

**FORTY-FOURTH DAY - MARCH 12, 2015****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION****FORTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Thursday, March 12, 2015

**PRAYER**

The prayer was offered by Sharla Behan, The Church of Jesus Christ of Latter Day Saints, Omaha.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Speaker Hadley presiding.

The roll was called and all members were present except Senators Campbell, Craighead, Davis, Kolowski, and McCoy who were excused; and Senators Garrett, Kintner, Larson, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-third day was approved.

**ANNOUNCEMENT(S)**

Senator Howard designates LB199 as her priority bill.

The Education Committee designates LB519 and LB525 as its priority bills.

Senator Cook designates LB81 as her priority bill.

Senator Sullivan designates LB528 as her priority bill.

Senator Brasch designates LB350 as her priority bill.

Senator Davis designates LB85 as his priority bill.

Senator Friesen designates LB610 as his priority bill.

Senator Schnoor designates LB329 as his priority bill.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 113.** Introduced by Bolz, 29.

WHEREAS, Valerie Sturdy has retired after serving the citizens of Nebraska in the field of nursing for more than 40 years; and

WHEREAS, thousands of mothers were assisted, and thousands of healthy babies were born, with the help of Valerie's skill and professional care.

WHEREAS, nurses like Valerie uphold the values of compassion and respect for the inherent dignity, worth, and uniqueness of every individual; and

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

1. That the Legislature congratulates Valerie Sturdy on her retirement and recognizes her successful nursing career.

2. That a copy of this resolution be sent to Valerie Sturdy.

Laid over.

**REPORT OF REGISTERED LOBBYISTS**

Following is a list of all lobbyists who have registered as of March 11, 2015, 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

Girthoffer, Garner R.  
Baird Holm LLP  
Gossman, Abigail  
AstraZeneca Pharmaceuticals  
Szkatulski, Anne  
Opternative 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>

**MOTION(S) - Confirmation Report(s)**

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 724:

Nebraska Natural Resources Commission  
Henry H. (Hod) Kosman

Voting in the affirmative, 32:

Baker	Groene	Johnson	Riepe	Stinner
Bloomfield	Haar, K.	Krist	Scheer	Sullivan
Brasch	Hadley	Kuehn	Schilz	Watermeier
Cook	Harr, B.	McCollister	Schnoor	Williams
Crawford	Hilkemann	Mello	Schumacher	
Friesen	Howard	Morfeld	Seiler	
Gloor	Hughes	Nordquist	Smith	

Voting in the negative, 0.

Present and not voting, 8:

Bolz	Coash	Hansen	Lindstrom
Chambers	Ebke	Kolterman	Pansing Brooks

Excused and not voting, 9:

Campbell	Davis	Kintner	Larson	Murante
Craighead	Garrett	Kolowski	McCoy	

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Senator Schilz moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 732:

Nebraska Game and Parks Commission  
Norris Marshall

Voting in the affirmative, 31:

Baker	Gloor	Hughes	Nordquist	Sullivan
Bloomfield	Groene	Johnson	Riepe	Watermeier
Chambers	Haar, K.	Kolterman	Scheer	Williams
Cook	Hadley	Krist	Schilz	
Crawford	Hansen	Kuehn	Schumacher	
Ebke	Hilkemann	McCollister	Smith	
Friesen	Howard	Mello	Stinner	

Voting in the negative, 0.

Present and not voting, 10:

Bolz	Coash	Harr, B.	Morfeld	Schnoor
Brasch	Garrett	Lindstrom	Pansing Brooks	Seiler

Excused and not voting, 8:

Campbell	Davis	Kolowski	McCoy
Craighead	Kintner	Larson	Murante

The appointment was confirmed with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

Senator Sullivan moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 749:

Technical Advisory Committee for Statewide Assessment  
Brian Gong

Voting in the affirmative, 30:

Baker	Friesen	Hilkemann	Larson	Schilz
Bloomfield	Garrett	Howard	Lindstrom	Schnoor
Chambers	Groene	Johnson	McCullister	Schumacher
Cook	Haar, K.	Kintner	Mello	Seiler
Crawford	Hadley	Kolterman	Pansing Brooks	Smith
Ebke	Hansen	Kuehn	Riepe	Sullivan

Voting in the negative, 0.

Present and not voting, 13:

Bolz	Gloor	Krist	Scheer	Williams
Brasch	Harr, B.	Morfeld	Stinner	
Coash	Hughes	Nordquist	Watermeier	

Excused and not voting, 6:

Campbell	Davis	McCoy
Craighead	Kolowski	Murante

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Scheer moved the adoption of the Banking, Commerce and Insurance Committee report for the confirmation of the following appointment(s) found on page 776:

Department of Economic Development  
Brenda L. Hicks-Sorensen, Director

Voting in the affirmative, 39:

Baker	Friesen	Howard	McCollister	Schumacher
Bloomfield	Garrett	Johnson	Mello	Seiler
Bolz	Gloor	Kintner	Nordquist	Smith
Brasch	Haar, K.	Kolterman	Pansing Brooks	Stinner
Chambers	Hadley	Krist	Riepe	Sullivan
Cook	Hansen	Kuehn	Scheer	Watermeier
Crawford	Harr, B.	Larson	Schilz	Williams
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 4:

Coash	Groene	Hughes	Morfeld
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Excused and not voting, 6:

Campbell	Davis	McCoy
Craighead	Kolowski	Murante

The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

## **BILLS ON FINAL READING**

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB23 with 39 ayes, 1 nay, 3 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 23.**

A BILL FOR AN ACT relating to engineers and architects; to amend sections 81-3401, 81-3402, 81-3403, 81-3404, 81-3405.01, 81-3407, 81-3408, 81-3409, 81-3411, 81-3412, 81-3414, 81-3415, 81-3416, 81-3418, 81-3420, 81-3421, 81-3422, 81-3422.01, 81-3423, 81-3425, 81-3427, 81-3428, 81-3429, 81-3430, 81-3432, 81-3432.01, 81-3433, 81-3434, 81-3435, 81-3436, 81-3437, 81-3438, 81-3441, 81-3442, 81-3443, 81-3444,

81-3446, 81-3448, 81-3449, 81-3450, 81-3451, 81-3453, and 81-3454, Reissue Revised Statutes of Nebraska; to change and eliminate provisions of the Engineers and Architects Regulation Act; to eliminate certain defined terms and provisions on examinations; to harmonize provisions; to repeal the original sections; and to outright repeal sections 81-3406, 81-3410, 81-3413, 81-3417, 81-3419, 81-3424, and 81-3452, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Friesen	Howard	McCollister	Schumacher
Bloomfield	Garrett	Hughes	Mello	Seiler
Bolz	Gloor	Johnson	Morfeld	Smith
Brasch	Groene	Kintner	Nordquist	Stinner
Chambers	Haar, K.	Kolterman	Pansing Brooks	Sullivan
Coash	Hadley	Krist	Riepe	Watermeier
Cook	Hansen	Kuehn	Scheer	Williams
Crawford	Harr, B.	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Excused and not voting, 6:

Campbell	Davis	McCoy
Craighead	Kolowski	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB34 with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 34.**

A BILL FOR AN ACT relating to real estate; to amend section 76-2,120, Revised Statutes Cumulative Supplement, 2014; to adopt the Carbon Monoxide Safety Act; to require information relating to compliance with the act on disclosure statements for sales of real estate; to provide a duty for the State Real Estate Commission; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 39:

Baker	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kolterman	Nordquist	Smith
Chambers	Haar, K.	Krist	Pansing Brooks	Stinner
Coash	Hadley	Kuehn	Riepe	Sullivan
Cook	Harr, B.	Larson	Scheer	Watermeier
Crawford	Hilkemann	Lindstrom	Schilz	Williams
Friesen	Howard	McCollister	Schnoor	

