

FIFTY-FIRST DAY - JULY 29, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

FIFTY-FIRST DAY

Legislative Chamber, Lincoln, Nebraska
Wednesday, July 29, 2020

PRAYER

The prayer was offered by Senator Williams.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Lindstrom presiding.

The roll was called and all members were present except Senators B. Hansen, La Grone, Morfeld, and Slama who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fiftieth day was approved.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 1009. Placed on Final Reading.
[ST66](#)

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

1. On page 1, line 2, "and 61-224" has been struck and ", 61-224, and 81-829.33" inserted.

(Signed) Julie Slama, Chairperson

MOTION(S) - Return LB323 to Select File

Senator Crawford moved to return LB323 to Select File for her specific amendment, [AM3118](#), found on page 1134.

Senator Wayne moved for a call of the house. The motion prevailed with 20 ayes, 7 nays, and 22 not voting.

The Crawford motion to return prevailed with 41 ayes, 0 nays, 3 present and

not voting, and 5 excused and not voting.

The Chair declared the call raised.

SELECT FILE

LEGISLATIVE BILL 323. The Crawford specific amendment, [AM3118](#), found on page 1134, was adopted with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB323A to Select File

Senator Crawford moved to return LB323A to Select File for her specific amendment, [AM3123](#), found on page 1135.

The Crawford motion to return prevailed with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 323A. The Crawford specific amendment, [AM3123](#), found on page 1135, was adopted with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

GENERAL FILE

LEGISLATIVE BILL 866. Senator Hunt offered the following motion:

[MO201](#)

Bracket until July 29, 2020, at 1:30 p.m.

SPEAKER SCHEER PRESIDING

Pending.

MOTION(S) - Suspend Rules

Senator Vargas offered his motion, found on page 1122, to suspend the rules, Rule 5, Section 4(c) to permit introduction of a new bill, Req. 6234, after the tenth legislative day by a member.

Senator Bolz moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 38 ayes, 0 nays, and 11 not voting.

Senator Wayne requested a roll call vote, in reverse order, on the motion to

suspend the rules.

The Vargas motion to suspend the rules failed with 28 ayes, 10 nays, and 11 present and not voting.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 461. Introduced by Gragert, 40.

WHEREAS, Senator Elroy M. Hefner of Coleridge was a dedicated public servant, serviceman, and business leader; and

WHEREAS, Elroy Hefner served in the United States Navy from 1944 to 1946 during World War II. He was in the Amphibious Forces, serving nineteen months in the South Pacific; and

WHEREAS, upon returning to Nebraska from the Navy in 1947, Elroy Hefner started Hefner Oil and Feed Store with his brother, Gerhart, in Coleridge; and

WHEREAS, Elroy Hefner married the love of his life, Carol Rae Willms, on June 12, 1949; and

WHEREAS, Elroy Hefner became the president of Crystal Oil, the president of Diamond Horseshoe, and the president of Truck Haven. Later, he became the president of the Omaha Truck Plaza and the president of the Nebraska Petroleum Marketers Association; and

WHEREAS, Elroy Hefner was especially active in his hometown of Coleridge, being elected as a member of the town board, school board, and serving as the mayor for several years; and

WHEREAS, Elroy Hefner was elected to the Nebraska Legislature and represented Legislative District 19 for over four terms, from 1976 to 1993; and

WHEREAS, in the Legislature, Senator Hefner became the chairperson of the Miscellaneous Subjects Committee and the vice-chairperson of the Revenue Committee. Additionally, Senator Hefner served on the Executive Board, Business and Labor Committee, and Agriculture Committee; and

WHEREAS, Senator Hefner was known for his integrity and honesty; and

WHEREAS, Senator Hefner's record as a public servant is filled with many accomplishments and achievements which has resulted in a better life for Nebraskans; and

WHEREAS, Senator Hefner's commitment to the people of Nebraska was evident by his actions and service to his community and state; and

WHEREAS, Elroy Hefner was the father of three children, Bill, Cindy, and Doug; and

WHEREAS, Elroy Hefner was the grandfather of six grandchildren, and the great-grandfather of eight great-grandchildren; and

WHEREAS, Elroy Hefner passed away on Sunday, July 26, 2020, at the age of 96.

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

1. That the Legislature recognizes the passion of Senator Elroy M. Hefner and his dedication to his community and the State of Nebraska.
2. That the Legislature offers its condolences to the family of Elroy M. Hefner.
3. That a copy of this resolution be sent to the family of Elroy M. Hefner.

