

**FIFTY-EIGHTH DAY - APRIL 7, 2015**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED FOURTH LEGISLATURE**  
**FIRST SESSION**

**FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, April 7, 2015

**PRAYER**

The prayer was offered by Pastor Donna Goltry, Westridge United Methodist Church, Norfolk, and Trinity United Methodist Church, Madison.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Kolterman, McCoy, and Smith who were excused; and Senators Bloomfield, Hilkemann, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 458.** Placed on Select File with amendment.

ER70

1 1. On page 4, line 21, after the semicolon insert "and".

(Signed) Matt Hansen, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 145, 146, 147, 148, 149, 150, 151, 153, and 157 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 145, 146, 147, 148, 149, 150, 151, 153, and 157.

**GENERAL FILE**

**LEGISLATIVE BILL 347A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

**WITHDRAW - Amendment to LB245**

Senator Krist withdrew his amendment, FA37, found on page 1003, to LB245.

**MOTION - Return LB245 to Select File**

Senator Pansing Brooks moved to return LB245 to Select File for her specific amendment, AM1070, found on page 1044.

The Pansing Brooks motion to return prevailed with 45 ayes, 0 nays, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 245.** The Pansing Brooks specific amendment, AM1070, found on page 1044, was adopted with 37 ayes, 3 nays, 5 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Motion to LB431**

Senator Chambers withdrew his motion, MO71, found on page 1054, to LB431.

**MOTION - Return LB431 to Select File**

Senator Groene moved to return LB431 to Select File for the following specific amendment:

FA40

Strike the enacting clause.

Senator Groene withdrew his motion to return.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 431.**

A BILL FOR AN ACT relating to public lettings; to amend section 73-106,

Reissue Revised Statutes of Nebraska; to change provisions relating to public school district construction; 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	Davis	Harr, B.	Larson	Schilz
Bolz	Ebke	Hilkemann	Lindstrom	Schnoor
Brasch	Friesen	Howard	Mello	Schumacher
Campbell	Garrett	Hughes	Morfeld	Seiler
Chambers	Gloor	Johnson	Murante	Stinner
Coash	Groene	Kintner	Nordquist	Sullivan
Cook	Haar, K.	Kolowski	Pansing Brooks	Watermeier
Craighead	Hadley	Krist	Riepe	
Crawford	Hansen	Kuehn	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

McCollister

Excused and not voting, 5:

Bloomfield	Kolterman	McCoy	Smith	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

#### **WITHDRAW - Amendments to LB242**

Senator Larson withdrew his amendments, AM755, AM764, AM763, AM761, AM760, and AM759, found on pages 815 and 816, to LB242.

#### **WITHDRAW - Motion to LB242**

Senator Chambers withdrew his motion, MO72, found on page 1054, to LB242.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 242.** With Emergency Clause.

A BILL FOR AN ACT relating to the Dry Bean Resources Act; to amend sections 2-3753, 2-3755, 2-3762, and 2-3763, Reissue Revised Statutes of

Nebraska; to change provisions relating to expenditures for lobbying activities, fees, annual reporting requirements, and credit of funds; to eliminate a refund; to repeal the original sections; to outright repeal section 2-3760, Reissue Revised Statutes of Nebraska; 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, 42:

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

Voting in the negative, 1:

Larson

Present and not voting, 1:

Murante

Excused and not voting, 5:

Bloomfield    Kolterman    McCoy    Smith    Williams

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

#### **WITHDRAW - Motion to LB242A**

Senator Chambers withdrew his motion, MO73, found on page 1054, to LB242A.

#### **BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 242A.** With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 242, One Hundred

Fourth Legislature, First Session, 2015; 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, 42:

Baker	Davis	Harr, B.	Lindstrom	Schnoor
Bolz	Ebke	Hilkemann	McCollister	Schumacher
Brasch	Friesen	Howard	Mello	Seiler
Campbell	Garrett	Hughes	Morfeld	Sinner
Chambers	Gloor	Johnson	Nordquist	Sullivan
Coash	Groene	Kintner	Pansing Brooks	Watermeier
Cook	Haar, K.	Kolowski	Riepe	
Craighead	Hadley	Krist	Scheer	
Crawford	Hansen	Kuehn	Schilz	

Voting in the negative, 1:

Larson

Present and not voting, 1:

Murante

Excused and not voting, 5:

Bloomfield    Kolterman    McCoy    Smith    Williams

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 LB15 to Select File**

Senator Krist moved to return LB15 to Select File for his specific amendment, AM1067, found on page 1026.

