

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Floor Debate
February 16, 2011

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PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirtieth day of the One Hundred Second Legislature, First Session. Our chaplain for today is Reverend Roland Jank, retired from Immanuel Lutheran Church in Columbus, Nebraska, guest of Senator Schumacher. Would you all please rise.

REVEREND JANK: (Prayer offered.)

PRESIDENT SHEEHY: Thank you, Reverend Jank. I now call to order the thirtieth day of the One Hundred Second Legislature, First Session. Senators, please record your presence. Please record, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

PRESIDENT SHEEHY: Are there corrections for the Journal?

CLERK: I have no corrections, Mr. President.

PRESIDENT SHEEHY: Messages, reports, or announcements?

CLERK: Your Committee on Enrollment and Review reports LB401, LB179, LB197, LB61, LB308, LB335, LB160, LB218 to Select File. Education Committee, chaired by Senator Adams, reports LB445 to General File with committee amendments attached. That's all that I have, Mr. President. (Legislative Journal pages 553-554.) [LB401 LB179 LB197 LB61 LB308 LB335 LB160 LB218 LB445]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR70. Mr. Clerk, we will move to Final Reading. Members should return to their seats in preparation for Final Reading. Mr. Clerk, the first bill is LB19. The first vote will be to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Mr. Clerk, please record. [LR70 LB19]

CLERK: 43 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB19]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read

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the title. [LB19]

CLERK: (Read title of LB19.) [LB19]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB19 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB19]

CLERK: (Record vote read, Legislative Journal page 555.) 49 ayes, 0 nays, Mr. President, on the passage of LB19. [LB19]

PRESIDENT SHEEHY: LB19 passes with the emergency clause attached. We will now proceed to LB23. [LB19 LB23]

CLERK: (Read LB23 on Final Reading.) [LB23]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB23 pass? All those in favor vote yea; oppose, nay. Record, Mr. Clerk. [LB23]

CLERK: (Record vote read, Legislative Journal pages 555-556.) 49 ayes, 0 nays, Mr. President, on the passage of LB23. [LB23]

PRESIDENT SHEEHY: LB23 passes. We will now proceed to LB28. [LB23 LB28]

CLERK: (Read LB28 on Final Reading.) [LB28]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB28 pass? All those in favor vote yea; oppose, nay. Record, Mr. Clerk. [LB28]

CLERK: (Record vote read, Legislative Journal page 556.) 49 ayes, 0 nays, Mr. President, on the final passage of LB28. [LB28]

PRESIDENT SHEEHY: LB28 passes. We will now proceed to LB29. [LB28 LB29]

CLERK: (Read LB29 on Final Reading.) [LB29]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB29 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB29]

CLERK: (Record vote read, Legislative Journal page 557.) 47 ayes, 0 nays, 2 present

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and not voting, Mr. President. [LB29]

PRESIDENT SHEEHY: LB29 passes. We will now proceed to LB30. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB29 LB30]

CLERK: 43 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB30]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB30]

CLERK: (Read title of LB30.) [LB30]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB30 pass? All those in favor vote yea; oppose, nay. Record, Mr. Clerk. [LB30]

CLERK: (Record vote read, Legislative Journal page 558.) 49 ayes, 0 nays, Mr. President, on the passage of LB30. [LB30]

PRESIDENT SHEEHY: LB30 passes. We will now proceed to LB46. [LB30 LB46]

CLERK: (Read LB46 on Final Reading.) [LB46]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB46 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB46]

CLERK: (Record vote read, Legislative Journal page 558.) 49 ayes, 0 nays, Mr. President, on the passage of LB46. [LB46]

PRESIDENT SHEEHY: LB46 passes. We will now proceed to LB47. [LB46 LB47]

CLERK: (Read LB47 on Final Reading.) [LB47]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB47 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB47]

CLERK: (Record vote read, Legislative Journal page 559.) 49 ayes, 0 nays, Mr. President, on the passage of LB47. [LB47]

PRESIDENT SHEEHY: LB47 passes with the emergency clause attached. We will now

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proceed to LB59. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB47 LB59]

CLERK: 44 ayes, 1 nay, Mr. President, to dispense with the at-large reading. [LB59]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB59]

CLERK: (Read title of LB59.) [LB59]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB59 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB59]

CLERK: (Record vote read, Legislative Journal page 560.) 49 ayes, 0 nays, Mr. President, on the passage of LB59. [LB59]

PRESIDENT SHEEHY: LB59 passes with the emergency clause attached. We will now proceed to LB68. [LB59 LB68]

CLERK: (Read LB68 on Final Reading.) [LB68]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB68 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB68]

CLERK: (Record vote read, Legislative Journal pages 560-561.) 49 ayes, 0 nays, Mr. President, on the passage of LB68. [LB68]

PRESIDENT SHEEHY: LB68 passes. We will now proceed to LB72. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB68 LB72]

CLERK: 41 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB72]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB72]

CLERK: (Read title of LB72.) [LB72]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB72 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB72]

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CLERK: (Record vote read, Legislative Journal page 561.) 49 ayes, 0 nays, Mr. President, on the passage of LB72. [LB72]

PRESIDENT SHEEHY: LB72 passes. We will now proceed to LB74. [LB72 LB74]

CLERK: (Read LB74 on Final Reading.) [LB74]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB74 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB74]

CLERK: (Record vote read, Legislative Journal page 562.) 49 ayes, 0 nays, Mr. President, on the passage of LB74. [LB74]

PRESIDENT SHEEHY: LB74 passes with the emergency clause attached. We will now proceed to LB75. [LB74 LB75]

ASSISTANT CLERK: (Read LB75 on Final Reading.) [LB75]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB75 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB75]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 563.) Vote is 49 ayes, 0 nays, Mr. President. [LB75]

PRESIDENT SHEEHY: LB75 passes with the emergency clause attached. We will now proceed to LB76. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB75 LB76]

ASSISTANT CLERK: 47 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB76]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB76]

ASSISTANT CLERK: (Read title of LB76.) [LB76]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB76 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB76]

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ASSISTANT CLERK: (Record vote read, Legislative Journal pages 563-564.) Vote is 49 ayes, 0 nays, Mr. President. [LB76]

PRESIDENT SHEEHY: LB76 passes with the emergency clause attached. We will now proceed to LB111. [LB76 LB111]

ASSISTANT CLERK: (Read LB111 on Final Reading.) [LB111]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB111 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB111]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 564.) Vote is 49 ayes, 0 nays, Mr. President. [LB111]

PRESIDENT SHEEHY: LB111 passes. We will now proceed to LB122. [LB111 LB122]

ASSISTANT CLERK: (Read LB122 on Final Reading.) [LB122]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB122 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB122]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 565.) Vote is 45 ayes, 3 nays, 1 present and not voting, Mr. President. [LB122]

PRESIDENT SHEEHY: LB122 passes. We will now proceed to LB134. [LB122 LB134]

ASSISTANT CLERK: (Read LB134 on Final Reading.) [LB134]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB134 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB134]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 565-566.) Vote is 47 ayes, 0 nays, 2 present and not voting, Mr. President. [LB134]

PRESIDENT SHEEHY: LB134 passes with the emergency clause attached. We will now proceed to LB154. [LB134 LB154]

ASSISTANT CLERK: (Read LB154 on Final Reading.) [LB154]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied

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with, the question is, shall LB154 pass? All those in favor vote yea; opposed, nay.
Record, Mr. Clerk. [LB154]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 566.) Vote is 49
ayes, 0 nays, Mr. President. [LB154]

PRESIDENT SHEEHY: LB154 passes. We will now proceed to LB157. Mr. Clerk, the
first vote is to dispense with the at-large reading. All those in favor vote yea; opposed,
nay. Record, Mr. Clerk. [LB154 LB157]

ASSISTANT CLERK: 46 ayes, 0 nays to dispense with the at-large reading, Mr.
President. [LB157]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read
the title. [LB157]

ASSISTANT CLERK: (Read title of LB157.) [LB157]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB157 pass? All those in favor vote yea; opposed, nay.
Record, Mr. Clerk. [LB157]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 567.) Vote is 49
ayes, 0 nays, Mr. President. [LB157]

PRESIDENT SHEEHY: LB157 passes. We will now proceed to LB157A. [LB157
LB157A]