Voting in the negative, 2:

Ebke            Kintner

Present and not voting, 2:

Bloomfield    Hansen

Excused and not voting, 6:

Campbell	Davis	McCoy
Craighead	Kolowski	Murante

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB35 with 37 ayes, 1 nay, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 35.**

A BILL FOR AN ACT relating to corporations; to amend sections 21-402, 21-403, 21-404, 21-405, 21-407, 21-408, 21-409, 21-410, 21-412, 21-414, and 70-1903, Revised Statutes Cumulative Supplement, 2014; to change Business Corporation Act references in the Nebraska Benefit Corporation Act and the Rural Community-Based Energy Development Act; to provide an operative date; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Craighead	Davis	Kolowski	McCoy
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB37 with 40 ayes, 1 nay, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 37.**

A BILL FOR AN ACT relating to drugs; to amend sections 28-411, 28-425, 38-2810, 38-2811, 38-2819, 38-2831, 38-2833, 38-2837, 38-2843, 38-2866, 38-2884, 38-2887, 38-2890, 38-2892, 38-2895, 38-2899, 71-436, 71-2401, 71-2402, 71-2404, 71-2405, 71-2426, 71-2427, 71-2440, 71-2441, 71-2501, 71-2502, 71-2505, 71-2506, 71-2507, 71-2509, 71-2510, 71-2512, 71-5401.01, 71-5401.02, 71-5402, 71-5403, 71-5404, 71-5405, 71-5406, 71-5407, 71-5409, 71-7436, and 71-7444, Reissue Revised Statutes of Nebraska, and sections 38-2801, 38-2802, 38-2850, 38-2867, 38-2869, 38-2870, 71-401, 71-403, 71-448, 71-2421, 71-2453, and 71-7447, Revised Statutes Cumulative Supplement, 2014; to adopt the Prescription Drug Safety Act; to transfer, provide, change, and eliminate provisions relating to poisons, medicinal substances, prescription drugs and devices, the practice of pharmacy, and the licensure of pharmacies; to name the Poison Control Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 28-1438, 38-2848, 71-2403, and 71-2511, Reissue Revised Statutes of Nebraska, and section 28-1437, Revised Statutes Cumulative Supplement, 2014.



Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Friesen	Howard	McCollister	Schumacher
Bloomfield	Garrett	Hughes	Mello	Seiler
Bolz	Gloor	Johnson	Morfeld	Smith
Brasch	Groene	Kintner	Murante	Stinner
Chambers	Haar, K.	Kolterman	Nordquist	Sullivan
Coash	Hadley	Krist	Riepe	Watermeier
Cook	Hansen	Kuehn	Scheer	Williams
Crawford	Harr, B.	Larson	Schilz	
Ebke	Hilkemann	Lindstrom	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Pansing Brooks

Excused and not voting, 5:

Campbell	Craighead	Davis	Kolowski	McCoy
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 46.**

A BILL FOR AN ACT relating to the Statewide Trauma System Act; to amend sections 71-8201, 71-8203, 71-8204, 71-8206, 71-8212, 71-8217, 71-8229, 71-8230, 71-8240, 71-8244, 71-8245, and 71-8248, Reissue Revised Statutes of Nebraska; to redefine terms; to change provisions relating to rehabilitation centers and trauma centers; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Craighead	Davis	Kolowski	McCoy
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 129.**

A BILL FOR AN ACT relating to the Uniform Credentialing Act; to amend section 38-131, Revised Statutes Cumulative Supplement, 2014; to require criminal background checks for certain applicants for a license to practice as a nurse; and to repeal the original section.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 43:

Baker	Friesen	Howard	Mello	Schumacher
Bloomfield	Garrett	Hughes	Morfeld	Seiler
Bolz	Gloor	Johnson	Murante	Smith
Brasch	Groene	Kintner	Nordquist	Stinner
Chambers	Haar, K.	Kolterman	Pansing Brooks	Sullivan
Coash	Hadley	Krist	Riepe	Watermeier
Cook	Hansen	Kuehn	Scheer	Williams
Crawford	Harr, B.	Lindstrom	Schilz	
Ebke	Hilkemann	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Larson

Excused and not voting, 5:

Campbell      Craighead      Davis      Kolowski      McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 146.**

A BILL FOR AN ACT relating to the Cremation of Human Remains Act; to amend sections 71-1355, 71-1382, and 80-104, Reissue Revised Statutes of Nebraska, and section 71-1356, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to provide for disposition of certain unclaimed cremated remains in a veteran cemetery as prescribed; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell      Craighead      Davis      Kolowski      McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 155.** With Emergency Clause.

A BILL FOR AN ACT relating to banks and banking; to amend sections 8-116, 8-128, and 8-153, Reissue Revised Statutes of Nebraska, and section 8-1402, Revised Statutes Cumulative Supplement, 2014; to change amounts of and notice requirements for capital stock requirements; to change provisions relating to the clearing and settlement of checks; to change provisions relating to the cost of disclosure of confidential records; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure

having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Craighead	Davis	Kolowski	McCoy
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **LEGISLATIVE BILL 164.**

A BILL FOR AN ACT relating to natural resources districts; to amend sections 13-503 and 13-504, Revised Statutes Cumulative Supplement, 2014; to provide for biennial budgeting; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell      Craighead      Davis      Kolowski      McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 179.**

A BILL FOR AN ACT relating to the State Electrical Act; to amend sections 81-2113, 81-2117.01, and 81-2118, Reissue Revised Statutes of Nebraska; to change provisions for renewal of registration for apprentices as prescribed; to provide for continuing education as prescribed; to eliminate obsolete provisions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell      Craighead      Davis      Kolowski      McCoy

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**LEGISLATIVE BILL 207.**

A BILL FOR AN ACT relating to the Nebraska Chemigation Act; to amend sections 46-1139, 46-1140, 46-1141, 46-1142, and 46-1143, Reissue Revised Statutes of Nebraska; to change provisions relating to civil penalties; to provide for recovery of costs in certain actions as prescribed; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Baker	Friesen	Howard	McCollister	Schnoor
Bloomfield	Garrett	Hughes	Mello	Schumacher
Bolz	Gloor	Johnson	Morfeld	Seiler
Brasch	Groene	Kintner	Murante	Smith
Chambers	Haar, K.	Kolterman	Nordquist	Stinner
Coash	Hadley	Krist	Pansing Brooks	Sullivan
Cook	Hansen	Kuehn	Riepe	Watermeier
Crawford	Harr, B.	Larson	Scheer	Williams
Ebke	Hilkemann	Lindstrom	Schilz	

Voting in the negative, 0.

Excused and not voting, 5:

Campbell	Craighead	Davis	Kolowski	McCoy
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB279 with 38 ayes, 1 nay, 5 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 279.** With Emergency Clause.

A BILL FOR AN ACT relating to business entities; to amend sections 21-152, 21-1905, 21-19,139, 21-19,159, 21-2005, 21-20,160, 21-20,180.01, and 21-2995, Reissue Revised Statutes of Nebraska, and sections 21-192, 21-205, 21-2,195, 21-2,219, 21-323.01, 21-325.01, and 21-414, Revised Statutes Cumulative Supplement, 2014; to change provisions and fees relating to reinstatement; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 21-2005, 21-20,160, and 21-20,180.01, Reissue Revised Statues of Nebraska, as amended by this legislative bill; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 43:

Baker	Friesen	Hughes	Mello	Schumacher
Bloomfield	Garrett	Johnson	Morfeld	Seiler
Bolz	Gloor	Kintner	Murante	Smith
Brasch	Groene	Kolterman	Nordquist	Sinner
Chambers	Haar, K.	Krist	Pansing Brooks	Sullivan
Coash	Hadley	Kuehn	Riepe	Watermeier
Cook	Hansen	Larson	Scheer	Williams
Crawford	Harr, B.	Lindstrom	Schilz	
Ebke	Howard	McCollister	Schnoor	

Voting in the negative, 0.