The Krist motion to return prevailed with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 15.** The Krist specific amendment, AM1067, found on page 1026, was adopted with 44 ayes, 0 nays, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Motion to LB367**

Senator Chambers withdrew his motion, MO74, found on page 1054, to LB367.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 367.**

A BILL FOR AN ACT relating to petition circulators; to amend sections 32-630 and 32-1404, Reissue Revised Statutes of Nebraska; to eliminate a restriction on paying petition circulators 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, 42:

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

Voting in the negative, 0.

Present and not voting, 2:

Baker            Riepe

Excused and not voting, 5:

Bloomfield    Kolterman    McCoy        Smith        Williams

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

**WITHDRAW - Motion to LB498**

Senator Chambers withdrew his motion, MO75, found on page 1054, to LB498.

**BILL 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 LB498 with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 498.**

A BILL FOR AN ACT relating to all-terrain vehicles and utility-type vehicles; to amend section 77-2701.24, Reissue Revised Statutes of Nebraska, and sections 60-123, 60-153, 60-301, 60-305, 60-339, 60-358.01, 60-6,355, and 77-2703, Revised Statutes Cumulative Supplement, 2014; to require registration of all-terrain vehicles and utility-type vehicles under the Motor Vehicle Registration Act; to redefine terms; to change sales and use tax provisions; to harmonize provisions; 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	Davis	Harr, B.	Larson	Scheer
Bolz	Ebke	Hilkemann	Lindstrom	Schilz
Brasch	Friesen	Howard	McCollister	Schnoor
Campbell	Garrett	Hughes	Mello	Schumacher
Chambers	Gloor	Johnson	Morfeld	Seiler
Coash	Groene	Kintner	Murante	Stinner
Cook	Haar, K.	Kolowski	Nordquist	Sullivan
Craighead	Hadley	Krist	Pansing Brooks	Watermeier
Crawford	Hansen	Kuehn	Riepe	

Voting in the negative, 0.

Excused and not voting, 5:

Bloomfield	Kolterman	McCoy	Smith	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Motion to LB33**

Senator Chambers withdrew his motion, MO76, found on page 1054, to LB33.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 33.**

A BILL FOR AN ACT relating to state budgeting; to amend section 77-2715.01, Revised Statutes Cumulative Supplement, 2014; to require revenue volatility reporting as prescribed; to require a strategic plan and reporting by the Department of Correctional Services; to harmonize provisions; 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, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Bloomfield	Kolterman	McCoy	Smith	Williams
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

**WITHDRAW - Motion to LB139**

Senator Chambers withdrew his motion, MO77, found on page 1054, to LB139.



**BILL 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 LB139 with 42 ayes, 1 nay, 1 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

**LEGISLATIVE BILL 139.**

A BILL FOR AN ACT relating to real property; to amend sections 76-2204, 76-2205, 76-2205.01, 76-2208, 76-2210, 76-2210.01, 76-2210.02, 76-2211.02, 76-2212, 76-2215, 76-2217, 76-2218, 76-2219, 76-2220, 76-2222, 76-2239, 76-2242, 76-2243, 76-2244, 76-2245, 76-2246, 76-2247.01, and 76-2250, Reissue Revised Statutes of Nebraska, and sections 76-2201, 76-2202, 76-2203, 76-2206, 76-2210.03, 76-2211, 76-2212.01, 76-2212.02, 76-2212.03, 76-2213, 76-2213.01, 76-2216, 76-2217.04, 76-2221, 76-2223, 76-2227, 76-2228, 76-2228.01, 76-2228.02, 76-2229, 76-2230, 76-2231.01, 76-2232, 76-2233, 76-2233.01, 76-2233.02, 76-2236, 76-2237, 76-2238, 76-2241, 76-2249, 76-3202, 76-3204, 76-3208, 76-3213, and 76-3215, Revised Statutes Cumulative Supplement, 2014; to change and eliminate provisions relating to the Real Property Appraiser Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2211.01 and 76-2217.01, Reissue Revised Statutes of Nebraska, and section 76-2229.01, 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

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

**WITHDRAW - Motion to LB139A**

Senator Chambers withdrew his motion, MO78, found on page 1054, to LB139A.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 139A.**

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 139, One Hundred Fourth Legislature, First Session, 2015.

