

FIFTEENTH DAY - JANUARY 29, 2014

LEGISLATIVE JOURNAL

**ONE HUNDRED THIRD LEGISLATURE
SECOND SESSION**

FIFTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, January 29, 2014

PRAYER

The prayer was offered by Captain Robert Duskin, Salvation Army Church, Norfolk.

ROLL CALL

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

The roll was called and all members were present except Senators Christensen, Conrad, Karpisek, Kintner, Larson, Lautenbaugh, and Schilz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fourteenth day was approved.

NOTICE OF COMMITTEE HEARINGS

Government, Military and Veterans Affairs

Room 1507

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

LB946
LB1048
LB746

Thursday, February 6, 2014 1:30 p.m.

LB1018
LB825
LB937

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

LB919
LB845
LB817

(Signed) Bill Avery, Chairperson

GENERAL FILE

LEGISLATIVE BILL 382. Senator Chambers renewed his amendment, FA178, found on page 370 and considered on page 386.

Senator Johnson moved the previous question. The question is, "Shall the debate now close?" The motion failed with 17 ayes, 6 nays, and 26 not voting.

Senator Chambers moved for a call of the house. The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 8:

Ashford	Conrad	Haar, K.	Lathrop
Avery	Cook	Johnson	Watermeier

Voting in the negative, 22:

Adams	Gloor	Karpisek	Nelson	Smith
Brasch	Hadley	Kintner	Pirsch	Wightman
Carlson	Hansen	McCoy	Scheer	
Christensen	Harms	McGill	Schilz	
Garrett	Janssen	Murante	Seiler	

Present and not voting, 17:

Bloomfield	Coash	Harr, B.	Mello	Wallman
Bolz	Crawford	Howard	Nordquist	
Campbell	Davis	Kolowski	Schumacher	
Chambers	Dubas	Krist	Sullivan	

Excused and not voting, 2:

Larson	Lautenbaugh
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The Chambers amendment lost with 8 ayes, 22 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

RESOLUTION

LEGISLATIVE RESOLUTION 427. Introduced by Carlson, 38; Christensen, 44; Davis, 43; Dubas, 34; Janssen, 15; Johnson, 23; Larson, 40; Schilz, 47; Sullivan, 41; Wallman, 30.

WHEREAS, in accordance with the federal Energy Policy Act of 2005, the United States has demonstrated its commitment to the long-term policy of increasing the production of clean renewable fuels according to the federal Renewable Fuel Standard (RFS) by enabling the increased domestic production and use of renewable fuels, which include renewable biofuels such as ethanol, biodiesel, cellulosic, and advanced biofuels; and

WHEREAS, the RFS provides the foundation for reducing dependence on foreign sources of oil, decreasing the price of transportation fuels, reducing transportation fuel emissions, increasing rural incomes, encouraging the development and expansion of new advanced biofuels, and consequently promoting economic growth; and

WHEREAS, the RFS assists in bringing new technologies to farmers and consumers, and points the United States in the direction of energy independence; and

WHEREAS, international turmoil has repeatedly caused increased oil price spikes and increased transportation costs for consumers, including increased costs attributable to the transportation of food and other goods; and

WHEREAS, the United States Environmental Protection Agency (EPA) is responsible for establishing and implementing the RFS, including the requirement that certain volumes of various types of biofuels be blended in transportation fuels each year; and

WHEREAS, the EPA recently proposed reducing the volume levels for ethanol and biodiesel in the RFS, in direct conflict with the federal statute; and

WHEREAS, the EPA proposal is projected to cause job losses in the biofuels sector and related job sectors, reduce the price of corn below the cost of production, cause a negative economic effect on Midwest farm families and on agribusinesses, substantially reduce long-term investment in biofuels infrastructure, reduce investments in further energy innovation for ethanol, biodiesel, advanced biofuels, and cellulosic biofuels, and harm rural economies; and

WHEREAS, biofuels reduce greenhouse gas emissions, and the Nebraska biofuels industry adds over \$5 billion to Nebraska's economy annually and generates more than \$276 million annually in labor income impacts; and

WHEREAS, more than 46,000 Nebraska farmers and ranchers support their families and reinvigorate rural communities through innovative and high-tech agricultural production.

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

1. That the Legislature urges the United States Government to renew its commitment to farmers, lower fuel prices, and the environment by supporting a robust and sustainable Renewable Fuel Standard and use all efforts to meet the highest possible renewable fuel volume requirements set forth in the current Renewable Fuel Standard in order to ensure that our nation diversifies its energy portfolio.