ASSISTANT CLERK: (Read LB157A on Final Reading.) [LB157A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied
with, the question is, shall LB157A pass? All those in favor vote yea; opposed, nay.
Record, Mr. Clerk. [LB157A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 568.) Vote is 49
ayes, 0 nays, Mr. President. [LB157A]

PRESIDENT SHEEHY: LB157A passes. We will now proceed to LB163. Mr. Clerk, the
first vote is to dispense with the at-large reading. All those in favor vote yea; opposed,
nay. Record, Mr. Clerk. [LB157A LB163]

ASSISTANT CLERK: 45 ayes, 0 nays to dispense with the at-large reading, Mr.
President. [LB163]

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PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB163]

ASSISTANT CLERK: (Read title of LB163.) [LB163]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB163 pass? All those in favor vote yea; oppose, nay. Record, Mr. Clerk. [LB163]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 569.) Vote is 49 ayes, 0 nays, Mr. President. [LB163]

PRESIDENT SHEEHY: LB163 passes. We will now proceed to LB163A. [LB163 LB163A]

ASSISTANT CLERK: (Read LB163A on Final Reading.) [LB163A]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB163A pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB163A]

ASSISTANT CLERK: (Record vote read, Legislative Journal, pages 569-570.) Vote is 49 ayes, 0 nays on the final passage of the bill, Mr. President. [LB163A]

PRESIDENT SHEEHY: LB163A passes. We will now proceed to LB208. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB163A LB208]

ASSISTANT CLERK: 48 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB208]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB208]

ASSISTANT CLERK: (Read title of LB208.) [LB208]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB208 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB208]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 570.) Vote is 49 ayes, 0 nays, Mr. President. [LB208]

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PRESIDENT SHEEHY: LB208 passes. We will now proceed to LB211. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB208 LB211]

ASSISTANT CLERK: 43 ayes, 0 nays to dispense with the at-large reading, Mr. President. [LB211]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB211]

ASSISTANT CLERK: (Read title of LB211.) [LB211]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB211 pass? All those in favor vote yea; opposed, nay. Record, Mr. Clerk [LB211]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 571.) Vote is 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB211]

PRESIDENT SHEEHY: LB211 passes. We will now proceed to LB212. Mr. Clerk, the first vote is to...(Recorder malfunction) Record, Mr. Clerk. [LB211 LB212]

ASSISTANT CLERK: 46 ayes, 0 nays to dispense with the at-large reading. [LB212]

PRESIDENT SHEEHY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB212]

ASSISTANT CLERK: (Read title of LB212.) [LB212]

PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB212 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB212]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 572.) Vote is 49 ayes, 0 nays on the final passage of the bill, Mr. President. [LB212]

PRESIDENT SHEEHY: LB212 passes with the emergency clause attached. We will now proceed to LB241. Mr. Clerk, the first vote is to dispense with that at-large reading. All those in favor vote yea; opposed, nay. Correction, we will just continue to proceed. Mr. Clerk, we now proceed to LB241. [LB212 LB241]

ASSISTANT CLERK: (Read LB241 on Final Reading.) [LB241]

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PRESIDENT SHEEHY: All provisions of law relative to procedure having been complied with, the question is, shall LB241 pass with the emergency clause attached? All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB241]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 573.) Vote is 49 ayes, 0 nays, Mr. President, on the final passage of the bill. [LB241]

PRESIDENT SHEEHY: LB241 passes with the emergency clause attached. Mr. Clerk, we'll move to the first item under Select File. [LB241]

CLERK: Mr. President, LB181. Senator Larson, I have no amendments to the bill, Senator. [LB181]

PRESIDENT SHEEHY: Senator Larson, you're recognized for a motion. [LB181]

SENATOR LARSON: Mr. President, I move that LB181 be advanced to E&R for engrossing. [LB181]

PRESIDENT SHEEHY: You have heard the motion. All those in favor say aye. Opposed, nay. LB181 advances. While the Legislature is in session and capable of transacting business, I propose to sign and hereby do sign LB19, LB23, LB28, LB29, LB30, LB46, LB47, LB59, LB68, LB72, LB74, LB75, LB76, LB111, LB122, LB134, LB154, LB157, LB157A, LB163, LB163A, LB208, LB211, LB212, and LB241. Mr. Clerk, we will now proceed under General File 2011 committee priority bill. [LB181 LB19 LB23 LB28 LB29 LB30 LB46 LB47 LB59 LB68 LB72 LB74 LB75 LB76 LB111 LB122 LB134 LB154 LB157 LB157A LB163 LB163A LB208 LB211 LB212 LB241]

CLERK: Mr. President, LB333 was introduced by Senator Adams as Chair of the Education Committee. (Read title.) Introduced on January 12 of this year, at that time referred to the Education Committee for purposes of conducting a public hearing. The bill is reported to General File. Mr. President, there are both Education Committee amendments as well as an amendment to the bill by Senator Adams. (AM261, Legislative Journal page 483.) [LB333]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Adams, you're recognized to open on LB333. [LB333]

SENATOR ADAMS: Thank you, Mr. President. Members of the body, this is the fourth of the four bills that come from the Education Committee that outline our LR542 cut recommendations, and this bill specifically deals with the Department of Ed. And if you look at the fiscal note, there is substantial savings to the state within this bill. And the essence of it is primarily, not exclusively but primarily, what we are doing is moving

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programs within the Department of Ed, select programs within the Department of Ed, from General Fund appropriation over to lottery dollars. Each year there are a certain number of unused lottery dollars that are available, some of it has got to stay there for cash flow purposes, but we have watched very carefully to see if there were some that we could use to move over and to fund programs. What the bill does is this: First of all, the attracting excellence and enhancing teacher excellence program, they are both scholarship programs; one for undergraduate, the other for graduate programs. In this bill, what we would do is to suspend for two years the graduate level scholarships. And we would keep the undergraduate scholarships using lottery dollars, but we would not accept new applicants for two years. Two years from now, we would go back to the original program and still be funded with lottery dollars. The second thing we would do, the state authorizes early childhood education grants through General Fund. We would propose in this bill that we move those early childhood grants, again, over to lottery dollars but for two years, and then we move that back over to General Fund at the end of that two-year period. We have in the state what we call "high ability learner grants" that schools can make application for, for our gifted students. In this proposal, what we would do, the committee would be asking that we move those grant programs over to those unused lottery dollars, and when the two years are up not go back to General Fund but to stay on lottery dollars; if you recall, last year I believe it was that Senator Stuthman had a bill that would appropriate \$450,000 for the career leadership center at the Department of Ed--that's FCCLA, FFA. I'm sure you heard from a lot of your students during that. What this bill would do is to move that \$450,000 for the leadership center over to unused lottery dollars, freeing up General Fund dollars, and it would stay on lottery dollars. Another thing that we would do in this particular bill is to appropriate some lottery dollars over to the State Department of Education so that they continue their work on expanding our student information system. What we need to do next is to include early childhood and higher ed in that student information system, and the department needs the assistance in doing that. This bill would put some lottery dollars for that purpose. This bill would eliminate the FTE of student achievement coordinator. This bill would also move the teacher certification process that is currently paid for by the teachers themselves, with the exception of the administration cost, it would move it from \$55 to \$70 on the part of teachers. The bill itself, and there's an amendment to follow that will change that, in the green copy of the bill, the bill eliminates the requirement for multicultural education in our curriculum and also removes the FTE, but there is an amendment to follow that will change that. Thank you, Mr. President.
[LB333]

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening to LB333. As was stated, there is an Education Committee amendment, AM261. Senator Adams, you're recognized to open. [LB333]

SENATOR ADAMS: Thank you, Mr. President. What this amendment does is to respond...it's the committee's response to a reevaluation of the original bill after having

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a hearing on it. We had this particular...this particular amendment deals specifically with multicultural education. Multicultural education is required by statute, therefore, under the LR542 process we had listed it to be eliminated, the requirement, and, therefore, the technical assistance from the department the FTE that would go along with it. The committee felt after the hearing and the huge response that we had from schools, from administration, from curricula supervision, and others that we ought to put that back in. So this amendment puts the multicultural requirement back in, but it also moves that over to lottery dollars to be funded. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening of the Education Committee amendment AM261 to LB333. Members requesting to speak: Senator Pahls, followed by Senator Fischer, Senator Langemeier, Senator Wallman, and Senator Council. Senator Pahls. [LB333]