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:

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

Voting in the negative, 0.

Present and not voting, 1:

Baker

Excused and not voting, 4:

Bloomfield    Kolterman    McCoy    Smith

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

**WITHDRAW - Amendment to LB324**

Senator Krist withdrew his amendment, AM1114, found on page 1049, to LB324.

**WITHDRAW - Motion to LB324**

Senator Chambers withdrew his motion, MO79, found on page 1055, to LB324.

**MOTION - Return LB324 to Select File**

Senator McCollister moved to return LB324 to Select File for the following specific amendment:

AM1137

(Amendments to Final Reading copy)

- 1 1. Strike section 7.
- 2 2. On page 1, strike beginning with "to" in line 8 through the
- 3 semicolon in line 10.
- 4 3. Renumber the remaining section accordingly.

The McCollister motion to return prevailed with 40 ayes, 0 nays, 5 present and not voting, and 4 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 324.** The McCollister specific amendment, AM1137, found in this day's Journal, was adopted with 45 ayes, 0 nays, and 4 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**WITHDRAW - Motion to LB356**

Senator Chambers withdrew his motion, MO80, found on page 1055, to LB356.

**BILL ON FINAL READING**

The following bill was read and put upon final passage:

**LEGISLATIVE BILL 356.**

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-1333, Reissue Revised Statutes of Nebraska, and section 77-5007, Revised Statutes Cumulative Supplement, 2014; to change provisions relating to the assessment of certain rent-restricted housing projects; to create a committee; to provide powers and duties; to change provisions relating to the Tax Equalization and Review Commission; 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield    Kolterman    McCoy    Smith

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

#### **WITHDRAW - Motion to LB627**

Senator Chambers withdrew his motion, MO81, found on page 1055, to LB627.

#### **BILL 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 LB627 with 43 ayes, 1 nay, 1 present and not voting, and 4 excused and not voting.

The following bill was put upon final passage:

#### **LEGISLATIVE BILL 627.**

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend sections 48-1102, 48-1107.01, 48-1107.02, and 48-1111, Reissue Revised Statutes of Nebraska, and section 48-1117, Revised Statutes Cumulative Supplement, 2014; to define and redefine terms; to prohibit employment practices discriminating against individuals who are pregnant, have given birth, or have a related medical condition as

prescribed; to change provisions relating to lawful employment practices; to provide requirements for reports by the Equal Opportunity Commission; to eliminate provisions relating to membership in certain organizations; to harmonize provisions; to repeal the original sections; and to outright repeal section 48-1109, 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, 45:

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

Voting in the negative, 0.

Excused and not voting, 4:

Bloomfield    Kolterman    McCoy    Smith

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

#### **PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 431, 242, 242A, 367, 498, 33, 139, 139A, 356, and 627.

#### **GENERAL FILE**

**LEGISLATIVE BILL 240.** Considered.

Senator Hansen moved for a call of the house. The motion prevailed with 29 ayes, 0 nays, and 20 not voting.

Senator Hansen requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 32:

Baker	Craighead	Hadley	Krist	Schumacher
Bolz	Crawford	Hansen	Kuehn	Seiler
Brasch	Davis	Harr, B.	Mello	Stinner
Campbell	Ebke	Hilkemann	Morfeld	Sullivan
Chambers	Garrett	Howard	Nordquist	
Coash	Gloor	Johnson	Pansing Brooks	
Cook	Haar, K.	Kolowski	Scheer	

Voting in the negative, 11:

Friesen	Kintner	Murante	Watermeier
Groene	Lindstrom	Schilz	Williams
Hughes	McCollister	Schnoor	

Present and not voting, 1:

Riepe

Excused and not voting, 5:

Bloomfield	Kolterman	Larson	McCoy	Smith
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Advanced to Enrollment and Review Initial with 32 ayes, 11 nays, 1 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 419.** Title read. Considered.

Senator Mello offered his amendment, AM984, found on page 974.

Pending.

#### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 106A.** Introduced by Watermeier, 1.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 106, One Hundred Fourth Legislature, First Session, 2015.

**MESSAGE(S) FROM THE GOVERNOR**

April 7, 2015

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 304 and 439 were received in my office on April 2, 2015.

These bills were signed and delivered to the Secretary of State on April 7, 2015.

Sincerely,  
(Signed) Pete Ricketts  
Governor

PR/lhk

**PRESENTED TO THE GOVERNOR**

Presented to the Governor on April 7, 2015, at 11:10 a.m. were the following: LBs 431, 242e, 242Ae, 367, 498, 33, 139, 139A, 356, and 627.

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

**RESOLUTION(S)****LEGISLATIVE RESOLUTION 170.** Introduced by Cook, 13.

WHEREAS, Mount View Elementary School in Omaha will host a Career Enrichment Day on May 15, 2015; and

WHEREAS, Mount View Elementary School has invited professionals from local businesses to take part in the school's annual Career Enrichment Day which gives students an opportunity to explore career choices, ask questions, and in some instances, experience hands-on job training; and

WHEREAS, Mount View Elementary School's Career Enrichment Day supports the school's mission to inspire academic excellence in a safe and disciplined environment; and

WHEREAS, Mount View Elementary School has hosted Career Enrichment Day for over a decade.

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

1. That the Legislature commends Mount View Elementary School on hosting an annual Career Enrichment Day.

2. That a copy of this resolution be sent to Mount View Elementary School.

Laid over.

### **VISITORS**

Visitors to the Chamber were 35 high school students and teachers from UTA Halee Academy, Omaha; 33 fourth-grade students and teachers from Seymour Elementary, Ralston; 20 fourth-grade students and teacher from Plattsmouth; and 42 fourth-grade students and teachers from Fort Calhoun Elementary.

### **RECESS**

At 11:56 a.m., on a motion by Senator K. Haar, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

The Legislature reconvened at 1:30 p.m., Speaker Hadley presiding.

### **ROLL CALL**

The roll was called and all members were present except Senators Kolterman, McCoy, and Smith who were excused; and Senators Hansen, Larson, Scheer, and Schilz who were excused until they arrive.

### **GENERAL FILE**

**LEGISLATIVE BILL 419.** The Mello amendment, AM984, found on page 974 and considered in this day's Journal, was renewed.

### **SENATOR COASH PRESIDING**

### **SPEAKER HADLEY PRESIDING**

Senator Nordquist moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 26 ayes, 0 nays, and 23 not voting.

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

The Mello amendment was adopted with 41 ayes, 4 nays, and 4 excused and not voting.

The Chair declared the call raised.



Advanced to Enrollment and Review Initial with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 347A.** Placed on Select File.

(Signed) Matt Hansen, Chairperson

**AMENDMENT(S) - Print in Journal**

Senator Crawford filed the following amendment to LB292:  
AM899

1 1. Insert the following new section:  
2 Sec. 5. Section 29-1917, Revised Statutes Cumulative Supplement,  
3 2014, is amended to read:  
4 29-1917 (1) Except as provided in section 29-1926 and subsection (5)  
5 of this section, at any time after the filing of an indictment or  
6 information in a felony prosecution, the prosecuting attorney or the  
7 defendant may request the court to allow the taking of a deposition of  
8 any person other than the defendant who may be a witness in the trial of  
9 the offense. The court may order the taking of the deposition when it  
10 finds the testimony of the witness:  
11 (a) May be material or relevant to the issue to be determined at the  
12 trial of the offense; or  
13 (b) May be of assistance to the parties in the preparation of their  
14 respective cases.  
15 (2) An order granting the taking of a deposition shall include the  
16 time and place for taking such deposition and such other conditions as  
17 the court determines to be just.  
18 (3) The proceedings in taking the deposition of a witness pursuant  
19 to this section and returning it to the court shall be governed in all  
20 respects as the taking of depositions in civil cases.  
21 (4) A deposition taken pursuant to this section may be used at the  
22 trial by any party solely for the purpose of contradicting or impeaching  
23 the testimony of the deponent as a witness.  
24 (5)(a) No request for a deposition shall be granted for a child  
25 under the age of sixteen at the time of the request who has been  
26 interviewed at a child advocacy center and the interview was video  
27 recorded, except by agreement of the parties or by approval of the court.  
1 The court shall not approve a deposition under this subdivision unless  
2 the court finds that the testimony of the child is essential to assist  
3 the defendant in preparing for trial, that the evidence sought is not  
4 reasonably available by any other means, and that the probative value of  
5 the testimony outweighs the potential detriment to the child being  
6 deposed. In determining whether to approve the taking of a deposition,  
7 the court shall consider the availability of the recorded statements of  
8 the child and the complexity of the issues involved.

