

SEVENTY-NINTH DAY - MAY 16, 2013**LEGISLATIVE JOURNAL****ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION****SEVENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, May 16, 2013

PRAYER

The prayer was offered by Senator Wallman.

ROLL CALL

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

The roll was called and all members were present except Senator Davis who was excused; and Senators Karpisek, Lautenbaugh, McCoy, and Price who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-eighth day was approved.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 93. Placed on Final Reading.

LEGISLATIVE BILL 93A. Placed on Final Reading.

LEGISLATIVE BILL 483. Placed on Final Reading.

LEGISLATIVE BILL 483A. Placed on Final Reading.

LEGISLATIVE BILL 583. Placed on Final Reading.

LEGISLATIVE BILL 623. Placed on Final Reading.

(Signed) John Murante, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 211. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study and define the need for increased access to, and the costs of, quality expanded learning opportunities for K-12 children in Nebraska, focusing primarily on at-risk children. In conducting this study, the study committee shall consult with

the Nebraska Children and Families Foundation, the Nebraska Association of School Boards, individual school districts, community learning centers, community-based organizations, the State Department of Education, teachers, parents, children, and any other interested organization or individual. This study shall include, but not be limited to, an assessment of the following:

- (1) The definition of quality expanded learning opportunities;
- (2) The effectiveness of expanded learning opportunities on student achievement;
- (3) The definition and number of at-risk students in Nebraska;
- (4) The use of data to identify at-risk students at every grade level;
- (5) Best practices by current expanded learning opportunity programs both in Nebraska and other states;
- (6) An estimate of the costs for Nebraska to adopt these best practices statewide;
- (7) An examination of funding sources to maintain and support a statewide expansion of expanded learning opportunities; and
- (8) Any other issues related to expanded learning opportunities that the study committee deems important.

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

1. That the Appropriations Committee and Education Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 212. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to examine an allowance or aid component within the Tax Equity and Educational Opportunities Support Act (TEEOSA) for recognizing the costs of school districts that encourage teachers to improve their skills and knowledge in order to increase student achievement. The study may include, but is not limited to, the following knowledge and skill enhancements:

- (1) Attaining an advanced degree in their subject area field;
- (2) Attaining an endorsement in a teacher shortage area;
- (3) Attaining credentials to teach advanced placement courses;
- (4) Attaining credentials to teach in the international baccalaureate program;
- (5) Attaining credentials to qualify as a master teacher pursuant to section 79-8,128;
- (6) Attaining credentials to teach dual enrollment courses established by a school district and an accredited 19 postsecondary educational institution located in Nebraska;

(7) Attaining an endorsement to teach courses in science, technology, engineering, or mathematics; and

(8) Attaining the skills to teach courses in distance education.

The study will also address the effectiveness of using the equalization component of TEEOSA, the teacher education allowance, as the means to promote a policy to improve teacher skills and knowledge versus providing support through TEEOSA as a categorical program available to all school districts, whether receiving equalization aid or not. The study will also include any other related topics the study committee deems appropriate or necessary.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 213. Introduced by Kolowski, 31.

PURPOSE: The purpose of this resolution is to study the college savings plans administered under the Nebraska educational savings plan trust and ways to increase plan participation. In conducting this study, the study committee shall consult with the State Treasurer, the plan administrator, First National Bank of Omaha, and other interested parties. Issues considered by the study committee shall include, but not be limited to, the following:

(1) Current plan participation rates and the demographics of plan participants with regard to family income, race, gender, geographic location, and other variables;

(2) Fees currently assessed on plan participants and the use of those fees;

(3) Strategies for raising awareness and encouraging plan participation, especially among lower income families; and

(4) The relationship between educational savings and the likelihood of pursuing a higher education.

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

1. That the Education Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 214. Introduced by Carlson, 38.

PURPOSE: To study Nebraska's statutes and rules and regulations relating to the permitting process for small surface water storage reservoirs. This study shall include an examination of the Department of Natural Resources' enforcement of the law and whether modifications to the relevant statutes are required to ensure that the rights and duties of landowners are well-defined.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of May 15, 2013, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell
Clerk of the Legislature

Husch Blackwell, LLP

Papillion - La Vista School District

Kulesher Jarecke, Kate - Advocacy and Issue Management Inc.

Advocacy and Issue Management Inc.