SENATOR PAHLS: Thank you, Mr. President, members of the body. Could I have Senator Adams yield for a couple of questions? [LB333]

PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Pahls? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

SENATOR PAHLS: Thank you, Senator Adams. It seems to me as I'm looking at this we have actually sort of preordained in the future, even though you say five years, how we are going to be using lottery funds. We're moving a lot of our needs from General to lottery funds. Is that going to be the intent forever and a day or is that just for the short limitation of five years, it said? [LB333]

SENATOR ADAMS: Actually to answer your question, as you can see, one of those, the early childhood education grants in the bill, after two years they do move back over to General Funds. The other things stay on lottery. However, I would tell you that that pool of lottery money that's committed to education by constitutional amendment, in five years the whole pot comes up for reevaluation of how it's being distributed, so in effect whether all of these programs will come again under the scrutiny. [LB333]

SENATOR PAHLS: Okay. By my rough figures, we receive about...education does, they receive about a little over \$6 million a year because they are basically...if I'm recalling the figures here, a little over 44 percent goes to environment, a little over 44 percent goes to education, of course the initial \$500,000 for compulsive gambling, and the rest of it eventually I think is filtered back. So about \$6.5 million does go in this fund for education approximately. So what we're doing is we're playing with that fund for now, but like you say, some of these will go back to General Fund, I understand that. I'm just a little bit concerned. It seems like we're starting to use this as, I don't want to use but sort of our catchall or our rainy-day fund, because I've investigated how we've used this

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money in the past. But that's enough said on that subject. Now I'm going back to...and I'm reading from the fiscal note, the teacher and administration certificate fees. I understand they're going to be raised from \$55 to \$70, which is a \$15 increase. This is a \$15 increase in fees. I'm not arguing that. But when we do hear the word "fee" comes up on the floor, we do say at times that is another form of taxation. I know it says it's only going to affect 9,000 applicants. Again, I'm not arguing with that, but the part that surprises me is how the money is utilized. It says, and I may be reading this wrong, but we need that money to pay for 1.6 FTE in the department who investigate violations of professional ethics and practices by educators. I'm really surprised, and I could be wrong and that's why I'm asking for clarification, if we need 1.6 or basically one-and-a-half people to investigate the violation of professionals in education, that to me seems like a very large number. I mean, do we have that many people who are investigated every year? [LB333]

SENATOR ADAMS: I couldn't tell you, Senator Pahls, how many are investigated. The number 9,000 of people that are making application, what percent of that, I couldn't tell you. [LB333]

SENATOR PAHLS: Right. But I'm reading this was...okay, that may be one of the things they do. But part of this money is used to investigate, as I read in the...and it could be wrong, I mean, I could be misreading this, but they're going to use that for...that some of those funds will be used for investigating people who are in trouble with ethics in the profession. It just seems to me that the department is asking for a lot of help at 1.6. And I'm not trying to put you on the spot. It just seems like...it made me think, gee, do we have that many educators who... [LB333]

PRESIDENT SHEEHY: One minute. [LB333]

SENATOR PAHLS: ...who are coming up against the rule of law? [LB333]

SENATOR ADAMS: In some cases we might very well. [LB333]

SENATOR PAHLS: Okay. [LB333]

SENATOR ADAMS: Our profession, that bothers me a bit, but. [LB333]

SENATOR PAHLS: But that just...I was just surprised that they needed that much help. Thank you. Thank you, Senator. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Fischer, you're recognized. [LB333]

SENATOR FISCHER: Thank you, Mr. President and members. Senator Pahls just

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made that comment that he didn't know if there were diversions from the lottery money in the past. I can tell that there have been a number of diversions from the education fund in the past. We had the Nebraska Opportunity Grant Fund that came out of the Education Innovation Fund. In 2005, money was transferred to the School District Reorganization Fund; 2006 and 2007, it went to the Attracting Excellence to Teaching Program Cash Fund to fund the Attracting Excellence to Teaching Program Act, and also money went to the School District Reorganization Fund. In 2007-2008, money went to the Attracting Excellence to Teaching Program Cash Fund, also for distance education equipment and incentives. In 2008-2009, those two different programs received money again. As you can see, the money has been diverted from the Education Innovation Fund that was created to handle those lottery dollars. We're looking at, with this fiscal note, I would draw your attention to that, that we're also going to be transferring money under this, as Senator Adams pointed out. I want to make clear, I'm not against this at all. It's happened and it's happened in the past. We have a need now in the future. Senator Adams has pointed out that we're moving those lottery dollars and we're putting them in the General Fund for the Department of Ed to help with commitments and expenses that they have, and I think that is an appropriate use of the money. We have some other bills in Natural Resources Committee that are also addressing lottery money, and that's with the Environmental Trust Fund. And we're looking at transferring some of those lottery dollars to the Department of Natural Resources to help with some state commitments that we have in that area. So I just wanted to point out to the members that, yes, we are transferring lottery dollars; it has been done in the past; it's been done with the education side of the lottery money; it's been done with the Environmental Trust Fund side of the lottery money. When a need arises when there's a state commitment that needs to be met, I think we need to look at all the resources that are available to us as a body in order to meet those responsibilities and commitments. And so I can appreciate what the Education Committee had to decide on this issue. I know it's never easy to make those decisions where we transfer lottery dollars, but sometimes it needs to be done. So I thank the Education Committee for doing that. I would ask if Senator Adams would yield to a question, please. [LB333]

PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Fischer? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

SENATOR FISCHER: Senator Adams, Senator Pahls also brought up the fees that are being put into place in order to replace General Funds. Did you have any comments about that during the hearing? [LB333]

SENATOR ADAMS: Yeah, there was actually during the hearing on... [LB333]

PRESIDENT SHEEHY: One minute. [LB333]

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SENATOR ADAMS: ...the bill there were no comments on it. [LB333]

SENATOR FISCHER: Were there any comments on diverting lottery money for the Department of Education for General Funds? [LB333]

SENATOR ADAMS: No. As a matter of fact, and some of the other committee members that may have heard differently that were there could stand up and speak to it, but I think generally speaking most people were satisfied that this is what we were doing because we were going to hold programs in place, otherwise they were going away. [LB333]

SENATOR FISCHER: Right. Thank you very much. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Fischer. (Visitors introduced.) Senator Langemeier, you're recognized. [LB333]

SENATOR LANGEMEIER: Mr. President, members of the body, I, too, want to rise to commend the Education Committee on LB333 as they look to make tough cuts as well as try and keep valued programs going with the use of lottery funds. And as Senator Fischer said, as on many occasions we've seen the lottery funds be rededicated for different programs, and that continuously moves around as the priorities of the state of Nebraska continue to change. On the other half of those lottery funds are the environmental trust side or funds that are dedicated to environmental projects, as you're all going to get the opportunity to see a bill here in the next couple of days that deal with a change in the way we've used the Environmental Trust Funds in who guides that decision. As the state steps up to meet some of the Platte River recovery project, we have one of the biggest environmental issues of maybe our decade that we have to address. And we have a bill that's going to look at those same trust dollars that are dedicated to the environment to go to another project that is crucial to the environment of the state of Nebraska. And so we approve, all of the committee members, as they understand the prioritization and the moving of lottery funds to the most high-priority areas, and we commend them to carry that over as we start to discuss the environment and its priority in the state of Nebraska. And with that, I want to commend them and I'm going to support AM261 and LB333. Thank you. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Langemeier. Senator Wallman, you're recognized. [LB333]

SENATOR WALLMAN: Good morning, Mr. President, members of the body. It seems ironic we want to use lottery funds, gambling money or so-called, and this body did not vote to expand that. And I would wonder if Senator Adams would yield to a question. [LB333]

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PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Wallman? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

SENATOR WALLMAN: Thank you, Senator Adams. Yes, is there anything in here...I can't see anything about funding those with gambling problems, is there anything in this education thing in that? [LB333]

SENATOR ADAMS: No. The only money we're using here are those monies that constitutionally are obligated to education. [LB333]

