Sec. 32. Section 79-1007.06, Revised Statutes Supplement, 2015, is  
3 amended to read:

4 79-1007.06 (1) ~~The For school fiscal year 2008-09 and each school~~  
5 ~~fiscal year thereafter,~~ the department shall determine the poverty  
6 allowance for each school district that meets the requirements of this  
7 section and section 79-1007.07. Each school district shall designate a  
8 maximum poverty allowance on a form prescribed by the department on or  
9 before October 15 of the school fiscal year immediately preceding the  
10 school fiscal year for which aid is being calculated. The school district  
11 may decline to participate in the poverty allowance by providing the  
12 department with a maximum poverty allowance of zero dollars on such form  
13 on or before October 15 of the school fiscal year immediately preceding  
14 the school fiscal year for which aid is being calculated. Each school  
15 district designating a maximum poverty allowance greater than zero  
16 dollars shall submit a poverty plan pursuant to section 79-1013.

17 (2) ~~For school fiscal years prior to school fiscal year 2019-20, the~~  
18 ~~The~~ poverty allowance for each school district shall equal the lesser of:

19 (a) The maximum amount designated pursuant to subsection (1) of this  
20 section by the school district in the local system, if such school  
21 district designated a maximum amount, for the school fiscal year for  
22 which aid is being calculated; or

23 (b) The sum of:

24 (i) The statewide average general fund operating expenditures per  
25 formula student multiplied by 0.0375 then multiplied by the poverty  
26 students comprising more than five percent and not more than ten percent  
27 of the formula students in the school district; plus

1 (ii) The statewide average general fund operating expenditures per  
2 formula student multiplied by 0.0750 then multiplied by the poverty  
3 students comprising more than ten percent and not more than fifteen  
4 percent of the formula students in the school district; plus

5 (iii) The statewide average general fund operating expenditures per  
6 formula student multiplied by 0.1125 then multiplied by the poverty  
7 students comprising more than fifteen percent and not more than twenty  
8 percent of the formula students in the school district; plus

9 (iv) The statewide average general fund operating expenditures per  
10 formula student multiplied by 0.1500 then multiplied by the poverty  
11 students comprising more than twenty percent and not more than twenty-  
12 five percent of the formula students in the school district; plus

13 (v) The statewide average general fund operating expenditures per  
14 formula student multiplied by 0.1875 then multiplied by the poverty  
15 students comprising more than twenty-five percent and not more than  
16 thirty percent of the formula students in the school district; plus

17 (vi) The statewide average general fund operating expenditures per

18 formula student multiplied by 0.2250 then multiplied by the poverty  
19 students comprising more than thirty percent of the formula students in  
20 the school district.

21 (3) For school fiscal year 2019-20 and each school fiscal year  
22 thereafter, the poverty allowance for each school district shall equal  
23 the lesser of:

24 (a) The maximum amount designated pursuant to subsection (1) of this  
25 section by the school district in the local system, if such school  
26 district designated a maximum amount, for the school fiscal year for  
27 which aid is being calculated; or

28 (b) The sum of:

29 (i) The statewide average general fund operating expenditures per  
30 formula student multiplied by 0.0375 then multiplied by the poverty  
31 students comprising more than five percent and not more than ten percent  
1 of the formula students in the school district; plus

2 (ii) The statewide average general fund operating expenditures per  
3 formula student multiplied by 0.0750 then multiplied by the poverty  
4 students comprising more than ten percent and not more than fifteen  
5 percent of the formula students in the school district; plus

6 (iii) The statewide average general fund operating expenditures per  
7 formula student multiplied by 0.1125 then multiplied by the poverty  
8 students comprising more than fifteen percent and not more than twenty  
9 percent of the formula students in the school district; plus

10 (iv) The statewide average general fund operating expenditures per  
11 formula student multiplied by 0.1500 then multiplied by the poverty  
12 students comprising more than twenty percent and not more than twenty-  
13 five percent of the formula students in the school district; plus

14 (v) The statewide average general fund operating expenditures per  
15 formula student multiplied by 0.1875 then multiplied by the poverty  
16 students comprising more than twenty-five percent and not more than  
17 thirty percent of the formula students in the school district; plus

18 (vi) The statewide average general fund operating expenditures per  
19 formula student multiplied by 0.2250 then multiplied by the poverty  
20 students comprising more than thirty percent and not more than forty  
21 percent of the formula students in the school district; plus

22 (vii) The statewide average general fund operating expenditures per  
23 formula student multiplied by 0.2450 then multiplied by the poverty  
24 students comprising more than forty percent of the formula students in  
25 the school district.

