

**SIXTY-FIRST DAY - APRIL 10, 2015**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION**

**SIXTY-FIRST DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, April 10, 2015

**PRAYER**

The prayer was offered by Pastor Jason Wolter, St. John's Lutheran Church, Tecumseh.

**ROLL CALL**

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

The roll was called and all members were present except Senators Groene, Kuehn, Mello, Morfeld, Murante, Pansing Brooks, Seiler, and Sullivan who were excused until they arrive.

**SPEAKER HADLEY PRESIDING**

**CORRECTIONS FOR THE JOURNAL**

The Journal for the sixtieth day was approved.

**COMMITTEE REPORT(S)**  
Nebraska Retirement Systems

**LEGISLATIVE BILL 468.** Placed on General File with amendment. AM1172 is available in the Bill Room.

(Signed) Jeremy Nordquist, Chairperson

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of April 9, 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

Adams, John H.  
International Gamco, Inc.  
Bruning Law Group  
Facebook  
Kissel/E&S Associates, LLC  
Council of State Governments - Justice Center (Withdrawn 04/07/2015)  
O'Hara Lindsay & Associates, Inc.  
Parkinson's Action Network  
Peters, William E.  
Railway Supply Institute

**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 243.** Committee AM787, found on page 801 and considered on page 1118, was renewed.

Pending.

**COMMITTEE REPORT(S)**

Education

**LEGISLATIVE BILL 509.** Placed on General File with amendment.  
AM1159

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 79-1007.06, Reissue Revised Statutes of Nebraska,  
4 is amended to read:  
5 79-1007.06 (1) For school fiscal year 2008-09 and each school fiscal  
6 year thereafter, the department shall determine the poverty allowance for  
7 each school district that meets the requirements of this section and ~~has~~  
8 ~~not been disqualified pursuant to~~ section 79-1007.07. Each school  
9 district shall designate a maximum poverty allowance on a form prescribed  
10 by the department on or before October 15 of the school fiscal year  
11 immediately preceding the school fiscal year for which aid is being

12 calculated. The school district may decline to participate in the poverty  
13 allowance by providing the department with a maximum poverty allowance of  
14 zero dollars on such form on or before October 15 of the school fiscal  
15 year immediately preceding the school fiscal year for which aid is being  
16 calculated. Each school district designating a maximum poverty allowance  
17 greater than zero dollars shall submit a poverty plan pursuant to section  
18 79-1013.

19 (2) The poverty allowance for each school district ~~that has not been~~  
20 ~~disqualified pursuant to section 79-1007.07~~ shall equal the lesser of:

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

25 (b) The sum of:

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

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

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

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

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

19 (vi) The statewide average general fund operating expenditures per  
20 formula student multiplied by 0.2250 then multiplied by the poverty  
21 students comprising more than thirty percent of the formula students in  
22 the school district.

23 Sec. 2. Section 79-1007.07, Reissue Revised Statutes of Nebraska, is  
24 amended to read:

25 79-1007.07 (1)(a) The annual financial report required pursuant to  
26 section 79-528 shall include:

27 (i) The amount of the poverty allowance used in the certification of  
28 state aid pursuant to section 79-1022 for such school fiscal year;

29 (ii) The amount of federal funds received based on poverty as  
30 defined by the federal program providing the funds;

31 (iii) The expenditures and sources of funding for each program  
1 related to poverty with a narrative description of the program, the  
2 method used to allocate money to the program and within the program, and

3 the program's relationship to the poverty plan submitted pursuant to  
4 section 79-1013 for such school fiscal year;

5 (iv) The expenditures and sources of funding for support costs  
6 directly attributable to implementing the district's poverty plan; and  
7 (v) An explanation of how any required elements of the poverty plan  
8 for such school fiscal year were met.

9 (b) The department shall set up accounting codes for the receipts  
10 and expenditures required to be reported on the annual financial report  
11 pursuant to this subsection.