SENATOR WALLMAN: Yeah. Thank you. And this 2013, is that the end of the aid to reorganization? Is that it for smaller schools then? Is that it for their support financially? [LB333]

SENATOR ADAMS: No, not to bring it to an end. What we simply did was we went to the Department of Ed and said: There are X number of lottery dollars that are committed to the reorg. incentive fund. How much is committed at this point, and what do you see in terms of consolidation down the road? And they gave us an estimate of what they need to hold back for that purpose and what they could free up. [LB333]

SENATOR WALLMAN: Thank you, Senator Adams. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Members requesting to speak on AM261 to LB333, we have Senator Council, followed by Senator Christensen, Senator Pahls, Senator Heidemann, Senator Ken Haar. Senator Council, you're recognized. [LB333]

SENATOR COUNCIL: Yes, thank you, Mr. President. I rise to express my strong support for AM261 and to explain to the body why I did not vote on the underlying bill, LB333, as amended in the committee. As Chairman Adams stated, LB333 provided for the elimination of the mandate that multicultural education be included in the state's core curriculum requirements. My introduction of a bill before another committee prevented me from adding my voice to the chorus of opponents that testified on LB333 at the hearing. However, I shared with my fellow Education Committee members my fervent belief that this state must maintain its commitment to the inclusion of multicultural education in its core curriculum requirements. It is imperative that all children see their culture and their history reflected in the curriculum, and indeed educational research has demonstrated the effect that the inclusion of multicultural education has on the academic achievement of African-American, Native American, and Latino children. At a time when this state proclaims through its P-16 and other educational initiatives that one of its highest priorities is the elimination of the

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educational achievement gaps that exists between African-American, Native American, Latino children, and white children, we cannot and must not eliminate the emphasis on multicultural education. Accordingly, I sought the amendment of LB333 to restore the inclusion of multicultural education in the core curriculum requirement. I want to take this opportunity to publicly thank my fellow committee members for not only seeing the need to maintain the state's commitment to providing a multicultural education, but also ensuring that we are being effective in the delivery of the curriculum and the achievement of its outcomes by strengthening the evaluation and reporting requirements associated with multicultural education programs. That strengthening of the evaluation and reporting requirements is reflected in AM261. In addition to the multicultural education issue, however, LB333, as again Senator Adams stated, provided for a shift of the funding for certain educational programs from the General Fund to lottery funds and the reallocation of certain lottery funds that were already funding educational programs, specifically the funds allocated for the Excellence in Teaching Act. Under LB333, the amount to be allocated to the Excellence in Teaching Act would be reduced from this current level of \$1 million to \$245,000 in 2012-13, with all of that funding being distributed to the attracting or the undergraduate scholarship program, effectively opposing a moratorium on funding of the graduate-level program. At the time that the committee was considering the advancement of LB333, a bill I introduced, LB403, had not yet been heard by the committee, and LB403 not only provided for the maintenance of the graduate scholarship program, but it also provided for an increase in the allotment to the graduate scholarship program. Since LB403 had not yet been heard by the Education Committee at a time when it was deciding... [LB333 LB403]

PRESIDENT SHEEHY: One minute. [LB333]

SENATOR COUNCIL: ...whether to advance LB333, I did not believe that it would be appropriate for me, as the sponsor of LB403, to cast a vote on LB333 until LB403 had a time to have a full and fair hearing. In view of the unanimity among my committee members on the provisions of LB333, I stand in full support of AM261 and LB333 and urge that this body advance...adopt the amendment and advance LB333. Thank you. [LB333 LB403]

PRESIDENT SHEEHY: Thank you, Senator Council. Senator Christensen. [LB333]

SENATOR CHRISTENSEN: Thank you, Mr. President. I'd like to ask Senator Adams if he could yield, please. [LB333]

PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Christensen? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

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SENATOR CHRISTENSEN: Senator, explain to me how the lottery dollars for education was first set up and how it was used. [LB333]

SENATOR ADAMS: Well, the lottery dollars, there was to my recollection a constitutional provision that was voted on by the people that, first of all, created the concept of a lottery and then said, here's how those lottery dollars will be distributed into these two bigger buckets for environment and for education. [LB333]

SENATOR CHRISTENSEN: And so you set up or a previous senator set up how it would be used for education. [LB333]

SENATOR ADAMS: Within the constitutional provision of lottery dollars for education, that pie gets carved up by this Legislature through statute. [LB333]

SENATOR CHRISTENSEN: Okay. And has any of them changes that you have made on use within the education department ever been taken to the people for a vote? [LB333]

SENATOR ADAMS: No, not to my knowledge. [LB333]

SENATOR CHRISTENSEN: I think...okay. Thank you, Senator Adams. I appreciate that. You know, again, I speak like Senator Fischer and Senator Langemeier did, we've got the same situation on LB229 where the environmental trust is the other pot that gets this money. And we've been told that we don't have the rights to change that money and move it from one fund to another. But when you go back and look at what the environmental trust has done, they have used it for conservation issues, water issues, wetlands, same thing that the Natural Resources Committee would like to do. So I just wanted to get this on the record how the vote was originally done constitutionally, how the funds have moved between different categories within education, and how we're looking at moving funds in different areas within the environmental trust. And just to relate, there really is no difference. It is set up by the Legislature. The constitutional amendment set up the outside frame and structure and has left it up to the Legislature to decide. Thank you, Mr. President. [LB333 LB229]

PRESIDENT SHEEHY: Thank you, Senator Christensen. Senator Pahls, you're recognized. [LB333]

SENATOR PAHLS: Thank you, Mr. President, members of the body. I do not want to get into...I understand where the environmental people are coming from, but I want to refocus this back on education. And I just need a little bit more clarification from Senator Adams. Would you yield to a question or two? [LB333]

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PRESIDENT SHEEHY: Senator Adams, would you yield to Senator Pahls? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

SENATOR PAHLS: Just to make sure I haven't lost this, part of this bill does do away with the student achievement coordinator. Is that still...? [LB333]

SENATOR ADAMS: That's correct. [LB333]

SENATOR PAHLS: Okay. We've removed that position. Now I'm going to get back to the position of the increase of the fees from \$15...from \$55 to \$70, and that money will be used for a staff member plus to investigate violations of professional ethics and practices by educators. Apparently as I'm rereading it, that staff member is already there. We're just providing different funds for that. [LB333]

SENATOR ADAMS: That's correct. [LB333]

SENATOR PAHLS: Again, not today but sometime I just...I'm amazed...I know there are 17,000-plus educators in the state but it concerns me that we have to allocate 1.6 people to investigate. I... [LB333]

SENATOR ADAMS: May I respond to that? [LB333]

SENATOR PAHLS: Yes, please. [LB333]

SENATOR ADAMS: Part of the reason is that if one parent calls the Department of Ed and said my kid or I am having a problem with this teacher, it may not be based on anything but an investigation is done. So imagine. [LB333]

SENATOR PAHLS: And I thank you. That really helps a lot because when I first read that, I thought this meant putting teachers, administrators to the edge, but this looks like any time anybody sends a complaint, which I could understand there would be...there's a possibility of a number of them because you're dealing with a number of parents and educators. And you're telling me even the smallest call is responded to. [LB333]

SENATOR ADAMS: Right. [LB333]

SENATOR PAHLS: Okay. That does alleviate that concern. Thank you. That's the nice thing about having more information because it does put things maybe more into more of a perspective. And I do need to commend...because I know what we're doing is we're moving money around, but a couple of the areas that this high ability aid and early childhood grants are significant. For those of us who have been in the field we know that early childhood, that's where it all begins. To find and resolve some of the issues, if

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you can catch it at an early age, life is different and we know that. And I also know high ability, having dealt with those because I probably was very lucky about a year ago because I probably had some people with high ability who did find the reason, what was medically wrong with me. And for...and don't say what you were thinking, Senator Adams, so those two groups I'm very pleased that we have not let them slide to the side. And I know what we're doing is we're moving money around trying to make things more efficient or to sustain those programs. And I thank you for your efforts. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Heidemann, you're recognized. [LB333]

