

**TWENTY-NINTH DAY - FEBRUARY 14, 2007****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
FIRST SESSION****TWENTY-NINTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, February 14, 2007

**PRAYER**

The prayer was offered by Senator Hudkins.

**ROLL CALL**

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

The roll was called and all members were present except Senator Nantkes who was excused; and Senators Ashford, Carlson, Erdman, Friend, Heidemann, Howard, Kruse, Loudon, Pedersen, and Preister who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

Page 567, strike the last five lines.

The Journal for the twenty-eighth day was approved as corrected.

**COMMITTEE REPORT  
Health and Human Services**

**LEGISLATIVE BILL 398.** Placed on General File.

(Signed) Joel Johnson, Chairperson

**MOTION - Approve Appointment**

Senator Aguilar moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 545:

State Emergency Response Commission  
Keith Deiml

Voting in the affirmative, 31:

Adams	Dierks	Hansen	McDonald	Stuthman
Aguilar	Dubas	Harms	McGill	Wallman
Avery	Engel	Janssen	Mines	Wightman
Burling	Fischer	Karpisek	Nelson	
Chambers	Flood	Kopplin	Pahls	
Christensen	Fulton	Langemeier	Pirsch	
Cornett	Gay	Lathrop	Rogert	

Voting in the negative, 0.

Present and not voting, 7:

Hudkins	Pankonin	Schimek	White
Johnson	Raikes	Synowiecki	

Excused and not voting, 11:

Ashford	Friend	Kruse	Pedersen
Carlson	Heidemann	Louden	Preister
Erdman	Howard	Nantkes	

The appointment was confirmed with 31 ayes, 0 nays, 7 present and not voting, and 11 excused and not voting.

### GENERAL FILE

**LEGISLATIVE BILL 211A.** Title read. Considered.

Advanced to E & R for review with 33 ayes, 0 nays, 6 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 395.** The Johnson amendment, FA21, found on page 568, to the first committee amendment, FA15, found on page 564, was renewed.

Senator Chambers offered the following motion:  
Bracket LB 395 until February 21, 2007.

**SENATOR CORNETT PRESIDING**

**SPEAKER FLOOD PRESIDING**

Pending.

### COMMITTEE REPORT Enrollment and Review

**LEGISLATIVE BILL 211A.** Placed on Select File.

(Signed) Amanda McGill, Chairperson

**COMMITTEE REPORTS**  
**Banking, Commerce and Insurance**

**LEGISLATIVE BILL 379.** Placed on General File.

**LEGISLATIVE BILL 380.** Placed on General File.

**LEGISLATIVE BILL 383.** Placed on General File.

(Signed) Rich Pahls, Chairperson

**RESOLUTIONS**

**LEGISLATIVE RESOLUTION 29.** Introduced by Christensen, 44.

WHEREAS, Jubal E. Joslyn, of Troop 200, Imperial, Nebraska, has completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to earn the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills. Although many options are available to demonstrate proficiency in these areas, a number of specific skills are required to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout. Throughout his scouting experience, Jubal has learned, been tested on, and been recognized for various scouting skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout is required to earn 21 merit badges, 12 of which are in required areas, and complete a community service project approved by the troop and the scout council; and

WHEREAS, only a small percentage of the boys who join the Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, on Sunday, March 4, 2007, Jubal E. Joslyn will receive the rank of Eagle Scout, and, through his hard work and perseverance, will join other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Jubal E. Joslyn on achieving the rank of Eagle Scout.

2. That a copy of this resolution be sent to Jubal E. Joslyn, in care of Mr. Wyatt Croft, Scoutmaster, Troop 200.

Laid over.

**LEGISLATIVE RESOLUTION 30.** Introduced by Christensen, 44.

WHEREAS, Randy J. Matheny, a sergeant with the Nebraska National Guard and a 2004 graduate of McCook High School, was killed on February 4, 2007, while on duty in Iraq in the service of his country; and

WHEREAS, Randy Matheny joined the National Guard on March 28, 2005, and was a gunner with the 1074th Transportation Company providing security for transportation missions in Iraq; and

WHEREAS, Randy Matheny's sister, Karen, is serving her second tour of duty in Iraq and Randy's brother, Paul, is preparing to be deployed; and

WHEREAS, Randy Matheny is the thirty-ninth soldier with Nebraska connections to die in Iraq or Afghanistan since the beginning of military operations after September 11, 2001.

