

FORTY-THIRD DAY - MARCH 13, 2014**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION****FORTY-THIRD DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, March 13, 2014

PRAYER

The prayer was offered by Reverend Vern Olson, TriValley Faith Alliance Church, Fullerton.

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 Ashford, Campbell, Christensen, Kolowski, Lautenbaugh, and Nordquist who were excused; and Senators Bloomfield, Hansen, Murante, and Pirsch who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the forty-second day was approved.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 12, 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

Bromm, Curt/Bromm & Associates
VMR PRODUCTS, LLC
Ensign-Barstow, Holly
B Lab
Husch Blackwell LLP
Koch Companies Public Sector, LLC and Affiliates
Jensen Rogert Associates, Inc.
Exeter Group, Inc. (Withdrawn 03/12/2014)

Junge, Jolanda J.
We Support Agriculture
Kelley Governmental Relations, LLC
No Do Zest Operating, LLC

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 836. Title read. Considered.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

LEGISLATIVE BILL 1114. Title read. Considered.

Senator Mello offered his amendment, AM2051, found on page 665.

The Mello amendment 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 1114A. Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 12 present and not voting, and 7 excused and not voting.

LEGISLATIVE BILL 967. Title read. Considered.

Committee AM2199, found on page 847, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Sullivan withdrew her amendment, AM1712, found on page 424.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 9 present and not voting, and 9 excused and not voting.

LEGISLATIVE BILL 1087. Title read. Considered.

SENATOR KRIST PRESIDING

Senator Chambers offered the following amendment:
FA256
Strike Section 1.

SENATOR GLOOR PRESIDING

Senator Chambers withdrew his amendment.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 9 present and not voting, and 12 excused and not voting.

LEGISLATIVE BILL 682. Title read. Considered.

Committee AM1888, found on page 515, was offered.

Senator Scheer offered the following amendment to the committee amendment:

AM2260

(Amendments to Standing Committee amendments, AM1888)

- 1 1. Insert the following new section:
- 2 Sec. 4. A member school district which purchases computer
- 3 hardware or software for the purpose of providing or maintaining
- 4 distance education courses is eligible to be reimbursed up to a
- 5 maximum of twenty-five thousand dollars per school year for the
- 6 cost of such hardware or software and associated labor costs. A
- 7 member school district seeking reimbursement under this section
- 8 shall file an application on a form provided by the State
- 9 Department of Education which shall be accompanied by documentation
- 10 of the expense of such purchase.
- 11 2. On page 1, strike beginning with "On" in line 3
- 12 through the period in line 11 and insert "(1) Beginning July 1,
- 13 2015, through June 30, 2018, any school district in Nebraska with
- 14 an average daily membership for grades kindergarten through twelve
- 15 of fewer than six hundred fifty students for the most recently
- 16 complete data year and the school fiscal year immediately preceding
- 17 the most recently complete data year that is not already a member
- 18 of an allied system may form an allied system (a) with at least
- 19 three other school districts or join an existing allied system or
- 20 (b) with one school district having an average daily membership for
- 21 grades kindergarten through twelve of six hundred fifty students or
- 22 more.
- 1 (2) Beginning July 1, 2018, and each July 1 thereafter,
- 2 any school district in Nebraska with an average daily membership
- 3 for grades kindergarten through twelve of fewer than six hundred
- 4 fifty students for the most recently complete data year and the

5 school fiscal year immediately preceding the most recently complete
 6 data year that is not already a member of an allied system
 7 shall form an allied system (a) with at least three other school
 8 districts or join an existing allied system or (b) with one school
 9 district having an average daily membership for grades kindergarten
 10 through twelve of six hundred fifty students or more.
 11 (3)"; and in line 13 strike "such date" and insert "the
 12 date required by subsection (2) of this section".
 13 3. On page 2, line 2, strike "at least four" and insert
 14 "the"; and in line 26 strike "No" and insert "(a) Except as
 15 provided in subdivision (6)(b) of this section, no".
 16 4. On page 3, after line 17, insert the following new
 17 subdivision:
 18 "(b) Subdivision (6)(a) of this section does not apply to
 19 an allied system formed pursuant to subdivision (1)(b) or (2)(b) of
 20 section 1 of this act."; in line 24 strike "3" and insert "4"; and
 21 after line 27 insert the following new paragraph:
 22 "Nothing in sections 1 to 4 of this act shall be
 23 construed to require some or all of the member school districts of
 24 an allied system to consolidate or merge.".
 25 5. Renumber the remaining section accordingly.

Senator Scheer offered the following motion:

MO143

Unanimous consent to bracket until April 17, 2014.