SENATOR HEIDEMANN: Thank you, Mr. Lieutenant Governor, fellow members of the body. I want to first stand up and say thank you very much to Senator Adams and the Education Committee. They worked very hard this year with their LR542 process. And out of all the committees as I have watched them work, I don't know if there was a committee that worked harder, not that all committees didn't work. But let me tell you what, the Education Committee put their time in and I think this is a by-product of that. Committee after committee and especially the Appropriations, we're trying to figure out how to make things work, and LB333 is a part of a solution to try to make things work. So thank you very much, Senator Adams and the Education Committee. We, down in Appropriations at least, we appreciate it a lot and I think you'll eventually see when the preliminary budget comes out how much we do actually appreciate this bill right here. With that, if Senator Adams would yield to a couple of questions, I do have something that I was wanting to talk about. [LB333]

PRESIDENT SHEEHY: Senator Adams, would you yield? [LB333]

SENATOR ADAMS: Yes, I will. [LB333]

SENATOR HEIDEMANN: I'm going to ask you a question on something that really is inside of this bill and it's more of a discussion than anything else. Is there something in this bill that would provide funds to help teachers get a master's degree? [LB333]

SENATOR ADAMS: Yes, there is, the enhancing excellence to education, and that's the portion and what this bill does is to suspend that for two years... [LB333]

SENATOR HEIDEMANN: But then it puts it back. [LB333]

SENATOR ADAMS: It does. [LB333]

SENATOR HEIDEMANN: Has there been any research or discussion on exactly how that helps education in the long run as far as enhancing education for the children in K-12? [LB333]

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SENATOR ADAMS: Senator, I can tell you from what I have read and what I have personally experienced myself with getting an advanced degree and working with colleagues with advanced degrees, it's a double-edged sword. You can find research that says it really doesn't make that much difference, if you've got a teacher that's an artist, a lot of the science isn't necessary. On the other hand, the teacher that better knows their subject can better teach it. [LB333]

SENATOR HEIDEMANN: Do teachers in your estimation get master's for the purpose of being a better teacher or for moving up on the step plan? That's a loaded question. [LB333]

SENATOR ADAMS: (Laughter) I hate to speak for all of my colleagues. I'll speak for myself. It was both, both. [LB333]

SENATOR HEIDEMANN: I appreciate your honesty. And with that, I'm thinking now we have a program at the state level that is paying a teacher to get a master's degree, and when that happens, as you had said, they move up on the step plan, which means that they're going to get more money as salary, if they are an equalized district, that goes back in their GFOE, and eventually who pays for that? [LB333]

SENATOR ADAMS: The taxpayers. [LB333]

SENATOR HEIDEMANN: So I find it a little ironic that we first incentivize teachers to get a master's degree so they can move up on their step plan and eventually then we ended up paying them more money because they have a master's, as long as they're equalized. [LB333]

SENATOR ADAMS: Do you want me to respond to that? [LB333]

SENATOR HEIDEMANN: Sure. [LB333]

SENATOR ADAMS: (Laughter) Well, that can happen operating under the assumption that every teacher is going out and getting an advanced degree just so that they can move up on the pay scale. [LB333]

SENATOR HEIDEMANN: Okay. The little time I have left I do want to talk just briefly on the fee increase. It's \$55 right now? [LB333]

SENATOR ADAMS: That's correct. [LB333]

SENATOR HEIDEMANN: And it would move to \$70. [LB333]

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SENATOR ADAMS: That's right. [LB333]

SENATOR HEIDEMANN: We always...we work a lot in percentages down in Appropriations and I'm not for sure, I kind of just did this in my head, it looks to be at least a 25 percent increase? [LB333]

SENATOR ADAMS: In percentage terms? Probably is. [LB333]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: One minute. [LB333]

SENATOR HEIDEMANN: Doesn't that seem to be a little bit steep? [LB333]

SENATOR ADAMS: Given the years in which the cycle for these certifications, for instance, your professional certification, ten years, every ten years--\$70 over a ten-year period. The other two are five-year cycles. [LB333]

SENATOR HEIDEMANN: Just when you look at it up-front, it just... [LB333]

SENATOR ADAMS: Your initiatives and your standards, yeah. [LB333]

SENATOR HEIDEMANN: ...it just looks like quite a bit at one time. Do you have any concern with that at all? [LB333]

SENATOR ADAMS: Well, I always have concern whenever we're raising a fee, if that's what you're asking, there's no question about that. But we were looking for savings and here was a place we could find some. [LB333]

SENATOR HEIDEMANN: I do appreciate all the work you've done on LB333. I do support the bill. I probably have some questions on paying teachers to get master's degrees and I probably have some concerns with the fee increase, but I think you've done a lot of work on LB333 and I support the overall bill and the amendment. And hopefully... [LB333]

SENATOR GLOOR: Time, Senator. Time. [LB333]

SENATOR HEIDEMANN: Thank you. [LB333]

SENATOR GLOOR: Thank you, Senator Heidemann. Senator Ken Haar. [LB333]

SENATOR HAAR: Mr. President, members of the body, first of all, I want to thank the other committee members, the Education Committee, and especially Senator Adams for

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all the work that went into this bill. And, Senator Adams, I'm told we're going to try a special bill that will be a constitutional amendment that will let you remain in the Legislature as long as you want. (Laugh) But, no, that's just a joke. I want to clarify. Obviously the debate on the Environmental Trust Fund has begun, and I'm going to quote from the Nebraska Constitution, and I will pass this out in a minute. But the way...the Nebraska Constitution says, and I quote, 44.5 percent of the money remaining after the payment of prizes and operating expenses and the initial transfer to the compulsive gamblers fund shall be used for education as the Legislature may direct. That is quite different than what it says about money going into the environmental trust. And here it says, "shall be transferred to the Nebraska Environmental Trust to be used as provided in the Nebraska Environmental Trust Act." So in the case of education, it's as the Legislature may direct, and we've done that. The environmental trust is significantly different in the way the Nebraska Constitution reads. So I'll pass these out. And I know that this is just the beginning of the debate, but I needed to say that. Thank you very much. [LB333]

PRESIDENT SHEEHY PRESIDING

PRESIDENT SHEEHY: Thank you, Senator Haar. (Visitors introduced.) Continuing with floor discussion on AM261 to LB333. Members requesting to speak: Senator Wallman, followed by Senator Pahls, Senator Burke Harr, and Senator Harms. Senator Wallman. [LB333]

SENATOR WALLMAN: Thank you, Mr. President. Yeah, it was...the environmental trust was set up by the voters, it was by the voters, citizens, in 1992. So it was set up by the voters, and we're doing stuff here, shifting monies around. And if you shift money around for education...as Senator Adams knows, I'm pretty well pro education, but I think we have to be very, very careful when we also touch private school teachers, and I...that upset me, the rate increase for those. I don't think as a public entity... [LB333]

PRESIDENT SHEEHY: (Gavel) [LB333]

SENATOR WALLMAN: ...we have...you know, we should not have the ability to raise their rates. And even with public that's quite a...like Senator Heidemann pointed out, I appreciated his comments, that's a pretty good-sized rate. And teachers are not exactly on the high end of the pay scale, especially beginning teachers, especially parochial school teachers. They are paid less yet. So does that bother me when we're increasing their fees? It seems like insignificant but when you're on the bottom of the totem pole and you're barely paying your grocery bill, your rent bill, your car payments, it's not right. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Wallman. Senator Pahls, you're recognized. [LB333]

