

**FOURTEENTH DAY - JANUARY 29, 2008****LEGISLATIVE JOURNAL****ONE HUNDREDTH LEGISLATURE  
SECOND SESSION****FOURTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, January 29, 2008

**PRAYER**

The prayer was offered by Pastor Paul Lillenas, Hickory Grove St. Paul Lutheran Church, Auburn.

**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 Senators Johnson and Rogert who were excused; and Senators Ashford, Dubas, Erdman, Janssen, Karpisek, Lautenbaugh, and Schimek who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirteenth day was approved.

**COMMITTEE REPORTS**

Enrollment and Review

**LEGISLATIVE BILL 92.** Placed on Final Reading.

**LEGISLATIVE BILL 202.** Placed on Final Reading.

**LEGISLATIVE BILL 379.** Placed on Final Reading.

**LEGISLATIVE BILL 380.** Placed on Final Reading.

**LEGISLATIVE BILL 383.** Placed on Final Reading.

**LEGISLATIVE BILL 467.** Placed on Final Reading.

ST9062

The following changes, required to be reported for publication in the Journal, have been made:

1. In the E & R amendments, ER8136, on page 3, line 20, the second "and" has been struck and a comma inserted; and in line 21 ", regional behavioral health authorities, and community-based behavioral health services providers" has been inserted after "institutions".

**LEGISLATIVE BILL 467A.** Placed on Final Reading.

**LEGISLATIVE BILL 690.** Placed on Final Reading.

**LEGISLATIVE RESOLUTION 5CA.** Placed on Final Reading.

(Signed) Amanda McGill, Chairperson

### **NOTICE OF COMMITTEE HEARINGS**

Education

Room 1525

Tuesday, February 05, 2008 1:30 p.m.

Lund, John F. - Board of Educational Lands and Funds

Tuesday, February 19, 2008 1:30 p.m.

Dudley, Phillip, Jr. - Nebraska Educational Telecommunications Commission

(Signed) Ron Raikes, Chairperson

### **ANNOUNCEMENT**

Senator Aguilar designates LB587 as his priority bill.

### **REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

<b>LB/LR</b>	<b>Committee</b>
LB1110	Revenue
LR234	Judiciary

(Signed) L. Patrick Engel, Chairperson  
Legislative Council, Executive Board

### **RESOLUTION**

**LEGISLATIVE RESOLUTION 235.** Introduced by Flood, 19.

WHEREAS, at the annual Statehood dinner, held in the Nebraska State Capitol, the NEBRASKAland Foundation on Saturday, March 1, 2008, will present the distinguished Nebraskalander Award, along with the WagonMaster Award, the Trailblazer Awards, and the Pioneer Awards; and

WHEREAS, the WagonMaster Award is presented to Jane Renner-Hood of Lincoln. Ms. Renner-Hood has been executive director of the Nebraska

Humanities Council since 1987. Her numerous civic efforts include acting as treasurer of the Willa Cather Pioneer Memorial and Educational Foundation, as secretary of the Federation of State Humanities Councils, and as a member of the board of directors of the Cooper Foundation and the Nebraska Public Radio Foundation; and

WHEREAS, the first Pioneer Award is presented to Clayton Anderson. Mr. Anderson considers Ashland, Nebraska, to be his hometown and is Nebraska's first National Aeronautics and Space Administration astronaut. He joined the Johnson Space Center in 1983 and in November of 2007 returned from living and working aboard the International Space Station for five months; and

WHEREAS, the second Pioneer Award is presented to Don Overman, Mayor Emeritus of Scottsbluff, Nebraska. Mr. Overman served as mayor of Scottsbluff from 1974 to 1994. In 2000, he was named the "Citizen of the Century" in government for the panhandle of Nebraska over the past one hundred years; and

WHEREAS, the first Trailblazer Award is presented to Major General Roger Lempke of Lincoln. Major General Lempke served as Nebraska's Adjutant General for seven years until his retirement in November of 2007. As head of the Nebraska National Guard and the Nebraska Emergency Management Agency, he oversaw responses to several state floods, wildfires, and ice storms, as well as Nebraska's response to Hurricane Katrina in 2005; and

