

**THIRTY-SEVENTH DAY - MARCH 3, 2015****LEGISLATIVE JOURNAL****ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, March 3, 2015

**PRAYER**

The prayer was offered by Pastor Bob Walz, Lincoln Berean Church, Lincoln.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators B. Harr, Larson, and Murante who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 146.** Placed on Select File with amendment.  
ER42

1 1. On page 4, line 3, strike "Services" and insert "Forces"; and in  
2 line 4 strike "Reserved" and insert "Reserve".

(Signed) Matt Hansen, Chairperson

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 367.** Placed on General File.

**LEGISLATIVE BILL 400.** Placed on General File.

**LEGISLATIVE BILL 640.** Placed on General File.

**LEGISLATIVE BILL 291.** Placed on General File with amendment.  
AM553

1 1. Insert the following new section:

2 Sec. 9. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

(Signed) John Murante, Chairperson

Judiciary

**LEGISLATIVE BILL 113.** Placed on General File with amendment.  
AM508

1 1. On page 2, line 22; and page 3, line 22, strike "less" and insert  
2 "more".  
3 2. On page 3, line 13; and page 4, line 15, strike "and".  
4 3. On page 3, line 14; and page 4, line 16, after "illness" insert  
5 "; and  
6 (i) Medical, surgical, or hospital services covered under the  
7 Nebraska Workers' Compensation Act".

**LEGISLATIVE BILL 137.** Placed on General File with amendment.  
AM511

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 28-1212.02, Revised Statutes Cumulative  
4 Supplement, 2014, is amended to read:  
5 28-1212.02 Any person who unlawfully and knowingly or recklessly  
6 intentionally discharges a firearm at or in the general direction of any  
7 an inhabited dwelling house, occupied building, occupied motor vehicle,  
8 occupied aircraft, inhabited motor home as defined in section 71-4603, or  
9 inhabited camper unit as defined in section 60-1801, is shall be guilty  
10 of a Class I misdemeanor ~~II~~ felony.  
11 Sec. 2. Section 28-1212.04, Revised Statutes Cumulative Supplement,  
12 2014, is amended to read:  
13 28-1212.04 Any person, ~~within the territorial boundaries of any city~~  
14 ~~of the first class or county containing a city of the metropolitan class~~  
15 ~~or primary class, who unlawfully and ; knowingly, and intentionally~~ or  
16 ~~recklessly discharges a firearm, while in any motor vehicle or in the~~  
17 ~~proximity of any motor vehicle that such person has just exited, at or in~~  
18 ~~the general direction of any person, occupied or inhabited dwelling,~~  
19 ~~building, structure, occupied motor vehicle, occupied aircraft, inhabited~~  
20 ~~motor home as defined in section 71-4603, or inhabited camper unit as~~  
21 ~~defined in section 60-1801, occupied motor vehicle or aircraft, or any~~  
22 ~~other occupied structure, is guilty of a Class II ~~IC~~ felony.~~  
23 Sec. 3. Section 28-1335, Revised Statutes Cumulative Supplement,  
24 2014, is amended to read:  
25 28-1335 Any person who unlawfully and knowingly or recklessly A  
26 ~~person commits a Class III misdemeanor if such person~~ discharges any  
27 firearm or weapon using any form of compressed gas as a propellant from  
1 any public highway, road, or bridge in this state is guilty of a Class  
2 III misdemeanor , unless otherwise allowed by statute. Upon conviction,  
3 the mandatory minimum fine shall be one hundred dollars.

4 Sec. 4. Original sections 28-1212.02, 28-1212.04, and 28-1335,  
5 Revised Statutes Cumulative Supplement, 2014, are repealed.

(Signed) Les Seiler, Chairperson

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

Senator Murante filed the following amendment to LB10:  
AM633

- 1 1. Insert the following new section:
- 2 Sec. 6. Since an emergency exists, this act takes effect when
- 3 passed and approved according to law.

**GENERAL FILE**

**LEGISLATIVE BILL 431.** Title read. Considered.

Advanced to Enrollment and Review Initial with 38 ayes, 0 nays, 8 present  
and not voting, and 3 excused and not voting.

**MOTION - Return LB177 to Select File**

Senator K. Haar moved to return LB177 to Select File for his specific  
amendment, AM434, found on page 630.

The K. Haar motion to return prevailed with 44 ayes, 0 nays, 2 present and  
not voting, and 3 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 177.** The K. Haar specific amendment, AM434,  
found on page 630, was adopted with 43 ayes, 0 nays, 3 present and not  
voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**LEGISLATIVE BILL 35.** ER3, found on page 346, was adopted.

Senator Howard offered the following amendment:  
AM265

- 1 1. On page 15, line 29, strike "2017" and all amendments thereto and
- 2 insert "2017".

The Howard amendment was adopted with 35 ayes, 0 nays, 11 present and  
not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 279.** ER13, found on page 401, was adopted.

Senator Schumacher offered his amendment, AM263, found on page 676.

The Schumacher amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 23.** ER25, found on page 485, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 155.** ER39, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 439.** ER38, found on page 532, was adopted.

Senator Morfeld offered his amendment, AM441, found on page 673.

Senator Morfeld offered the following amendment to his amendment:  
FA27

Amend AM441

Page 5, line 1 strike "failure to comply with subsection (3) of this section".