REPORTS

Agency reports electronically filed with the Legislature can be found on the Nebraska Legislature's website at:

<http://www.nebraskalegislature.gov/agencies/view.php>

GENERAL FILE

LEGISLATIVE BILL 568. Senator Conrad renewed her motion, MO77, found on page 1379, to recommit to Banking, Commerce and Insurance Committee.

Senator Conrad withdrew her motion to recommit to committee.

Senator B. Harr withdrew his amendments, AM1218 and AM1407, found

on pages 1195 and 1392.

Senator Conrad withdrew her amendments, AM1416, AM1417, AM1418, AM1419, AM1420, AM1421, AM1422, AM1423, AM1424, AM1425, AM1426, AM1427, AM1428, AM1429, AM1430, AM1431, AM1432, and AM1433, found on pages 1395, 1396, and 1397.

Committee AM812, found on page 841 and considered on page 1379, was renewed.

The committee amendment was adopted with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 568A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556. Title read. Considered.

Committee AM991, found on page 1177, was offered.

Senator McGill offered her amendment, AM1398, found on page 1390, to the committee amendment.

The McGill amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 556A. Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 12 present and not voting, and 4 excused and not voting.

COMMITTEE REPORTS

Enrollment and Review

LEGISLATIVE BILL 216A. Placed on Select File.

LEGISLATIVE BILL 561A. Placed on Select File.

LEGISLATIVE BILL 583A. Placed on Select File.

(Signed) John Murante, Chairperson

RESOLUTIONS

LEGISLATIVE RESOLUTION 215. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study whether the enforcement and servicing of real estate loans secured by a mortgage, trust deed, or other security instrument should be governed solely by state and federal law and not subject to local laws or ordinances.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 216. Introduced by Gloor, 35.

PURPOSE: The purpose of this resolution is to study the provisions of the Nebraska Capital Expansion Act to determine if revisions should be made in the amount of, or the manner in which, funds available for investment by the state investment officer are deposited in banks, capital stock financial institutions, or qualifying mutual financial institutions, to enhance local lending activities.

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

1. That the Banking, Commerce and Insurance Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 217. Introduced by Nordquist, 7; Janssen, 15; Krist, 10; Mello, 5.

WHEREAS, Richard "Rich" F. Lang was born on February 10, 1926, and passed away on May 4, 2013. During his lifetime, Rich Lang lived life to its fullest as a son, husband, father, athlete, coach, firefighter, and United States Marine; and

WHEREAS, as a South Omaha boy, Rich Lang was a standout athlete at Omaha St. Joseph High School, having scored a city record of 61 points long before the three-point shot against rival Sacred Heart High School. He was a star pitcher on baseball teams, earning him the opportunity to play as a semi-pro baseball player across Nebraska and the region, and culminating in his signing with the Brooklyn Dodgers in the minor leagues and competing against the likes of Jackie Robinson; and

WHEREAS, as a teenager Rich Lang scuttled the legal age requirement in order to enlist with the United States Marines so that he could serve with others from his South Omaha neighborhood, his high school, and other members of the "Greatest Generation"; and

WHEREAS, as a young Marine serving in Guam, Rich Lang was shot and seriously injured and became a hero, yet he never accepted the accolades bestowed upon him by others; and

WHEREAS, after he was seriously injured, a mix-up in the War Department records resulted in a letter being sent to his parents in November of 1944 stating that their son, Pvt. Richard Lang, had been killed in action, only to be rectified when 30 days later he called home to tell his father that he was alive and being cared for in a military hospital to which his father responded, "I knew they couldn't kill you."; and

WHEREAS, Rich Lang spent a year in a full body cast, hospitalized due to injuries to his hip, back, and right knee; and

WHEREAS, Rich Lang was awarded the Purple Heart for his valor and the injuries he sustained while fighting in Guam; and

WHEREAS, after returning home from the military hospitals, Rich Lang became a coach at Fremont Bergan Catholic High School, directing the basketball team there to the school's first state basketball championship; and

WHEREAS, upon his eventual return to South Omaha, he served as a member of the Omaha Fire Department and was credited with saving the lives of 40 people because he continued to place himself in harm's way as a first responder. While serving as an Omaha firefighter, he became a hero, yet he never accepted the accolades bestowed upon him by others; and