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SENATOR PAHLS: Thank you, Mr. President and members of the body. I rise because a comment was made about teachers and their degrees and if it's a selfish motive or simply to make more money or if it's to become a better person. Research will say it's both. Who in this Chamber is not for bettering themselves educationwise, perhaps to get more money? I can't believe there would be anybody who would sort of, what I call, mock that. It is important that we have people who want to get more education. And of course if they go up the salary scale, I know that is a...that can be a significant burden. But, again, there are not...I don't think you go into education to probably amass a gigantic fortune, if we had a lot of educators out there amassing a gigantic fortune, I'd say, yes, it's purely for selfish reasons. The only question I would have if you're getting an advanced degree would be in your area of expertise. And just to give you a little personal comment about my degrees. When I received my doctorate, I didn't even let my school system know about it. I didn't care because there was no money at that time for advanced degree as a doctorate in the school system that I had to work in. I just did it because I wanted to do it and I knew it would open up doors. But there for years that I had that degree and there was no money brought back to me simply because I had that degree. So not everyone out there is simply doing it to get themselves up the salary schedule, although that is an incentive. And like I say, you can find research on both ways saying that it's good and it doesn't make a difference. Just examine some of the teachers you're with. It's just like, would you want a beginning teacher with basic knowledge or would you prefer somebody with five years and a master's? Chances are the person with five years and a master's has had more life experiences than those who have not. We know that. We know that in our own personal lives. You probably...most of you are a better parent after you're...maybe if you have two children after you're first child because you say, oh, jiminy Christmas, I'm not going to do that again or I'm going to do that again and again and again. I sort of...now I'm going to get into the environmental section of the...although we are talking about education. I know Senator Heidemann is a farmer. Now if he fertilizes some of that soil that he has out there, chances are it's sort of like an investment into his future. Fertilize that soil, those crops will get better. Do they happen every year, get more crops a little better? Maybe not. But why do we go back year after year or every other year and fertilize? It's sort of I equate that with like a teacher going back and getting additional degrees. We do that in all areas of all businesses. And I do think that we do that in the area of farming also. Thank you. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Pahls. Senator Burke Harr. [LB333]

SENATOR HARR: Thank you, Mr. Chairman. I just want to thank Senator Adams for all the hard work he's done on this bill and his committee. And I wanted to address something Senator Heidemann said earlier, and that's the issue of paying teachers to get a master's degree and then having to pay them more after that. I find that argument somewhat, well, I hate to use the word but I'm going to use it, ridiculous. And that's

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because, why do we even pay for education to begin with then if all we're going to do is pay those people more? Let's just stop at eighth grade education. Why go to high school? Why go to college? We pay for education. It's a good. It makes our society a better place. Now does it make you a better teacher? You know, that is up for debate and I think those teachers are able to make that decision best for themselves. But I do have a problem with objecting to us paying for education, and I want to say I support LB333. Thanks. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Harr. Senator Harms, you're recognized. [LB333]

SENATOR HARMS: Thank you, Mr. President and colleagues. I rise in support of AM261 and the underlying bill of LB333. I want to talk a little bit about, first of all, I want to thank Senator Adams for putting back in the multicultural education. I have believed for a long time that multicultural education is critical to what happens. I believe that discrimination is taught at home, and the quicker you can get to the issue of multicultural, have appreciation for multicultural, the better opportunity we have to make sure we start to eliminate that very issue that we see in our country today. I also have a concern about the thoughts that getting an advanced degree from a bachelor's degree to master's degree really doesn't help you in the classroom. I'm here to tell you it does and I would be offended if we ever moved in that direction to try to eliminate that because the more education you get, the better off you'll be in the classroom. Our kids are the most important thing that we have, and without having a well-educated teacher with a master's degree or even a doctorate degree in some cases, we lose out on that. We have technology today that is so advanced that you can literally make the classroom come alive. You think you can get that by not going back to school? No. Could you use the whiteboard and all the other sort of things that are coming forward? Can you even begin to use some of the other advanced technology? No, unless you go back to school. It's critical and it's very important to us to make sure that we encourage our staff, our teachers to get advanced education. We have so much information before us that we never had access before. And I would tell you this, if we don't encourage our teachers to do this, we lose. We lose as individual teachers. We lose as cities. We lose as counties. We lose as a country. And so I would encourage us to always encourage our teachers to get advanced degrees. I know teachers that haven't gone back to school in ten years, in some cases have never gone back when they graduated. Do you think they're good teachers? Many of them aren't, folks, because they haven't been challenged, they haven't been in the classroom, and they haven't seen the changes that have taken place, even in their own field. So I support what Senator Adams is doing here and I think it's critical that we continue to keep our educational system strong and that we get the best advanced teachers that we can in our system so we can be competitive in a changing world global economy. Our competition is great and, in fact, we've lost ground in our educational system nationally and internationally. Today, we're not number one in the world. Today, I think we're 15 or 20. And if we allow this trend to

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continue, America will be at risk. The very foundation that has made America great will be gone, and that foundation is cracking and it's all centered around the field of education and teachers are critical to us. So that's why it's important for us to continue to support LB333 and the amendment. It's important for us to make sure we understand that multicultural education is critical to us if we're going to be successful in the future. I can tell you now, in the next decade we will be 10 million workers short in this America, this great nation. And as the economy gets better, where do you think these people are going to come from? They're going to come from international. There are going to be more international people working in America. And if we don't understand multicultural education, if we don't understand that transfer that's going to have to take place, we will lose as a nation. We will have more unrest in this great nation. So I rise in support of this and I hope that we will never have that discussion about whether education is critical or whether getting advanced degrees is good or bad. It is good. And for some teachers, without that kind of assistance, they can't go back. We don't pay teachers enough money. They have families or the cost of tuition is almost... [LB333]

PRESIDENT SHEEHY: One minute. [LB333]

SENATOR HARMS: Sorry, Mr. President. [LB333]

PRESIDENT SHEEHY: One minute. [LB333]

SENATOR HARMS: Thank you, Mr. President. We don't have a choice here, folks. So thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Harms. (Visitors introduced.) Mr. Clerk, do you have items for the record? [LB333]

CLERK: I do, Mr. President. Thank you. Your Committee on Transportation, chaired by Senator Fischer, reports LB255 and LB259 to General File and LB112 and LB477 to General File with amendments, those signed by Senator Fischer. Health Committee, chaired by Senator Campbell, reports LB45 to General File with amendments. A confirmation report from Transportation Committee. Bills read on Final Reading were presented to the Governor at 10:48 a.m. (re LB19, LB23, LB28, LB29, LB30, LB46, LB47, LB59, LB68, LB72, LB74, LB75, LB76, LB111, LB122, LB134, LB154, LB157, LB157A, LB163, LB163A, LB208, LB211, LB212, and LB241). Senator Utter would like to print an amendment to LB410; Senator Fischer to LB178. And a series of hearing notices from the Judiciary and the Government Committees, signed by the respective Chairs. And, finally, a Reference report regarding certain gubernatorial appointees to standing committee for confirmation hearing. That's all that I have, Mr. President. Thank you. (Legislative Journal pages 574-583.) [LB255 LB259 LB112 LB477 LB45 LB19 LB23 LB28 LB29 LB30 LB46 LB47 LB59 LB68 LB72 LB74 LB75 LB76 LB111 LB122 LB134 LB154 LB157 LB157A LB163 LB163A LB208 LB211 LB212 LB241 LB410]

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LB178]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Continuing with floor discussion on the Education Committee amendment, AM261, to LB333. Members requesting to speak: Senator Ken Haar, followed by Senator Hadley and Senator Council. Senator Haar. [LB333]

SENATOR HAAR: Mr. President, members of the body, I'd like to follow up on the comments made by Senator Pahls and Senator Harms. And I get pretty emotional about this because I think teachers are among some of the brightest and the best in our society. They're not in it for the money. They're not in it for the money. I'm going to give you a very personal example. My son, who I'm very proud of, has a Ph.D. in physics from Stanford University, and he did original research in laser optics in his graduate work, and he was offered jobs in California at much more than he makes now at Southeast Community College where he teaches because he likes to teach. So teachers are among the best and the brightest; they're not in it for the money. So I simply say, hurray for teachers getting their advanced degrees, not only to the teachers but also because our children benefit. There's just no question that getting additional coursework, additional degrees benefits our children. And in this state, we incent just about everything else and I see no reason we shouldn't incent teachers to get advanced degrees to help teach our children. Again, teachers are among the best and the brightest; they're not in it for the money. Thank you. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Haar. Senator Hadley, you're recognized. [LB333]

SENATOR HADLEY: Mr. President, members of the body, I stand in favor of AM261 and LB333. Just a couple of things. I think the multicultural education is so important. We're a vast, diverse state. A lot of our areas are not daily involved in multicultural experiences. I think the fact that we teach this in school gives them a leg up as they go out about their further life. I would like to weigh in on the idea of a higher degree and the monetary part. Statistics show that if you can keep a teacher five years or more, you could keep them for a career. We lose a lot of teachers in the first five years. And if we can make an incentive by giving a boost for an advanced degree around that time, I think we have a better chance of keeping teachers in the profession. I found it interesting reading the other day that we could close the gap between ourselves and other counties in the next four years if we just moved our better teachers to the inner city areas. Well, in order to have better teachers, we have to reward them, we have to give them a benefit for going back to school. Lastly, I would like to thank the Nebraska, both private and public, higher education institutions who have responded by trying to help our teachers receive advanced degrees. No longer do teachers have to get in a car and drive at night to go to a class. No longer do they have to spend their summers away from their family trying to get an advanced degree. We have on-line degrees at