The Morfeld amendment was adopted with 33 ayes, 0 nays, 13 present and not voting, and 3 excused and not voting.

The Morfeld amendment, as amended, was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 179.** Senator Brasch offered her amendment, AM550, found on page 679.

The Brasch amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator Groene offered the following amendment:

AM630

1 1. On page 6, after line 18 insert the following new subsection:

2 "~~(5) Nothing in this section shall be construed to mean that a~~

3 registrant shall be denied renewal of a registration by the board based

4 solely on a failure to complete the continuing education requirement

5 under subsection (1) of this section.".

The Groene amendment was adopted with 27 ayes, 0 nays, 19 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 164.** ER40, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 207.** ER37, found on page 532, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 34.** Senator Howard offered the following amendment:

AM372

1 1. On page 4, line 20, strike "2016" and insert "2017".

The Howard amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

Senator Kintner offered the following amendment:

FA28

On page 3, strike lines 30-31. On page 4 strike lines 1 through 9.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 27 ayes, 0 nays, and 22 not voting.

Senator Kintner moved for a call of the house. The motion prevailed with 30 ayes, 1 nay, and 18 not voting.

Senator Kintner requested a record vote on the amendment

Voting in the affirmative, 11:

Bloomfield	Garrett	Larson	Schumacher
Brasch	Groene	McCoy	Smith
Ebke	Kintner	Schilz	

Voting in the negative, 35:

Baker	Crawford	Harr, B.	Krist	Pansing Brooks
Bolz	Davis	Hilkemann	Kuehn	Riepe
Campbell	Friesen	Howard	Lindstrom	Schnoor
Chambers	Gloor	Hughes	McCollister	Seiler
Coash	Haar, K.	Johnson	Mello	Stinner
Cook	Hadley	Kolowski	Morfeld	Sullivan
Craighead	Hansen	Kolterman	Nordquist	Williams

Present and not voting, 2:

Scheer          Watermeier

Excused and not voting, 1:

Murante

The Kintner amendment lost with 11 ayes, 35 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 46.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 129.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 37.** ER41, found on page 574, was adopted.

Senator Krist offered his amendment, AM470, found on page 605.

Senator Krist moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Krist requested a roll call vote on the amendment.

Voting in the affirmative, 46:

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

Voting in the negative, 0.

Present and not voting, 2:

Cook            Lindstrom

Excused and not voting, 1:

Murante

The Krist amendment was adopted with 46 ayes, 0 nays, 2 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

#### **GENERAL FILE**

**LEGISLATIVE BILL 245.** Title read. Considered.

Committee AM197, found on page 451, was adopted with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 13 present and not voting, and 1 excused and not voting.

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

Judiciary

**LEGISLATIVE BILL 13.** Placed on General File with amendment.

AM466

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 43-2404.02, Revised Statutes Cumulative

3 Supplement, 2014, is amended to read:

4 43-2404.02 (1) There is created a separate and distinct budgetary

5 program within the commission to be known as the Community-based Juvenile

6 Services Aid Program. Funding acquired from participation in the federal

7 act, state General Funds, and funding acquired from other sources which  
8 may be used for purposes consistent with the Juvenile Services Act and  
9 the federal act shall be used to aid in the establishment and provision  
10 of community-based services for juveniles who come in contact with the  
11 juvenile justice system.

12 (2)(a) Ten percent of the annual General Fund appropriation to the  
13 Community-based Juvenile Services Aid Program, excluding administrative  
14 budget funds, shall be set aside for the development of a common data set  
15 and evaluation of the effectiveness of the Community-based Juvenile  
16 Services Aid Program. The intent in creating this common data set is to  
17 allow for evaluation of the use of the funds and the effectiveness of the  
18 programs or outcomes in the Community-based Juvenile Services Aid  
19 Program.

20 (b) The common data set shall be developed and maintained by the  
21 commission and shall serve as a primary data collection site for any  
22 intervention funded with Community-based Juvenile Services Aid designed  
23 to serve juveniles and deter involvement in the formal juvenile justice  
24 system. The commission shall work with agencies and programs to enhance  
25 existing data sets. To ensure that the data set permits evaluation of  
26 recidivism and other measures, the commission shall work with the Office  
27 of Probation Administration, juvenile diversion programs, law  
1 enforcement, the courts, and others to compile data that demonstrates  
2 whether a youth has moved deeper into the juvenile justice system. The  
3 University of Nebraska at Omaha, Juvenile Justice Institute, shall assist  
4 with the development of common definitions, variables, and training  
5 required for data collection and reporting into the common data set by  
6 juvenile justice programs. The common data set maintained by the  
7 commission shall be provided to the University of Nebraska at Omaha,  
8 Juvenile Justice Institute, to assess the effectiveness of the Community-  
9 based Juvenile Services Aid Program.

10 (c) Providing the commission access to records and information for,  
11 as well as the commission granting access to records and information  
12 from, the common data set is not a violation of confidentiality  
13 provisions under any law, rule, or regulation if done in good faith for  
14 purposes of evaluation. Records and documents, regardless of physical  
15 form, that are obtained or produced or presented to the commission for  
16 the common data set are not public records.