WHEREAS, because his own athletic career had been cut short due to his wartime injuries, Rich Lang channeled his sports knowledge and competitiveness to help train countless South Omaha boys by coaching them in sports with the same grit and determination in which he himself played, helping mold and shape the lives of those boys who today themselves are husbands, dads, and little league coaches; and

WHEREAS, as a loving husband, Rich Lang personally cared for his wife, Phyllis, who had become ill later in life, but whom Rich refused to allow to live in a care facility, deciding that he would take on the required 24-hour-a-day care of his wife; and

WHEREAS, the citizens of Guam for whom he fought as a Marine to free from captivity would return to the Midwest regularly and honor Rich Lang and other members of the military for their bravery while fighting in Guam; and

WHEREAS, Rich Lang participated as a World War II veteran in traveling to Washington, D.C., with the Heartland Honor Flights on the first trip on May 21, 2008.

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

1. That the Legislature extends its sympathy and sends its condolences to the family of Rich Lang, and recognizes his lifelong service to his state and country.
2. That a copy of this resolution be sent to the family of Rich Lang.

Laid over.

LEGISLATIVE RESOLUTION 218. Introduced by Campbell, 25.

PURPOSE: To study fetal alcohol spectrum disorders (FASD) in Nebraska, including terminology and definitions, how FASDs are caused, how they can be prevented, if and how they are treated, their prevalence, and their economic impact. The study shall seek information from resources including, but not limited to, Nebraska state agencies and behavioral health regions, physicians, judges, behavioral health practitioners, researchers, teachers, substance abuse treatment professionals, other states, and federal agencies.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 219. Introduced by Nordquist, 7; Ashford, 20.

PURPOSE: The purpose of this resolution is to study issues relating to student financial aid programs. The study will focus on the Nebraska Opportunity Grant Program, the Access College Early Scholarship Program, and institutional tuition waiver and tuition remission programs administered by the public colleges and universities in Nebraska. The study shall include, but not be limited to, an examination of the following issues:

- (1) How state-sponsored and public institution-sponsored financial aid programs assist the state in meeting the Nebraska P-16 goals;
- (2) Whether students in all sectors of higher education should be eligible for need-based aid from the primary state need-based aid program;
- (3) Whether students who are not residents of Nebraska who attend public sector institutions in the state are paying a fair share of the Nebraska taxpayer subsidized costs of their education; and

(4) Whether the amount of state dollars for need-based aid should be increased as a percentage of state dollars appropriated for support of higher education in Nebraska.

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

1. That the Appropriations Committee and Education Committee of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 220. Introduced by Janssen, 15; Brasch, 16; Campbell, 25; Carlson, 38; Hadley, 37; Harms, 48; B. Harr, 8; McCoy, 39; Mello, 5; Schilz, 47; Smith, 14; Sullivan, 41.

WHEREAS, Arch Lustberg passed away on February 8, 2013; and

WHEREAS, Mr. Lustberg was a legend in the field of dynamic communication and coached governors, congressional leaders, presidential appointees, leaders in business and industry, as well as many state officials; and

WHEREAS, Mr. Lustberg was a fixture at the Bowhay Institute for Legislative Leadership Development at the Midwestern Legislative Conference of the Council of State Governments where he shared his knowledge with over 600 legislators throughout the years, including many Nebraska state senators; and

WHEREAS, Mr. Lustberg was a veteran of World War II, serving his country as a member of the United States Army; and

WHEREAS, Mr. Lustberg is survived by his wife of 61 years, Jean Anne, by his three children, Larry, Leigh, and Lori, and by three grandsons.

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

1. That the Legislature recognizes the life and contributions of Arch Lustberg and extends its sympathy to his wife and family.

2. That a copy of this resolution be sent to the family of Arch Lustberg.

Laid over.

LEGISLATIVE RESOLUTION 221. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study different aspects of the state's wellness program (Wellness Options). The study shall include, but not be limited to, an examination of the following:

(1) The feasibility study of the wellness program, its goals and objectives, and statutory implications;

- (2) The cost of the wellness program;
- (3) The utilization of the wellness program versus the state's other health plan options including a medical claims analysis; and
- (4) The cost savings to wellness program participants and to the state.