Laid over.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LB1052.

RECESS

At 12:11 p.m., on a motion by Senator Hilkemann, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Williams presiding.

ROLL CALL

The roll was called and all members were present except Senators Chambers, Friesen, M. Hansen, Lathrop, and Linehan who were excused until they arrive.

GENERAL FILE

LEGISLATIVE BILL 814. Senator Hunt offered the following motion:

[MO200](#)

Indefinitely postpone prior to the bill being read, pursuant to Rule 6, Section 3(f).

SPEAKER SCHEER PRESIDING

SENATOR WILLIAMS PRESIDING

Pending.

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 910. Placed on Final Reading.

LEGISLATIVE BILL 923. Placed on Final Reading.

LEGISLATIVE BILL 1052. Placed on Final Reading.

[ST67](#)

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

1. On page 1, line 1, "the" has been struck.

LEGISLATIVE BILL 1124. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

AMENDMENT(S) - Print in Journal

Senator Lathrop filed the following amendment to [LB1004](#):

[AM3224](#)

(Amendments to Standing Committee amendments, AM3094)

- 1 1. On page 4, insert the following new subsection after line 23:
- 2 "~~(3) The changes made to this section by this legislative bill shall~~
- 3 ~~not apply to any sentence imposed prior to the effective date of this~~
- 4 ~~act.~~".

Senator Brewer filed the following amendment to [LB848](#):

[AM3231](#)

(Amendments to E & R amendments, ER191)

- 1 1. Strike section 10 and insert the following new sections:
- 2 Sec. 10. Section 72-2201, Reissue Revised Statutes of Nebraska, is
- 3 amended to read:
- 4 72-2201 Sections 72-2201 to 72-2214 and section 11 of this act shall
- 5 be known and may be cited as the Nebraska State Capitol Preservation and
- 6 Restoration Act.
- 7 Sec. 11. (1)(a) The Clerk of the Legislature shall cause to be
- 8 displayed within the Warner Legislative Chamber flags representing the
- 9 four federally recognized tribes with headquarters in Nebraska: the Omaha
- 10 Tribe of Nebraska, the Ponca Tribe of Nebraska, the Santee Sioux Nation,
- 11 and the Winnebago Tribe of Nebraska.
- 12 (b) The Commission on Indian Affairs shall obtain such flags, as
- 13 well as poles and bases, through donations from the tribes. The
- 14 Commission on Indian Affairs shall be responsible for replacing such
- 15 flags, poles, and bases.
- 16 (c) The Clerk of the Legislature shall approve placement locations
- 17 within the Warner Legislative Chamber. The size, proportion, and
- 18 placement of such flags shall be similar to that of the flag of the
- 19 United States and the flag of the State of Nebraska.
- 20 (2)(a) The State Capitol Administrator shall cause to be displayed
- 21 in the Memorial Chamber on the fourteenth floor of the State Capitol the
- 22 flags of any Indian tribes with historic and regional connections to
- 23 Nebraska.
- 24 (b) The Commission on Indian Affairs shall designate the tribes with
- 25 historic and regional connections to Nebraska and the flags to be
- 26 displayed under subdivision (2)(a) of this section. The Commission on
- 1 Indian Affairs shall obtain such flags, as well as poles and bases,
- 2 through donations from the tribes. The Commission on Indian Affairs shall
- 3 be responsible for replacing such flags, poles, and bases.
- 4 (c) The Nebraska Capitol Commission shall approve placement
- 5 locations in the Memorial Chamber.
- 6 Sec. 12. Sections 3, 4, 5, 6, 7, 8, and 14 of this act become
- 7 operative on July 1, 2021. The other sections of this act become
- 8 operative on their effective date.
- 9 Sec. 13. Original sections 25-2221, 62-301, and 72-2201, Reissue
- 10 Revised Statutes of Nebraska, are repealed.
- 11 Sec. 14. Original sections 43-4502, 43-4503, 43-4510, 43-4511, and

12 43-4512, Reissue Revised Statutes of Nebraska, and section 43-4504, 13 Revised Statutes Supplement, 2019, are repealed.