17 (d) The ten percent of the annual General Fund appropriation to the  
18 Community-based Juvenile Services Aid Program, excluding administrative  
19 budget funds, shall be appropriated as follows: In the year 2016, seven  
20 percent shall go to the commission for development of the common data set  
21 and three percent shall go to the University of Nebraska at Omaha,  
22 Juvenile Justice Institute, for evaluation. In the year 2017, six percent  
23 shall go to the commission for development and maintenance of the common  
24 data set and four percent shall go to the University of Nebraska at  
25 Omaha, Juvenile Justice Institute, for evaluation. Every year thereafter,  
26 beginning in the year 2018, five percent shall go to the commission for  
27 development and maintenance of the common data set and five percent shall  
28 go to the University of Nebraska at Omaha, Juvenile Justice Institute,



29 for evaluation.

30 (e 2) The remaining funds in the annual General Fund appropriation  
31 to the Community-based Juvenile Services Aid Program shall be apportioned  
1 as aid in accordance with a formula established in rules and regulations  
2 adopted and promulgated by the commission. The formula shall be based on  
3 the total number of residents per county and federally recognized or  
4 state-recognized Indian tribe who are twelve years of age through  
5 eighteen years of age and other relevant factors as determined by the  
6 commission. The commission may require a local match of up to forty  
7 percent from the county, multiple counties, federally recognized or  
8 state-recognized Indian tribe or tribes, or any combination of the three  
9 which is receiving aid under such program. Any local expenditures for  
10 community-based programs for juveniles may be applied toward such match  
11 requirement.

12 (3)(a) In distributing funds provided under the Community-based  
13 Juvenile Services Aid Program, aid recipients shall prioritize programs  
14 and services that will divert juveniles from the juvenile justice system,  
15 reduce the population of juveniles in juvenile detention and secure  
16 confinement, and assist in transitioning juveniles from out-of-home  
17 placements.

18 (b) Funds received under the Community-based Juvenile Services Aid  
19 Program shall be used exclusively to assist the aid recipient in the  
20 implementation and operation of programs or the provision of services  
21 identified in the aid recipient's comprehensive juvenile services plan,  
22 including programs for local planning and service coordination;  
23 screening, assessment, and evaluation; diversion; alternatives to  
24 detention; family support services; treatment services; truancy  
25 prevention and intervention programs; pilot projects approved by the  
26 commission; payment of transportation costs to and from placements,  
27 evaluations, or services; personnel when the personnel are aligned with  
28 evidence-based treatment principles, programs, or practices; contracting  
29 with other state agencies or private organizations that provide evidence-  
30 based treatment or programs; preexisting programs that are aligned with  
31 evidence-based practices or best practices; and other services that will  
1 positively impact juveniles and families in the juvenile justice system.

2 (c) Funds received under the Community-based Juvenile Services Aid  
3 Program shall not be used for the following: Construction of secure  
4 detention facilities, secure youth treatment facilities, or secure youth  
5 confinement facilities; capital construction or the lease or acquisition  
6 of facilities; programs, services, treatments, evaluations, or other  
7 preadjudication services that are not based on or grounded in evidence-  
8 based practices, principles, and research, except that the commission may  
9 approve pilot projects that authorize the use of such aid; or office  
10 equipment, office supplies, or office space.

11 (d) Any aid not distributed to counties under this subsection shall  
12 be retained by the commission to be distributed on a competitive basis  
13 under the Community-based Juvenile Services Aid Program for a county,  
14 multiple counties, federally recognized or state-recognized Indian tribe  
15 or tribes, or any combination of the three demonstrating additional need

16 in the funding areas identified in this subsection.

17 (e) If a county, multiple counties, or a federally recognized or  
 18 state-recognized Indian tribe or tribes is denied aid under this section  
 19 or receives no aid under this section, the entity may request an appeal  
 20 pursuant to the appeal process in rules and regulations adopted and  
 21 promulgated by the commission. The commission shall establish appeal and  
 22 hearing procedures by December 15, 2014. The commission shall make appeal  
 23 and hearing procedures available on its web site.

24 (4)(a) Any recipient of aid under the Community-based Juvenile  
 25 Services Aid Program shall electronically file an annual report as  
 26 required by rules and regulations adopted and promulgated by the  
 27 commission. Any program funded through Community-based Juvenile Services  
 28 Aid that served juveniles shall report data on the individual youth  
 29 served. Any program that is not directly serving youth shall include  
 30 program-level data. In either case, data collected shall include, but not  
 31 be limited to, the following: The ~~The report shall include, but not be~~  
 1 ~~limited to,~~ the type of juvenile service, how the service met the goals  
 2 of the comprehensive juvenile services plan, demographic information on  
 3 the ~~total number of juveniles served, program outcomes success rates, the~~  
 4 total number of juveniles served, and the number of juveniles who  
 5 completed the program or intervention ~~sent to secure juvenile detention~~  
 6 ~~or residential treatment and secure confinement, and a listing of the~~  
 7 ~~expenditures for detention, residential treatment, and nonresidential~~  
 8 ~~treatment.~~

9 (b) Any recipient of aid under the Community-based Juvenile Services  
 10 Aid Program shall be assisted by the University of Nebraska at Omaha,  
 11 Juvenile Justice Institute, in reporting in the common data set, as set  
 12 forth in the rules and regulations adopted and promulgated by the  
 13 commission. Community-based aid utilization and evaluation data shall be  
 14 stored and maintained by the commission.

