

**FORTY-EIGHTH DAY - MARCH 17, 2011****LEGISLATIVE JOURNAL****ONE HUNDRED SECOND LEGISLATURE  
FIRST SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 17, 2011

**PRAYER**

The prayer was offered by Senator Pirsch.

**ROLL CALL**

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

The roll was called and all members were present except Senators Krist and Lautenbaugh who were excused; and Senators Ashford, Cornett, Lathrop, Loudon, and Sullivan who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**MESSAGE FROM THE GOVERNOR**

March 16, 2011

Patrick J. O'Donnell  
Clerk of the Legislature  
State Capitol, Room 2018  
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 159e, 164, 191e, 210, 210A, 228, 257, 278, 281, 284, 314, 368, 399e, 471, 474, and 556 were received in my office on March 10, 2011.

These bills were signed and delivered to the Secretary of State on March 16, 2011.

Sincerely,  
(Signed) Dave Heineman  
Governor

## REPORTS

The following reports were received by the Legislature:

- Administrative Services, Department of**  
Collective Bargaining Negotiations Report
- Coordinating Commission for Postsecondary Education**  
2011 Nebraska Higher Education Progress Report
- Fiscal Office, Legislative**  
Monthly Consensus Estimate of General Fund Receipts
- Revenue, Nebraska Department of**  
Monthly Consensus Estimate of General Fund Receipts
- University of Nebraska**  
Collective Bargaining Negotiations Report

## REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of March 16, 2011, 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

- Loontjer, Pat  
Gambling With the Good Life
- O'Hara, Lindsay and Associates, Inc.  
Broadband Coalition, Nebraska Rural  
Scrap Recycling Industries, Inc., Institute of, Northwest Chapter
- Pollock, Andy  
United Healthcare Services, Inc. and Affiliates
- Wright, Lee  
Farmers Insurance Group

## GENERAL FILE

**LEGISLATIVE BILL 385.** Senator Mello renewed his amendment, AM839, found on page 889.

## SPEAKER FLOOD PRESIDING

Senator Mello withdrew his amendment.

Pending.

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 463A.** Introduced by Ashford, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 463, One Hundred Second Legislature, First Session, 2011; to reduce an appropriation; to state intent; and to declare an emergency.

**COMMITTEE REPORT**

Judiciary

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

Jeffrey Davis - Community Corrections Council  
Thomas Dorwart - Community Corrections Council  
Frank Peak - Community Corrections Council

Aye: 8 Senators Ashford, Coash, Council, B. Harr, Larson, Lathrop, Lautenbaugh, McGill. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Brad Ashford, Chairperson

**COMMITTEE REPORT**

Judiciary

**LEGISLATIVE BILL 648.** Placed on General File with amendment.  
AM802

- 1 1. On page 3, strike beginning with the underscored comma
- 2 in line 8 through "decision" in line 13.

(Signed) Brad Ashford, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 385.** Senator Mello offered the following motion:  
MO19  
Bracket.

Senator Mello withdrew his motion to bracket.

Advanced to Enrollment and Review Initial with 29 ayes, 0 nays, 16 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 468.** Title read. Considered.

**SENATOR LATHROP PRESIDING**

Committee AM380, found on page 815, was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 329.** Title read. Considered.

Committee AM324, found on page 658, was adopted with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Hadley withdrew his amendment, AM781, found on page 877.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**COMMITTEE REPORTS**

Revenue

**LEGISLATIVE BILL 83.** Indefinitely postponed.

**LEGISLATIVE BILL 99.** Indefinitely postponed.

**LEGISLATIVE BILL 632.** Indefinitely postponed.

(Signed) Abbie Cornett, Chairperson

Education

**LEGISLATIVE BILL 633.** Placed on General File with amendment. AM801 is available in the Bill Room.

**LEGISLATIVE BILL 637.** Placed on General File with amendment. AM838 is available in the Bill Room.

(Signed) Greg Adams, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 388A.** Introduced by Wightman, 36.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 388, One Hundred Second Legislature, First Session, 2011; and to reduce appropriations.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

**LB/LR**        **Committee**  
 LR123        Government, Military and Veterans Affairs

(Signed) John Wightman, Chairperson  
 Executive Board

**NOTICE OF COMMITTEE HEARING**

Health and Human Services

Room 1510

Thursday, March 24, 2011    1:00 p.m.