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numerous private and public institutions that allow our teachers to receive advanced degrees while they're still staying home with their families and their work. So I applaud higher education's response to this problem and the help that they give to solving the problem of advancing teacher's education. With that, again, I support both the amendment and the underlying bill. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Hadley. Senator Council, you're recognized. [LB333]

SENATOR COUNCIL: Yes, thank you, Mr. President. I, first, want to thank my colleagues who have stood on the floor and expressed their understanding and support for the maintenance of an emphasis on multicultural education in the core curriculum requirements in the state. And I just wanted to take this opportunity to point out that it's almost serendipitous as we're discussing the need to continue to include a focus on multicultural education that the fine young people from the King Science Magnet Center in Omaha are sitting in the balcony, because all I suggest to you is that you take a look at these fine young people and they themselves evidence the reason why we should continue to provide a strong focus on multicultural education. I also need to perhaps further explain my position with regard to not voting on the underlying bill because it goes to the discussion that's occurred relative to graduate-level teacher education and providing assistance for the achievement of those advanced degrees. I wholeheartedly endorse the provision of assistance to teachers seeking advanced degrees and, in fact, it was that support that caused me to be in a bit of conflict with the committee on LB333, because my bill, LB403, not only continued funding the Excellence in Teaching Act at its current level, but it provided an additional \$500,000 with that money being earmarked for the enhanced teaching...Excellence in Teaching Fund. So I'm wholeheartedly in support of providing assistance to teachers seeking advanced degrees, but it became clear to me that as a result of the committee's LR542 review and processes, which occurred before I became a member of the committee, that the sense was that a moratorium on that program would enable us to continue to fund early childhood education grants, the programs that allow our young people to increase their leadership education opportunities, were very, very critical. And for that reason, again, I urge the body's support of AM261 and advancement of the underlying bill, LB333. [LB333 LB403]

PRESIDENT SHEEHY: Thank you, Senator Council. Seeing no additional requests to speak, Senator Adams, you're recognized to close on the Education Committee amendment AM261. [LB333]

SENATOR ADAMS: Thank you, Mr. President. It would seem to me that the body is pretty aware of what the amendment does. And it restores to the bill the requirement for multicultural education, and it funds the FTE that is associated with this from, again, from lottery dollars. Thank you, Mr. President. [LB333]

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PRESIDENT SHEEHY: Thank you, Senator Adams. You have heard the closing. The question before the body is on the adoption of AM261 to LB333. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB333]

CLERK: 36 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB333]

PRESIDENT SHEEHY: AM261 is adopted. Mr. Clerk, you have an amendment on your desk. [LB333]

CLERK: Senator Adams would move to amend the bill with AM367, Mr. President. (Legislative Journal pages 583-585.) [LB333]

PRESIDENT SHEEHY: Senator Adams, you're recognized to open on AM367. [LB333]

SENATOR ADAMS: Thank you, Mr. President. Members, this amendment comes to us from the Department of Ed, and it truly is a technical amendment that is designed to harmonize language in our statutes with the processes that we're already going through for the distribution of monies that are paid to counties in lieu of tax from the federal government. And those monies are then distributed to the counties for county roads and to the school districts within the counties that have federal forest lands, federal floodways, and federal grazing lands. And that money is currently distributed as the federal government wants it to be. All this amendment does it to harmonize our State Department of Ed language with the process that's already underway. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Adams. You've heard the opening to AM367 to LB333. Member requesting to speak, Senator Louden, you're recognized. [LB333]

SENATOR LOUDEN: Thank you, Mr. President and members. This is something that takes the Bureau (sic) of Educational Lands and Funds out of the process where they don't have any money involved in it anyway. What we...some of you probably don't know, but out in the western end of the state there was quite a little bit of federal lands out there, Sioux County and Dawes County, and there's always paid an in lieu of tax on that, and it's up to usually the counties to certify how much of that federal lands were there. And at the present time I think they were supposed to run it through the Bureau (sic) of Educational Lands and Funds. And this is some clarification language, and I would support this amendment. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Louden. Seeing no additional requests to speak, Senator Adams, you're recognized to close. Senator Adams waives closing. The

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question before the body is on the adoption of AM367 to LB333. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB333]

CLERK: 34 ayes, 0 nays, Mr. President, on the adoption of Senator Adams' amendment. [LB333]

PRESIDENT SHEEHY: AM367 is adopted. [LB333]

CLERK: I have nothing further on the bill, Mr. President. [LB333]

PRESIDENT SHEEHY: Are there requests to speak on LB333? Seeing none, Senator Adams, you're recognized to close. [LB333]

SENATOR ADAMS: Thank you, Mr. President. Members of the body, I'll keep my closing very, very short because you understand the bill. What the committee did was to work very hard this summer to try to preserve those programs that the department felt were important, constituents felt were important, teachers did, and that's what we've done here, and at the same time, we have found in excess of \$6 million in savings. Now to do that there's the loss of an FTE, student achievement coordinator, but there's also the movement of these programs over to lottery dollars, those lottery dollars that are currently not used, those unused dollars. And let me remind you that the early childhood grants, those after two years are going to come back over to General Fund, and all lottery programs within this bucket called education in five years will have to be reevaluated by the Legislature and reappropriated by whatever statutes they choose to pass. So any one of these things will come up for review at that point in time. That's the essence of the bill. Thank you, Mr. President. [LB333]

PRESIDENT SHEEHY: Thank you, Senator Adams. You have heard the closing. The question before the body is on the advancement of LB333. All those in favor vote yea; opposed, nay. Record, Mr. Clerk. [LB333]

CLERK: 41 ayes, 0 nays, Mr. President, on the advancement of LB333. [LB333]

PRESIDENT SHEEHY: LB333 advances. (Visitors introduced.) Mr. Clerk, we'll move to the next item under General File, LB228. [LB333 LB228]

CLERK: LB228, a bill by Senator Mello. (Read title.) Introduced on January 10, referred to the Government, Military and Veterans Affairs Committee for public hearing. The bill was advanced to General File. I do have an amendment to the bill by Senator Mello, Mr. President. [LB228]

PRESIDENT SHEEHY: Thank you, Mr. Clerk. Senator Mello, you're recognized to open on LB228. [LB228]

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SENATOR MELLO: Thank you, Mr. President and members of the Legislature. LB228 is legislation that clarifies the ability of the Task Force for Building Renewal to conduct energy audits. LB228 faced no opposition at testimony at the hearing and was advanced to the floor by the Government Committee on an 8-0 vote. The Task Force for Building Renewal, commonly referred to as the "LB309 Task Force", is one of the hidden gems of state government. The task force, which is a division of the Department of Administrative Services, was nationally recognized in Governing magazine in 2008 and recommended as a best practice in building maintenance to the National Governors Association in 2009. The role of the task force is to allocate funds for the highest priority upgrades and improvements necessary to maintain our state buildings and utility systems. All state agencies, with the exception of the Department of Roads, are eligible for funding through the LB309 Task Force. Currently, there are four types of eligible projects under the Deferred Building Renewal Act: deferred maintenance; fire and safety upgrades; upgrades to comply with the Americans with Disabilities Act; and projects to correct the waste of energy, which generally covers energy conservation. LB228 would add an additional type of eligible project clarifying that standalone energy audits may be performed as part of the LB309 Task Force process. Based on conversations between my office and DAS, the LB309 Task Force typically conducts 20 to 25 energy audits per year under the "correct a waste of energy" category. While nothing in the current statutory language prevents them from conducting these audits, LB228 would clarify that even in the absence of a boarder maintenance project, the task force would be able to conduct energy audits on state buildings. These audits may, in turn, identify smaller maintenance projects that might otherwise go unnoticed in proving the energy efficiency of our state buildings. In order to enhance the legislative oversight of the LB309 Task Force process, LB228 would also require that copies of energy audits performed by the task force be sent to the agency operating the particular building as well as the Legislature's Building and Maintenance Committee. AM388, which is the committee...is the amendment I offered based on a conversation with Senator Loudon, would allow DAS to provide those energy audit paperwork electronically to the committee, thus, saving paper and time. As a new member of the Building and Maintenance Committee, I look forward to learning more about the 309 Task Force in an up close and personal way and how we can assist them in further assuring that our state buildings are maintained in the future. I believe that encouraging energy audits through the existing task force process not only can save our state government...not only can our state government lead by example in areas of energy efficiency, but we can also save a significant amount of taxpayer dollars. I'd urge the body to advance LB228 to Select File as well as AM388. Thank you, Mr. President. [LB228]