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

1. That the Appropriations Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 222. Introduced by Howard, 9.

PURPOSE: The purpose of this resolution is to gather information and make recommendations necessary for the Legislature to craft a comprehensive early learning strategy for the State of Nebraska. This study shall focus on effective state efforts to create and implement programming for infant-toddler and pre-Kindergarten learners. The study shall include, but not be limited to, an examination of the following:

(1) Nebraska's programming for infant-toddler and pre-Kindergarten learners and their families, including education programs and strategies that strengthen parents as first teachers;

(2) Nebraska's strengths and resources in education and health and human service programs and any existing gaps;

(3) Programs in states that have effective universal early learning strategies;

(4) Other states' strategies to effectively harness funds from a variety of sources, including the Illinois Early Childhood Block Grant program, and how Nebraska could fund such a comprehensive strategy;

(5) Input from public and private stakeholders in early childhood education, human services, and public health;

(6) Any other information that the study committee deems relevant.

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

1. That the Education and Health and Human Services Committees of the Legislature shall be designated to conduct a joint interim study to carry out the purposes of this resolution.

2. That the committees shall upon the conclusion of their study make a report of their findings, together with their recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 223. Introduced by Mello, 5.

PURPOSE: The purpose of this resolution is to study issues surrounding open data policies. This study shall include, but not be limited to, an examination of the following issues:

- (1) Current government data policies at the state and municipal level;
- (2) Formatting of government data in Nebraska, including whether such formats are easily accessible to the public;
- (3) Potential economic benefits of making government data more accessible to entrepreneurs, researchers, and other members of the public; and
- (4) Appropriate safeguards to ensure that privacy, confidentiality, and security concerns relating to government data are addressed.

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

1. That the Government, Military and Veterans Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.
2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

AMENDMENTS - Print in Journal

Senator Chambers filed the following amendment to LB195:
AM1441

(Amendments to Final Reading copy)

- 1 1. On page 18, strike line 22 and insert "GENERAL FUND
- 2 5,000,000 5,000,000".
- 3 2. On page 19, strike line 3 and insert "PROGRAM TOTAL
- 4 8,604,652 8,650,771".

Senator Lathrop filed the following amendment to LB517:
AM1396

(Amendments to Final Reading copy)

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. The Legislature finds that:
- 4 (1) Nebraska's water resources are finite and must
- 5 be wisely managed to ensure their continued availability for
- 6 beneficial use;
- 7 (2) The state must invest in: (a) Research and data
- 8 gathering; (b) further integrating the management of Nebraska's
- 9 water supplies; (c) improving the state's aging and antiquated
- 10 water supply infrastructure; (d) building new water supply
- 11 infrastructure; (e) promoting coordination and collaboration among

12 all water users; and (f) providing information to policymakers to
13 justify a stable source of project funds; and

14 (3) To determine the costs of effective conservation,
15 sustainability, and management of Nebraska's water resources, the
16 state's identified water needs must be compiled and organized and a
17 process must be established in order to identify statewide projects
18 and research recommendations.

19 Sec. 2. (1) The Water Sustainability Committee is created
20 as a special legislative committee. The committee shall consist
21 of the chairperson of the Natural Resources Committee of the
22 Legislature and six members appointed by the Executive Board of
1 the Legislative Council and shall be chaired by the chairperson of
2 the Natural Resources Committee. The Water Sustainability Committee
3 shall meet as often as necessary to accomplish the objectives
4 established in sections 1 to 4 of this act. Meetings shall be held
5 in Lincoln as well as other locations outside Lincoln as determined
6 by the chairperson.

7 (2) The Water Sustainability Committee terminates on
8 December 31, 2013.

9 Sec. 3. The Water Sustainability Committee may consult
10 with other groups in its work, including, but not limited to, the
11 University of Nebraska, the Department of Environmental Quality,
12 the Game and Parks Commission, the United States Army Corps of
13 Engineers, the United States Geological Survey, the United States
14 Fish and Wildlife Service, the United States Bureau of Reclamation,
15 and the Natural Resources Conservation Service of the United States
16 Department of Agriculture.