2. That a copy of this resolution be sent to President Barack Obama, United States Environmental Protection Agency Administrator Gina McCarthy, United States Secretary of Agriculture Tom Vilsack, and to each member of Nebraska's congressional delegation.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR427 was referred to the Reference Committee.

COMMITTEE REPORTS

General Affairs

LEGISLATIVE BILL 680. Placed on General File.

(Signed) Russ Karpisek, Chairperson

Transportation and Telecommunications

LEGISLATIVE BILL 757. Placed on General File.

LEGISLATIVE BILL 758. Placed on General File.

LEGISLATIVE BILL 776. Placed on General File.

LEGISLATIVE BILL 777. Placed on General File with amendment.

AM1645

- 1 1. On page 16, lines 10 and 14, strike "duplicate", show
- 2 as stricken, and insert "replacement".

(Signed) Annette Dubas, Chairperson

NOTICE OF COMMITTEE HEARINGS

Judiciary

Room 1113

Thursday, February 6, 2014 1:30 p.m.

LB785
LB1007
LB907
LB999

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

LB821
LB881
LB878
LB964

(Signed) Brad Ashford, Chairperson

Revenue

Room 1524

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

LB986
LB987
LB995

Thursday, February 6, 2014 1:30 p.m.

LB761
LB850
LB912
LB1087

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

LB670
LB813
LB913
LB1038

(Signed) Galen Hadley, Chairperson

Natural Resources

Room 1525

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

LB683

LB767

Thursday, February 6, 2014 1:30 p.m.

Rex Fisher - Game and Parks Commission

LB896

LB1074

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

Dennis E. Grennan - Nebraska Power Review Board

LB856

(Signed) Tom Carlson, Chairperson

COMMITTEE REPORT

Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointments(s) be confirmed by the Legislature and suggests a record vote.

Ronald Books - State Highway Commission

Jerome Fagerland - State Highway Commission

Doug Leafgreen - State Highway Commission

E.J. Militti Jr. - State Highway Commission

Aye: 7 Brasch, Dubas, Hadley, McCoy, Murante, Smith, Watermeier.

Nay: 0. Absent: 1 Janssen. Present and not voting: 0.

(Signed) Annette Dubas, Chairperson

AMENDMENTS - Print in JournalSenator Mello filed the following amendment to LB371:

AM1710

(Amendments to Standing Committee amendments, AM307)

- 1 1. On page 2, line 19, before "fiscal" insert "most
- 2 recent" and strike "on" and insert "prior to".

Senator Mello filed the following amendment to LB56:

AM1686

- 1 1. Strike the original sections and all amendments
- 2 thereto and insert the following new sections:
- 3 Section 1. Section 32-615, Revised Statutes Cumulative
- 4 Supplement, 2012, is amended to read:
- 5 32-615 ~~Any~~ (1) Except as otherwise provided in subsection
- 6 (2) of this section, any candidate engaged in or pursuing a
- 7 write-in campaign shall file a notarized affidavit of his or her
- 8 intent together with the receipt for any filing fee with the filing
- 9 officer as provided in section 32-608 no earlier than December 1
- 10 and no later than ten days prior to the election.
- 11 (2) For any county office elected pursuant to sections
- 12 32-517 to 32-529 which is subject to subdivision (1)(b) of section
- 13 32-811, a candidate may engage in or pursue a write-in campaign if
- 14 he or she files a notarized affidavit of his or her intent together
- 15 with the receipt for the filing fee with the filing officer as
- 16 provided in section 32-608 on or before March 3 of the year of
- 17 the statewide primary election. If such an affidavit is filed as
- 18 prescribed, the election commissioner or county clerk shall place
- 19 that county office on the statewide primary election ballot with
- 20 the names of the candidate properly filed for the nomination of the
- 21 applicable political party and a line for write-in candidates.
- 22 (3) A candidate who has been defeated as a candidate in
- 23 the primary election or defeated as a write-in candidate in the
- 1 primary election shall not be eligible as a write-in candidate for
- 2 the same office in the general election unless a vacancy on the
- 3 ballot exists pursuant to section 32-625.
- 4 (4) A candidate who files a notarized affidavit shall be
- 5 entitled to all write-in votes for the candidate even if only the
- 6 last name of the candidate has been written if such last name is
- 7 reasonably close to the proper spelling.
- 8 Sec. 2. Section 32-811, Revised Statutes Cumulative
- 9 Supplement, 2012, is amended to read:
- 10 32-811 (1)(a) If the names of candidates properly filed
- 11 for nomination at the primary election for directors of natural
- 12 resources districts, directors of public power districts, members
- 13 of airport authority boards elected pursuant to sections 32-547 to
- 14 32-549, members of the boards of governors of community college
- 15 areas, members of the boards of Class III or Class V school
- 16 districts which nominate candidates at a primary election, and
- 17 officers of cities of the first or second class and cities having
- 18 a city manager plan of government do not exceed two candidates for
- 19 each position to be filled, any such candidates shall be declared
- 20 nominated and their names shall not appear on any primary election
- 21 ballots.
- 22 (b) If the number of candidates properly filed for the
- 23 nomination of a political party at the primary election for any
- 24 county officer elected pursuant to sections 32-517 to 32-529 does