15 (c) Evaluation of the use of funds and the evidence of the  
 16 effectiveness of the programs shall be completed by the University of  
 17 Nebraska at Omaha, Juvenile Justice Institute, specifically:

18 (i) The varying rates of recidivism, as defined by rules and  
 19 regulations adopted and promulgated by the commission, and other measures  
 20 for juveniles participating in community-based programs; and

21 (ii) Whether juveniles are sent to staff secure or secure juvenile  
 22 detention after participating in a program funded by the Community-based  
 23 Juvenile Services Aid Program.

24 (5) The commission shall report annually to the Governor and the  
 25 Legislature on the distribution and use of funds for aid appropriated  
 26 under the Community-based Juvenile Services Aid Program. The report shall  
 27 include, but not be limited to, an aggregate report of the use of the  
 28 Community-based Juvenile Services Aid Program funds, including the types  
 29 of juvenile services and programs that were funded, demographic  
 30 information on the total number of juveniles served, program success  
 31 rates, the total number of juveniles sent to secure juvenile detention or  
 1 residential treatment and secure confinement, and a listing of the  
 2 expenditures of all counties and federally recognized or state-recognized

3 Indian tribes for detention, residential treatment, and secure  
 4 confinement. The report submitted to the Legislature shall be submitted  
 5 electronically.

6 (6) The commission shall adopt and promulgate rules and regulations  
 7 for the Community-based Juvenile Services Aid Program in consultation  
 8 with the Director of the Community-based Juvenile Services Aid Program,  
 9 the Director of Juvenile Diversion Programs, the Office of Probation  
 10 Administration, the Nebraska Association of County Officials, and the  
 11 University of Nebraska at Omaha, Juvenile Justice Institute. The rules  
 12 and regulations shall include, but not be limited to:

13 (a) The required elements of a comprehensive juvenile services plan  
 14 and planning process;

15 (b) The Community-based Juvenile Services Aid Program formula,  
 16 review process, match requirements, and fund distribution. The  
 17 distribution process shall ensure a conflict of interest policy;

18 (c) A distribution process for funds retained under subsection (3)  
 19 of this section;

20 (d) A plan for evaluating the effectiveness of plans and programs  
 21 receiving funding;

22 (e) A reporting process for aid recipients; ~~and~~

23 (f) A reporting process for the commission to the Governor and  
 24 Legislature. The report shall be made electronically to the Governor and  
 25 the Legislature; and -

26 (g) Requirements regarding the use of the common data set.

**LEGISLATIVE BILL 15.** Placed on General File with amendment.  
 AM514

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

3 Section 1. Section 43-272, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:

5 43-272 (1) When any juvenile shall be brought without counsel before  
 6 a juvenile court, the court shall advise such juvenile and his or her  
 7 parent or guardian of their right to retain counsel and shall inquire of  
 8 such juvenile and his or her parent or guardian as to whether they desire  
 9 to retain counsel. The court shall inform such juvenile and his or her  
 10 parent or guardian of such juvenile's right to counsel at county expense  
 11 if none of them is able to afford counsel. If the juvenile or his or her  
 12 parent or guardian desires to have counsel appointed for such juvenile,  
 13 or the parent or guardian of such juvenile cannot be located, and the  
 14 court ascertains that none of such persons are able to afford an  
 15 attorney, the court shall forthwith appoint an attorney to represent such  
 16 juvenile for all proceedings before the juvenile court, except that if an  
 17 attorney is appointed to represent such juvenile and the court later  
 18 determines that a parent of such juvenile is able to afford an attorney,  
 19 the court shall order such parent or juvenile to pay for services of the  
 20 attorney to be collected in the same manner as provided by section  
 21 43-290. If the parent willfully refuses to pay any such sum, the court  
 22 may commit him or her for contempt, and execution may issue at the

23 request of the appointed attorney or the county attorney or by the court  
24 without a request.

25 (2) The court, on its own motion or upon application of a party to  
26 the proceedings, shall appoint a guardian ad litem for the juvenile: (a)

27 If the juvenile has no parent or guardian of his or her person or if the  
1 parent or guardian of the juvenile cannot be located or cannot be brought  
2 before the court; (b) if the parent or guardian of the juvenile is  
3 excused from participation in all or any part of the proceedings; (c) if  
4 the parent is a juvenile or an incompetent; (d) if the parent is  
5 indifferent to the interests of the juvenile; or (e) in any proceeding  
6 pursuant to the provisions of subdivision (3)(a) of section 43-247.

7 A guardian ad litem shall have the duty to protect the interests of  
8 the juvenile for whom he or she has been appointed guardian, and shall be  
9 deemed a parent of the juvenile as to those proceedings with respect to  
10 which his or her guardianship extends.

11 (3) The court shall appoint an attorney as guardian ad litem. A  
12 guardian ad litem shall act as his or her own counsel and as counsel for  
13 the juvenile, unless there are special reasons in a particular case why  
14 the guardian ad litem or the juvenile or both should have separate  
15 counsel. In such cases the guardian ad litem shall have the right to  
16 counsel, except that the guardian ad litem shall be entitled to appointed  
17 counsel without regard to his or her financial ability to retain counsel.  
18 Whether such appointed counsel shall be provided at the cost of the  
19 county shall be determined as provided in subsection (1) of this section.