WHEREAS, the second Trailblazer Award is presented to Lloyd Castner of Columbus. Mr. Castner has served in city administrations in Oregon and in Bellevue and Columbus, Nebraska, for over thirty years and as Manager of Marketing for Nebraska Public Power District. He has been active in public and community service and has received many local and state honors, including the Diplomat of the Year Award in 2006 from the Nebraska Diplomats; and

WHEREAS, the distinguished Nebraskalander Award is presented to John Gottschalk of Omaha. Mr. Gottschalk was the fifth publisher of the Omaha World-Herald and serves as chairman and chief executive officer of the Omaha World-Herald Company, which comprises twenty-six companies involved in print, marketing, communications, and high-tech enterprises. Recognized nationally for his commitment to volunteerism, he has been honored by the Boy Scouts of America, Ak-Sar-Ben, and the Woodrow Wilson Foundation.

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

1. That the Legislature extends its appreciation to the honorees named in this resolution for their service to the State of Nebraska.
2. That a copy of this resolution be given to all honorees.

Laid over.

**COMMITTEE REPORT**

## Education

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

Riko Bishop - Coordinating Commission for Postsecondary Education  
 Carol Zink - Coordinating Commission for Postsecondary Education

Aye: 6 Senators Adams, Avery, Burling, Howard, Kopplin, Raikes. Nay: 0.  
 Absent: 2 Senators Ashford, Johnson.

(Signed) Ron Raikes, Chairperson

**MOTIONS - Approve Appointments**

Senator Louden moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 381:

Nebraska Ethanol Board  
 Tim Else  
 Steve Hanson

Voting in the affirmative, 28:

Aguilar	Engel	Harms	Lathrop	Stuthman
Burling	Fischer	Howard	Louden	Wallman
Carlson	Flood	Hudkins	McDonald	White
Chambers	Fulton	Kopplin	Nelson	Wightman
Christensen	Gay	Kruse	Pedersen	
Dierks	Hansen	Langemeier	Pirsch	

Voting in the negative, 0.

Present and not voting, 12:

Adams	Friend	Nantkes	Preister
Avery	Heidemann	Pahls	Raikes
Cornett	McGill	Pankonin	Synowiecki

Excused and not voting, 9:

Ashford	Erdman	Johnson	Lautenbaugh	Schimek
Dubas	Janssen	Karpisek	Rogert	

The appointments were confirmed with 28 ayes, 0 nays, 12 present and not voting, and 9 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 381:

Nebraska Game and Parks Commission  
S. Michael "Mick" Jensen

Voting in the affirmative, 36:

Aguilar	Fischer	Hudkins	Nelson	Synowiecki
Avery	Flood	Janssen	Pahls	Wallman
Burling	Friend	Kopplin	Pankonin	White
Carlson	Gay	Langemeier	Pedersen	Wightman
Chambers	Hansen	Louden	Pirsch	
Christensen	Harms	McDonald	Raikes	
Dierks	Heidemann	McGill	Schimek	
Engel	Howard	Nantkes	Stuthman	

Voting in the negative, 0.

Present and not voting, 7:

Adams	Fulton	Kruse	Preister
Cornett	Karpisek	Lathrop	

Excused and not voting, 6:

Ashford	Erdman	Lautenbaugh
Dubas	Johnson	Rogert

The appointment was confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 408:

Nebraska Game and Parks Commission  
Kent Forney

Voting in the affirmative, 35:

Adams	Dierks	Heidemann	Louden	Raikes
Aguilar	Fischer	Howard	McGill	Schimek
Avery	Flood	Hudkins	Nelson	Stuthman
Burling	Friend	Janssen	Pahls	Synowiecki
Carlson	Gay	Karpisek	Pankonin	Wallman
Chambers	Hansen	Kopplin	Pedersen	White
Christensen	Harms	Langemeier	Pirsch	Wightman

Voting in the negative, 0.