Shawn Kralik - Nebraska Rural Health Advisory Commission  
 Wayne Stuberg - State Board of Health  
 Daryl Wills - State Board of Health

(Signed) Kathy Campbell, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 131.** Introduced by Janssen, 15; Coash, 27.

WHEREAS, the Snyder Volunteer Fire and Rescue Department is celebrating its 100th anniversary in 2011; and

WHEREAS, the Snyder Volunteer Fire and Rescue Department has a storied history of volunteer service to Snyder and its neighboring communities; and

WHEREAS, on March 6, 1911, a few community-minded citizens decided to form a volunteer fire department in Snyder; and

WHEREAS, the 25-member department stands ready to assist the community in whatever situation arises.

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

1. That the Legislature congratulates the Snyder Volunteer Fire and Rescue Department on its 100th anniversary.

2. That the Legislature expresses its thanks to the members of the Snyder Volunteer Fire and Rescue Department for their good work over the last century.

Laid over.

**LEGISLATIVE RESOLUTION 132.** Introduced by Janssen, 15.

WHEREAS, on March 12, 2011, the University of Nebraska at Omaha (UNO) won the Division II National Championship in wrestling; and

WHEREAS, Mike Denney has been the head wrestling coach at UNO for the past thirty-two years; and

WHEREAS, Coach Denney has won seven national championships in his UNO coaching career, including six of the last eight national championships; and

WHEREAS, Coach Denney has been named NCAA Division II National Coach of the Year three times, in 1981, 1991, and 2010; and

WHEREAS, Coach Denney's teams have produced 181 All-Americans, 33 National Champions, and 113 Academic All-Americans; and

WHEREAS, the UNO wrestling team in 2006 became the first team in NCAA history to win the Academic National Championship as well as the Wrestling National Championship; and

WHEREAS, the Legislature should recognize a continuous level of excellence, scholastically as well as athletically, displayed by the University of Nebraska at Omaha wrestling team.

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

1. That the Legislature congratulates Head Coach Mike Denney on his thirty-two years of service to the University of Nebraska at Omaha.

2. That the Legislature recognizes and commends the achievements of Coach Denney's teams in competition as well as in the classroom.

3. That a copy of this resolution be sent to the University of Nebraska at Omaha and to Coach Denney.

Laid over.

**LEGISLATIVE RESOLUTION 133.** Introduced by Fulton, 29; Avery, 28; Campbell, 25; Coash, 27; Conrad, 46; K. Haar, 21; McGill, 26; Wallman, 30.

WHEREAS, Sherman Field in Lincoln, Nebraska, is a monument to a community's multigenerational love of and dedication to the sport of baseball; and

WHEREAS, the city of Lincoln has leveraged \$1.6 million in public-private funding to renovate Sherman Field, which is used by approximately 600 players in over 250 games per year; and

WHEREAS, private philanthropy and enterprise have historically exerted the greatest influence in affecting the public good; and

WHEREAS, John Sampson, from Lincoln, Nebraska, grew up playing baseball with the Lincoln Chiefs at Sherman Field; and

WHEREAS, John Sampson, president of Sampson Construction Company, Inc., has donated over \$400,000 in labor and supplies to renew Sherman Field, which is over 50 years old; and

WHEREAS, the Legislature recognizes the outstanding generosity of Nebraska residents.

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

1. That the Legislature congratulates John Sampson on his magnanimous act of philanthropy towards the city of Lincoln.

2. That a copy of this resolution be sent to John Sampson and the mayor of his hometown of Lincoln, Chris Beutler.

Laid over.