Present and not voting, 1:

Hilkemann

Excused and not voting, 5:

Campbell      Craighead      Davis      Kolowski      McCoy

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

#### **MOTION - Return LB439 to Select File**

Senator Morfeld moved to return LB439 to Select File for his specific amendment, AM684, found on page 753.

The Morfeld motion to return prevailed with 43 ayes, 0 nays, 1 present and not voting, and 5 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 439.** The Morfeld specific amendment, AM684, found on page 753, was adopted with 39 ayes, 1 nay, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

#### **SPEAKER SIGNED**

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 23, 34, 35, 37, 46, 129, 146, 155, 164, 179, 207, and 279.

**ANNOUNCEMENT(S)**

The Appropriations Committee designates LB33 and LB449 as its priority bills.

Senator Hansen designates LB494 as his priority bill.

Senator Crawford designates LB390 as her priority bill.

The Agriculture Committee designates LB360 and LB175 as its priority bills.

Senator Schumacher designates LB72 as his priority bill.

**REFERENCE COMMITTEE REPORT**

The Legislative Council Executive Board submits the following report:

Low, Kevin C. - State Board of Health - Health and Human Services  
 Vander Broek, Douglas - State Board of Health - Health and Human Services

(Signed) Bob Krist, Chairperson  
 Executive Board

**COMMITTEE REPORT(S)**

Judiciary

**LEGISLATIVE BILL 195.** Placed on General File with amendment.

AM499

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 25-1010, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 25-1010 (1) When an affidavit is filed in a civil action containing  
 6 the necessary allegations of an affidavit of attachment and in addition  
 7 allegations that the affiant has good reason to and does believe that any  
 8 person, partnership, limited liability company, or corporation to be  
 9 named ~~and within the county where the action is brought~~ has property of  
 10 and is indebted to the defendant, describing such property ~~the same~~, in  
 11 his or her possession that cannot be levied upon by attachment, a judge  
 12 of any district court or county court may direct the clerk to issue a  
 13 summons and order requiring such person, partnership, limited liability  
 14 company, or corporation as garnishee to answer written interrogatories,  
 15 to be furnished by the plaintiff and attached to such summons and order,  
 16 respecting the matters set forth in section 25-1026. All answers must be  
 17 given in writing but do not need to be verified or given under oath. All  
 18 answers so given will be deemed to be true and subject to all of the  
 19 penalties of perjury in the event of willful falsification.



20 (2) The summons and order referred to in subsection (1) of this  
21 section shall be returnable within five days from the date of the  
22 issuance thereof and shall require the garnishee to answer within ten  
23 days from the date of service upon him or her. The order shall inform the  
24 garnishee (a) of the penalties that may be imposed in the event of  
25 willful falsification, (b) that he or she is obligated to hold the  
26 property of every description and the credits of the defendant in his or  
27 her possession or under his or her control at the time of the service of  
1 the order and the interrogatories until further direction from the court,  
2 (c) of his or her ability to obtain discharge from liability to the  
3 defendant under section 25-1027, and (d) of the ability of the court to  
4 enter judgment against him or her upon failure to answer the  
5 interrogatories as provided in section 25-1028. If the answers to the  
6 interrogatories identify property of the defendant in the possession of  
7 the garnishee, the clerk shall mail to the last-known address of the  
8 defendant copies of the garnishment summons and answers to  
9 interrogatories within five days after the return of the answers to the  
10 interrogatories.

11 (3) Prior to final judgment in an action, no order of garnishment  
12 shall issue for wages due from an employer to an employee.

13 (4)(a) In any case involving service of a garnishment summons on a  
14 financial institution where deposits are received within this state, the  
15 financial institution shall (i) if its main-chartered office is located  
16 in this state, designate its main-chartered office for the service of  
17 summons or (ii) if its main-chartered office is located in another state,  
18 designate any one of its offices or branches or its agent for service of  
19 process in this state for service of summons. The designation of a main-  
20 chartered office or an office or branch or the agent for service of  
21 process under this subdivision shall be made by filing a notice of  
22 designation with the Department of Banking and Finance, shall contain the  
23 physical address of the main-chartered office or the office or branch or  
24 the agent for service of process designated, and shall be effective upon  
25 placement on the department web site. The department shall post the list  
26 of such designated main-chartered offices and offices or branches or  
27 agents for service of process on its web site for access by the public. A  
28 financial institution may modify or revoke a designation made under this  
29 subdivision by filing the modification or revocation with the department.  
30 The modification or revocation shall be effective when the department's  
31 web site has been updated to reflect the modification or revocation,  
1 except that the judgment creditor may rely upon the designation that was  
2 modified or revoked during the thirty-day period following the effective  
3 date of the modification or revocation if the summons is timely served  
4 upon the financial institution. The department shall update its web site  
5 to reflect a filing by a financial institution pursuant to this  
6 subdivision or a modification or revocation filed by a financial  
7 institution pursuant to this subdivision within ten business days  
8 following the filing by the financial institution. The department web  
9 site shall reflect the date its online records for each financial  
10 institution have most recently been updated.

11 (b) If a financial institution where deposits are received has  
12 designated its main-chartered office or one of its offices or branches or  
13 its agent for service of process for the service of summons, service made  
14 on the main-chartered office or the office or branch or the agent for  
15 service of process so designated shall be valid and effective as to any  
16 property or credits of the defendant in the possession or control of the  
17 main-chartered office of the financial institution in this state and any  
18 of the financial institution offices or branches located within this  
19 state. If service of summons is not made on the main-chartered office or  
20 the office or branch or the agent for service of process designated by  
21 the financial institution, but instead is made at another office or  
22 branch of the financial institution located in Nebraska, the financial  
23 institution, in its discretion, and without violating any obligation to  
24 its customer, may elect to treat the service of summons as valid and  
25 effective as to any property or credits of the defendant in the  
26 possession or control of the main-chartered office of the financial  
27 institution in this state and any of the financial institution offices or  
28 branches located within this state. In the absence of such an election,  
29 the financial institution shall file a statement with the interrogatories  
30 that the summons was not served at the financial institution's designated  
31 location for receiving service of summons and, therefore, was not  
1 processed, and shall provide the address at which the financial  
2 institution is to receive service of summons.

3 (c) For purposes of this subsection, financial institution means a  
4 bank, savings bank, building and loan association, savings and loan  
5 association, or credit union whether chartered by the United States, the  
6 Department of Banking and Finance, or a foreign state agency.

7 (d) The notice of designation, modification, or revocation shall be  
8 made by a financial institution on forms prescribed by the department.

9 (e) The Department of Banking and Finance, any employee of the  
10 department, or any person acting on behalf of the department shall be  
11 immune from civil and criminal liability for any acts or omissions which  
12 occur as a result of the requirements of this subsection.