26 (4) For school fiscal year 2017-18, each school district with  
27 poverty students comprising more than forty percent of the formula  
28 students in the school district shall have a poverty allowance adjustment  
29 calculated equal to the statewide average general fund operating  
30 expenditures per formula student multiplied by 0.0125 then multiplied by  
31 the difference of the poverty students minus forty percent of the formula  
1 students for such school district.

2 (5) For school fiscal year 2018-19, each school district with  
3 poverty students comprising more than forty percent of the formula  
4 students in the school district shall have a poverty allowance adjustment



5 calculated equal to the statewide average general fund operating  
6 expenditures per formula student multiplied by 0.0200 then multiplied by  
7 the difference of the poverty students minus forty percent of the formula  
8 students for such school district.  
9 2. On page 60, line 19, strike "five" and insert "two"; and in line  
10 20 after "79-1007.06" insert "plus two percent of the limited English  
11 proficiency allowance calculated pursuant to section 79-1007.08".  
12 3. On page 62, line 16, after "allowance," insert "poverty allowance  
13 adjustment.".  
14 4. On page 71, line 8, strike "2019-20" and insert "2018-19"; in  
15 lines 15 and 19 before "district" insert "individual"; in lines 26 and 27  
16 strike "local" through "79-1015.01" and insert "allocated income tax  
17 funds calculated pursuant to section 79-1005.01"; in line 29 after  
18 "total" insert "equalization plus allocated income taxes"; and in line 30  
19 after "total" insert "equalization plus allocated income taxes".  
20 5. On page 72, line 1, after "total" insert "equalization plus  
21 allocated income taxes"; in line 2 after "(e)" insert "Dividing the  
22 difference of the formula need for the individual member district minus  
23 the share of the aggregate total equalization plus allocated income taxes  
24 minus the individual member district net option funding by the difference  
25 of the aggregate total formula need for all member school districts minus  
26 the aggregate total equalization plus allocated income taxes minus the  
27 aggregate total net option funding for all member school districts to  
28 determine the member school district share of unmet formula need;  
29 (f) Multiplying the aggregate yield from local effort rate for all  
30 member school districts by the member school district share of unmet  
31 formula need to determine the member school district share of common levy  
1 yield from local effort rate;  
2 (g) Adding the member school district share of the aggregate total  
3 equalization plus allocated income taxes to the member school district  
4 share of the common levy yield from local effort rate to determine the  
5 individual common levy total for the member school district;  
6 (h)" and before "equalization" insert "individual"; in line 3 strike  
7 "for the member school district" and insert "and allocated income tax  
8 funds calculated pursuant to section 79-1005.01"; in line 5 before  
9 "comparison" insert "individual"; in line 6 strike "(f)" and insert  
10 "(i)", before "comparison" insert "individual", and before "member"  
11 "insert individual common levy total for"; in line 7 strike "share of the  
12 aggregate total"; in line 10 strike "(g)" and insert "(j)"; in lines 10  
13 and 11 strike "seventy-five" through "2017-18,"; in line 12 strike  
14 "2018-19," and insert "2017-18" and strike "2019-20" and insert  
15 "2018-19".  
16 6. Renumber the remaining sections and correct the repealer  
17 accordingly.

Senator Crawford offered the following amendment to the Sullivan amendment:

AM2787

(Amendments to AM2781)

- 1 1. Strike amendments 1 and 6.
- 2 2. On page 4, line 9, strike "and"; and in line 11 after the final
- 3 quotation mark insert "; and in line 25 after the period insert 'In
- 4 school fiscal year 2017-18, the new community achievement plan adjustment
- 5 paid to all eligible districts shall not exceed in the aggregate two
- 6 million dollars. In school fiscal year 2018-19, such adjustment paid to
- 7 all eligible districts shall not exceed in the aggregate two million
- 8 dollars. In school fiscal year 2019-20 and each school fiscal year
- 9 thereafter, such adjustment paid to eligible districts shall not exceed
- 10 in the aggregate three million dollars. If the adjustment exceeds the
- 11 aggregate allowed, each district shall receive a distribution equal to
- 12 its proportional share of limited English proficiency allowance and the
- 13 poverty allowance calculations for all eligible school districts.'".
- 14 3. On page 5, strike beginning with the first "in" in line 12
- 15 through line 15 and insert "and strike lines 10 through 14 and insert
- 16 '(j) The transition difference shall be the difference
- 17 proportionally distributed to districts not to exceed two million dollars
- 18 in school fiscal year 2017-18 and not to exceed five hundred thousand
- 19 dollars in school fiscal year 2018-19.'".
- 20 4. Renumber the remaining amendments accordingly.

Senator Crawford withdrew her amendment.

The Sullivan amendment was adopted with 37 ayes, 0 nays, 11 present and not voting, and 1 excused and not voting.