17 Sec. 4. (1) On or before December 31, 2013, the
18 Water Sustainability Committee shall develop and provide a report
19 electronically to the Legislature which contains the following:

20 (a) Recommendations for a strategic plan which
21 prioritizes programs, projects, and activities in need of funding.
22 The recommendations shall give equal consideration to and be
23 classified into the following categories:

24 (i) Research, data, and modeling needed to assist the
25 state in meeting its water management goals;

26 (ii) Rehabilitation or restoration of water supply
27 infrastructure, new water supply infrastructure, or water supply
1 infrastructure maintenance;

2 (iii) Conjunctive management, storage, and integrated
3 management of ground water and surface water; and

4 (iv) Compliance with interstate compacts or agreements or
5 other formal state contracts or agreements;

6 (b) Recommendations for ranking criteria to identify
7 funding priorities based on, but not limited to, the following
8 factors:

9 (i) The extent to which the program, project, or activity
10 provides increased water productivity and otherwise maximizes the
11 beneficial use of Nebraska's water resources for the benefit of its

12 residents;

13 (ii) The extent to which the program, project, or
14 activity assists the state in meeting its obligations under
15 interstate compacts or decrees or other formal state contracts
16 or agreements;

17 (iii) The extent to which the program, project, or
18 activity utilizes objectives described in the Annual Report and
19 Plan of Work for the Nebraska State Water Planning and Review
20 Process issued by the Department of Natural Resources;

21 (iv) The extent to which the program, project, or
22 activity has been approved for, but has not received, funding
23 through an established state program;

24 (v) The cost effectiveness of the program, project, or
25 activity relative to achieving the state's water management goals;

26 (vi) The extent to which the program, project, or
27 activity contributes to the state's ability to leverage state
1 dollars with local or federal government partners or other partners
2 to maximize the use of its resources; and

3 (vii) The extent to which the program, project, or
4 activity contributes to multiple water supply management goals,
5 including, but not limited to, flood control, agricultural
6 uses, recreation benefits, wildlife habitat, conservation of
7 water resources, and preservation of water resources for future
8 generations;

9 (c) Recommendations for legislation on a permanent
10 structure and process through which the programs, projects, or
11 activities described in this section will be provided with funding,
12 including:

13 (i) A permanent governing board structure and membership;

14 (ii) An application process;

15 (iii) A statewide project distribution mechanism; and

16 (iv) A timeframe for funding allocations based on the
17 list of programs, projects, and activities provided for in this
18 section;

19 (d) Recommendations for the annual funding amount and the
20 start date for distribution of funds; and

21 (e) Recommendations for statutory changes relating to
22 regulatory authorities and to funds and programs administered by,
23 and boards and commissions under the direction of, the department,
24 based on the committee's evaluation of the efficiency of such
25 funds, programs, boards, and commissions.

26 (2) The recommendations of the committee shall be reached
27 by consensus, and the vote of each committee member on each
1 recommendation shall be recorded as In Favor, Opposed, or Not
2 Voting and published in the report.

3 (3) The committee shall make every effort to identify and
4 consult with all water use stakeholder groups in Nebraska on the
5 development of the recommendations required under sections 1 to 4
6 of this act.

7 Sec. 5. Since an emergency exists, this act takes effect
 8 when passed and approved according to law.
 9 2. On page 1, strike beginning with line 2 through the
 10 first semicolon in line 4 and insert "the Water Sustainability
 11 Committee; to provide powers and duties;"

GENERAL FILE

LEGISLATIVE BILL 308. Title read. Considered.

Committee AM583, found on page 711, was offered.

Senator Chambers offered his amendment, AM1413, found on page 1386, to the committee amendment.

Senator Bloomfield moved the previous question. The question is, "Shall the debate now close?"

Senator Chambers moved for a call of the house. The motion prevailed with 33 ayes, 0 nays, and 16 not voting.

Senator Bloomfield requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 26:

Adams	Coash	Howard	McGill	Schumacher
Ashford	Cook	Janssen	Mello	Sullivan
Bloomfield	Crawford	Kolowski	Murante	
Bolz	Dubas	Krist	Nelson	
Campbell	Gloor	Larson	Nordquist	
Chambers	Hadley	Lathrop	Price	

Voting in the negative, 19:

Avery	Conrad	Johnson	Pirsch	Wallman
Brasch	Haar, K.	Karpisek	Scheer	Watermeier
Carlson	Hansen	Kintner	Seiler	Wightman
Christensen	Harms	McCoy	Smith	

Present and not voting, 1:

Schilz

Excused and not voting, 3:

Davis Harr, B. Lautenbaugh

The Bloomfield motion to cease debate prevailed with 26 ayes, 19 nays, 1 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 23:

Adams	Carlson	Hansen	Krist	Price
Ashford	Chambers	Howard	Larson	Schumacher
Bloomfield	Christensen	Janssen	Mello	Watermeier
Bolz	Conrad	Karpisek	Murante	
Brasch	Cook	Kintner	Pirsch	