13 Sec. 2. Section 25-1056, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 25-1056 (1) In all cases when a judgment has been entered by any  
16 court of record and the judgment creditor or his or her agent or attorney  
17 has filed an affidavit setting forth the amount due on the judgment,  
18 interest, and costs in the office of the clerk of the court where the  
19 judgment has been entered and that he or she has good reason to and does  
20 believe that any person, partnership, limited liability company, or  
21 corporation, naming him, her, or it, has property of and is indebted to  
22 the judgment debtor, the clerk shall issue a summons which shall set  
23 forth the amount due on the judgment, interest, and costs as shown in the  
24 affidavit and require such person, partnership, limited liability  
25 company, or corporation, as garnishee, to answer written interrogatories  
26 to be furnished by the plaintiff and to be attached to such summons  
27 respecting the matters set forth in section 25-1026. The summons shall be  
28 returnable within ten days from the date of its issuance and shall

29 require the garnishee to answer within ten days from the date of service  
30 upon him or her. Except when wages are involved, the garnishee shall hold  
31 the property of every description and the credits of the defendant in his  
1 or her possession or under his or her control at the time of the service  
2 of the summons and interrogatories until the further order of the court.  
3 If the only property in the possession or under the control of the  
4 garnishee at the time of the service of the summons and interrogatories  
5 is credits of the defendant and the amount of such credits is not in  
6 dispute by the garnishee, then such garnishee shall only hold the credits  
7 of the defendant in his or her possession or under his or her control at  
8 the time of the service of the summons and interrogatories to the extent  
9 of the amount of the judgment, interest, and costs set forth in the  
10 summons until further order of the court. When wages are involved, the  
11 garnishee shall pay to the employee all disposable earnings exempted from  
12 garnishment by statute, and any disposable earnings remaining after such  
13 payment shall be retained by the garnishee until further order of the  
14 court. Thereafter, the service of the summons and interrogatories and all  
15 further proceedings shall be in all respects the same as is provided for  
16 in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with  
17 this section.

18 (2) If it appears from the answer of the garnishee that the judgment  
19 debtor was an employee of the garnishee, that the garnishee otherwise  
20 owed earnings to the judgment debtor when the garnishment order was  
21 served, or that earnings would be owed within sixty days thereafter and  
22 there is not a successful written objection to the order or the answer of  
23 the garnishee filed, on application by the judgment creditor, the court  
24 shall order that the nonexempt earnings, if any, withheld by the  
25 garnishee after service of the order be transferred to the court for  
26 delivery to the judgment creditor who is entitled to such earnings.  
27 Except for garnishments in support of a person, the payments may be made  
28 payable to the judgment creditor or assignee and shall be forwarded to  
29 the issuing court to record the judgment payment prior to the court  
30 delivering the payment to the judgment creditor or assignee. The court  
31 shall, upon application of the judgment creditor, further order that the  
1 garnishment is a continuing lien against the nonexempt earnings of the  
2 judgment debtor. An order of continuing lien on nonexempt earnings  
3 entered pursuant to this section shall require the garnishee to continue  
4 to withhold the nonexempt earnings of the judgment debtor for as long as  
5 the continuing lien remains in effect.  
6 Beginning with the pay period during which the writ was served and  
7 while the continuing lien remains in effect, the garnishee shall deliver  
8 the nonexempt earnings to the court from which the garnishment was issued  
9 for each pay period or on a monthly basis if the garnishee so desires and  
10 shall deliver to the judgment debtor his or her exempt earnings for each  
11 pay period.

12 (3) A continuing lien ordered pursuant to this section shall be  
13 invalid and shall have no force and effect upon the occurrence of any of  
14 the following:

15 (a) The underlying judgment is satisfied in full or vacated or

16 expires;  
17 (b) The judgment debtor leaves the garnishee's employ for more than  
18 sixty days;  
19 (c) The judgment creditor releases the garnishment;  
20 (d) The proceedings are stayed by a court of competent jurisdiction,  
21 including the United States Bankruptcy Court;  
22 (e) The judgment debtor has not earned any nonexempt earnings for at  
23 least sixty days;  
24 (f) The court orders that the garnishment be quashed; or  
25 (g) Ninety days have expired since service of the writ. The judgment  
26 creditor may extend the lien for a second ninety-day period by filing  
27 with the court a notice of extension during the fifteen days immediately  
28 prior to the expiration of the initial lien, and the continuing lien in  
29 favor of the initial judgment creditor shall continue for a second  
30 ninety-day period.

31 (4)(a) To determine priority, garnishments and liens shall rank  
1 according to time of service.  
2 (b) Garnishments, liens, and wage assignments which are not for the  
3 support of a person shall be inferior to wage assignments for the support  
4 of a person. Garnishments which are not for the support of a person and  
5 liens shall be inferior to garnishments for the support of a person.

6 (5) Only one order of continuing lien against earnings due the  
7 judgment debtor shall be in effect at one time. If an employee's wages  
8 are already being garnished pursuant to a continuing lien at the time of  
9 service of a garnishment upon an employer, the answer to garnishment  
10 interrogatories shall include such information along with the date of  
11 termination of such continuing lien and the title of the case from which  
12 such garnishment is issued. Except as provided in subsection (4) of this  
13 section, a continuing lien obtained pursuant to this section shall have  
14 priority over any subsequent garnishment or wage assignment.

15 (6)(a) In any case involving service of a garnishment summons on a  
16 financial institution where deposits are received within this state, the  
17 financial institution shall (i) if its main-chartered office is located  
18 in this state, designate its main-chartered office for the service of  
19 summons or (ii) if its main-chartered office is located in another state,  
20 designate any one of its offices or branches or its agent for service of  
21 process in this state for service of summons. The designation of a main-  
22 chartered office or an office or branch or the agent for service of  
23 process under this subdivision shall be made by filing a notice of  
24 designation with the Department of Banking and Finance, shall contain the  
25 physical address of the main-chartered office or the office or branch or  
26 the agent for service of process designated, and shall be effective upon  
27 placement on the department web site. The department shall post the list  
28 of such designated main-chartered offices and offices or branches or  
29 agents for service of process on its web site for access by the public. A  
30 financial institution may modify or revoke a designation made under this  
31 subdivision by filing the modification or revocation with the department.  
1 The modification or revocation shall be effective when the department's  
2 web site has been updated to reflect the modification or revocation.

3 except that the judgment creditor may rely upon the designation that was  
4 modified or revoked during the thirty-day period following the effective  
5 date of the modification or revocation if the summons is timely served  
6 upon the financial institution. The department shall update its web site  
7 to reflect a filing by a financial institution pursuant to this  
8 subdivision or a modification or revocation filed by a financial  
9 institution pursuant to this subdivision within ten business days  
10 following the filing by the financial institution. The department web  
11 site shall reflect the date its online records for each financial  
12 institution have most recently been updated.

13 (b) If a financial institution where deposits are received has  
14 designated its main-chartered office or one of its offices or branches or  
15 its agent for service of process for the service of summons, service made  
16 on the main-chartered office or the office or branch or the agent for  
17 service of process so designated shall be valid and effective as to any  
18 property or credits of the defendant in the possession or control of the  
19 main-chartered office of the financial institution in this state and any  
20 of the financial institution offices or branches located within this  
21 state. If service of summons is not made on the main-chartered office or  
22 the office or branch or the agent for service of process designated by  
23 the financial institution, but instead is made at another office or  
24 branch of the financial institution located in Nebraska, the financial  
25 institution, in its discretion, and without violating any obligation to  
26 its customer, may elect to treat the service of summons as valid and  
27 effective as to any property or credits of the defendant in the  
28 possession or control of the main-chartered office of the financial  
29 institution in this state and any of the financial institution offices or  
30 branches located within this state. In the absence of such an election,  
31 the financial institution shall file a statement with the interrogatories  
1 that the summons was not served at the financial institution's designated  
2 location for receiving service of summons and, therefore, was not  
3 processed, and shall provide the address at which the financial  
4 institution is to receive service of summons.

5 (c) For purposes of this subsection, financial institution means a  
6 bank, savings bank, building and loan association, savings and loan  
7 association, or credit union whether chartered by the United States, the  
8 Department of Banking and Finance, or a foreign state agency.

9 (d) The notice of designation, modification, or revocation shall be  
10 made by a financial institution on forms prescribed by the department.

11 (e) The Department of Banking and Finance, any employee of the  
12 department, or any person acting on behalf of the department shall be  
13 immune from civil and criminal liability for any acts or omissions which  
14 occur as a result of the requirements of this subsection.