9 (b) Upon granting a request to depose a child under subdivision (a)  
10 of this subsection, the court shall make any protective order that  
11 justice requires to protect the child from emotional harm or distress,  
12 harassment, undue influence, or intimidation. Such order may include: (i)  
13 That the deposition may be taken only on specified terms and conditions,  
14 including a designation of the time, place, and manner of taking the  
15 deposition; (ii) that the scope of the deposition may be limited to  
16 certain matters as designated by the court; (iii) that a victim advocate  
17 or other support person not a witness to the proceedings may be present;  
18 (iv) that the defendant may be excluded from the deposition; or (v) any  
19 other provision the court determines is justified and appropriate. In  
20 ruling on a request for a protective order, the court may consider the  
21 age, health, level of intellectual functioning, and emotional condition  
22 of the child; whether the child has knowledge material to the proof of or  
23 defense to any essential element of the crime; whether the child has  
24 provided a full written, taped, or transcribed account of his or her  
25 proposed testimony for trial; or whether the child's testimony will  
26 relate only to a peripheral issue in the case.  
27 2. Renumber the remaining section and correct the repealer  
28 accordingly.

Senator Schumacher filed the following amendment to LB240:  
AM1143

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 71-8512, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:  
5 71-8512 (1) The University of Nebraska Medical Center shall create  
6 the Behavioral Health Screening and Referral Pilot Program. The pilot  
7 program shall utilize a strategy of screening and behavioral health  
8 intervention in coordination with the regional behavioral health  
9 authorities established pursuant to section 71-808 in which the clinics  
10 identified under subsection (2) of this section are located. It is the  
11 intent of the Legislature that the pilot program demonstrate a method of  
12 addressing the unmet emotional or behavioral health needs of children  
13 that can be replicated statewide. Under the pilot program, behavioral  
14 health screening will be offered: (a) In primary care providers' offices  
15 during examinations under the early and periodic screening, diagnosis,  
16 and treatment services program pursuant to 42 U.S.C. 1396d(r), as such  
17 section existed on January 1, 2013; or (b) upon request from parents or  
18 legal guardians who have concerns about a child's behavioral health.  
19 (2) Three clinics shall be selected to serve as sites for the pilot  
20 program, including at least one rural and one urban clinic. Selected  
21 clinics shall have child psychologists integrated in the pediatric  
22 practice of the clinics. Parents or legal guardians of children  
23 participating in the pilot program shall be offered routine mental and  
24 behavioral health screening for their child during required physical  
25 examinations or at the request of a parent or legal guardian. Behavioral  
26 health screening shall be administered by clinic staff and interpreted by

27 the psychiatrist, psychiatric nurse practitioner, psychologist, or  
1 licensed mental health practitioner and the child's primary care  
2 physician.

3 (3) Children identified through such screenings as being at risk may  
4 be referred for further evaluation and diagnosis as indicated. If  
5 intervention is required, the primary care medical team, including the  
6 psychologist and the primary care physician, shall develop a treatment  
7 plan collaboratively with the parent or legal guardian and any other  
8 individuals identified by the parent or legal guardian. If appropriate,  
9 the child shall receive behavioral therapy, medication, or combination  
10 therapy within the primary care practice setting.

11 (4) Consultation via telephone or telehealth with faculty and staff  
12 of the departments of Child and Adolescent Psychiatry, Psychiatric  
13 Nursing, and Developmental Pediatrics, and the Munroe-Meyer Institute  
14 Psychology Department, of the University of Nebraska Medical Center shall  
15 be available to the primary care practice and the children as needed to  
16 manage the care of children with mental or behavioral health issues that  
17 require more specialized care than can be provided by the primary care  
18 practice.