12 (2) The department shall determine the poverty allowance  
13 expenditures using the reported expenditures on the annual financial  
14 report for the most recently available complete data year that would  
15 include in the poverty allowance expenditures only those expenditures  
16 that are not included in other allowances, that were used to specifically  
17 address issues related to the education of students living in poverty or  
18 to the implementation of the poverty plan, that do not replace  
19 expenditures that would have occurred if the students involved in the  
20 program did not live in poverty, and that are paid for with  
21 noncategorical funds generated by state or local taxes or funds  
22 distributed through the Tax Equity and Educational Opportunities Support  
23 Act pursuant to the federal American Recovery and Reinvestment Act of  
24 2009 or the federal Education Jobs Fund created pursuant to Public Law  
25 111-226. The department shall establish a procedure to allow school  
26 districts to receive preapproval for categories of expenditures that  
27 could be included in poverty allowance expenditures.

28 (3) If the poverty allowance expenditures do not equal 117.65  
29 percent or more of the poverty allowance for the most recently available  
30 complete data year, the department shall calculate a poverty allowance  
31 correction. The poverty allowance correction shall equal the poverty  
1 allowance minus eighty-five percent of the poverty allowance  
2 expenditures.

3 For aid calculated for school fiscal years prior to school fiscal year  
4 2016-17, if ~~if~~ the poverty allowance expenditures do not equal fifty  
5 percent or more of the allowance for such school fiscal year, the school  
6 district shall also be disqualified from receiving a poverty allowance  
7 for the school fiscal year for which aid is being calculated.

8 (4)(a)(i) For aid calculated for school fiscal years prior to school  
9 fiscal year 2016-17, if ~~if~~ the department determines that the school  
10 district did not meet the required elements of the poverty plan for the  
11 most recently available complete data year, the department shall  
12 calculate a poverty allowance correction equal to fifty percent of the  
13 poverty allowance for such school fiscal year and the school district  
14 shall also be disqualified from receiving a poverty allowance for the  
15 school fiscal year for which aid is being calculated.

16 (ii) For aid calculated for school fiscal year 2016-17 and each  
17 school fiscal year thereafter, if the department determines that the  
18 school district did not meet the required elements of the poverty plan  
19 for the most recently available complete data year, the department shall  
20 calculate a poverty allowance correction equal to five percent of the

21 poverty allowance for such school fiscal year.  
22 (b) Any poverty allowance correction calculated pursuant to this  
23 subsection shall be added to any poverty allowance correction calculated  
24 pursuant to subsection (3) of this section to arrive at the total poverty  
25 allowance correction.  
26 (5) The department may request additional information from any  
27 school district to assist with calculations and determinations pursuant  
28 to this section. If the school district does not provide information upon  
29 the request of the department pursuant to this section, the school  
30 district shall be disqualified from receiving a poverty allowance for the  
31 school fiscal year for which aid is being calculated.  
1 (6) The department shall provide electronically an annual report to  
2 the Legislature containing a general description of the expenditures and  
3 funding sources for programs related to poverty statewide and specific  
4 descriptions of the expenditures and funding sources for programs related  
5 to poverty for each school district.  
6 (7) The state board shall establish a procedure for appeal of  
7 decisions of the department to the state board for a final determination.  
8 Sec. 3. Original sections 79-1007.06 and 79-1007.07, Reissue  
9 Revised Statutes of Nebraska, are repealed.

(Signed) Kate Sullivan, Chairperson

Judiciary

**LEGISLATIVE BILL 294.** Placed on General File with amendment.  
AM1104 is available in the Bill Room.

**LEGISLATIVE BILL 437.** Indefinitely postponed.

(Signed) Les Seiler, Chairperson

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 414.** Placed on Select File.

**LEGISLATIVE BILL 141.** Placed on Select File with amendment.  
ER73

1 1. On page 1, line 4, strike "a term" and insert "and redefine  
2 terms; to change provisions relating to authorizing resolutions and  
3 mandated project charges".  
4 2. On page 9, line 27, after "mandated" insert "project".

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 243.** Committee AM787, found on page 801 and considered on page 1118 and in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 243A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 22 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 292.** Title read. Considered.

Committee AM619, found on page 842, was offered.

**SENATOR GLOOR PRESIDING**

The committee amendment was adopted with 26 ayes, 0 nays, 19 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 292A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 178.** Introduced by Davis, 43.

WHEREAS, Russ Finch is the owner of Greenhouse in the Snow in Alliance; and

WHEREAS, Greenhouse in the Snow was named the 2014 Sustainability Business of the Year by the Nebraska Business Development Center; and

WHEREAS, Russ created a greenhouse design in which the indoor climate is warmed in the winter and cooled in the summer simply by utilizing the earth's natural temperature eight feet underground; and

WHEREAS, Russ has sold 15 greenhouse units to buyers in 6 states, 90% of which are being used for commercial plant production.