15 Sec. 3. This act becomes operative on January 1, 2016.

16 Sec. 4. Original sections 25-1010 and 25-1056, Reissue Revised  
17 Statutes of Nebraska, are repealed.

**LEGISLATIVE BILL 292.** Placed on General File with amendment.

AM619

1 1. On page 5, strike lines 14 through 18 and insert "a mandatory  
2 expungement hearing within sixty days after the subject receives the  
3 notification required under section 28-713.01 unless the subject and the  
4 subject's attorney of record, parent, guardian, or guardian ad litem sign  
5 and return a waiver form as provided under section 28-713.01 within  
6 thirty days after receipt. The department shall not, as guardian, sign a  
7 waiver form for any subject in its custody. If such subject remains on  
8 the central registry of child protection cases, the department shall  
9 conduct a second mandatory expungement hearing within sixty days after  
10 the subject's nineteenth birthday unless the subject signs and returns a  
11 waiver form as provided under section 28-713.01 within thirty days after  
12 receipt.".

**LEGISLATIVE BILL 347.** Placed on General File with amendment.

AM598

1 1. Insert the following new sections:

2 Section 1. Section 29-1926, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 29-1926 (1)(a) Upon request of the prosecuting or defense attorney  
5 and upon a showing of compelling need, the court shall order the taking  
6 of a videotape deposition of a child victim of or child witness to any  
7 offense punishable as a felony. The deposition ordinarily shall be in  
8 lieu of courtroom or in camera testimony by the child. If the court  
9 orders a videotape deposition, the court shall:

10 (i) Designate the time and place for taking the deposition. The  
11 deposition may be conducted in the courtroom, the judge's chambers, or  
12 any other location suitable for videotaping;

13 (ii) Assure adequate time for the defense attorney to complete  
14 discovery before taking the deposition; and

15 (iii) Preside over the taking of the videotape deposition in the  
16 same manner as if the child were called as a witness for the prosecution  
17 during the course of the trial.

18 (b) Unless otherwise required by the court, the deposition shall be  
19 conducted in the presence of the prosecuting attorney, the defense  
20 attorney, the defendant, and any other person deemed necessary by the  
21 court, including the parent or guardian of the child victim or child  
22 witness or a counselor or other person with whom the child is familiar.  
23 Such parent, guardian, counselor, or other person shall be allowed to sit  
24 with or near the child unless the court determines that such person would  
25 be disruptive to the child's testimony.

26 (c) At any time subsequent to the taking of the original videotape  
27 deposition and upon sufficient cause shown, the court shall order the  
1 taking of additional videotape depositions to be admitted at the time of  
2 the trial.

3 (d) If the child testifies at trial in person rather than by  
4 videotape deposition, the taking of the child's testimony may, upon  
5 request of the prosecuting attorney and upon a showing of compelling

6 need, be conducted in camera.

7 (e) Unless otherwise required by the court, the child shall testify  
8 in the presence of the prosecuting attorney, the defense attorney, the  
9 defendant, and any other person deemed necessary by the court, including  
10 the parent or guardian of the child victim or child witness or a  
11 counselor or other person with whom the child is familiar. Such parent,  
12 guardian, counselor, or other person shall be allowed to sit with or near  
13 the child unless the court determines that such person would be  
14 disruptive to the child's testimony. Unless waived by the defendant, all  
15 persons in the room shall be visible on camera except the camera  
16 operator.

17 (f) If deemed necessary to preserve the constitutionality of the  
18 child's testimony, the court may direct that during the testimony the  
19 child shall at all times be in a position to see the defendant live or on  
20 camera.

21 (g) For purposes of this section, child shall mean a person eleven  
22 years of age or younger at the time the motion to take the deposition is  
23 made or at the time of the taking of in camera testimony at trial.

24 (h) Nothing in this section shall restrict the court from conducting  
25 the pretrial deposition or in camera proceedings in any manner deemed  
26 likely to facilitate and preserve a child's testimony to the fullest  
27 extent possible, consistent with the right to confrontation guaranteed in  
28 the Sixth Amendment of the Constitution of the United States and Article  
29 I, section 11, of the Nebraska Constitution. In deciding whether there is  
30 a compelling need that child testimony accommodation is required by  
31 pretrial videotape deposition, in camera live testimony, in camera  
1 videotape testimony, or any other accommodation, the court shall make  
2 particularized findings on the record of:

3 (i) The nature of the offense;

4 (ii) The significance of the child's testimony to the case;

5 (iii) The likelihood of obtaining the child's testimony without  
6 modification of trial procedure or with a different modification  
7 involving less substantial digression from trial procedure than the  
8 modification under consideration;

9 (iv) The child's age;

10 (v) The child's psychological maturity and understanding; and

11 (vi) The nature, degree, and duration of potential injury to the  
12 child from testifying.

13 (i) The court may order an independent examination by a psychologist  
14 or psychiatrist if the defense attorney requests the opportunity to rebut  
15 the showing of compelling need produced by the prosecuting attorney. Such  
16 examination shall be conducted in the child's county of residence.

17 (j) After a finding of compelling need by the court, neither party  
18 may call the child witness to testify as a live witness at the trial  
19 before the jury unless that party demonstrates that the compelling need  
20 no longer exists.

21 (k) Nothing in this section shall limit the right of access of the  
22 media or the public to open court.

23 (l) Nothing in this section shall preclude discovery by the

24 defendant as set forth in section 29-1912.

25 (m) The Supreme Court may adopt and promulgate rules of procedure to  
26 administer this section, which rules shall not be in conflict with laws  
27 governing such matters.

28 (2)(a) No custodian of a videotape of a child victim or child  
29 witness alleging, explaining, denying, or describing an act of sexual  
30 assault pursuant to section 28-319, 28-319.01, or 28-320.01 or child  
31 abuse pursuant to section 28-707 as part of an investigation or  
1 evaluation of the abuse or assault shall release or use a videotape or  
2 copies of a videotape or consent, by commission or omission, to the  
3 release or use of a videotape or copies of a videotape to or by any other  
4 party without a court order, notwithstanding the fact that the child  
5 victim or child witness has consented to the release or use of the  
6 videotape or that the release or use is authorized under law, except as  
7 provided in section 28-730 or pursuant to an investigation under the  
8 Office of Inspector General of Nebraska Child Welfare Act. Any custodian  
9 may release or consent to the release or use of a videotape or copies of  
10 a videotape to law enforcement agencies or agencies authorized to  
11 prosecute such abuse or assault cases on behalf of the state.

12 (b) The court order may govern the purposes for which the videotape  
13 may be used, the reproduction of the videotape, the release of the  
14 videotape to other persons, the retention and return of copies of the  
15 videotape, and any other requirements reasonably necessary for the  
16 protection of the privacy and best interests of the child victim or child  
17 witness.

18 (c) Pursuant to section 29-1912, the defendant described in the  
19 videotape may petition the district court in the county where the alleged  
20 offense took place or where the custodian of the videotape resides for an  
21 order releasing to the defendant a copy of the videotape.

22 (d) Any person who releases or uses a videotape except as provided  
23 in this section shall be guilty of a Class I misdemeanor.

24 Sec. 2. Section 43-2,108, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 43-2,108 (1) The juvenile court judge shall keep a minute book in  
27 which he or she shall enter minutes of all proceedings of the court in  
28 each case, including appearances, findings, orders, decrees, and  
29 judgments, and any evidence which he or she feels it is necessary and  
30 proper to record. Juvenile court legal records shall be deposited in  
31 files and shall include the petition, summons, notice, certificates or  
1 receipts of mailing, minutes of the court, findings, orders, decrees,  
2 judgments, and motions.

3 (2) Except as provided in subsections (3), ~~and (4)~~, and (5) of this  
4 section, the medical, psychological, psychiatric, and social welfare  
5 reports and the records of juvenile probation officers as they relate to  
6 individual proceedings in the juvenile court shall not be open to  
7 inspection, without order of the court. Such records shall be made  
8 available to a district court of this state or the District Court of the  
9 United States on the order of a judge thereof for the confidential use of  
10 such judge or his or her probation officer as to matters pending before



11 such court but shall not be made available to parties or their counsel;  
12 and such district court records shall be made available to a county court  
13 or separate juvenile court upon request of the county judge or separate  
14 juvenile judge for the confidential use of such judge and his or her  
15 probation officer as to matters pending before such court, but shall not  
16 be made available by such judge to the parties or their counsel.

17 (3) As used in this ~~section subsection~~, confidential record  
18 information ~~means shall mean~~ all docket records, other than the  
19 pleadings, orders, decrees, and judgments; case files and records;  
20 reports and records of probation officers; and information supplied to  
21 the court of jurisdiction in such cases by any individual or any public  
22 or private institution, agency, facility, or clinic, which is compiled  
23 by, produced by, and in the possession of any court. In all cases under  
24 subdivision (3)(a) of section 43-247, access to all confidential record  
25 information in such cases shall be granted only as follows: (a) The court  
26 of jurisdiction may, subject to applicable federal and state regulations,  
27 disseminate such confidential record information to any individual, or  
28 public or private agency, institution, facility, or clinic which is  
29 providing services directly to the juvenile and such juvenile's parents  
30 or guardian and his or her immediate family who are the subject of such  
31 record information; (b) the court of jurisdiction may disseminate such  
1 confidential record information, with the consent of persons who are  
2 subjects of such information, or by order of such court after showing of  
3 good cause, to any law enforcement agency upon such agency's specific  
4 request for such agency's exclusive use in the investigation of any  
5 protective service case or investigation of allegations under subdivision  
6 (3)(a) of section 43-247, regarding the juvenile or such juvenile's  
7 immediate family, who are the subject of such investigation; and (c) the  
8 court of jurisdiction may disseminate such confidential record  
9 information to any court, which has jurisdiction of the juvenile who is  
10 the subject of such information upon such court's request.

11 (4) The court shall provide copies of predispositional reports and  
12 evaluations of the juvenile to the juvenile's attorney and the county  
13 attorney or city attorney prior to any hearing in which the report or  
14 evaluation will be relied upon.

15 (5) In all cases under sections 43-246.01 and 43-247 the court or  
16 the probation officer shall disseminate confidential record information  
17 to (a) the office of Inspector General of Nebraska Child Welfare upon  
18 request for the exclusive use in an investigation pursuant to the Office  
19 of Inspector General of Nebraska Child Welfare Act and (b) the Foster  
20 Care Review Office pursuant to the Foster Care Review Act. Nothing in  
21 this subsection shall prevent the notification of death or serious injury  
22 of a juvenile to the Inspector General of Nebraska Child Welfare pursuant  
23 to section 43-4318 as soon as reasonably possible after the Office of  
24 Probation Administration learns of such death or serious injury.

25 ~~(6 5)~~ Nothing in ~~subsections subsection~~ (3) and (5) of this section  
26 shall be construed to restrict the dissemination of confidential record  
27 information between any individual or public or private agency,  
28 institute, facility, or clinic, except any such confidential record

29 information disseminated by the court of jurisdiction pursuant to this  
30 section shall be for the exclusive and private use of those to whom it  
31 was released and shall not be disseminated further without order of such  
1 court.

2 (7)(a) ~~(6)(a)~~ Any records concerning a juvenile court petition filed  
3 pursuant to subdivision (3)(c) of section 43-247 shall remain  
4 confidential except as may be provided otherwise by law. Such records  
5 shall be accessible to (i) the juvenile except as provided in subdivision  
6 (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's  
7 parent or guardian, and (iv) persons authorized by an order of a judge or  
8 court.

9 (b) Upon application by the county attorney or by the director of  
10 the facility where the juvenile is placed and upon a showing of good  
11 cause therefor, a judge of the juvenile court having jurisdiction over  
12 the juvenile or of the county where the facility is located may order  
13 that the records shall not be made available to the juvenile if, in the  
14 judgment of the court, the availability of such records to the juvenile  
15 will adversely affect the juvenile's mental state and the treatment  
16 thereof.

17 Sec. 3. Section 43-3001, Revised Statutes Cumulative Supplement,  
18 2014, is amended to read:

19 43-3001 (1) Notwithstanding any other provision of law regarding the  
20 confidentiality of records and when not prohibited by the federal Privacy  
21 Act of 1974, as amended, juvenile court records and any other pertinent  
22 information that may be in the possession of school districts, school  
23 personnel, county attorneys, the Attorney General, law enforcement  
24 agencies, child advocacy centers, state probation personnel, state parole  
25 personnel, youth detention facilities, medical personnel, treatment or  
26 placement programs, the Department of Health and Human Services, the  
27 Department of Correctional Services, the Foster Care Review Office, local  
28 foster care review boards, child abuse and neglect investigation teams,  
29 child abuse and neglect treatment teams, or other multidisciplinary teams  
30 for abuse, neglect, or delinquency concerning a child who is in the  
31 custody of the state may be shared with individuals and agencies who have  
1 been identified in a court order authorized by this section.

2 (2) In any judicial proceeding concerning a child who is currently,  
3 or who may become at the conclusion of the proceeding, a ward of the  
4 court or state or under the supervision of the court, an order may be  
5 issued which identifies individuals and agencies who shall be allowed to  
6 receive otherwise confidential information concerning the child for  
7 legitimate and official purposes. The individuals and agencies who may be  
8 identified in the court order are the child's attorney or guardian ad  
9 litem, the parents' attorney, foster parents, appropriate school  
10 personnel, county attorneys, the Attorney General, authorized court  
11 personnel, law enforcement agencies, state probation personnel, state  
12 parole personnel, youth detention facilities, medical personnel, court  
13 appointed special advocate volunteers, treatment or placement programs,  
14 the Department of Health and Human Services, the Office of Juvenile  
15 Services, the Department of Correctional Services, the Foster Care Review

16 Office, local foster care review boards, the office of Inspector General  
 17 of Nebraska Child Welfare, child abuse and neglect investigation teams,  
 18 child abuse and neglect treatment teams, other multidisciplinary teams  
 19 for abuse, neglect, or delinquency, and other individuals and agencies  
 20 for which the court specifically finds, in writing, that it would be in  
 21 the best interest of the juvenile to receive such information. Unless the  
 22 order otherwise states, the order shall be effective until the child  
 23 leaves the custody of the state or supervision of the court or until a  
 24 new order is issued.

25 (3) All information acquired by an individual or agency pursuant to  
 26 this section shall be confidential and shall not be disclosed except to  
 27 other persons who have a legitimate and official interest in the  
 28 information and are identified in the court order issued pursuant to this  
 29 section with respect to the child in question. A person who receives such  
 30 information or who cooperates in good faith with other individuals and  
 31 agencies identified in the appropriate court order by providing  
 1 information or records about a child shall be immune from any civil or  
 2 criminal liability. The provisions of this section granting immunity from  
 3 liability shall not be extended to any person alleged to have committed  
 4 an act of child abuse or neglect.

5 (4) In any proceeding under this section relating to a child of  
 6 school age, certified copies of school records relating to attendance and  
 7 academic progress of such child are admissible in evidence.

8 (5) Except as provided in subsection (4) of this section, any person  
 9 who publicly discloses information received pursuant to this section  
 10 shall be guilty of a Class III misdemeanor.

11 2. Renumber the remaining sections and correct internal references  
 12 and the repealer accordingly.