**LEGISLATIVE RESOLUTION 134.** Introduced by Hansen, 42.

WHEREAS, Walt and Jolene Catlett were part of the original organizational committee and leadership of the Nebraska Home Educators Association, founded in 1986, later renamed the Nebraska Christian Home Educators Association; and

WHEREAS, Mr. and Mrs. Catlett edited and promoted the Nebraska Home Educators Association News publication for many years; and

WHEREAS, Mr. and Mrs. Catlett informed and petitioned the Legislature regarding the rights of parents to home school their children; and

WHEREAS, Mr. and Mrs. Catlett faithfully promoted the benefits of a Christian home education for over twenty years and continue to do so today; and

WHEREAS, Mr. and Mrs. Catlett helped lead numerous statewide conventions to provide encouragement and resources to home educators; and

WHEREAS, Mr. and Mrs. Catlett sacrificed many hours at the State Capitol as a family, building relationships and helping to procure qualified testimony before legislative committees; and

WHEREAS, Mr. and Mrs. Catlett repeatedly acted on their convictions to directly influence home schooling freedoms and continue to do so; and

WHEREAS, Mr. and Mrs. Catlett continue to serve on the executive committee of the Nebraska Christian Home Educators Association; and

WHEREAS, Mr. and Mrs. Catlett continue to serve the local North Platte and surrounding area home school community to this day.

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

1. That the Legislature congratulates Walt and Jolene Catlett for their service to the State of Nebraska.

2. That a copy of this resolution be sent to Walt and Jolene Catlett.

Laid over.

**AMENDMENTS - Print in Journal**

Senator Mello filed the following amendment to LB385:  
AM865

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 Section 1. Section 66-1015, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 66-1015 (1) The Energy Conservation Improvement Fund is
- 6 created. There shall be a separate subaccount within the fund for
- 7 each eligible entity remitting matching funds and administering
- 8 a program of eligible energy conservation improvements. The fund
- 9 shall be administered by the department. Funds shall be remitted
- 10 by the department to the State Treasurer for deposit in the proper
- 11 subaccount of the fund from state sales taxes and matching funds
- 12 remitted by the eligible entity as provided in subsection (2) of
- 13 this section.
- 14 (2) Commencing July 1, ~~2009, 2013~~, any eligible entity
- 15 may designate state sales taxes collected from customers for
- 16 deposit in the subaccount of the fund for that eligible entity.
- 17 Any such designation shall be accompanied by an equal amount
- 18 of matching funds from the eligible entity. The total amount
- 19 designated in any calendar year shall not exceed five percent of
- 20 the total state sales tax collected in the prior calendar year.
- 21 (3) The department shall adopt a form to (a) designate
- 22 part of the state sales tax to be remitted for administering a
- 23 program of eligible energy conservation improvements and (b) remit
- 1 the matching funds.
- 2 (4) Any money in the fund available for investment
- 3 shall be invested by the state investment officer pursuant to
- 4 the Nebraska Capital Expansion Act and the Nebraska State Funds
- 5 Investment Act.
- 6 Sec. 2. This act becomes operative on July 1, 2011.
- 7 Sec. 3. Original section 66-1015, Reissue Revised
- 8 Statutes of Nebraska, is repealed.
- 9 Sec. 4. Since an emergency exists, this act takes effect
- 10 when passed and approved according to law.

Senator Fulton filed the following amendment to LB45:  
AM795

- 1 1. Insert the following new sections:
- 2 Section 1. Section 2-3256, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 2-3256 All design or construction by a district of
- 5 structural works costing more than ~~eighty-six one hundred thousand~~
- 6 dollars shall be under the supervision of a licensed engineer
- 7 except as otherwise provided in the Engineers and Architects
- 8 Regulation Act. The Board of Engineers and Architects shall adjust
- 9 the dollar amount in this section every fifth year. The first



10 such adjustment after the effective date of this act shall be  
 11 effective on July 1, 2014, commencing July 1, 2009. The adjusted  
 12 amount shall be equal to the then current amount adjusted by the  
 13 cumulative percentage change in the Consumer Price Index for All  
 14 Urban Consumers published by the Federal Bureau of Labor Statistics  
 15 for the five-year period preceding the adjustment date. The amount  
 16 shall be rounded to the next highest one-thousand-dollar amount.