Voting in the negative, 16:

Avery	Gloor	Johnson	Seiler
Campbell	Haar, K.	Nelson	Sullivan
Coash	Hadley	Scheer	Wallman
Crawford	Harms	Schilz	Wightman

Present and not voting, 7:

Dubas	Lathrop	McGill	Smith
Kolowski	McCoy	Nordquist	

Excused and not voting, 3:

Davis	Harr, B.	Lautenbaugh
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The Chambers amendment lost with 23 ayes, 16 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator McCoy offered the following motion:

MO79

Reconsider the vote taken on AM1413.

SPEAKER ADAMS PRESIDING

Pending.

RESOLUTIONS

Pursuant to Rule 4, Sec. 5(b), LRs 172, 173, and 174 were adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LRs 172, 173, and 174.

RESOLUTIONS**LEGISLATIVE RESOLUTION 224.** Introduced by K. Haar, 21.

PURPOSE: The purpose of this resolution is to examine and evaluate the programs, incentives, and processes used in other states to stimulate renewable energy projects of less than twenty megawatts that can be added without major additional transmission improvements. This study shall include what data is available and needed from private and public power utilities on transmission capacity, what processes and programs are used by the various states to add and encourage the adding of renewable generation into the existing infrastructure, the process and protocol used by the Southwest Power Pool for renewable energy projects under twenty megawatts, identifying what new information may need to be collected, and establishing a process for providing the available unused transmission information in a cost effective way that encourages renewable generation and economic development in Nebraska.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 225. Introduced by Lathrop, 12.

WHEREAS, Dave Garland is retiring after being the principal of St. Gerald Catholic School in Ralston, Nebraska, for the past 28 years; and

WHEREAS, Dave Garland began his teaching career in the Omaha public school system before taking administrative positions in Omaha, Nebraska, and Council Bluffs, Iowa, prior to his tenure at St. Gerald Catholic School; and

WHEREAS, Dave Garland positively impacted the lives of thousands of students and their families due to his commitment to their education and well-being; and

WHEREAS, Dave Garland presided over many changes during his time at St. Gerald's, including the successful addition of the seventh and eighth grades to the school, the establishment of all-day kindergarten, and significant enhancements in computer technology and science curriculum; and

WHEREAS, Dave Garland was honored in 2011 as recipient of the Administrator of the Year Award by the Omaha Archdiocese; and

WHEREAS, Dave Garland looks forward to new opportunities to assist others after his retirement from education.

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

1. That the Legislature honors the work of Dave Garland and his many contributions to the education of Nebraska's young people.

2. That a copy of this resolution be sent to Dave Garland.

Laid over.

LEGISLATIVE RESOLUTION 226. Introduced by Brasch, 16; Bloomfield, 17; Dubas, 34; Schilz, 47.

PURPOSE: The purpose of this resolution is to study concerns surrounding the operation of the Papio-Missouri River Natural Resources District (Papio-Missouri NRD). This study shall include, but not be limited to, an examination of the following issues:

(1) Whether the NRD is accomplishing its statutory objective which is to provide effective coordination, planning, development, and general management of areas which have related resources problems;

(2) Whether the agricultural interests in the Papio-Missouri NRD currently receive fair and adequate representation on the board;

(3) Whether the needs of agricultural stakeholders are being met by the current budget priorities of the Papio-Missouri NRD;

(4) What must be done statutorily to accomplish 3-to-1 board representation or the formation of a new natural resources district for the rural portion of the existing Papio-Missouri NRD;

(5) How 3-to-1 board representation of the rural portion of the existing district would affect the Papio-Missouri NRD;

(6) What fiscal impact would the formation of a new natural resources district have on the Papio-Missouri NRD if Washington, Burt, Thurston, and Dakota Counties created their own natural resources district; and

(7) Whether the interests of agricultural and recreational stakeholders in the rural portions of the Papio-Missouri NRD would be better served by increased board representation or the formation of a new natural resources district.

To carry out the purposes of this resolution, the study committee shall consult with the board, staff, and contractors of the Papio-Missouri NRD, the Nebraska Association of Resources Districts, water use associations, landowners, water users, agricultural interests, and other associations and stakeholders with an interest in the management of natural resources.