Present and not voting, 8:

Cornett	Fulton	Lathrop	Nantkes
Engel	Kruse	McDonald	Preister

Excused and not voting, 6:

Ashford	Erdman	Lautenbaugh
Dubas	Johnson	Rogert

The appointment was confirmed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Senator Loudon moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 409:

Environmental Quality Council  
Donald Williams

Voting in the affirmative, 35:

Aguilar	Fischer	Janssen	McDonald	Pirsch
Avery	Friend	Karpisek	McGill	Schimek
Carlson	Fulton	Kopplin	Nantkes	Stuthman
Chambers	Gay	Langemeier	Nelson	Synowiecki
Christensen	Hansen	Lathrop	Pahls	Wallman
Dierks	Harms	Lautenbaugh	Pankonin	White
Engel	Hudkins	Louden	Pedersen	Wightman

Voting in the negative, 0.

Present and not voting, 9:

Adams	Cornett	Heidemann	Kruse	Raikes
Burling	Flood	Howard	Preister	

Excused and not voting, 5:

Ashford	Dubas	Erdman	Johnson	Rogert
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Gay moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 402:

Foster Care Review Board  
Judy Meter

Alfredo Ramirez  
 Ronald Albin  
 Gene Klein

Voting in the affirmative, 30:

Adams	Engel	Howard	Lautenbaugh	Preister
Aguilar	Fischer	Hudkins	Louden	Stuthman
Burling	Flood	Janssen	Nantkes	Synowiecki
Christensen	Friend	Karpisek	Nelson	Wallman
Cornett	Gay	Kopplin	Pedersen	White
Dierks	Heidemann	Langemeier	Pirsch	Wightman

Voting in the negative, 5:

Carlson	Chambers	Fulton	Hansen	Harms
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Present and not voting, 9:

Avery	Lathrop	McGill	Pankonin	Schimek
Kruse	McDonald	Pahls	Raikes	

Excused and not voting, 5:

Ashford	Dubas	Erdman	Johnson	Rogert
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The appointments were confirmed with 30 ayes, 5 nays, 9 present and not voting, and 5 excused and not voting.

### **MOTION - Return LB204A to Select File**

Senator Synowiecki moved to return LB204A to Select File for his specific amendment, AM1604, found on page 402.

The Synowiecki motion to return prevailed with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

### **SELECT FILE**

**LEGISLATIVE BILL 204A.** The Synowiecki specific amendment, AM1604, found on page 402, was adopted with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

### **WITHDRAW - Amendment to LB210**

Senator Cornett withdrew her amendment, AM1602, found on page 374, to LB210.

**MOTION - Return LB210 to Select File**

Senator Cornett moved to return LB210 to Select File for the following specific amendment:

AM1692

(Amendments to Final Reading copy)

- 1 1. On page 2, line 9, strike the new matter; and in
- 2 line 16 strike "Representatives", show as stricken, and insert
- 3 "Members".
- 4 2. On page 4, line 1, after "(3)" insert "The two members
- 5 of the Legislature serving on the state board shall be nonvoting,
- 6 ex officio members. All other members shall be voting members.";
- 7 and in line 13, before "members" insert "voting".

The Cornett motion to return prevailed with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 210.** The Cornett specific amendment, AM1692, found in this day's Journal, was adopted with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**GENERAL FILE**

**LEGISLATIVE BILL 474.** Senator Chambers renewed his amendment, AM1673, found on page 407.

**SENATOR MCDONALD PRESIDING**

Senator Chambers moved for a call of the house. The motion prevailed with 31 ayes, 0 nays, and 18 not voting.

**SENATOR LANGEMEIER PRESIDING**

The Chambers amendment was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Pending.

**COMMITTEE REPORTS**

## Judiciary

**LEGISLATIVE BILL 6.** Indefinitely postponed.  
**LEGISLATIVE BILL 68.** Indefinitely postponed.  
**LEGISLATIVE BILL 201.** Indefinitely postponed.  
**LEGISLATIVE BILL 220.** Indefinitely postponed.  
**LEGISLATIVE BILL 448.** Indefinitely postponed.  
**LEGISLATIVE BILL 525.** Indefinitely postponed.  
**LEGISLATIVE BILL 535.** Indefinitely postponed.  
**LEGISLATIVE BILL 552.** Indefinitely postponed.  
**LEGISLATIVE BILL 566.** Indefinitely postponed.  
**LEGISLATIVE BILL 567.** Indefinitely postponed.  
**LEGISLATIVE BILL 618.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

## Revenue

**LEGISLATIVE BILL 914.** Placed on General File with amendment.  
AM1676

1 1. Strike original section 1 and insert the following new  
 2 sections:  
 3 Section 1. Section 21-2612, Revised Statutes Cumulative  
 4 Supplement, 2006, is amended to read:  
 5 21-2612 (1) The members and managers of a limited  
 6 liability company shall not be liable under a judgment, decree, or  
 7 order of a court or in any other manner for a debt, obligation,  
 8 or liability of the limited liability company. Except as otherwise  
 9 specifically set forth in the Limited Liability Company Act, no  
 10 member, manager, employee, or agent of a limited liability company  
 11 shall be personally liable under any judgment, decree, or order of  
 12 any court, agency, or other tribunal in this or any other state, or  
 13 on any other basis, for any debt, obligation, or liability of the  
 14 limited liability company.

15 ~~(2) The members of a limited liability company, including~~  
 16 ~~members acting as managers, shall be liable in the same manner as a~~  
 17 ~~corporate officer for unpaid taxes imposed upon a limited liability~~  
 18 ~~company when management is reserved to the members. If management~~  
 19 ~~is not reserved to the members, the managers of a limited liability~~  
 20 ~~company shall be liable in the same manner as a corporate officer~~  
 21 ~~for unpaid taxes imposed upon the limited liability company.~~

22 (2) Any member, manager, or employee of a limited  
 23 liability company with the duty to collect, account for, or  
 1 pay over any taxes imposed upon a limited liability company or  
 2 with the authority to decide whether the limited liability company  
 3 will pay taxes imposed upon a limited liability company shall be  
 4 personally liable for the payment of such taxes in the event of  
 5 willful failure on his or her part to have a limited liability

6 company perform such act. Such taxes shall be collected in the same  
 7 manner as provided under section 77-1783.01.

8 Sec. 6. Section 77-1783.01, Reissue Revised Statutes of  
 9 Nebraska, is amended to read:

10 77-1783.01 (1) Any officer or employee with the duty  
 11 to collect, account for, or pay over any taxes imposed upon a  
 12 corporation or with the authority to decide whether the corporation  
 13 will pay taxes imposed upon a corporation shall be personally  
 14 liable for the payment of such taxes in the event of willful  
 15 failure on his or her part to have a corporation perform such act.  
 16 Such taxes shall be collected in the same manner as provided under  
 17 the Uniform State Tax Lien Registration and Enforcement Act.

18 (2) Within ~~thirty~~ sixty days after the day on which the  
 19 notice and demand are made for the payment of such taxes, any  
 20 officer or employee seeking to challenge the Tax Commissioner's  
 21 determination as to his or her personal liability for the  
 22 corporation's unpaid taxes may petition for a redetermination.  
 23 The petition may include a request for the redetermination of  
 24 the personal liability of the corporate officer or employee, the  
 25 redetermination of the amount of the corporation's unpaid taxes,  
 26 or both. If a petition for redetermination is not filed within the  
 27 ~~thirty-day~~ sixty-day period, the determination becomes final at the  
 1 expiration of the period.

2 (3) If the requirements prescribed in subsection (2)  
 3 of this section are satisfied, the Tax Commissioner shall abate  
 4 collection proceedings and shall grant the officer or employee an  
 5 oral hearing and give him or her ten days' notice of the time  
 6 and place of such hearing. The Tax Commissioner may continue the  
 7 hearing from time to time as necessary.

8 (4) Any notice required under this section shall be  
 9 served personally or by mail in the manner provided in section  
 10 77-27,135.

11 (5) If the Tax Commissioner determines that further delay  
 12 in the collection of such taxes from the officer or employee will  
 13 jeopardize future collection proceedings, nothing in this section  
 14 shall prevent the immediate collection of such taxes.

15 (6) For purposes of this section:

16 (a) Corporation shall mean any corporation and any other  
 17 entity that is taxed as a corporation under the Internal Revenue  
 18 Code;

19 (b) Taxes shall mean all taxes and additions to taxes  
 20 including interest and penalties imposed under the revenue laws of  
 21 this state which are administered by the Tax Commissioner; and

22 (c) Willful failure shall mean that failure which was the  
 23 result of an intentional, conscious, and voluntary action.