17 Sec. 13. Section 81-3448, Reissue Revised Statutes of  
 18 Nebraska, is amended to read:

19 81-3448 (1) A person applying to the Board of Engineers  
 20 and Architects for initial licensure as an architect shall submit  
 21 an application accompanied by the fee established by the board  
 22 and satisfactory evidence that he or she holds a degree in  
 23 architecture accredited by the National Architectural ~~Accreditation~~  
 1 ~~Accrediting~~ Board and that he or she has completed practical  
 2 training in architectural work as required by the Board of  
 3 Engineers and Architects. If an applicant is qualified, the  
 4 Board of Engineers and Architects shall, by means of a written  
 5 or electronic examination, examine the applicant on technical  
 6 and professional subjects as prescribed by the board. None of  
 7 the examination materials shall be considered public records.  
 8 The board may exempt from the written examination an applicant  
 9 who holds a certification issued by the National Council of  
 10 Architectural Registration Boards. The Board of Engineers and  
 11 Architects may adopt guidelines published from time to time by  
 12 the National Council of Architectural Registration Boards. The  
 13 Board of Engineers and Architects may also adopt the examinations  
 14 and grading procedures of the National Council of Architectural  
 15 Registration Boards and the accreditation decisions of the National  
 16 Architectural ~~Accreditation~~ Accrediting Board. The Board of  
 17 Engineers and Architects shall issue a certificate of licensure to  
 18 each applicant who is found to be of good moral character and who  
 19 satisfies the requirements set forth in this section. Licensure  
 20 shall be effective upon issuance.

21 (2) ~~Persons~~ A person applying for initial licensure  
 22 who ~~do~~ does not hold a degree in architecture accredited by the  
 23 National Architectural ~~Accreditation~~ Accrediting Board shall submit  
 24 an application accompanied by the fee established by the Board  
 25 of Engineers and Architects. The application shall demonstrate  
 26 satisfactory evidence of twelve years' combined architectural  
 27 education and architectural work experience, including the  
 1 equivalent of the Intern Development Program promulgated by the  
 2 National Council of Architectural Registration Boards. If an  
 3 applicant is determined by the Board of Engineers and Architects  
 4 to meet this requirement, the board shall, by means of a written  
 5 or electronic examination, examine the applicant on technical and  
 6 professional subjects as prescribed by the board. ~~Starting January~~  
 7 ~~1, 2000, only individuals who have~~ Only an individual who has  
 8 earned a bachelor of science in architectural studies degree with

9 an architecture emphasis prior to December 31, 1999, ~~can~~may be  
10 considered under this subsection.

11 2. On page 8, line 9, strike "eighty-six", show as  
12 stricken, and insert "one hundred"; and strike beginning with  
13 "commencing" in line 10 through the period in line 11, show  
14 as stricken, and insert ". The first such adjustment after the  
15 effective date of this act shall be effective on July 1, 2014.".

16 3. On page 12, line 10, strike "Accreditation", show as  
17 stricken, and insert "Accrediting".

18 4. On page 16, lines 12 to 13, page 16, line 25 to page  
19 17, line 1; page 17, lines 3 to 4 and 14 to 15; and page 21,  
20 line 16, strike "Accrediting Board for Engineering and Technology  
21 accredited", show as stricken, and insert "ABET-accredited".

22 5. Renumber the remaining sections and correct internal  
23 references and the repealer accordingly.

### VISITORS

Visitors to the Chamber were 86 fourth-grade students, teachers, and sponsors from Reeder Elementary, Gretna; 21 twelfth-grade students, teacher, and sponsors from Bertrand; Stephen, Orlando, and Michael Carroll from Mississippi; Anna, Michael, Rob, Martha, Linda, David, Sarah, and Nancy Wishart; and Joni Albrecht, Joel Lamplot, Leonard Peters, and Tammy Bodlak from Thurston County.

### ADJOURNMENT

At 12:00 p.m., on a motion by Senator McGill, the Legislature adjourned until 10:00 a.m., Tuesday, March 22, 2011.

Patrick J. O'Donnell  
Clerk of the Legislature