25 not exceed the number of candidates to be nominated by that party
 26 for that office, any such properly filed candidates shall be
 27 declared nominated and their names shall not appear on any primary
 1 election ballots.

2 (c) The official abstract of votes kept by the county or
 3 state shall show the names of such candidates with the statement
 4 Nominated Without Opposition. The election commissioner or county
 5 clerk shall place the names of such automatically nominated
 6 candidates on the general election ballot as provided in section
 7 32-814 or 32-815.

8 (2) Candidates shall not appear on the ballot in the
 9 primary election for the offices listed in subsection (2) of
 10 section 32-606.

11 (3) If the number of candidates for delegates to a county
 12 or national political party convention are the same in number or
 13 less than the number of candidates to be elected, the names shall
 14 not appear on the primary election ballot and those so filed shall
 15 receive a certificate of election.

16 Sec. 3. Section 32-815, Reissue Revised Statutes of
 17 Nebraska, is amended to read:

18 32-815 (1) The names of candidates for each partisan
 19 elective office shall be arranged on the ballot of the general
 20 election so that the political party polling the highest number of
 21 votes at the last general election for Governor will have the name
 22 of its nominee immediately beneath the name of the office for which
 23 the candidate was nominated, the political party polling the second
 24 highest number of votes will have the second place, the political
 25 party having the third highest number of votes will have the third
 26 place, and continuing with the political parties in descending
 27 order of number of votes, leaving those candidates whose names
 1 appear upon the ballot by petition to appear beneath all other
 2 candidates placed there by nomination. For each office for which
 3 there are more candidates than vacancies and there are two or more
 4 nominees of the same political party, the election commissioner
 5 or county clerk shall rotate the names of such candidates on the
 6 official ballot. In printing the ballots for the various election
 7 districts, the positions of the names shall be changed in each
 8 office division for each election district. In making the change of
 9 position, the printer shall take the line of type at the head of
 10 each division and place it at the bottom of that division, shoving
 11 up the column so that the name that was second shall be first after
 12 the change.

13 (2) The name of the person receiving the highest number
 14 of votes at a primary election as the candidate of a political
 15 party for an office shall be placed on the official ballot except
 16 as otherwise provided in the Election Act. ~~No~~ Except as provided
 17 in section 32-811 for automatically nominated candidates, no person
 18 shall be certified as a candidate of any political party for such
 19 office by the Secretary of State, election commissioner, or county

20 clerk unless the person receives a number of votes at least equal
 21 to five percent of the total ballots cast at the primary election
 22 by registered voters affiliated with that political party in the
 23 district which the office serves and meets the requirements for the
 24 office.

25 Sec. 4. Original section 32-815, Reissue Revised Statutes
 26 of Nebraska, and sections 32-615 and 32-811, Revised Statutes
 27 Cumulative Supplement, 2012, are repealed.

Senator Ashford filed the following amendment to LB464:
 AM1734

(Amendments to AM1674)

1 1. Insert the following new sections:
 2 Sec. 28. Section 79-527.01, Revised Statutes Supplement,
 3 2013, is amended to read:
 4 79-527.01 (1)(a) ~~The Truancy Intervention Task Force~~
 5 Council on Student Attendance is created. The ~~task force council~~
 6 shall consist of:
 7 (i) A member of a school board in any class of school
 8 district to be appointed by the Governor;
 9 (ii) Two parents of children attending school in this
 10 state to be appointed by the Governor;
 11 (iii) A superintendent of a school district to be
 12 appointed by the Governor;
 13 ~~(iv) The probation administrator or his or her~~
 14 ~~designee;~~
 15 ~~(v) The Commissioner of Education or his or her~~
 16 ~~designee; and~~
 17 ~~(vi) The chief executive officer of the Department of~~
 18 ~~Health and Human Services or his or her designee.~~
 19 (b)(i) The members of the council appointed by the
 20 Governor shall serve six-year terms, except that of the members
 21 first appointed pursuant to subdivisions (1)(a)(i) through (iii)
 22 of this subsection, one shall serve an initial two-year term,
 1 one shall serve an initial four-year term, and one shall serve
 2 an initial six-year term from January 1 next succeeding their
 3 appointments. Thereafter, all members shall serve six-year terms. A
 4 member may be reappointed at the expiration of his or her term. Any
 5 vacancy occurring otherwise than by expiration of a term shall be
 6 filled for the balance of the unexpired term in the same manner as
 7 the original appointment.
 8 (ii) No member shall serve beyond the time when he or
 9 she holds the office, employment, or status by reason of which he
 10 or she was initially eligible for appointment. Any member of the
 11 council appointed by the Governor may be removed from the council
 12 for cause upon notice and an opportunity to be heard at a public
 13 hearing. One of the causes for removal shall be absence from three
 14 regularly scheduled meetings of the council during any six-month
 15 period when the member has failed to advise the council in advance