PRESIDENT SHEEHY: Thank you, Senator Mello. You've heard the opening to LB228. Mr. Clerk, we'll continue with the amendment. [LB228]

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CLERK: Senator, AM388. Senator Mello for AM388. (Legislative Journal page 585.)
[LB228]

PRESIDENT SHEEHY: Senator Mello, you're recognized to open on AM388. [LB228]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. AM388 is simply an amendment that would allow the 309 Task Force to provide the Legislature's Building and Maintenance Committee copies of those energy audits electronically. I think that in talking with Senator Louden, some energy audits, depending upon what those buildings may be, could be extensive in paperwork, and it's a way for us to be able to save some money in regards to printing costs if DAS can simply send us those energy audits electronically for our oversight purposes. Thank you, Mr. President.
[LB228]

PRESIDENT SHEEHY: Thank you, Senator Mello. You've heard the opening of AM388 to LB228. Members requesting to speak are Senator Harms, followed by Senator Louden. Senator Harms. [LB228]

SENATOR HARMS: Thank you, Mr. President and colleagues. Senator Mello, would you yield just for a question, please? [LB228]

PRESIDENT SHEEHY: Senator Mello, would you yield? [LB228]

SENATOR MELLO: Yes. [LB228]

SENATOR HARMS: Senator Mello, as I look through what this bill does, I am supportive of it. I have just one question. How are we going to track this information? What I'm thinking about is that you go into some of these buildings and we find that there's a lot that has to be done. It's turned into the agency, but in many cases it may never get taken care of. How are you going to track this and how are we going to keep moving forward to make it more efficient? I don't see this in the bill and I'm just curious about what your thoughts are. [LB228]

SENATOR MELLO: Well, Senator Harms, the added component in LB228 requires that these energy audits are provided not only to the agency but also to the Legislature's Building and Maintenance Committee. And I think that with the legislative committee now being able to see what these...what are contained in these energy audits, it provides actually I think the Legislature the ability to follow up with individual agencies to see if they're moving forward on any potential low- or no-cost energy upgrades to their facilities. But at the end of the day, it's still the responsibility of the agency to decide whether or not they want to partake in any of these projects that may be identified in the energy audit process. [LB228]

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SENATOR HARMS: Senator, what are your thoughts...most of this will end up somewhere along the line in the budgeting process. What are your thoughts about making sure that in some form or in some way that the Appropriations Committee has notification that this is what the audit found? And so as we go through the process, as you and I both know, these should be in the goals of the agency that we're going to be talking to, but many times that's lost because they don't have a planning process that's taking place. What are your thoughts about getting that to the Appropriations Committee, getting it attached to their portion of the budget so when the time comes up for a hearing, we can begin to have this discussion? [LB228]

SENATOR MELLO: Senator Harms, that's an interesting concept. And I would be remiss to not mention that Senator Price, and before I had this hearing on LB228, mentioned somewhat of a similar concept in a sense of how is it that we can make sure that agencies who get energy audits we can somehow find a way to incorporate some of that information and some of those potential cost-savings in their budget process. By all means if you feel we could incorporate these energy audits or find maybe a mechanism with the Building and Maintenance Committee to provide some of this information to the Appropriations Committee, I'm all in support of providing more information to the Legislature. [LB228]

SENATOR HARMS: I would really like to see that done because I think it would be a lot easier for us to really make sure that we move towards that point of efficiency. It's going to be more expensive for us in the future, we know it, unless we start to address the issue. And I think the best way to do that in many cases is going to be through this budgeting process and making sure the Appropriations Committee has a chance to look at this, and then also question the agencies when they come in, where is this in their planning process. And what I hope eventually comes out of this, it will get our agencies to start doing long-range planning, start looking at the future, so we can track what's taking place; if there's anything I can do to help you make that easier, I would be happy to visit with our fiscal staff or you can visit with our fiscal staff and our Chair to see what we can do to set this up. Thank you, Mr. President. [LB228]

PRESIDENT SHEEHY: Thank you, Senator Harms. Senator Louden, you're recognized. [LB228]

SENATOR LOUDEN: Thank you, Mr. President and members. As Chairman of the Building Maintenance Committee that has oversight on this 309 Task Force, I would point out that they're doing a great job nowadays of this energy audits that they have done because that's usually the first thing they do when they work with the building on the building and maintenance to do any work on them or something like that to see where the energy use can be improved. And over the years they've done quite well. As the member of that committee and as Steve Hotovy that's director over there has said, they've nearly picked all the low-hanging fruit now out of those areas. And as we've

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went around...the committees went around with those people and looked at some of the buildings, why, they've done quite well over the years and they're even doing work on revamping some of the roof systems on some of these areas. The university up there has been working for several years on issues for energy savings, such as shutting lights off when people leave the room and that sort of thing. So I think this...it's all right to have this oversight bill such as LB228 and there's something to be said for sending out information. And that's how the amendment AM228 (sic) came about is I talked to Senator Mello and I said, really if we want to save energy, then when we send these reports out, we should just send them out electronically because that's what they are is reports to different committee members and different agencies have to put out the reports. And you can ask the agencies what they do because most generally that's the first thing an agency will try to do to save their budget authority is to do what they can to cut down their expenses on their building and the maintenance. So I support the amendment of AM388 and also Senator Mello's bill LB228, not that it's anything new but the task force is already doing this and has been doing a great job for quite a while, and that's one of the plus things that we have in state government is the work that they've done keeping up the buildings and maintaining them with what little money they have to work with. Thank you, Mr. President. [LB228]

PRESIDENT SHEEHY: Thank you, Senator Loudon. Seeing no additional requests to speak, Senator Mello, you're recognized to close. Senator Mello waives closing. The question before the body is on the adoption of AM388 to LB228. All those in favor vote yea; opposed, nay. Please record. [LB228]

CLERK: 40 ayes, 0 nays, Mr. President, to adopt Senator Mello's amendment. [LB228]

PRESIDENT SHEEHY: AM388 is adopted. [LB228]

CLERK: I have nothing further, Mr. President. [LB228]

PRESIDENT SHEEHY: Are there requests to speak on LB228? Seeing none, Senator Mello, you're recognized to close. [LB228]

SENATOR MELLO: Thank you, Mr. President, members of the Legislature. As I stated earlier, now with the amendment LB228 simply provides clarifying language that agencies can request these audits through the 309 Task Force. And thanks to Senator Loudon and our conversation now, the legislative committee will receive these and receive them electronically, thus, also reducing the need for paper and printouts. Thank you, Mr. President. [LB228]

PRESIDENT SHEEHY: Thank you, Senator Mello. You have heard the closing. The question before the body is on the advancement of LB228. All those in favor vote yea; opposed, nay. Please record, Mr. Clerk. [LB228]

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CLERK: 39 ayes, 0 nays, Mr. President, on the motion to advance LB228. [LB228]

PRESIDENT SHEEHY: LB228 advances. Mr. Clerk, items for the record. [LB228]

CLERK: Mr. President, Senator Karpisek has an amendment to LB161 to be printed. Senator Bloomfield would like to add his name to LB22 and to LB298 as cointroducer. (Legislative Journal page 585.) [LB161 LB22 LB298]

And a priority motion. The Speaker would move to adjourn the body until Thursday morning, February 17 at 9:00 a.m.

PRESIDENT SHEEHY: You have heard the motion to adjourn until Thursday, February 17 at 9:00 a.m. All those in favor say aye. Oppose, nay. We are adjourned.