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.
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:

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<th>Baker</th>
<th>Groene</th>
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<td>Gloor</td>
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Voting in the negative, 0.

Present and not voting, 8:

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<tr>
<th>Bolz</th>
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<th>Lindstrom</th>
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<td>Chambers</td>
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<td>Pansing Brooks</td>
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Excused and not voting, 9:

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<td>Craighead</td>
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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:

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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   Kristner    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      McCollister   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. Koltermo 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

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. Koltermann 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
Craighed 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:

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Voting in the negative, 2:

| Ebke | Kintner |

Present and not voting, 2:

| Bloomfield | Hansen |

Excused and not voting, 6:

<table>
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<th>Campbell</th>
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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 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.  Koltermann  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.

**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.**

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
Bloombfield      Garrett            Hughes            Mello              Seiler
Bolz             Gloor              Johnson            Morfeld            Smith
Brasch           Groene            Kintner            Murante            Stinner
Chambers         Haar, K.          Koltermann          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

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:
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:

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Voting in the negative, 0.

Present and not voting, 1:

| Larson |

Excused and not voting, 5:
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:

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Voting in the negative, 0.

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.

**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:

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Voting in the negative, 0.

Excused and not voting, 5:
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.  Koltermar  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.

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 Statutes 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:
FORTY-FOURTH DAY - MARCH 12, 2015

Baker
Bloomfield
Bolz
Brasch
Chambers
Coash
Cook
Crawford
Ebke

Friesen
Garrett
Gloor
Groene
Haar, K.
Hadley
Hansen
Harr, B.
Howard

Hughes
Johnson
Kintner
Koltermann
Krist
Kuehn
Larson
Lindstrom
McCollister

Mello
Morfeld
Murante
Nordquist
Pansing
Riepe
Scheer
Schilz
Schnoor

Schumacher
Seiler
Smith
Stinner
Brooks
Watermeier
Williams

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

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

(4)(a) In any case involving service of a garnishment summons on a financial institution where deposits are received within this state, the financial institution shall (i) if its main-chartered office is located in this state, designate its main-chartered office for the service of summons or (ii) if its main-chartered office is located in another state, designate any one of its offices or branches or its agent for service of process in this state for service of summons. The designation of a main-chartered office or an office or branch or the agent for service of process under this subdivision shall be made by filing a notice of designation with the Department of Banking and Finance, shall contain the physical address of the main-chartered office or the office or branch or the agent for service of process designated, and shall be effective upon placement on the department web site. The department shall post the list of such designated main-chartered offices and offices or branches or agents for service of process on its web site for access by the public. A financial institution may modify or revoke a designation made under this subdivision by filing the modification or revocation with the department. The modification or revocation shall be effective when the department's web site has been updated to reflect the modification or revocation, except that the judgment creditor may rely upon the designation that was modified or revoked during the thirty-day period following the effective date of the modification or revocation if the summons is timely served upon the financial institution. The department shall update its web site to reflect a filing by a financial institution pursuant to this subdivision by filing the modification or revocation filed by a financial institution pursuant to this subdivision within ten business days following the filing by the financial institution. The department web site shall reflect the date its online records for each financial institution have most recently been updated.
11. (b) If a financial institution where deposits are received has
designated its main-chartered office or one of its offices or branches or
its agent for service of process for the service of summons, service made
on the main-chartered office or the office or branch or the agent for
service of process so designated shall be valid and effective as to any
property or credits of the defendant in the possession or control of the
main-chartered office of the financial institution in this state and any
of the financial institution offices or branches located within this
state. If service of summons is not made on the main-chartered office or
the office or branch or the agent for service of process designated by
the financial institution, but instead is made at another office or
branch of the financial institution located in Nebraska, the financial
institution, in its discretion, and without violating any obligation to
its customer, may elect to treat the service of summons as valid and
effective as to any property or credits of the defendant in the
possession or control of the main-chartered office of the financial
institution in this state and any of the financial institution offices or
branches located within this state. In the absence of such an election,
the financial institution shall file a statement with the interrogatories
that the summons was not served at the financial institution’s designated
location for receiving service of summons and, therefore, was not
processed, and shall provide the address at which the financial
institution is to receive service of summons.