**LEGISLATIVE BILL 482.** Placed on General File with amendment.  
 AM691

1 1. Strike original section 3 and insert the following new section:  
 2 Sec. 3. (1) Restraints shall not be used on a juvenile during a  
 3 juvenile court proceeding and shall be removed prior to the juvenile's  
 4 appearance before the juvenile court, unless the juvenile court makes a  
 5 finding of probable cause that:

6 (a) The use of restraints is necessary:

7 (i) To prevent physical harm to the juvenile or another person;  
 8 (ii) Because the juvenile:

9 (A) Has a history of disruptive courtroom behavior that has placed  
 10 others in potentially harmful situations; or  
 11 (B) Presents a substantial risk of inflicting physical harm on  
 12 himself or herself or others as evidenced by recent behavior; or  
 13 (iii) Because the juvenile presents a substantial risk of flight  
 14 from the courtroom; and

15 (b) There is no less restrictive alternative to restraints that will  
 16 prevent flight or physical harm to the juvenile or another person,  
 17 including, but not limited to, the presence of court personnel, law  
 18 enforcement officers, or bailiffs.

19 (2) The court shall provide the juvenile's attorney an opportunity  
 20 to be heard before the court orders the use of restraints. If restraints  
 21 are ordered, the court shall make written findings of fact in support of  
 22 the order.  
 23 (3) For purposes of this section, restraints includes, but is not  
 24 limited to, handcuffs, chains, irons, straitjackets, and electronic  
 25 restraint devices.

(Signed) Les Seiler, Chairperson

Revenue

**LEGISLATIVE BILL 559.** Placed on General File.

**LEGISLATIVE BILL 610.** Placed on General File.

(Signed) Mike Gloor, Chairperson

## **PRESIDENT FOLEY PRESIDING**

### **SELECT FILE**

**LEGISLATIVE BILL 245.** Senator B. Harr withdrew his amendments, FA29 and AM827, found on pages 799 and 817.

Senator B. Harr offered the following amendment:  
 AM843

1 1. Insert the following new section:

2 Section 1. Section 29-2102, Reissue Revised Statutes of Nebraska, is  
 3 amended to read:

4 29-2102 (1) The grounds set forth in subdivisions (2), (3), and (6)  
 5 of section 29-2101 shall be supported by affidavits showing the truth of  
 6 such grounds, and the grounds may be controverted by affidavits. The  
 7 ground set forth in subdivision (5) of section 29-2101 shall be supported  
 8 by evidence of the truth of the ground in the form of affidavits,  
 9 depositions, or oral testimony.

10 (2) If the motion for new trial and supporting documents fail to set  
 11 forth sufficient facts, the court may, on its own motion, dismiss the  
 12 motion without a hearing. If the motion for new trial and supporting  
 13 documents set forth facts which, if true, would materially affect the  
 14 substantial rights of the defendant, the court shall cause notice of the  
 15 motion to be served on the prosecuting attorney, grant a hearing on the  
 16 motion, and determine the issues and make findings of fact and  
 17 conclusions of law with respect thereto.

18 (3) In considering a motion for new trial based on the grounds set  
 19 forth in subdivision (5) of section 29-2101, if the court finds that  
 20 there is evidence materially affecting the substantial rights of the  
 21 defendant which he or she could not with reasonable diligence have  
 22 discovered and produced at trial, the court may, on its own motion or  
 23 upon the motion of any party, vacate and set aside the judgment and

24 release the person from custody or grant a new trial as appropriate.  
25 2. Renumber the remaining sections and correct the repealer  
26 accordingly.

The B. Harr amendment was adopted with 27 ayes, 0 nays, 16 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 304.** ER47, found on page 732, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366.** Senator Groene offered the following amendment:

AM844

1 1. On page 2, line 6, after the period insert the following new  
2 paragraph:  
3 "It is the intent of the Legislature that, beginning in fiscal year  
4 2015-16, any increase over the previous fiscal year in payments pursuant  
5 to the Medical Assistance Act or assistance to the aged, blind, and  
6 disabled pursuant to section 68-1006 on behalf of persons residing in  
7 alternate living arrangements be reduced by the amount of the increase in  
8 the personal needs allowance adopted pursuant to this legislative bill."

Senator Gloor requested a ruling of the Chair on whether the Groene amendment is germane to the bill.

The Chair ruled the Groene amendment is germane to the bill.

Senator Groene withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 366A.** Senator Pansing Brooks offered her amendment, AM718, found on page 813.

The Pansing Brooks amendment was adopted with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 504.** ER48, found on page 763, was adopted.

Senator Krist offered his amendment, AM710, found on page 810.

The Krist amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 504A.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 128.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 431.** ER45, found on page 720, was adopted.

Senator Bloomfield offered his amendment, AM703, found on page 813.

The Bloomfield amendment lost with 5 ayes, 14 nays, 23 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 627.** Title read. Considered.

#### **SPEAKER HADLEY PRESIDING**

Committee AM232, found on page 677, was offered.

Pending.

#### **ANNOUNCEMENT(S)**

Senator Coash designates LB292 as his priority bill.

Senator Hughes designates LB323 as his priority bill.

The Government, Military and Veterans Affairs Committee designates LB575 and LB132 as its priority bills.

Senator Kolowski designates LB343 as his priority bill.

Senator Kuehn designates LB599 as his priority bill.

Senator Riepe designates LB285 as his priority bill.

The Transportation and Telecommunications Committee designates LB641 and LB629 as its priority bills.

Senator Hilkemann designates LB156 as his priority bill.

Senator Murante designates LB226 as his priority bill.

Senator Ebke designates LB67 as her priority bill.

The General Affairs Committee designates LB619 as its priority bill.

Senator Larson designates LB113 as his priority bill.

Senator Williams designates LB559 as his priority bill.

Senator Nordquist designates LB423 as his priority bill.

Senator Schilz designates LB176 as his priority bill.

Senator McCollister designates LB623 as his priority bill.

Senator Bolz designates LB243 as her priority bill.

#### **PRESENTED TO THE GOVERNOR**

Presented to the Governor on March 12, 2015, at 10:13 a.m. were the following: LBs 23, 34, 35, 37, 46, 129, 146, 155e, 164, 179, 207, and 279e.

(Signed) Jamie Kruse  
Clerk of the Legislature's Office

#### **COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 649.** Placed on General File with amendment.

AM821

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 84-712.01, Reissue Revised Statutes of Nebraska,

4 is amended to read:

5 84-712.01 (1) Except when any other statute expressly provides that

6 particular information or records shall not be made public, public

7 records shall include all records and documents, regardless of physical

8 form, of or belonging to this state, any county, city, village, political

9 subdivision, or tax-supported district in this state, or any agency,

10 branch, department, board, bureau, commission, council, subunit, or

11 committee of any of the foregoing. Data which is a public record in its

12 original form shall remain a public record when maintained in computer

13 files. Each vote cast by a public official for a leadership position in

14 the body in which he or she serves shall be recorded and preserved as a  
 15 public record, except that a procedure may be used to permit the vote to  
 16 be cast secretly so long as the person for whom the public official voted  
 17 is recorded after the tally for purposes of this section.

18 (2) When a custodian of a public record of a county provides to a  
 19 member of the public, upon request, a copy of the public record by  
 20 transmitting it from a modem to an outside modem, a reasonable fee may be  
 21 charged for such specialized service. Such fee may include a reasonable  
 22 amount representing a portion of the amortization of the cost of computer  
 23 equipment, including software, necessarily added in order to provide such  
 24 specialized service. This subsection shall not be construed to require a  
 25 governmental entity to acquire computer capability to generate public  
 26 records in a new or different form when that new form would require  
 27 additional computer equipment or software not already possessed by the  
 1 governmental entity.