16 of such meeting that he or she will be absent and stating a reason
17 for the absence.

18 (iii) The chairperson of the council shall be designated
19 by the Governor to serve as chairperson at the pleasure of the
20 Governor. The chairperson shall be the chief executive officer of
21 the council but may delegate such of his or her duties to other
22 members of the council as may be authorized by the council.

23 (iv) Notwithstanding any provision of law, ordinance, or
24 charter provision to the contrary, membership on the council shall
25 not disqualify any member from holding any other public office or
26 employment or cause the forfeiture of such office.

27 (v) The members of the council shall serve on the council
1 without any additional compensation, but they shall be entitled to
2 receive reimbursement for any actual expenses incurred as necessary
3 incident to such service as provided in sections 81-1174 to
4 81-1177.

5 (vi) Four members of the council shall constitute a
6 quorum for the transaction of any business or the exercise of any
7 power of the council. The council shall have the power to act by a
8 majority of the members present at any meeting at which a quorum is
9 in attendance.

10 (vii) All appointments for members of the council added
11 by subdivisions (1)(a)(i) through (iii) of this subsection shall be
12 made not later than thirty days after the effective date of this
13 act.

14 ~~(2) The task force council shall: study~~

15 ~~(a) Study and evaluate the data contained in the reports~~
16 ~~required by subsection (2) of section 79-527; and shall develop~~

17 ~~(b) Develop recommendations to reduce incidents of~~
18 ~~excessive absenteeism;:~~

19 ~~(c) Consider whether school district policies and~~
20 ~~practices for addressing truancy and absenteeism are operational~~
21 ~~and effectively working to address truancy and make recommendations~~
22 ~~for improvements where necessary; and~~

23 ~~(d) Review all school district policies developed under~~
24 ~~subsection (2) of section 79-209 and make specific recommendations~~
25 ~~for school district policy improvement.~~

26 ~~The task force council may contact a school district or~~
27 ~~a county attorney for additional information in order to carry~~
1 ~~out its duties under this section. The task force shall report~~
2 ~~electronically to the Legislature on or before October 1 of each~~
3 ~~year.~~

4 (3) It is the intent of the Legislature to appropriate
5 two million dollars to the State Department of Education for
6 the purposes of funding grants to school districts in order to
7 reduce absenteeism and truancy in Nebraska. The grants shall be
8 used solely to develop, implement, and fund programs regarding
9 absenteeism and truancy in order to foster school attendance. The
10 department shall promulgate rules and regulations to implement the

11 grant application and distribution process by December 15, 2014.

12 (4) The council shall report on its activities
 13 electronically to the Legislature on or before October 1 of each
 14 year.

15 Sec. 29. Section 79-2121, Revised Statutes Cumulative
 16 Supplement, 2012, is amended to read:

17 79-2121 The superintendents of any school districts that
 18 are members of a learning community shall develop and participate
 19 in a plan by August 1, 2011, to reduce excessive absenteeism
 20 including a process to share information regarding at-risk
 21 youth with the goal of improving educational outcomes, providing
 22 effective interventions that impact risk factors, and reducing
 23 unnecessary penetration deeper into the juvenile justice system.
 24 For purposes of this section, at-risk youth means children who are
 25 under the supervision of the Office of Probation Administration,
 26 are committed to the care, custody, or supervision of the
 27 Department of Health and Human Services, are otherwise involved in
 1 the juvenile justice system, or have been absent from school for
 2 more than five days per quarter or the hourly equivalent except
 3 when excused by school authorities or when ~~a documented~~ an illness
 4 makes attendance impossible or impracticable.

5 2. On page 61, line 20; and page 63, line 10, strike
 6 "documented" and show as stricken.