20 (4) By July 1, 2015, the Supreme Court shall formally promulgate the  
21 Guidelines for Guardians ad Litem for Juveniles in Juvenile Court  
22 Proceedings adopted by the Supreme Court on July 18, 2007, into the rules  
23 of the Supreme Court.

24 Sec. 2. Section 43-272.01, Revised Statutes Cumulative Supplement,  
25 2014, is amended to read:

26 43-272.01 (1) A guardian ad litem as provided for in subsections (2)  
27 and (3) of section 43-272 shall be appointed when a child is removed from  
28 his or her surroundings pursuant to subdivision (2) or (3) of section  
29 43-248, subsection (2) of section 43-250, or section 43-251. If removal  
30 has not occurred, a guardian ad litem shall be appointed at the  
31 commencement of all cases brought under subdivision (3)(a) or (7) of  
1 section 43-247 and section 28-707.

2 (2) In the course of discharging duties as guardian ad litem, the  
3 person so appointed shall consider, but not be limited to, the criteria  
4 provided in this subsection. The guardian ad litem:

5 (a) Is appointed to stand in lieu of a parent for a protected  
6 juvenile who is the subject of a juvenile court petition, shall be  
7 present at all hearings before the court in such matter unless expressly  
8 excused by the court, and may enter into such stipulations and agreements  
9 concerning adjudication and disposition deemed by him or her to be in the  
10 juvenile's best interests;

11 (b) Is not appointed to defend the parents or other custodian of the  
12 protected juvenile but shall defend the legal and social interests of  
13 such juvenile. Social interests shall be defined generally as the usual

14 and reasonable expectations of society for the appropriate parental  
15 custody and protection and quality of life for juveniles without regard  
16 to the socioeconomic status of the parents or other custodians of the  
17 juvenile;

18 (c) May at any time after the filing of the petition move the court  
19 of jurisdiction to provide medical or psychological treatment or  
20 evaluation as set out in section 43-258. The guardian ad litem shall have  
21 access to all reports resulting from any examination ordered under  
22 section 43-258, and such reports shall be used for evaluating the status  
23 of the protected juvenile;

24 (d) Shall make every reasonable effort to become familiar with the  
25 needs of the protected juvenile which (i) shall include consultation with  
26 the juvenile in his or her respective placement within two weeks after  
27 the appointment and once every ~~three~~ six months thereafter and inquiry of  
28 the most current caseworker, foster parent, or other custodian, unless  
29 the court approves other forms of consultation, and (ii) may include  
30 inquiry of others directly involved with the juvenile or who may have  
31 information or knowledge about the circumstances which brought the  
1 juvenile court action or related cases and the development of the  
2 juvenile, including biological parents, physicians, psychologists,  
3 teachers, and clergy members;

4 (e) May present evidence and witnesses and cross-examine witnesses  
5 at all evidentiary hearings. In any proceeding under this section  
6 relating to a child of school age, certified copies of school records  
7 relating to attendance and academic progress of such child are admissible  
8 in evidence;

9 (f) Shall be responsible for making written reports and  
10 recommendations to the court at every dispositional, review, or  
11 permanency planning hearing regarding the temporary and permanent  
12 placement of the protected juvenile, the type and number of contacts with  
13 the juvenile, the type and number of contacts with other relevant  
14 stakeholders, and any further relevant information on a form prepared by  
15 the Supreme Court. A copy of the written reports and recommendations to  
16 the court shall also be submitted to the Foster Care Review Office for  
17 any juvenile in foster care placement as defined in section 43-1301 and  
18 shall submit a written report to the court at every dispositional or  
19 review hearing, or in the alternative, the court may provide the guardian  
20 ad litem with a checklist that shall be completed and presented to the  
21 court at every dispositional or review hearing;

22 (g) Shall consider such other information as is warranted by the  
23 nature and circumstances of a particular case; and

24 (h) May file a petition in the juvenile court on behalf of the  
25 juvenile, including a supplemental petition as provided in section  
26 43-291.

27 (3) Nothing in this section shall operate to limit the discretion of  
28 the juvenile court in protecting the best interests of a juvenile who is  
29 the subject of a juvenile court petition.

30 (4) For purposes of subdivision (2)(d) of this section, the court  
31 may order the expense of such consultation, if any, to be paid by the

1 county in which the juvenile court action is brought or the court may,  
2 after notice and hearing, assess the cost of such consultation, if any,  
3 in whole or in part to the parents of the juvenile. The ability of the  
4 parents to pay and the amount of the payment shall be determined by the  
5 court by appropriate examination.

6 (5) The guardian ad litem may be compensated on a per-case  
7 appointment system or pursuant to a system of multi-case contracts.  
8 Regardless of the method of compensation, billing hours and expenses for  
9 court-appointed guardian ad litem services shall be submitted to the  
10 court for approval and shall be recorded on a written, itemized billing  
11 statement signed by the attorney responsible for the case. Billing hours  
12 and expenses for guardian ad litem services rendered under a contract for  
13 such services shall be submitted to the entity with whom the guardian ad  
14 litem contracts in the form and manner prescribed by such entity for  
15 approval. Case time for guardian ad litem services shall be scrupulously  
16 accounted for by the attorney responsible for the case. Additionally, in  
17 the case of a multi-lawyer firm or organization retained for guardian ad  
18 litem services, the name of the attorney or attorneys assigned to each  
19 guardian ad litem case shall be recorded.