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

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

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

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

25-1056 (1) In all cases when a judgment has been entered by any
court of record and the judgment creditor or his or her agent or attorney
has filed an affidavit setting forth the amount due on the judgment,
interest, and costs in the office of the clerk of the court where the
judgment has been entered and that he or she has good reason to and does
believe that any person, partnership, limited liability company, or
corporation, naming him, her, or it, has property of and is indebted to
the judgment debtor, the clerk shall issue a summons which shall set
forth the amount due on the judgment, interest, and costs as shown in the
affidavit and require such person, partnership, limited liability
corporation, or corporation, as garnishee, to answer written interrogatories
be furnished by the plaintiff and to be attached to such summons
respecting the matters set forth in section 25-1026. The summons shall be
returnable within ten days from the date of its issuance and shall
require the garnishee to answer within ten days from the date of service upon him or her. Except when wages are involved, the garnishee shall hold the property of every description and the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories until the further order of the court. If the only property in the possession or under the control of the garnishee at the time of the service of the summons and interrogatories is credits of the defendant and the amount of such credits is not in dispute by the garnishee, then such garnishee shall only hold the credits of the defendant in his or her possession or under his or her control at the time of the service of the summons and interrogatories to the extent of the amount of the judgment, interest, and costs set forth in the summons until further order of the court. When wages are involved, the garnishee shall pay to the employee all disposable earnings exempted from garnishment by statute, and any disposable earnings remaining after such payment shall be retained by the garnishee until further order of the court. Thereafter, the service of the summons and interrogatories and all further proceedings shall be in all respects the same as is provided for in sections 25-1011 and 25-1026 to 25-1031.01 unless inconsistent with this section.

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

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

(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
date of the modification or revocation if the summons is timely served
5 upon the financial institution. The department shall update its web site
6 to reflect a filing by a financial institution pursuant to this
7 subdivision or a modification or revocation filed by a financial
8 institution pursuant to this subdivision within ten business days
9 following the filing by the financial institution. The department web
10 site shall reflect the date its online records for each financial
11 institution have most recently been updated.
12 (b) If a financial institution where deposits are received has
13 designated its main-chartered office or one of its offices or branches or
14 its agent for service of process for the service of summons, service made
15 on the main-chartered office or the office or branch or the agent for
16 service of process so designated shall be valid and effective as to any
17 property or credits of the defendant in the possession or control of the
18 main-chartered office of the financial institution in this state and any
19 of the financial institution offices or branches located within this
20 state. If service of summons is not made on the main-chartered office or
21 the office or branch or the agent for service of process designated by
22 the financial institution, but instead is made at another office or
23 branch of the financial institution located in Nebraska, the financial
24 institution, in its discretion, and without violating any obligation to
25 its customer, may elect to treat the service of summons as valid and
26 effective as to any property or credits of the defendant in the
27 possession or control of the main-chartered office of the financial
28 institution in this state and any
29 of the financial institution offices or branches located within this
30 state. In the absence of such an election, the financial institution shall file a statement with the interrogatories
31 that the summons was not served at the financial institution’s designated
32 location for receiving service of summons and, therefore, was not
33 processed, and shall provide the address at which the financial
34 institution is to receive service of summons.
35 (c) For purposes of this subsection, financial institution means a
36 bank, savings bank, building and loan association, savings and loan
37 association, or credit union whether chartered by the United States, the
38 Department of Banking and Finance, or a foreign state agency.
39 (d) The notice of designation, modification, or revocation shall be
40 made by a financial institution on forms prescribed by the department.
41 (e) The Department of Banking and Finance, any employee of the
42 department, or any person acting on behalf of the department shall be
43 immune from civil and criminal liability for any acts or omissions which
44 occur as a result of the requirements of this subsection.
45 Sec. 3. This act becomes operative on January 1, 2016.
46 Sec. 4. Original sections 25-1010 and 25-1056, Reissue Revised
47 Statutes of Nebraska, are repealed.
LEGISLATIVE BILL 292. Placed on General File with amendment.
AM619
1. On page 5, strike lines 14 though 18 and insert "a mandatory
expungement hearing within sixty days after the subject receives the
notification required under section 28-713.01 unless the subject and the
subject's attorney of record, parent, guardian, or guardian ad litem sign
and return a waiver form as provided under section 28-713.01 within
thirty days after receipt. The department shall not, as guardian, sign a
waiver form for any subject in its custody. If such subject remains on
the central registry of child protection cases, the department shall
conduct a second mandatory expungement hearing within sixty days after
the subject's nineteenth birthday unless the subject signs and returns a
waiver form as provided under section 28-713.01 within thirty days after
receipt."