24 2. On page 67, line 9, after the first comma insert  
 25 "77-1783.01,".

26 3. Renumber the remaining sections and correct internal

27 references so that section 77-1783.01 becomes operative on January  
1 1, 2009.

(Signed) Ray Janssen, Chairperson

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 761.** Placed on General File with amendment.  
AM1677

- 1 1. Strike the original section and insert the following  
2 new section:  
3 Section 1. (1) The BRAC Task Force is created. The  
4 members of the task force shall include:  
5 (a) The Adjutant General or his or her designee;  
6 (b) The President of the Lincoln Chamber of Commerce or  
7 his or her designee;  
8 (c) The President of the Bellevue Chamber of Commerce or  
9 his or her designee;  
10 (d) The President of the Nebraska Chamber of Commerce and  
11 Industry or his or her designee;  
12 (e) The President of the Greater Omaha Chamber of  
13 Commerce or his or her designee;  
14 (f) The chairperson of the board of directors of the  
15 Lincoln Airport Authority or his or her designee;  
16 (g) Two at-large members appointed by the Governor;  
17 (h) The chairperson of the Government, Military and  
18 Veterans Affairs Committee of the Legislature; and  
19 (i) One state senator appointed by the Executive Board of  
20 the Legislative Council.  
21 (2) The Governor shall appoint a chairperson for the task  
22 force. Appointments shall be made within ninety days after the  
23 effective date of this act. Members shall be reimbursed for their  
1 expenses pursuant to sections 81-1174 to 81-1177. The reimbursement  
2 shall be paid from appropriations to the Legislative Council. The  
3 Government, Military and Veterans Affairs Committee shall provide  
4 administrative and technical support for the task force and shall  
5 produce the final report.  
6 (3) The task force shall:  
7 (a) Review the history of the base realignment and  
8 closure process;  
9 (b) Identify the military installations and missions  
10 in Nebraska most vulnerable to the base realignment and closure  
11 process;  
12 (c) Identify the military installations and missions in  
13 Nebraska most likely to benefit from the base realignment and  
14 closure process;  
15 (d) Review the actions taken by other states to protect  
16 their military installations and missions;  
17 (e) Make recommendations as to what actions, if any,

- 18 Nebraska should take to protect its military installations and  
 19 missions; and  
 20 (f) Make recommendations as to what actions, if any,  
 21 Nebraska should take to increase the likelihood of benefiting from  
 22 future base realignment and closure processes.  
 23 (4) The task force shall submit a report summarizing its  
 24 activities under this section and containing its recommendations by  
 25 December 1, 2008, to the Governor and the Legislature. After such  
 26 date, the chairperson of the task force may call further meetings  
 27 of the task force.  
 1 (5) The BRAC Task Force and this section terminate on  
 2 December 1, 2013.

**LEGISLATIVE BILL 767.** Indefinitely postponed.

(Signed) Ray Aguilar, Chairperson

**NOTICE OF COMMITTEE HEARINGS**

Revenue

Room 1524

Thursday, February 07, 2008 1:30 p.m.

LB1126  
 LB1134

(Signed) Ray Janssen, Chairperson

Health and Human Services

Room 1510

Wednesday, February 06, 2008 1:30 p.m.

Black, Tawanna - Child Abuse Prevention Fund Board  
 Brown, Rebecca - Child Abuse Prevention Fund Board  
 Markley, Sandra - Child Abuse Prevention Fund Board  
 McDonald, Parrish - Child Abuse Prevention Fund Board  
 Michels, Dale - State Board of Health

LB836  
 LB883  
 LB906  
 LB928  
 LB1006

(Signed) Tim Gay, Vice Chairperson

## Judiciary

Room 1113

Wednesday, February 06, 2008 1:30 p.m.

LB1085  
LB816  
LB1014  
LB828  
LB933  
LB935

Thursday, February 07, 2008 1:30 p.m.

LB1097  
LB1130  
LB932

Wednesday, February 13, 2008 1:30 p.m.

LB1167  
LB1032  
LB1042  
LB769  
LB764  
LB1055

Thursday, February 14, 2008 1:30 p.m.

LB1142  
LB1107  
LB1106  
LB1159  
LB1160

Wednesday, February 20, 2008 1:30 p.m.

LB843  
LB781  
LB868  
LB909  
LB1128  
LR224

Thursday, February 21, 2008 1:30 p.m.

LB1084  
LB1076

LB1077  
LB1054  
LB1078

Friday, February 22, 2008 1:30 p.m.

LB1015  
LB1025  
LB832  
LB942  
LB943

Wednesday, February 27, 2008 1:30 p.m.

LB1170  
LB963  
LR233CA  
LR234

(Signed) Brad Ashford, Chairperson

Urban Affairs

Room 1510

Tuesday, February 05, 2008 1:30 p.m.

LB1096  
LB1101  
LB1056

Room 2102

Tuesday, February 12, 2008 1:30 p.m.

LB1072  
LB1095  
LB1102

Room 1510

Tuesday, February 19, 2008 1:30 p.m.

LB971  
LB1117  
LB1166

(Signed) Mike Friend, Chairperson

## Health and Human Services

Room 1510

Thursday, February 07, 2008 1:30 p.m.

Johnson, Julie - Commission for the Blind and Visually Impaired  
 Jirak, James - Commission for the Blind and Visually Impaired  
 Majerus, Wesley - Commission for the Blind and Visually Impaired  
 Baumgartner, Shawn - Board of Emergency Medical Services

LB877  
 LB954  
 LB1048

(Signed) Tim Gay, Vice Chairperson

**AMENDMENT - Print in Journal**

Senator Raikes filed the following amendment to LB235:  
 AM1654

(Amendments to E &amp; R amendments, ER8140)

- 1 1. Insert the following new sections:  
 2 Sec. 6. The Film Office of the Department of Economic  
 3 Development shall provide a report to the Legislature by July 1,  
 4 2011, that includes:  
 5 (1) A cost-benefit analysis of the film production  
 6 incentive program;  
 7 (2) The amount of incentives paid pursuant to the  
 8 program;  
 9 (3) The nature of films produced in Nebraska during the  
 10 time the program was providing incentives;  
 11 (4) An estimate of the economic activity generated by the  
 12 production of such films;  
 13 (5) Data as to the amount spent on film production in  
 14 Nebraska before and after the enactment of the program; and  
 15 (6) Any other information the office may deem relevant in  
 16 assessing the effectiveness of the program.  
 17 Sec. 7. Sections 1 to 5 of this act terminate on December  
 18 31, 2010. Sections 6 and 7 of this act terminate on July 1, 2011.  
 19 2. On page 1, line 3, strike "5" and insert "7"; and  
 20 strike beginning with "which" in line 12 through the first comma in  
 21 line 13.  
 22 3. On page 4, line 19, after the period insert "The  
 1 office shall not approve claims for rebate for a proposed project  
 2 if the office determines the film to be:  
 3 (a) Pornography or other obscene material;  
 4 (b) Material that promotes bias or prejudice toward a  
 5 particular race, color, culture, nationality, gender, religion,

- 6 sexual orientation, or other social category;  
 7 (c) Material created for the purpose of influencing  
 8 public opinion with respect to a particular political candidate or  
 9 issue; or  
 10 (d) Material that portrays the State of Nebraska, its  
 11 citizens, or its institutions in a negative light.  
 12 (6)".

### MOTION - Print in Journal

Senator Erdman filed the following motion to LR231CA:  
 MO120  
 Withdraw.