No objections. So ordered.

BILLS ON FIRST READING

The following bills were read for the first time by title:

LEGISLATIVE BILL 986A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 986, One Hundred Third Legislature, Second Session, 2014; and to declare an emergency.

LEGISLATIVE BILL 987A. Introduced by Hadley, 37.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 987, One Hundred Third Legislature, Second Session, 2014.

LEGISLATIVE BILL 1087A. Introduced by Pirsch, 4.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1087, One Hundred Third Legislature, Second Session, 2014.

RESOLUTIONS**LEGISLATIVE RESOLUTION 483.** Introduced by Karpisek, 32.

WHEREAS, Jackson Bates of Wilber-Clatonia High School won the 2014 Class C State Wrestling Championship in the 106-pound division; and

WHEREAS, Jackson displayed outstanding determination and skill in winning the state championship and finished the season with a record of 47 wins and 2 losses; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Jackson Bates on winning the 2014 Class C State Wrestling Championship in the 106-pound division.
2. That a copy of this resolution be sent to Jackson Bates.

Laid over.

LEGISLATIVE RESOLUTION 484. Introduced by Karpisek, 32.

WHEREAS, Cody Krula of Thayer Central High School won the 2014 Class D State Wrestling Championship in the 152-pound division; and

WHEREAS, Cody displayed outstanding determination and skill in winning the state championship and finished the season with a record of 39 wins and 1 loss; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Cody Krula on winning the 2014 Class D State Wrestling Championship in the 152-pound division.
2. That a copy of this resolution be sent to Cody Krula.

Laid over.

LEGISLATIVE RESOLUTION 485. Introduced by Karpisek, 32.

WHEREAS, Zemua Baptista of Friend High School won the 2014 Class D State Wrestling Championship in the 145-pound division; and

WHEREAS, Zemua displayed outstanding determination and skill in winning the state championship and finished the season undefeated with a record of 48-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Zemua Baptista on winning the 2014 Class D State Wrestling Championship in the 145-pound division.
2. That a copy of this resolution be sent to Zemua Baptista.

Laid over.

LEGISLATIVE RESOLUTION 486. Introduced by Karpisek, 32.

WHEREAS, the Friend High School girls' basketball team won the 2014 Class D-1 Girls' State Basketball Championship by defeating Humphrey St. Francis by a score of 44-43; and

WHEREAS, the Friend High School girls' basketball team ended the season with a record of 28-1; and

WHEREAS, the win gave Friend High School their first ever girls' state basketball championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Friend High School girls' basketball team on winning the 2014 Class D-1 Girls' State Basketball Championship.
2. That a copy of this resolution be sent to the Friend High School girls' basketball team.

Laid over.

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

LB/LR	Committee
LR482	Natural Resources

(Signed) John Wightman, Chairperson
Executive Board

AMENDMENT - Print in Journal

Senator Karpisek filed the following amendment to LB845:
AM2054

(Amendments to Standing Committee amendments, AM2043)

- 1 1. On page 1, strike beginning with "in" in line 5
- 2 through the semicolon in line 7; and in line 8 before "strike"
- 3 insert "and".

SENATOR KRIST PRESIDING**GENERAL FILE**

LEGISLATIVE BILL 946. Title read. Considered.

Committee AM2047, found on page 644, was offered.

Senator Avery offered his amendment, AM2121, found on page 786, to the committee amendment.

The Avery amendment was adopted with 30 ayes, 0 nays, 8 present and not voting, and 11 excused and not voting.

Senator Murante offered his amendment, AM2120, found on page 786, to the committee amendment.

The Murante amendment was adopted with 27 ayes, 0 nays, 10 present and not voting, and 12 excused and not voting.

Senator Dubas offered her amendment, AM2204, found on page 810, to the committee amendment.

The Dubas amendment was adopted with 29 ayes, 0 nays, 8 present and not voting, and 12 excused and not voting.

The committee amendment, as amended, was adopted with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 6 present and not voting, and 12 excused and not voting.