LEGISLATIVE BILL 347. Placed on General File with amendment.
AM598
1. Insert the following new sections:

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

29-1926 (1)(a) Upon request of the prosecuting or defense attorney
and upon a showing of compelling need, the court shall order the taking
of a videotape deposition of a child victim of or child witness to any
offense punishable as a felony. The deposition ordinarily shall be in
lieu of courtroom or in camera testimony by the child. If the court
orders a videotape deposition, the court shall:
10 (i) Designate the time and place for taking the deposition. The
deposition may be conducted in the courtroom, the judge's chambers, or
any other location suitable for videotaping;
13 (ii) Assure adequate time for the defense attorney to complete
discovery before taking the deposition; and
15 (iii) Preside over the taking of the videotape deposition in the
same manner as if the child were called as a witness for the prosecution
during the course of the trial.
18 (b) Unless otherwise required by the court, the deposition shall be
conducted in the presence of the prosecuting attorney, the defense
attorney, the defendant, and any other person deemed necessary by the
court, including the parent or guardian of the child victim or child
witness or a counselor or other person with whom the child is familiar.
Such parent, guardian, counselor, or other person shall be allowed to sit
with or near the child unless the court determines that such person would
be disruptive to the child's testimony.
26 (c) At any time subsequent to the taking of the original videotape
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
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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
32 The evaluation of the abuse or assault shall release or use a videotape or
33 copies of a videotape or consent, by commission or omission, to the
34 release or use of a videotape or copies of a videotape to or by any other
35 party without a court order, notwithstanding the fact that the child
36 victim or child witness has consented to the release or use of the
37 videotape or that the release or use is authorized under law, except as
38 provided in section 28-730 or pursuant to an investigation under the
40 may release or consent to the release or use of a videotape or copies of
41 a videotape to law enforcement agencies or agencies authorized to
42 prosecute such abuse or assault cases on behalf of the state.
43 (b) The court order may govern the purposes for which the videotape
44 may be used, the reproduction of the videotape, the release of the
45 videotape to other persons, the retention and return of copies of the
46 videotape, and any other requirements reasonably necessary for the
47 protection of the privacy and best interests of the child victim or child
48 witness.
49 (c) Pursuant to section 29-1912, the defendant described in the
50 videotape may petition the district court in the county where the alleged
51 offense took place or where the custodian of the videotape resides for an
52 order releasing to the defendant a copy of the videotape.
53 (d) Any person who releases or uses a videotape except as provided
54 in this section shall be guilty of a Class I misdemeanor.
55 Sec. 2. Section 43-2,108, Revised Statutes Cumulative Supplement,
56 2014, is amended to read:
57 43-2,108 (1) The juvenile court judge shall keep a minute book in
58 which he or she shall enter minutes of all proceedings of the court in
59 each case, including appearances, findings, orders, decrees, and
60 judgments, and any evidence which he or she feels it is necessary and
61 proper to record. Juvenile court legal records shall be deposited in
62 files and shall include the petition, summons, notice, certificates or
63 receipts of mailing, minutes of the court, findings, orders, decrees,
64 judgments, and motions.
65 (2) Except as provided in subsections (3), and (4), and (5) of this
66 section, the medical, psychological, psychiatric, and social welfare
67 reports and the records of juvenile probation officers as they relate to
68 individual proceedings in the juvenile court shall not be open to
69 inspection, without order of the court. Such records shall be made
70 available to a district court of this state or the District Court of the
71 United States on the order of a judge thereof for the confidential use of
72 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) Nothing in subsection 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
Any records concerning a juvenile court petition filed pursuant to subdivision (3)(c) of section 43-247 shall remain confidential except as may be provided otherwise by law. Such records shall be accessible to (i) the juvenile except as provided in subdivision (b) of this subsection, (ii) the juvenile's counsel, (iii) the juvenile's parent or guardian, and (iv) persons authorized by an order of a judge or court.

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

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

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

In any judicial proceeding concerning a child who is currently, or who may become at the conclusion of the proceeding, a ward of the court or state or under the supervision of the court, an order may be issued which identifies individuals and agencies who shall be allowed to receive otherwise confidential information concerning the child for legitimate and official purposes. The individuals and agencies who may be identified in the court order are the child's attorney or guardian ad litem, the parents' attorney, foster parents, appropriate school personnel, county attorneys, the Attorney General, authorized court personnel, law enforcement agencies, state probation personnel, state parole personnel, youth detention facilities, medical personnel, court appointed special advocate volunteers, treatment or placement programs, the Department of Health and Human Services, the Office of Juvenile Services, the Department of Correctional Services, the Foster Care Review Board, and other appropriate agencies.
Office, local foster care review boards, the office of Inspector General
of Nebraska Child Welfare, child abuse and neglect investigation teams,
child abuse and neglect treatment teams, other multidisciplinary teams
for abuse, neglect, or delinquency, and other individuals and agencies
for which the court specifically finds, in writing, that it would be in
the best interest of the juvenile to receive such information. Unless the
order otherwise states, the order shall be effective until the child
leaves the custody of the state or supervision of the court or until a
new order is issued.

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

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

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

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

LEGISLATIVE BILL 482. Placed on General File with amendment.