19 (5) Data on the pilot program shall be collected and evaluated by  
20 the Interdisciplinary Center for Program Evaluation at the Munroe-Meyer  
21 Institute of the University of Nebraska Medical Center. Evaluation of the  
22 pilot program shall include, but not be limited to:

23 (a) The number of referrals for behavioral health screening under  
24 the pilot program;

25 (b) Whether each referral is initiated by a parent, a school, or a  
26 physician;

27 (c) The number of children and adolescents recommended for further  
28 psychological assessment after screening for a possible behavioral health  
29 disorder;

30 (d) The number and type of further psychological assessments of  
31 children and adolescents recommended and conducted;

1 (e) The number and type of behavioral health disorders in children  
2 and adolescents diagnosed as a result of a further psychological  
3 assessment following a behavioral health screening under the pilot  
4 program;

5 (f) The number and types of referrals of children and adolescents  
6 for behavioral health treatment from primary care medical practitioners;

7 (g) The number of children and adolescents successfully treated for  
8 a behavioral health disorder based upon patient reports, parent ratings,  
9 and academic records;

10 (h) The number and type of referrals of children and adolescents to  
11 psychiatric backup services at the University of Nebraska Medical Center;

12 (i) The number of children and adolescents diagnosed with a  
13 behavioral health disorder who are successfully managed or treated  
14 through psychiatric backup services from the University of Nebraska  
15 Medical Center;

16 (j) The number and types of medications, consultations, or  
17 prescriptions ordered by psychiatric nurse practitioners for children and

18 adolescents;  
19 (k) The number of referrals of children and adolescents for severe  
20 behavioral health disorders and consultations to child psychiatrists,  
21 developmental pediatricians, or psychologists specializing in treatment  
22 of adolescents;  
23 (l) The number of children and adolescents referred to psychiatric  
24 hospitals or emergency departments of acute care hospitals for treatment  
25 for dangerous or suicidal behavior;  
26 (m) The number of children and adolescents prescribed psychotropic  
27 medications and the types of such psychotropic medications; and  
28 (n) Data collection on program costs and financial impact as related  
29 to capacity for replication in other primary care practices. Primary  
30 program costs include physician and psychologist time for conducting  
31 screenings, family interviews, further testing, and specialist consulting  
1 costs relating to consulting services by psychiatric nurses,  
2 developmental pediatricians, and psychologists. Treatment or medications  
3 paid by private insurance, the medical assistance program, or the State  
4 Children's Health Insurance Program shall not be included in program  
5 costs pursuant to this subdivision.  
6 (6) This section terminates two years after September 6, ~~2015~~ 2013.  
7 Sec. 2. Original section 71-8512, Revised Statutes Cumulative  
8 Supplement, 2014, is repealed.

### GENERAL FILE

**LEGISLATIVE BILL 559.** Title read. Considered.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 14 present and not voting, and 8 excused and not voting.

**LEGISLATIVE BILL 156.** Title read. Considered.

Committee AM645, found on page 716, was offered.

Senator Stinner offered his amendment, AM1060, found on page 1019, to the committee amendment.

The Stinner amendment was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

The committee amendment, as amended, was adopted with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

Advanced to Enrollment and Review Initial with 25 ayes, 0 nays, 13 present and not voting, and 11 excused and not voting.

**LEGISLATIVE BILL 414.** Title read. Considered.

Pending.

**COMMITTEE REPORT(S)**  
Enrollment and Review

**LEGISLATIVE BILL 15.** Placed on Final Reading Second.  
ST22

(Final Reading copy)

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

1. On page 1, line 6, "to define terms;" has been struck.

**LEGISLATIVE BILL 245.** Placed on Final Reading Second.

**LEGISLATIVE BILL 324.** Placed on Final Reading Second.

(Signed) Matt Hansen, Chairperson

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

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

Campbell, Garrett, Krist, Lindstrom - LB323

**VISITORS**

Visitors to the Chamber were 45 fourth-grade students and teachers from Jefferson Elementary, Norfolk; 10 members of US Stratcom Fellows at UN from Omaha; and Kate Fattig from Grant.

**ADJOURNMENT**

At 4:56 p.m., on a motion by Senator Morfeld, the Legislature adjourned until 9:00 a.m., Wednesday, April 8, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature