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

1. That the Legislature commends the Matheny family for its sacrifice in the service of the United States and extends its condolences to the family for the death of Randy Matheny.

2. That a copy of this resolution be sent to the family of Sergeant Randy J. Matheny.

Laid over.

**LEGISLATIVE RESOLUTION 31.** Introduced by Stuthman, 22.

WHEREAS, the cast and crew of the play production for Clarkson School displayed remarkable ability and perseverance; and

WHEREAS, the cast and crew of the play production for Clarkson School achieved remarkable success this season; and

WHEREAS, the cast and crew of the play production for Clarkson School qualified for the 2006 NSAA State Play Contest with their performance of "Robin Hood"; and

WHEREAS, the school won the Class C-2 championship; and

WHEREAS, actor Aaron Konicek was selected as outstanding male performer.

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

1. That the cast and crew of the Clarkson School play production be congratulated for its success.

2. That a copy of this resolution be sent to the Clarkson High School and Director Ann Cerv.

Laid over.

**NOTICE OF COMMITTEE HEARINGS**

**Appropriations**

Room 1524

Monday, March 5, 2007

1:30 p.m.

AGENCY 48 - Coordinating Commission for Postsecondary Education

AGENCY 50 - State College System

AGENCY 83 - Community College System

LB 105

Tuesday, March 6, 2007

1:30 p.m.

LB 109	Tuesday, March 6, 2007	1:30 p.m.
LB 438	Tuesday, March 6, 2007	1:30 p.m.
LB 275	Tuesday, March 6, 2007	1:30 p.m.
LB 483	Tuesday, March 6, 2007	1:30 p.m.

Tuesday, March 6, 2007 1:30 p.m.  
 AGENCY 51 - University of Nebraska  
 AGENCY 69 - Arts Council

Room 1003

Wednesday, March 7, 2007 1:30 p.m.  
 AGENCY 18 - Department of Agriculture  
 AGENCY 31 - Military Department  
 AGENCY 33 - Game and Parks Commission  
 AGENCY 54 - State Historical Society

LB 42	Thursday, March 8, 2007	1:30 p.m.
LB 446	Thursday, March 8, 2007	1:30 p.m.

Thursday, March 8, 2007 1:30 p.m.  
 AGENCY 24 - Department of Motor Vehicles  
 AGENCY 40 - Motor Vehicle Industry Licensing Board  
 AGENCY 17 - State Aeronautics Department  
 AGENCY 27 - Department of Roads

Friday, March 9, 2007 1:30 p.m.  
 AGENCY 28 - Department of Veterans' Affairs  
 AGENCY 37 - Workers' Compensation Court  
 AGENCY 75 - Investment Council  
 AGENCY 77 - Commission of Industrial Relations  
 AGENCY 85 - Public Employees Retirement Systems

Room 1524

LB 420	Monday, March 12, 2007	1:30 p.m.
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Monday, March 12, 2007 1:30 p.m.  
 AGENCY 29 - Department of Natural Resources  
 AGENCY 52 - State Fair Board  
 AGENCY 84 - Department of Environmental Quality  
 AGENCY 72 - Department of Economic Development

Tuesday, March 13, 2007 1:30 p.m.  
 AGENCY 13 - Department of Education  
 AGENCY 34 - Library Commission  
 AGENCY 47 - Educational Telecommunications Commission  
 AGENCY 58 - Board of Engineers and Architects

## Room 1003

LB 574      Wednesday, March 14, 2007      1:30 p.m.

Wednesday, March 14, 2007      1:30 p.m.

AGENCY 19 - Department of Banking and Finance

AGENCY 22 - Department of Insurance

AGENCY 23 - Department of Labor

AGENCY 67 - Equal Opportunity Commission

AGENCY 87 - Accountability and Disclosure Commission

AGENCY 65 - Department of Administrative Services

Thursday, March 15, 2007      1:30 p.m.

AGENCY 7 - Governor

AGENCY 8 - Lieutenant Governor

AGENCY 9 - Secretary of State

AGENCY 10 - Auditor of Public Accounts

AGENCY 12 - State Treasurer

AGENCY 14 - Public Service Commission

AGENCY 3 - Legislative Council

## Room 1524

LB 536      Monday, March 19, 2007      1:30 p.m.