20 (6) For purposes of subdivision (2)(d) of this section and this  
21 subsection:

22 (a) Consultation with the juvenile means meeting in person with the  
23 juvenile unless prohibited or made impracticable by exceptional  
24 circumstances; and

25 (b) Exceptional circumstances includes, but is not limited to,  
26 situations in which an unreasonable geographical distance is involved  
27 between the location of the guardian ad litem and the juvenile. When such  
28 exceptional circumstances exist, the guardian ad litem shall attempt  
29 consultation with the juvenile by other reasonable means, including, but  
30 not limited to, telephonic or other suitable electronic means, if the  
31 juvenile is of sufficient age and capacity to participate in such means  
1 of communication and there are no other barriers preventing such  
2 communication. When consultation by telephonic or other suitable  
3 electronic means is not feasible, the guardian ad litem shall seek  
4 direction from the court as to any other acceptable method by which to  
5 accomplish consultation with the juvenile.

6 Sec. 3. Original section 43-272, Reissue Revised Statutes of  
7 Nebraska, and section 43-272.01, Revised Statutes Cumulative Supplement,  
8 2014, are repealed.

9 Sec. 4. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.

(Signed) Les Seiler, Chairperson

**BILL ON FIRST READING**

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

**LEGISLATIVE BILL 474A.** Introduced by Chambers, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 474, One Hundred Fourth Legislature, First Session, 2015.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 93.** Introduced by Larson, 40.

WHEREAS, the North Bend High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class C Boys State Championship; and

WHEREAS, team members Anthony Dodge, Brandon Dodge, Trenton Johnson, Colton Mitties, and Clayton Mussigmann displayed remarkable teamwork, sportsmanship, and skill; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the North Bend High School boys bowling team on winning the 2015 Nebraska High School Bowling Federation Class C Boys State Championship.

2. That a copy of this resolution be sent to the North Bend High School boys bowling team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 94.** Introduced by Larson, 40.

WHEREAS, the Fremont High School boys bowling team won the 2015 Nebraska High School Bowling Federation Class A Boys State Championship; and

WHEREAS, team members Zach Karr, Alec Karr, Tyler Synovec, Tyler Push, and Charlie Rex displayed remarkable teamwork, sportsmanship, and skill; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the Fremont High School boys bowling team for winning the 2015 Nebraska High School Bowling Federation Class A Boys State Championship.

2. That a copy of this resolution be sent to the Fremont High School boys bowling team and their coaches.

Laid over.

**LEGISLATIVE RESOLUTION 95.** Introduced by Larson, 40.

WHEREAS, O'Neill High School won the 2015 Class C State Wrestling Championship; and

WHEREAS, the O'Neill Eagles wrestling team scored 107 points to win the state championship; and

WHEREAS, this is the O'Neill Eagles first state championship in wrestling; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates the O'Neill High School wrestling team on winning the 2015 Class C State Wrestling Championship.

2. That a copy of this resolution be sent to the O'Neill High School wrestling team and their coaches, Bryan Corkle, Curtis Childers, and Tyler Cole.

Laid over.

**LEGISLATIVE RESOLUTION 96.** Introduced by Larson, 40.

WHEREAS, Blake Walters, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 152-pound division; and

WHEREAS, Blake's win helped lead the O'Neill Eagles to a first-place team finish; and

WHEREAS, Blake has medaled four times at the State Wrestling Championship and is a two-time state champion; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Blake Walters on his state wrestling championship.

2. That a copy of this resolution be sent to Blake Walters.

Laid over.

**LEGISLATIVE RESOLUTION 97.** Introduced by Larson, 40.

WHEREAS, David Fox, a senior at O'Neill High School, won the 2015 Class C State Wrestling Championship in the 170-pound division; and



WHEREAS, David's win helped lead the O'Neill Eagles to a first-place team finish; and

WHEREAS, David is a two-time state champion in wrestling and finished this season with an undefeated record of 39-0; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates David Fox on his state wrestling championship.
2. That a copy of this resolution be sent to David Fox.

Laid over.

### GENERAL FILE

**LEGISLATIVE BILL 304.** Title read. Considered.

Committee AM286, found on page 457, was adopted with 26 ayes, 0 nays, 21 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 27 ayes, 0 nays, 20 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 366.** Title read. Considered.

Pending.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 98.** Introduced by Schilz, 47.

WHEREAS, Derek Robb, a freshman at Sidney High School, won the 2015 Class B State Wrestling Championship in the 138-pound division; and

WHEREAS, Derek finished this season with an undefeated record of 45-0; and

WHEREAS, Derek displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Derek Robb on his state wrestling championship.
2. That a copy of this resolution be sent to Derek Robb.

Laid over.

**LEGISLATIVE RESOLUTION 99.** Introduced by Schilz, 47.

WHEREAS, Brody Cleveland, a senior at Ogallala High School, won the 2015 Class B State Wrestling Championship in the 195-pound division; and

WHEREAS, Brody finished this season with an undefeated record of 33-0; and

WHEREAS, Brody displayed outstanding determination, perseverance, and skill in winning the state championship; and

WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

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

1. That the Legislature congratulates Brody Cleveland on his state wrestling championship.

2. That a copy of this resolution be sent to Brody Cleveland.

Laid over.