Senator Groene offered the following amendment:

AM2778

- 1 1. Strike original sections 29, 31, 32, 39, 54, 55, and 61 and
- 2 insert the following new section:
- 3 Sec. 52. Section 79-2103, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 79-2103 The State Department of Education shall provide learning
- 6 community funds to learning communities pursuant to this section.
- 7 Learning community funds shall be distributed to each qualified learning
- 8 community on or before January 30 of the school fiscal year during which
- 9 the learning community is established and on or before September 15 of
- 10 each school fiscal year thereafter in an amount equal to the product of
- 11 the ratio of the amount appropriated for learning community funds divided
- 12 by the sum of the number of formula students in all learning communities
- 13 that will be established during such fiscal year plus two times the
- 14 number of formula students in all other learning communities for the
- 15 calculation of state aid for member school districts for such school
- 16 fiscal year multiplied by the number of such formula students in the
- 17 learning community for learning communities that will be established in

18 such school fiscal year or two times the number of such formula students  
 19 for all other learning communities. It is the intent of the Legislature  
 20 to appropriate for each fiscal year up to an amount equal to three  
 21 million five hundred thousand dollars for each learning community to be  
 22 established in such fiscal year plus one million dollars for each  
 23 learning community that will be in the first full fiscal year for such  
 24 learning community in such fiscal year plus the amount appropriated in  
 25 the prior year for all other learning communities increased by the basic  
 26 allowable growth rate described in section 79-1025.

27 2. On page 69, strike beginning with "community" in line 12 through  
 1 the comma in line 13.

2 3. On page 73, line 16, strike "and section 31 of this act".

3 4. On page 97, strike lines 28 through 31.

4 5. On page 98, strike line 1; in line 2 strike "(5)", show as  
 5 stricken, and insert "(4)"; in line 5 strike "(6)", show as stricken, and  
 6 insert "(5)"; in line 7 strike "(7)", show as stricken, and insert "(6)";  
 7 in line 11 strike "(8)", show as stricken, and insert "(7)"; in line 16  
 8 strike "(9)", show as stricken, and insert "(8)"; in line 20 strike  
 9 "(10)", show as stricken, and insert "(9)"; in line 25 strike "(11)",  
 10 show as stricken, and insert "(10)"; in line 27 strike "(12)", show as  
 11 stricken, and insert "(11)"; and in line 29 strike "(13)", show as  
 12 stricken, and insert "(12)".

13 6. On page 99, line 1, strike "(14)", show as stricken, and insert  
 14 "(13)"; in line 3 strike "(15)", show as stricken, and insert "(14)"; in  
 15 line 8 strike "(16)", show as stricken, and insert "(15)"; in line 12  
 16 strike "(17)", show as stricken, and insert "(16)"; in line 16 strike  
 17 "(18)", show as stricken, and insert "(17)"; strike lines 25 through 27  
 18 and show the old matter as stricken; and in line 28 strike "(2)", show as  
 19 stricken, and insert "(1)".

20 7. On page 100, line 1, strike "3" and insert "2"; in line 3, strike  
 21 "4" and insert "3"; in line 7 strike "5" and insert "4"; and in line 12  
 22 strike "the community achievement plan".

23 8. On page 110, strike beginning with the last "and" in line 7  
 24 through "plan" in line 8.

25 9. Renumber the remaining sections and correct the repealer  
 26 accordingly.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8  
 present and not voting.

**LEGISLATIVE BILL 1067A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, and 11  
 present and not voting.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 884.** Placed on Select File with amendment.  
ER237

1 1. On page 1, strike beginning with “political” in line 1 through  
2 line 8 and insert “revenue and taxation; to amend sections 13-2603,  
3 13-2604, 13-2605, 13-2609, 13-3102, 13-3103, 13-3104, and 13-3106,  
4 Reissue Revised Statutes of Nebraska, sections 13-2709, 77-908, 77-2717,  
5 77-2734.03, and 77-3806, Revised Statutes Cumulative Supplement, 2014,  
6 and sections 13-2610, 13-3108, and 77-2715.07, Revised Statutes  
7 Supplement, 2015; to change provisions of the Convention Center Facility  
8 Financing Assistance Act and the Sports Arena Facility Financing  
9 Assistance Act; to adopt the Affordable Housing Tax Credit Act; to  
10 harmonize provisions; to provide operative dates; and to repeal the  
11 original sections.”.

(Signed) Matt Hansen, Chairperson

**MESSAGE(S) FROM THE GOVERNOR**

March 30, 2016

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 83, 447e, 447Ae, 698e, 698Ae, 704, 710, 730,  
772e, 794, 817, 857, 897, 906, 956e, 957e, 981e, 1009e, 1059, 1081, 1082,  
1082A, 1092, and 1109 were received in my office on March 24, 2016.