LB 542      Monday, March 19, 2007      1:30 p.m.

LB 545      Monday, March 19, 2007      1:30 p.m.

LB 548      Monday, March 19, 2007      1:30 p.m.

LB 559      Monday, March 19, 2007      1:30 p.m.

LB 576      Monday, March 19, 2007      1:30 p.m.

(Signed) Lavon Heidemann, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 395.** The Chambers motion, found in this day's Journal, to bracket LB 395 until February 21, 2007, was renewed.

**SENATOR ERDMAN PRESIDING****SENATOR CORNETT PRESIDING**

Senator Chambers withdrew his motion to bracket.

Senator Johnson asked unanimous consent to bracket LB 395 until February 28, 2007. No objections. So ordered.

**MESSAGE FROM THE GOVERNOR**

February 8, 2007

Mr. President, Speaker Flood  
and Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President, Speaker Flood and Senators:

Contingent upon your approval, the following individual is appointed as Director of Services of the Health and Human Services System:

Scot Adams, 3116 South 58th Street, Omaha NE 68106

The aforementioned appointee is respectfully submitted for your consideration. Copies of the appointment certificate and application form are attached for your review.

Sincerely,  
(Signed) Dave Heineman  
Governor

Enclosures

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Adams, Scot - Health and Human Services System - Health and Human Services

(Signed) Pat Engel, Chairperson  
Legislative Council, Executive Board

**NOTICE OF COMMITTEE HEARING**  
**Transportation and Telecommunications**  
Room 1113

LR 28 Monday, February 26, 2007

1:30 p.m.

(Signed) Deb Fischer, Chairperson

**AMENDMENTS - Print in Journal**

Senator Stuthman filed the following amendment to LB 307:  
AM314

(Amendments to Standing Committee amendments, AM163)

- 1 1. On page 1, line 8, after "highway" insert "with more  
2 than two marked traffic lanes" and after "highway" insert "with  
3 more than two marked traffic lanes"; in line 9 after the period  
4 insert "Subsections (2), (3), and (5) through (8) of this section  
5 authorize and apply to operation of an all-terrain vehicle only on  
6 a highway other than a controlled-access highway with more than two  
7 marked traffic lanes."; and strike beginning with "on" in line 22  
8 through the second comma in line 23.
- 9 2. On page 3, line 5, strike "The" and insert "Subject  
10 to subsection (1) of this section, the"; strike beginning with the  
11 comma in line 5 through the comma in line 6; and strike beginning  
12 with "on" in line 20 through the comma in line 21 and show the old  
13 matter as stricken.

Senator Langemeier filed the following amendment to LB 25:  
AM242

(Amendments to Final Reading copy)

- 1 1. Insert the following new section:
- 2 Sec. 14. This act becomes operative on January 1, 2008.
- 3 2. On page 1, line 8, after the semicolon insert "to  
4 provide an operative date;"
- 5 3. Renumber the remaining section accordingly.

Senator Langemeier filed the following amendment to LB 25:  
AM231

(Amendments to Final Reading copy)

- 1 1. On page 4, line 15, strike "Every" and insert "Except  
2 as provided in subsection (3) of this section, every"; and strike  
3 beginning with "with" in line 16 through "animal" in line 18.
- 4 2. On page 5, strike lines 3 through 14 and insert the  
5 following new subsection:  
6 "(3) An owner of a hybrid animal in this state prior  
7 to the date of development of a licensed vaccine determined  
8 scientifically to be reliable in preventing rabies in a hybrid  
9 animal shall have one year after such date to comply with this  
10 section.".

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Schimek asked unanimous consent to add her name as cointroducer to LB 12. No objections. So ordered.

Senator Pirsch asked unanimous consent to add his name as cointroducer to LB 67. No objections. So ordered.



**VISITORS**

Visitors to the Chamber were Jered Matzke from Gothenburg; and Library Youth Volunteers from across the state.

The Doctor of the Day was Dr. Jay Matzke from Gothenburg.

**ADJOURNMENT**

At 11:51 a.m., on a motion by Senator Mines, the Legislature adjourned until 9:00 a.m., Thursday, February 15, 2007.

Patrick J. O'Donnell  
Clerk of the Legislature