**ANNOUNCEMENT(S)**

The Legislative Performance Audit Committee designates LB538 as its priority bill.

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

Senator Krist filed the following amendment to LB504:  
AM634

(Amendments to Standing Committee amendments, AM291)

- 1 1. On page 2, line 27, after "report" insert ", substance abuse
- 2 evaluation,".
- 3 2. On page 3, line 9, strike "or" and show as stricken; in line 11
- 4 after "Act" insert ", or (d) a substance abuse therapist licensed or
- 5 certified in this state to conduct substance abuse evaluations and
- 6 treatment"; in line 12, after "report" insert ", evaluation,"; strike
- 7 beginning with "Upon" in line 15 through the period in line 21 and insert
- 8 "Beginning July 1, 2016, the court shall permit inspection of the
- 9 presentence report or parts of the report, substance abuse evaluation, or
- 10 psychiatric examination, as determined by the court, by the attorney of
- 11 the offender and counsel for the prosecution. Such inspection shall be by
- 12 electronic access only, unless the court determines such access is not
- 13 available to the attorney of the offender or counsel for the prosecution.
- 14 The State Court Administrator shall determine and develop the means of
- 15 electronic access to such presentence report, evaluations, and
- 16 examinations,"; and in line 29 after "investigation" insert ", substance
- 17 abuse evaluation,".
- 18 3. On page 4, line 5, after "examinations" insert ", substance abuse
- 19 evaluations,".

Senator Bloomfield filed the following amendment to LB242:  
AM356

1 1. On page 2, line 18, strike "twenty-four" and insert "twenty".

Senator Kintner filed the following amendment to LB10:  
AM611

1 1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3 Section 1. Section 32-710, Revised Statutes Cumulative Supplement,  
4 2014, is amended to read:

5 32-710 Each political party shall hold a state postprimary  
6 convention biennially on a date to be fixed by the state central  
7 committee but not later than September 1. Candidates for elective offices  
8 may be nominated at such conventions pursuant to section 32-627 or  
9 32-721. Such nominations shall be certified to the Secretary of State by  
10 the chairperson and secretary of the convention. The certificates shall  
11 have the same force and effect as nominations in primary elections. A  
12 political party may not nominate a candidate at the convention for an  
13 office for which the party did not nominate a candidate at the primary  
14 election except as provided for new political parties in section 32-621.  
15 The convention shall ~~formulate and promulgate a state platform,~~ select a  
16 state central committee, select electors for President and Vice President  
17 of the United States, and transact the business which is properly before  
18 it. ~~One presidential elector shall be chosen from each congressional~~  
19 ~~district, and two presidential electors shall be chosen at large.~~ The  
20 officers of the convention shall certify the names of the electors to the  
21 Governor and Secretary of State.

22 Sec. 2. Section 32-713, Revised Statutes Cumulative Supplement,  
23 2014, is amended to read:

24 32-713 (1) The certificates of appointment for presidential electors  
25 shall be served by the Governor on each person appointed. The Governor  
26 shall notify the presidential electors to be at the State Capitol at noon  
27 on the first Monday after the second Wednesday in December after  
1 appointment and report to the Governor at his or her office in the  
2 capitol as being in attendance. The Governor shall serve the certificates  
3 of appointment by registered or certified mail. In submitting this  
4 state's certificate of ascertainment as required by 3 U.S.C. 6, the  
5 Governor shall certify this state's presidential electors and state in  
6 the certificate that:

7 (a) The presidential electors will serve as presidential electors  
8 unless a vacancy occurs in the office of presidential elector before the  
9 end of the meeting at which the presidential electors cast their votes,  
10 in which case a substitute presidential elector will fill the vacancy;  
11 and

12 (b) If a substitute presidential elector is appointed to fill a  
13 vacancy, the Governor will submit an amended certificate of ascertainment  
14 stating the names on the final list of this state's presidential  
15 electors.

16 (2) The presidential electors shall convene at 2 p.m. of such Monday  
 17 at the Governor's office in the capitol. Each presidential elector shall  
 18 execute the following pledge: As a presidential elector duly selected (or  
 19 appointed) for this position, I agree to serve and to mark my ballots for  
 20 President and Vice President for the presidential and vice-presidential  
 21 candidates ~~as provided in section 32-714 who received the highest number~~  
 22 ~~of votes in the state if I am an at-large presidential elector or the~~  
 23 ~~highest number of votes in my congressional district if I am a~~  
 24 ~~congressional district presidential elector.~~

25 Sec. 3. Section 32-714, Revised Statutes Cumulative Supplement,  
 26 2014, is amended to read:

27 32-714 (1) The Governor shall provide each presidential elector with  
 28 a list of all the presidential electors. If any presidential elector is  
 29 absent or if there is a deficiency in the proper number of presidential  
 30 electors, those present shall elect from the citizens of the state so  
 31 many persons as will supply the deficiency and immediately issue a  
 1 certificate of election, signed by those present or a majority of them,  
 2 to the person or persons so chosen. In case of failure to elect as  
 3 required in this subsection by 3 p.m. of such day or in case of a vacancy  
 4 created under subsection (4) of this section, the Governor shall fill the  
 5 vacancies by appointment. Each appointee shall execute the pledge in  
 6 section 32-713. After all vacancies are filled, the presidential electors  
 7 shall proceed with the election of a President of the United States and a  
 8 Vice President of the United States and certify their votes in conformity  
 9 with the Constitution and laws of the United States.