These bills were signed and delivered to the Secretary of State on March  
30, 2016.

Sincerely,  
(Signed) Pete Ricketts  
Governor

March 30, 2016

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

Dear Mr. President, Mr. Speaker, and Members of the Legislature:

I have reviewed LB 956e and LB 957e which comprise the 104th  
Legislature's mid-biennium adjustments to the previously enacted two year

budget for Nebraska state government. In the 2015 legislative session, we worked together to establish a state budget that cut spending growth from 6.5% to 3.5%.

The mid-biennium budget process provides an opportunity to address critical situations that cannot be managed within existing appropriations enacted during the first legislative session. I am concerned that LB 956e and LB 957e contain some items that expand non-critical services, replace the loss of federal funds, or attempt to advantage certain organizations in future biennial budgets. For example, I am concerned the adjustments arbitrarily included another \$1 million for community colleges at a time when their taxes levied increased over 10% last year alone and the average annual increase is 12.91% for the last decade. Furthermore, this is not appropriate for a mid-biennium adjustment, which is intended for urgent requests. Additionally, as worthy as the ACE scholarship program may be, in principle I oppose replacing lost federal dollars with state dollars. Moreover, this budget also includes intent language to appropriate an additional \$5 million for the Cultural Preservation Endowment Fund in the coming years. With sales tax receipts declining, I would not consider this funding a priority, especially considering the Legislature has increased this endowment 60% in the last few years. While I have concerns about these items, I recognize that the Appropriations Committee and the Legislature has made its mid-biennium budget adjustments at the same overall 3.5% spending target of the current enacted budget.

I thank you for working with me to address the \$124 million downward revision in General Fund tax receipt forecasts, however, we must remain vigilant as we start to prepare the next biennium budget. Three percent spending growth will be my target for the next biennium.

I have signed LB 956e and LB 957e as presented to me and look forward to working with you to address the remaining business of the 104th Legislature including delivering much-needed property tax relief.

Sincerely,  
(Signed) Pete Ricketts  
Governor

#### **GENERAL FILE**

**LEGISLATIVE BILL 821.** The Chambers motion, MO242, found in this day's Journal, to reconsider the vote taken on FA111, was renewed.

Senator Chambers moved for a call of the house. The motion prevailed with 23 ayes, 1 nay, and 25 not voting.

Senator Chambers requested a roll call vote on the motion to reconsider.

Voting in the affirmative, 2:

Chambers      Pansing Brooks

Voting in the negative, 45:

Baker	Ebke	Harr, B.	Kuehn	Schilz
Bloomfield	Fox	Hilkemann	Larson	Schnoor
Bolz	Friesen	Howard	Lindstrom	Schumacher
Brasch	Garrett	Hughes	McCollister	Seiler
Campbell	Gloor	Johnson	McCoy	Smith
Coash	Groene	Kintner	Mello	Stinner
Craighead	Haar, K.	Kolowski	Murante	Sullivan
Crawford	Hadley	Kolterman	Riepe	Watermeier
Davis	Hansen	Krist	Scheer	Williams

Present and not voting, 1:

Morfeld

Excused and not voting, 1:

Cook

The Chambers motion to reconsider failed with 2 ayes, 45 nays, 1 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment to the committee amendment:

FA112

Amend AM2210

Page 1, line 7 strike "form of discrimination" and insert "action".

#### **SPEAKER HADLEY PRESIDING**

Senator Chambers withdrew his amendment.

Senator Larson offered the following amendment to the committee amendment:

FA113

Amend AM2210

On page 1, line 7, strike "form of discrimination" and insert "act", and on line 8, place a period after "employment", and strike the word "including" through the word "employment" in line 11.

The Larson amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Committee AM2210, found on page 678 and considered on page 1311, as amended, was renewed.

The committee amendment, as amended, was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 1 nay, and 8 present and not voting.

### **VISITOR(S)**

Visitors to the Chamber were Jacob Geilenkirchen from North Platte High School; 65 high school students from Lincoln High; 54 fourth-grade students from Bel Air Elementary, Norfolk; members of Alpha Kappa Alpha Sorority from Lincoln, Omaha, and Kansas City; 18 staff and clients from Madonna Shop including Senator Krist's daughter, Courtney, from Omaha; Senator Hughes' cousin and her granddaughter, Kay Thurston and Lindsay Brinson from Eagle; and 13 fourth-grade students and sponsors from Faith Lutheran, Lincoln.

The Doctor of the Day was Dr. Danielle Wooldrik from Lincoln.

### **ADJOURNMENT**

At 6:47 p.m., on a motion by Senator Larson, the Legislature adjourned until 9:00 a.m., Thursday, March 31, 2016.

Patrick J. O'Donnell  
Clerk of the Legislature