AMENDMENT

1. Strike original section 3 and insert the following new section:
Sec. 3. (1) Restraints shall not be used on a juvenile during a
appearance before the juvenile court, unless the juvenile court makes a
finding of probable cause that:
(a) The use of restraints is necessary:
(i) To prevent physical harm to the juvenile or another person;
(ii) Because the juvenile:
(A) Has a history of disruptive courtroom behavior that has placed
others in potentially harmful situations; or
(B) Presents a substantial risk of inflicting physical harm on
himself or herself or others as evidenced by recent behavior; or
(iii) Because the juvenile presents a substantial risk of flight
from the courtroom; and
(b) There is no less restrictive alternative to restraints that will
prevent flight or physical harm to the juvenile or another person,
including, but not limited to, the presence of court personnel, law
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
release the person from custody or grant a new trial as appropriate.

2. Renumber the remaining sections and correct the repealer 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. On page 2, line 6, after the period insert the following new paragraph:

"It is the intent of the Legislature that, beginning in fiscal year 2015-16, any increase over the previous fiscal year in payments pursuant to the Medical Assistance Act or assistance to the aged, blind, and disabled pursuant to section 68-1006 on behalf of persons residing in alternate living arrangements be reduced by the amount of the increase in 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 sections:
2 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 particular information or records shall not be made public, public records shall include all records and documents, regardless of physical form, of or belonging to this state, any county, city, village, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form shall remain a public record when maintained in computer files. Each vote cast by a public official for a leadership position in...
the body in which he or she serves shall be recorded and preserved as a public record, except that a procedure may be used to permit the vote to be cast secretly so long as the person for whom the public official voted is recorded after the tally for purposes of this section.

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

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

Sec. 2. Original section 84-712.01, Reissue Revised Statutes of 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 insert the following new sections:

3 Section 1. Section 2-3753, Reissue Revised Statutes of Nebraska, is 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, education, advertising, publicity, and promotion to increase total consumption of dry beans on a state, national, and international basis;
9 (2) To prepare and approve a budget consistent with limited receipts and the scope of the dry bean program;
11 (3) To adopt and promulgate reasonable rules and regulations necessary to carry out the dry bean program;
13 (4) To procure and evaluate data and information necessary for the proper administration and operation of the dry bean program;
15 (5) To employ personnel and contract for services which are necessary for the proper operation of the dry bean program;
(6) To establish a means whereby the grower and processor of dry beans has the opportunity at least annually to offer his or her ideas and suggestions relative to commission policy for the coming year;

(7) To authorize the expenditure of funds and contracting of expenditures to conduct proper activities of the program;

(8) To bond such persons as may be necessary in order to insure adequate protection of funds;

(9) To keep minutes of its meetings and other books and records which will clearly reflect all of the acts and transactions of the commission and to keep such records open to examination by any grower or processor participant during normal business hours;

(10) To prohibit any funds collected by the commission from being expended directly or indirectly to promote or oppose any candidate for public office or to influence state legislation. The commission board shall not expend more than fifteen twenty-five percent of its annual budget to influence federal legislation. The purpose of such expenditures for federal lobbying activity shall be limited to activity supporting the underlying objectives of the dry bean program relating to market development, education, and research;

(11) To establish an administrative office at such place in the state as may be suitable for the proper discharge of the functions of the commission; and

(12) To adopt and promulgate rules and regulations to carry out the Dry Bean Resources Act.

Sec. 2. Section 2-3755, Reissue Revised Statutes of Nebraska, is amended to read:

(1) Beginning August 1, 1987, there shall be paid to the commission a fee of six cents per hundredweight upon all dry beans grown in the state during 1987 and thereafter and sold through commercial channels. Beginning January 1, 1989, until July 31, 2015, the commission may, whenever it determines that the fees provided by this section are yielding more or less than is required to carry out the intent and purposes of the Dry Bean Resources Act, reduce or increase such fee for such period as it shall deem justifiable, but not less than one year and not to exceed ten cents per hundredweight.

(2) Beginning August 1, 2015, the fee imposed by this section shall be fifteen cents per hundredweight. Beginning January 1, 2017, the commission may, whenever it determines that the fees provided by this section are yielding more or less than is required to carry out the intent and purposes of the act, reduce or increase such fee for such period as it shall deem justifiable, but not less than one year and not to exceed twenty-four cents per hundredweight.

(3) Two-thirds of the fee levied under this section shall be paid by the grower at the time of sale or delivery and shall be collected by the first purchaser. The first purchaser shall pay the remaining one-third of the fee. No dry beans shall be subject to the fee more than once.

Sec. 3. Section 2-3762, Reissue Revised Statutes of Nebraska, is amended to read:

(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) The expenditure of all funds by the commission during the
12 previous year for the administration of the Dry Bean Resources Act;
13 (b) The action taken by the commission on all contracts requiring
14 the expenditure of funds by the commission;
15 (c) A description of all contracts;
16 (d) 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) 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 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