10 (2)(a) The Secretary of State shall provide each presidential  
 11 elector with a presidential and vice-presidential ballot. Except as  
 12 otherwise provided in subdivision (b) of this subsection, each ~~Each at-~~  
 13 ~~large~~ presidential elector shall mark his or her ballot for the  
 14 presidential and vice-presidential candidates who received the highest  
 15 number of votes in the state and consistent with his or her pledge. ~~Each~~  
 16 ~~congressional district presidential elector shall mark his or her ballot~~  
 17 ~~for the presidential and vice-presidential candidates who received the~~  
 18 ~~highest number of votes in his or her congressional district and~~  
 19 ~~consistent with his or her pledge.~~

20 (b) If the Secretary of State determines that fifteen states have  
 21 adopted a method of selection of some or all of its presidential electors  
 22 based on the results of a popular vote in the congressional districts of  
 23 the state, then beginning January 1 following the determination, (i) one  
 24 presidential elector shall be chosen from each congressional district and  
 25 two presidential electors shall be chosen at large, (ii) each at-large  
 26 presidential elector shall mark his or her ballot for the presidential  
 27 and vice-presidential candidates who received the highest number of votes  
 28 in the state and consistent with his or her pledge and each congressional  
 29 district presidential elector shall mark his or her ballot for the  
 30 presidential and vice-presidential candidates who received the highest  
 31 number of votes in his or her congressional district and consistent with  
 1 his or her pledge, and (iii) receipt by the presidential electors of a  
 2 party or a group of petitioners of the highest number of votes statewide

3 shall constitute election of the two at-large presidential electors of  
4 that party or group of petitioners and receipt by the presidential  
5 electors of a party or a group of petitioners of the highest number of  
6 votes in a congressional district shall constitute election of the  
7 congressional district presidential elector of that party or group of  
8 petitioners.

9 (3) Each presidential elector shall present the completed ballot to  
10 the Secretary of State. The Secretary of State shall examine each ballot  
11 and accept as cast each ballot marked by a presidential elector  
12 consistent with his or her pledge. The Secretary of State shall not  
13 accept and shall not count the ballot if the presidential elector has not  
14 marked the ballot or has marked the ballot in violation of his or her  
15 pledge.

16 (4) A presidential elector who refuses to present a ballot, who  
17 attempts to present an unmarked ballot, or who attempts to present a  
18 ballot marked in violation of his or her pledge vacates the office of  
19 presidential elector.

20 Sec. 4. Section 32-1038, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 32-1038 (1) The board of state canvassers shall authorize the  
23 Secretary of State to open the abstracts of votes from the various  
24 counties and prepare an abstract stating the number of ballots cast for  
25 each office, the names of all the persons voted for, for what office they  
26 respectively received the votes, and the number of votes each received.  
27 The abstract shall be signed by the members of the board and shall have  
28 the seal of the state affixed by the Secretary of State. The canvass of  
29 the votes for candidates for President and Vice President of the United  
30 States and the return thereof shall be a canvass and return of the votes  
31 cast for the presidential electors of the same party or group of  
1 petitioners respectively, and the certificate of such election made by  
2 the Governor shall be in accord with such return. Receipt by the  
3 presidential electors of a party or a group of petitioners of the highest  
4 number of votes statewide shall constitute election of the ~~two at large~~  
5 presidential electors of that party or group of petitioners ~~except as~~  
6 ~~otherwise provided in section 32-714. Receipt by the presidential~~  
7 ~~electors of a party or a group of petitioners of the highest number of~~  
8 ~~votes in a congressional district shall constitute election of the~~  
9 ~~congressional district presidential elector of that party or group of~~  
10 ~~petitioners.~~

11 (2) The board of state canvassers shall determine from the completed  
12 abstract the names of those candidates who have been nominated or  
13 elected. If any two or more persons are returned with an equal and the  
14 highest number of votes, the board of state canvassers shall decide by  
15 lot which of such persons is elected except for officers elected to the  
16 executive branch. The board of state canvassers shall also declare those  
17 measures carried which have received the required percentage of votes as  
18 provided by law.

19 Sec. 5. Original section 32-1038, Reissue Revised Statutes of  
20 Nebraska, and sections 32-710, 32-713, and 32-714, Revised Statutes

21 Cumulative Supplement, 2014, are repealed.

**ANNOUNCEMENT(S)**

The General Affairs Committee designates LB330 as its priority bill.

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

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

Cook - LB472  
Kuehn - LB599

**VISITORS**

Visitors to the Chamber were 9 students from Doane College Leadership Studies, Crete.

The Doctor of the Day was Dr. Lakeisha Cox from Omaha.

**ADJOURNMENT**

At 12:00 p.m., on a motion by Senator Ebke, the Legislature adjourned until 9:00 a.m., Wednesday, March 4, 2015.

Patrick J. O'Donnell  
Clerk of the Legislature