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

1. That the Natural Resources Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 227. Introduced by K. Haar, 21; Howard, 9; Watermeier, 1.

PURPOSE: The purpose of this resolution is to study issues surrounding midwifery credentialing and safety measures. The study shall include, but not be limited to, an examination of the following:

- (1) Other states' requirements for midwifery credentialing required to perform home births;
- (2) Other states' requirements for midwifery homebirth safety measures;
- (3) Other states' requirements for emergency response plans; and
- (4) Any other issues that the study committee deems relevant.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 228. Introduced by Crawford, 45.

PURPOSE: The purpose of this resolution is to study the process by which military spouses and veterans obtain occupational licenses and determine what policy changes, if any, the State of Nebraska should implement to streamline occupational licensing for military spouses who are transferring licenses across state lines, and for service members leaving the military who seek to transfer their military training and skills to civilian occupations.

Veterans, especially veterans who have served since September 11, 2001, have unemployment rates higher than the state and national average. This is despite the fact that service members have extensive military training and experience to offer as potential employees. Studies by the Department of Defense suggest that as many as thirty-five percent of military spouses hold jobs that require occupational licenses or certification. In one survey, nearly forty percent of active duty military spouses indicated that streamlined state-to-state licensure portability would have helped them in their latest move. This study will include, but not be limited to, an examination of the following:

- (1) The history of occupational licensure for military spouses and veterans in Nebraska;
- (2) Licensing portability and reciprocity for service members and spouses holding Emergency Medical Technician/Emergency Medical Services

(EMT/EMS), Licensed Practical Nurse (LPN), and Physician's Assistant (PA) licenses;

(3) Any barriers to licensing portability and reciprocity for service members and military spouses that are specific to Nebraska or specific to these populations; and

(4) Best practices in other states regarding licensing portability and reciprocity for service members and military spouses.

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

1. That the Health and Human Services Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 229. Introduced by Smith, 14; Sullivan, 41.

WHEREAS, Dr. Rick Black began his career in education as an elementary teacher at Cather Elementary in 1973; and

WHEREAS, Dr. Rick Black obtained a degree in elementary education from Peru State College in 1973, received a master's degree in elementary administration from the University of Nebraska at Omaha (UNO) in 1978, and earned a doctoral degree in education administration curriculum and instruction from the University of Nebraska-Lincoln in 1988; and

WHEREAS, Dr. Rick Black has served as superintendent of the state's fourth largest school district, Papillion-La Vista Public Schools, since 2007; and

WHEREAS, under the leadership of Dr. Rick Black, the Papillion-La Vista public school district earned district-wide AdvancED Accreditation, was ranked first among Class A schools statewide in writing, and received 60% voter approval for the passage of a \$59 million bond to meet the needs of the growing district; and

WHEREAS, Dr. Rick Black has been recognized for his work by being named the NASA-AASA Superintendent of the Year in 1997, was placed in the Millard Public Schools Hall of Fame in 1994, and has received such honors as the UNO Distinguished Alumni Award, and the Nebraska Association of School Administrators Distinguished Service Award.

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

1. That the Legislature recognizes Dr. Rick Black for his accomplishments and commends him for the 40 years he has dedicated to nurturing the academic, intellectual, and creative growth of Nebraska's children.

2. That a copy of this resolution be sent to Dr. Rick Black.

Laid over.

AMENDMENTS - Print in Journal

Senator Hadley filed the following amendment to LB104:
AM1446 is available in the Bill Room.

Senator Mello filed the following amendment to LB224:
AM1447

(Amendments to Standing Committee amendments, AM711)

- 1 1. On page 1, line 1, after the first comma insert "line
- 2 11, after 'veteran' insert 'or a business located in a designated
- 3 enterprise zone under the Enterprise Zone Act'; and in".

VISITORS

Visitors to the Chamber were 45 fourth-grade students and teachers from Stolley Park School, Grand Island; 43 fourth-grade students, teachers, and sponsors from Joslyn Elementary, Omaha; and 62 fourth-grade students and teachers from Shoemaker Elementary, Grand Island.

The Doctor of the Day was Dr. Amy Jespersen from Gretna.

ADJOURNMENT

At 12:58 p.m., on a motion by Senator Campbell, the Legislature adjourned until 10:00 a.m., Monday, May 20, 2013.

Patrick J. O'Donnell
Clerk of the Legislature