### GENERAL FILE

**LEGISLATIVE BILL 474.** Senator Chambers offered the following amendment:

AM1681

- 1 1. Strike the original sections and all amendments  
 2 thereto and insert the following new sections:  
 3 Section 1. Any sustained disciplinary action which  
 4 involves a specific act, event, occurrence, agency policy, rule,  
 5 or state law pertaining to verbal, physical, or sexual abuse by:  
 6 A town marshal; a chief of police or a local police officer; a  
 7 sheriff or a deputy sheriff; a deputy state sheriff; a special  
 8 deputy sheriff; the Superintendent of Law Enforcement and Public  
 9 Safety; an officer of the Nebraska State Patrol; a carrier  
 10 enforcement officer; a game and Parks Commission conservation  
 11 officer; or any other person with similar authority to make arrests  
 12 under authority granted by this state or by any of its political  
 13 subdivisions, shall be considered a public record.  
 14 Sec. 2. Section 79-8,109, Reissue Revised Statutes of  
 15 Nebraska, is amended to read:  
 16 79-8,109 (1) Any teacher, administrator, or full-time  
 17 employee of any public school district shall, upon his or her  
 18 request, have access to his or her personnel file maintained by the  
 19 district and shall have the right to attach a written response to  
 20 any item in such file. Such teacher, administrator, or employee may  
 21 in writing authorize any other person to have access to such file,  
 22 which authorization shall be honored by the district. Such access  
 23 and right to attach a written response shall not be granted with  
 1 respect to any letters of recommendation solicited by the employer  
 2 which appear in the personnel file.  
 3 (2) ~~Except as set forth in this subsection, no~~ ~~No~~  
 4 other person except school officials while engaged in their  
 5 professional duties shall be granted access to ~~such a teacher's,~~  
 6 administrator's, or full-time employee's personnel file, and the  
 7 contents thereof shall not be divulged in any manner to any

8 unauthorized person. This subsection shall not apply to specific  
 9 documents in the personnel file which record disciplinary action  
 10 taken by the employing district's administration involving a  
 11 teacher, administrator, or full-time employee which involves any  
 12 specific event, occurrence, or act which was deemed to be in  
 13 violation of or contrary to school district policy, rule, or state  
 14 law.

15 Sec. 3. Original section 79-8,109, Reissue Revised  
 16 Statutes of Nebraska, is repealed.

Senator Chambers moved for a call of the house. The motion prevailed with 32 ayes, 0 nays, and 17 not voting.

The Chambers amendment was adopted with 31 ayes, 1 nay, 11 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator Friend renewed his motion, MO119, found on page 408, to indefinitely postpone.

Senator Friend moved for a call of the house. The motion prevailed with 34 ayes, 0 nays, and 15 not voting.

The Friend motion to indefinitely postpone prevailed with 22 ayes, 17 nays, 5 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

## COMMITTEE REPORTS

### Judiciary

**LEGISLATIVE BILL 20.** Placed on General File.

**LEGISLATIVE BILL 585.** Placed on General File.

**LEGISLATIVE BILL 624.** Placed on General File.

**LEGISLATIVE BILL 533.** Placed on General File with amendment.  
 AM445

1 1. Strike original sections 1 and 2.

2 2. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 257.** Indefinitely postponed.

(Signed) Brad Ashford, Chairperson

General Affairs

**LEGISLATIVE BILL 760.** Placed on General File with amendment.  
 AM1646

- 1 1. On page 2, line 1, after "Force" insert "is created
- 2 and"; and in line 8 strike "Legislature" and insert "Legislative
- 3 Council".

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

John F. Hiller - State Electrical Board

Aye: 7 Senators Dierks, Erdman, Friend, Janssen, Karpisek, McDonald, Preister. Nay: 0. Absent: 1 Senator Dubas.

(Signed) Vickie McDonald, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
Nebraska Retirement Systems

Room 1525

Wednesday, February 06, 2008 12:00 p.m.

LB968  
LB1146  
LB1147

Wednesday, February 13, 2008 12:00 p.m.

LB711  
LB937  
LB938

Tuesday, February 19, 2008 12:00 p.m.

LB967  
LB992  
LB1143

(Signed) John Synowiecki, Chairperson

**UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to add his name as cointroducer to LB983 and LB1107. No objections. So ordered.

Senator Avery asked unanimous consent to add his name as cointroducer to LB1013. No objections. So ordered.

**VISITORS**

Visitors to the Chamber were Mike McCabe and Tim Anderson from the Midwestern Legislative Council, Chicago.

The Doctor of the Day was Dr. Mark Butler from Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Speaker Flood, the Legislature adjourned until 9:00 a.m., Wednesday, January 30, 2008.

Patrick J. O'Donnell  
Clerk of the Legislature