AMENDMENTS - Print in Journal

Senator Coash filed the following amendment to LB853:
AM2396

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. Section 71-3405, Revised Statutes Supplement,
- 3 2013, is amended to read:
- 4 71-3405 For purposes of the Child and Maternal Death
- 5 Review Act:
- 6 (1) Child means a person from birth to eighteen years of
- 7 age;
- 8 (2) Investigation of child death means a review of
- 9 existing records and other information regarding the child from
- 10 relevant agencies, professionals, and providers of medical, dental,
- 11 prenatal, and mental health care. The records to be reviewed

12 may include, but not be limited to, medical records, coroner's
13 reports, autopsy reports, social services records, records of
14 alternative response cases under alternative response demonstration
15 projects implemented in accordance with sections 2 to 4 of this
16 act, educational records, emergency and paramedic records, and law
17 enforcement reports;

18 (3) Investigation of maternal death means a review of
19 existing records and other information regarding the woman from
20 relevant agencies, professionals, and providers of medical, dental,
21 prenatal, and mental health care. The records to be reviewed may
22 include, but not be limited to, medical records, coroner's reports,
1 autopsy reports, social services records, educational records,
2 emergency and paramedic records, and law enforcement reports;

3 (4) Maternal death means the death of a woman during
4 pregnancy or the death of a postpartum woman;

5 (5) Postpartum woman means a woman during the period of
6 time beginning when the woman ceases to be pregnant and ending one
7 year after the woman ceases to be pregnant;

8 (6) Preventable child or maternal death means the death
9 of any child or pregnant or postpartum woman which reasonable
10 medical, social, legal, psychological, or educational intervention
11 may have prevented. Preventable child or maternal death includes,
12 but is not limited to, the death of a child or pregnant or
13 postpartum woman from (a) intentional and unintentional injuries,
14 (b) medical misadventures, including untoward results, malpractice,
15 and foreseeable complications, (c) lack of access to medical care,
16 (d) neglect and reckless conduct, including failure to supervise
17 and failure to seek medical care for various reasons, and (e)
18 preventable premature birth;

19 (7) Reasonable means taking into consideration the
20 condition, circumstances, and resources available; and

21 (8) Team means the State Child and Maternal Death Review
22 Team.

23 2. On page 4, line 19, after "implementation" insert
24 "plan".

25 3. On page 5, strike line 3 and insert "this section to
26 the commission and electronically to the Legislature by November".

27 4. On page 7, lines 4 and 5, strike "the provisions of
1 this legislative bill" and insert "sections 2 to 4 of this act".

2 5. On page 9, line 8, after the second comma insert "the
3 age of the child or children".

4 6. On page 13, strike beginning with "The" in line 10
5 through the period in line 11 and show as stricken.

6 7. Renumber the remaining sections and correct the
7 repealer accordingly.

Senator Howard filed the following amendment to LB853:
AM2397

(Amendments to E & R amendments, ER162)

- 1 1. Insert the following new section:
- 2 Sec. 45. To facilitate consistency in training all case
- 3 managers and allow for Title IV-E reimbursement for case manager
- 4 training under Title IV-E of the federal Social Security Act, as
- 5 amended, the same program for initial training of case managers
- 6 shall be utilized for all case managers, whether they are employed
- 7 by the department or by an organization under contract with the
- 8 department. The initial training of all case managers shall be
- 9 provided by the department or one or more organizations under
- 10 contract with the department. The department shall create a formal
- 11 system for measuring and evaluating the quality of such training.
- 12 All case managers shall complete a formal assessment process
- 13 after initial training to demonstrate competency prior to assuming
- 14 responsibilities as a case manager. The training curriculum for
- 15 case managers shall include, but not be limited to: (a) An
- 16 understanding of the benefits of utilizing evidence-based and
- 17 promising casework practices; (b) the importance of guaranteeing
- 18 service providers' fidelity to evidence-based and promising
- 19 casework practices; and (c) a commitment to evidence-based and
- 20 promising family-centered casework practices that utilize a least
- 21 restrictive approach for children and families.
- 22 2. Renumber the remaining sections accordingly.

UNANIMOUS CONSENT - Add Cointroducer

Senator Hadley asked unanimous consent to add his name as cointroducer to LB998. No objections. So ordered.

SPEAKER ADAMS PRESIDING

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 469, 470, and 471 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 469, 470, and 471.

VISITORS

Visitors to the Chamber were Jessi, Katie, and Jo Heyen from Ceresco; 25 fourth-grade students, teacher, and sponsors from Lincoln Christian School; 25 members of Leadership Nebraska City and Leadership Nemaha County; Paul and Cheri Underwood from McCool Junction, and Mads Bundgaard, a foreign exchange student from Denmark; 115 fourth-grade students,

teachers, and sponsors from Reeder Elementary, Gretna; 45 fourth-grade students and teachers from Avery Elementary, Bellevue; and 9 third- and fourth-grade students and teacher from McPherson Elementary, Tryon.

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

ADJOURNMENT

At 1:47 p.m., on a motion by Senator Gloor, the Legislature adjourned until 10:00 a.m., Tuesday, March 18, 2014.

Patrick J. O'Donnell
Clerk of the Legislature