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

1. That the Legislature congratulates Greenhouse in the Snow on being named the 2014 Sustainability Business of the Year.
2. That a copy of this resolution be sent to Russ Finch and the Nebraska Business Development Center.

Laid over.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 500A.** Introduced by Howard, 9.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 500, One Hundred Fourth Legislature, First Session, 2015; to reduce appropriations; and to declare an emergency.

### **GENERAL FILE**

**LEGISLATIVE BILL 649.** Title read. Considered.

Committee AM821, found on page 851, was offered.

### **SPEAKER HADLEY PRESIDING**

Senator Chambers offered the following motion:

MO88

Bracket until June 5, 2015.

### **SENATOR GLOOR PRESIDING**

### **SPEAKER HADLEY PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

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

Voting in the affirmative, 31:

Baker	Crawford	Hansen	Kuehn	Stinner
Bloomfield	Davis	Harr, B.	Mello	Sullivan
Bolz	Friesen	Hughes	Morfeld	Williams
Campbell	Garrett	Johnson	Nordquist	
Chambers	Gloor	Kolowski	Pansing Brooks	
Coash	Haar, K.	Kolterman	Schumacher	
Cook	Hadley	Krist	Seiler	

Voting in the negative, 15:

Brasch	Groene	Larson	Murante	Schilz
Craighead	Hilkemann	Lindstrom	Riepe	Schnoor
Ebke	Kintner	McCoy	Scheer	Smith

Excused and not voting, 3:

Howard      McCollister      Watermeier

The Chambers motion to bracket prevailed with 31 ayes, 15 nays, and 3 excused and not voting.

The Chair declared the call raised.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 179.** Introduced by Kuehn, 38.

WHEREAS, America's electricity is generated by thousands of power plants connected to a complex electrical grid consisting of over five million miles of transmission and distribution lines that deliver energy to homes, businesses, hospitals, churches, and schools throughout the country; and

WHEREAS, the electrical grid must be maintained and operated twenty-four hours a day, seven days a week, and three hundred sixty-five days a year despite inclement weather including blizzards, thunderstorms, floods, and other hazards; and

WHEREAS, Nebraska's lineworkers have demonstrated outstanding skill and dedication to their jobs working in hazardous conditions to build, maintain, and repair electric infrastructure; and

WHEREAS, the hardworking lineworkers of Nebraska who leave their families and risk their lives daily to ensure the reliable delivery of electricity to all citizens of the state are deserving of our respect, gratitude, and honor.

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

1. That the Legislature recognizes the significant contributions and efforts of Nebraska lineworkers who often work in challenging conditions to keep the lights on and expresses its appreciation to all of Nebraska's hard-working lineworkers.

2. That the Legislature recognizes April 13, 2015, as "Lineworkers Appreciation Day" in Nebraska.

3. That a copy of this resolution be sent to the Nebraska Power Association.

Laid over.



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

Senator Coash filed the following amendment to LB292:  
AM849 is available in the Bill Room.

Senator Nordquist filed the following amendment to LB67:  
AM1080

1 1. On page 2, line 12, after the period insert ". except security  
2 interests in any retirement accounts or pension funds".

Senator Nordquist filed the following amendment to LB67:  
AM1081

1 1. On page 7, lines 4 and 16, strike "previously issued or".

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 265A.** Introduced by Krist, 10.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 265, One Hundred Fourth Legislature, First Session, 2015; and to reduce an appropriation.

**VISITORS**

Visitors to the Chamber George and Kathy Witte from North Platte; 50 fourth-grade students and teachers from Seward; 9 fourth-grade students and teacher from Howells Dodge Elementary, Dodge; 44 fourth-grade students and teachers from North Bend; 14 seventh- and eighth-grade students, teachers, and sponsors from Grant; 2015 Young Mother of the Year inductee, Barb Solomon, and her family; Senator Kolterman's mother, Betty Jean, from Seward and Jan Jones from Omaha; and 40 fourth-grade students and teachers from Wakonda Elementary, Omaha.

The Doctor of the Day was Dr. Roger Meyer from Utica.

**ADJOURNMENT**

At 12:20 p.m., on a motion by Senator Kolterman, the Legislature adjourned until 10:00 a.m., Monday, April 13, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