7 3. On page 63, line 10, after "illness" insert ", as
 8 determined by school district policy."; and in line 12 strike
 9 "may", show as stricken, and insert "shall not".

10 4. Renumber the remaining sections and correct the
 11 repealer accordingly.

GENERAL FILE

LEGISLATIVE BILL 382. Senator Chambers offered the following
 motion:

MO121

Reconsider the vote taken on FA178.

Senator Chambers moved for a call of the house. The motion prevailed with
 32 ayes, 1 nay, and 16 not voting.

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

Voting in the affirmative, 7:

Ashford	Chambers	Cook	Wallman
Avery	Conrad	Dubas	

Voting in the negative, 26:

Adams	Coash	Harms	Murante	Smith
Bloomfield	Garrett	Janssen	Nelson	Wightman
Bolz	Gloor	Karpisek	Pirsch	
Brasch	Haar, K.	Kintner	Scheer	
Carlson	Hadley	Larson	Schilz	
Christensen	Hansen	McCoy	Seiler	

Present and not voting, 13:

Campbell	Harr, B.	Krist	Mello	Sullivan
Crawford	Howard	Lathrop	Nordquist	
Davis	Kolowski	McGill	Schumacher	

Excused and not voting, 3:

Johnson Lautenbaugh Watermeier

The Chambers motion to reconsider failed with 7 ayes, 26 nays, 13 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered his amendment, FA179, found on page 370.

Pending.

COMMITTEE REPORT Enrollment and Review

LEGISLATIVE BILL 144. Placed on Select File.

(Signed) John Murante, Chairperson

MOTION - Print in Journal

Senator Mello filed the following motion to LB1024:
MO122
Withdraw bill.

RESOLUTION

LEGISLATIVE RESOLUTION 428. Introduced by Kolowski, 31.

WHEREAS, Joseph Zach, a senior at Omaha Skutt Catholic High School, has been selected as a Nebraska delegate to the United States Senate Youth Program; and

WHEREAS, the program was established in 1962 and brings outstanding high school students who are interested in pursuing careers in public service to Washington, D.C., for a week-long educational event; and

WHEREAS, two students from each state, the District of Columbia, and the Department of Defense Education Activity will meet with the President, congressional leaders, and a Supreme Court justice; and

WHEREAS, each student selected as a delegate for the program receives a \$5,000 college scholarship and must demonstrate outstanding leadership abilities, a commitment to volunteer work, and rank academically in the top one percent in his or her state; and

WHEREAS, Joseph is also a candidate for chairperson of the Student Advisory Council (SAC) which is comprised of high school students from various high schools in Legislative District 31. The mission of the SAC is to educate students about local government, inform students about issues in their community, give students a voice in the political process, and foster leadership and civic involvement; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievement 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 Joseph Zach for being chosen as a Nebraska delegate to the United States Senate Youth Program, and extends him best wishes for continued academic success and civic involvement.

2. That a copy of this resolution be sent to Joseph Zach.

Laid over.

NOTICE OF COMMITTEE HEARINGS

Nebraska Retirement Systems

Room 1525

Thursday, February 6, 2014 12:00 p.m.

Janis N. Elliott - Public Employees Retirement Board
LB977

Wednesday, February 12, 2014 12:00 p.m.

LB1041

LB1042

(Signed) Jeremy Nordquist, Chairperson

AMENDMENTS - Print in Journal

Senator Larson filed the following amendment to LB597:

AM1747

- 1 1. Insert the following section:
- 2 Sec. 4. Since an emergency exists, this act takes effect
- 3 when passed and approved according to law.

4 2. In the Standing Committee amendment, AM346, on page
5 1, line 3, strike "A" and insert "With the consent of the county
6 board of the county within which the real estate is located, a";
7 and in line 7 after the period insert "County board approval is not
8 required for leases having a term of less than ninety days.".

Senator Hadley filed the following amendment to LB986:
AM1750 is available in the Bill Room.

UNANIMOUS CONSENT - Add Cointroducers

Senator Bloomfield asked unanimous consent to add his name as cointroducer to LB855. No objections. So ordered.

Senators Campbell and Gloor asked unanimous consent to add their names as cointroducers to LB1092. No objections. So ordered.

VISITORS

Visitor to the Chamber was Senator Bolz's mother, Pam Eisenhower, from Sterling.

The Doctor of the Day was Dr. John Jacobsen from Omaha.

ADJOURNMENT

At 12:00 p.m., on a motion by Senator Janssen, the Legislature adjourned until 9:00 a.m., Thursday, January 30, 2014.

Patrick J. O'Donnell
Clerk of the Legislature