2 (3) Sections 84-712 to 84-712.03 shall be liberally construed  
 3 whenever any state, county, or political subdivision fiscal records,  
 4 audit, warrant, voucher, invoice, purchase order, requisition, payroll,  
 5 check, receipt, or other record of receipt, cash, or expenditure  
 6 involving public funds is involved in order that the citizens of this  
 7 state shall have the full right to know of and have full access to  
 8 information on the public finances of the government and the public  
 9 bodies and entities created to serve them.

10 Sec. 2. Original section 84-712.01, Reissue Revised Statutes of  
 11 Nebraska, is repealed.

(Signed) John Murante, Chairperson

#### **COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 242.** Placed on Select File with amendment.  
 ER49

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 2-3753 The commission shall have the following powers and duties:  
 6 (1) To adopt and devise a dry bean program consisting of research,  
 7 education, advertising, publicity, and promotion to increase total  
 8 consumption of dry beans on a state, national, and international basis;  
 9 (2) To prepare and approve a budget consistent with limited receipts  
 10 and the scope of the dry bean program;  
 11 (3) To adopt and promulgate reasonable rules and regulations  
 12 necessary to carry out the dry bean program;  
 13 (4) To procure and evaluate data and information necessary for the  
 14 proper administration and operation of the dry bean program;  
 15 (5) To employ personnel and contract for services which are  
 16 necessary for the proper operation of the dry bean program;



17 (6) To establish a means whereby the grower and processor of dry  
18 beans has the opportunity at least annually to offer his or her ideas and  
19 suggestions relative to commission policy for the coming year;  
20 (7) To authorize the expenditure of funds and contracting of  
21 expenditures to conduct proper activities of the program;  
22 (8) To bond such persons as may be necessary in order to insure  
23 adequate protection of funds;  
24 (9) To keep minutes of its meetings and other books and records  
25 which will clearly reflect all of the acts and transactions of the  
26 commission and to keep such records open to examination by any grower or  
27 processor participant during normal business hours;  
1 (10) To prohibit any funds collected by the commission from being  
2 expended directly or indirectly to promote or oppose any candidate for  
3 public office or to influence state legislation. ~~The commission board~~  
4 shall not expend more than ~~fifteen~~ ~~twenty-five~~ percent of its annual  
5 budget to influence federal legislation. The purpose of such expenditures  
6 for federal lobbying activity shall be limited to activity supporting the  
7 underlying objectives of the dry bean program relating to market  
8 development, education, and research;  
9 (11) To establish an administrative office at such place in the  
10 state as may be suitable for the proper discharge of the functions of the  
11 commission; and  
12 (12) To adopt and promulgate rules and regulations to carry out the  
13 Dry Bean Resources Act.  
14 Sec. 2. Section 2-3755, Reissue Revised Statutes of Nebraska, is  
15 amended to read:  
16 2-3755 (1) Beginning August 1, 1987, there shall be paid to the  
17 commission a fee of six cents per hundredweight upon all dry beans grown  
18 in the state during 1987 and thereafter and sold through commercial  
19 channels. Beginning January 1, 1989, ~~until July 31, 2015~~, the commission  
20 may, whenever it determines that the fees provided by this section are  
21 yielding more or less than is required to carry out the intent and  
22 purposes of the Dry Bean Resources Act, reduce or increase such fee for  
23 such period as it shall deem justifiable, but not less than one year and  
24 not to exceed ten cents per hundredweight.  
25 (2) Beginning August 1, 2015, the fee imposed by this section shall  
26 be fifteen cents per hundredweight. Beginning January 1, 2017, the  
27 commission may, whenever it determines that the fees provided by this  
28 section are yielding more or less than is required to carry out the  
29 intent and purposes of the act, reduce or increase such fee for such  
30 period as it shall deem justifiable, but not less than one year and not  
31 to exceed twenty-four cents per hundredweight.  
1 (3) Two-thirds of the fee levied under this section shall be paid by  
2 the grower at the time of sale or delivery and shall be collected by the  
3 first purchaser. The first purchaser shall pay the remaining one-third of  
4 the fee. No dry beans shall be subject to the fee more than once.  
5 Sec. 3. Section 2-3762, Reissue Revised Statutes of Nebraska, is  
6 amended to read:  
7 2-3762 (1) The commission shall prepare and make available ~~make and~~

8 ~~publish~~ an annual report at least thirty days prior to January 1 of each  
9 year which shall set forth in detail the income received from the dry  
10 bean assessment for the previous year and shall include:  
11 (a ~~4~~) The expenditure of all funds by the commission during the  
12 previous year for the administration of the Dry Bean Resources Act;  
13 (b ~~2~~) The action taken by the commission on all contracts requiring  
14 the expenditure of funds by the commission;  
15 (c) A description (~~3~~) ~~Copies~~ of all such contracts;  
16 (d ~~4~~) Detailed explanation of all programs relating to the  
17 discovery, promotion, and development of bean products and industries for  
18 the utilization of dry beans, the direct expense associated with each  
19 program, and copies of such programs if in writing; and  
20 (e ~~5~~) The name and address of each member of the commission and a  
21 copy of all rules and regulations adopted and promulgated by the  
22 commission.  
23 (2) The report and a copy of all contracts requiring expenditure of  
24 funds by the commission shall be available to the public upon request.  
25 Notice of availability of such report shall be provided to the Director  
26 of Agriculture, the Clerk of the Legislature, and ~~and a summary of such~~  
27 ~~report shall be sent to each grower and first purchaser subject to the~~  
28 checkoff.  
29 Sec. 4. Section 2-3763, Reissue Revised Statutes of Nebraska, is  
30 amended to read:  
31 2-3763 The State Treasurer shall establish in the treasury of the  
1 State of Nebraska a fund to be known as the Dry Bean Development,  
2 Utilization, Promotion, and Education Fund, to which fund shall be  
3 credited funds collected by the commission pursuant to the Dry Bean  
4 Resources Act, including license fees, royalties, or any repayments  
5 relating to the fund. The fund shall be expended for the administration  
6 of such act. Any money in the fund available for investment shall be  
7 invested by the state investment officer pursuant to the Nebraska Capital  
8 Expansion Act and the Nebraska State Funds Investment Act.  
9 Sec. 5. Original sections 2-3753, 2-3755, 2-3762, and 2-3763,  
10 Reissue Revised Statutes of Nebraska, are repealed.  
11 Sec. 6. The following section is outright repealed: Section 2-3760,  
12 Reissue Revised Statutes of Nebraska.  
13 Sec. 7. Since an emergency exists, this act takes effect when  
14 passed and approved according to law.  
15 2. On page 1, line 2, after "sections" insert "2-3753,"; and strike  
16 beginning with "fees" in line 3 through line 4 and insert "expenditures  
17 for lobbying activities, fees, annual reporting requirements,".

(Signed) Matt Hansen, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 627.** Committee AM232, found on page 677 and considered in this day's Journal, was renewed.

The committee amendment was adopted with 26 ayes, 0 nays, 15 present and not voting, and 8 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 10 present and not voting, and 8 excused and not voting.

**ANNOUNCEMENT(S)**

The Executive Board designates LB56 as its priority bill.

**UNANIMOUS CONSENT - Add Cointroducer(s)**

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Watermeier - LB294  
Friesen - LB610

**VISITORS**

Visitors to the Chamber were Bill Henry from Papillion; A'keem Enriquez from Lincoln and Ken Kujath of the City/Impact Mentoring Program, Lincoln; Dante, Clyde, and Michele Flowers from Columbus; 62 fourth-grade students from Rockbrook Elementary, Omaha; and members of the Nebraska City and Nemaha County Leadership class from Nebraska City and Auburn.

The Doctor of the Day was Dr. Susan Evans from Omaha.

**ADJOURNMENT**

At 11:58 a.m., on a motion by Senator Smith, the Legislature adjourned until 10:00 a.m., Monday, March 16, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