Senator Geist filed the following amendment to LB814:
AM3239

1 1. Strike original section 8 and insert the following new section:
2 Sec. 8. Upon request in any civil, criminal, or administrative
3 proceeding or action brought under sections 3 to 7 of this act, the court
4 shall take every possible measure allowable under the law to protect the
5 anonymity of any woman upon whom an abortion has been performed or
6 attempted to be performed and to preserve her identity from public
7 disclosure. The court shall make a ruling, accompanied by specific
8 written findings, explaining why the anonymity of the woman should or
9 should not be preserved from public disclosure. Upon determining that her
10 anonymity should be preserved, the court shall issue orders to the
11 parties, witnesses, and counsel and shall direct the sealing of the
12 record and exclusion of individuals from courtrooms or hearing rooms to
13 the extent necessary to safeguard her identity from public disclosure.
14 Each such order shall be accompanied by specific written findings
15 explaining why the anonymity of the woman should be preserved from public
16 disclosure, why the order is essential to that end, how the order is
17 narrowly tailored to serve that interest, and why no less restrictive
18 alternative exists. In the absence of written consent of the woman upon
19 whom an abortion is performed or attempted to be performed, any person
20 other than a public official who brings an action under section 4 or 5 of
21 this act shall do so under a pseudonym. This section may not be construed
22 to conceal the identity of the plaintiff or of witnesses from the
23 defendant or from attorneys for the defendant.

Senator Geist filed the following amendment to LB814:
AM3240

(Amendments to Final Reading copy)

1 1. Strike original section 8 and insert the following new section:
2 Sec. 8. Upon request in any civil, criminal, or administrative
3 proceeding or action brought under sections 3 to 7 of this act, the court
4 shall take every possible measure allowable under the law to protect the
5 anonymity of any woman upon whom an abortion has been performed or
6 attempted to be performed and to preserve her identity from public
7 disclosure. The court shall make a ruling, accompanied by specific
8 written findings, explaining why the anonymity of the woman should or
9 should not be preserved from public disclosure. Upon determining that her
10 anonymity should be preserved, the court shall issue orders to the
11 parties, witnesses, and counsel and shall direct the sealing of the
12 record and exclusion of individuals from courtrooms or hearing rooms to
13 the extent necessary to safeguard her identity from public disclosure.
14 Each such order shall be accompanied by specific written findings
15 explaining why the anonymity of the woman should be preserved from public
16 disclosure, why the order is essential to that end, how the order is
17 narrowly tailored to serve that interest, and why no less restrictive
18 alternative exists. In the absence of written consent of the woman upon
19 whom an abortion is performed or attempted to be performed, any person
20 other than a public official who brings an action under section 4 or 5 of
21 this act shall do so under a pseudonym. This section may not be construed
22 to conceal the identity of the plaintiff or of witnesses from the
23 defendant or from attorneys for the defendant.

Senator Vargas filed the following amendment to LB667:

AM3238

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. For purposes of sections 1 to 4 of this act:
 4 (1) Coronavirus means an airborne respiratory virus capable of
 5 person-to-person transmission via respiratory droplets, contact with
 6 contaminated objects, or other similar methods. Coronavirus includes the
 7 virus that causes COVID-19, severe acute respiratory syndrome coronavirus
 8 2, also known as SARS-CoV-2;
 9 (2) Coronavirus test means a test capable of determining whether an
 10 individual has the coronavirus;
 11 (3) Face mask means an item of double-layered cloth or various other
 12 materials with elastic bands or cloth ties to secure such mask over the
 13 wearer's nose and mouth in an effort to contain or reduce the spread of
 14 potentially infectious respiratory secretions at the source, that is, the
 15 wearer's nose and mouth. A face mask is intended to reduce the spread of
 16 the virus from the wearer to others, whether or not the face mask
 17 protects the wearer;
 18 (4) Hand sanitizer means alcohol-based hand sanitizer that is at
 19 least sixty percent alcohol;
 20 (5) Meatpacking operation or employer means a business, with more
 21 than one hundred workers, which engages in slaughtering, butchering, meat
 22 canning, meatpacking, meat manufacturing, poultry canning, poultry
 23 packing, poultry manufacturing, pet food manufacturing, egg production,
 24 processing of meatpacking products, or rendering. Meatpacking operation
 25 does not include grocery stores, delis, restaurants, butchers, or other
 26 commercial entities preparing meat products for immediate consumption;
 27 (6) Meatpacking products includes livestock products and poultry
 28 products as such terms are defined in section 54-1902;
 29 (7) Meat processing worker or worker means any individual whom an
 30 employer suffers or permits to work in a meatpacking operation, and also
 31 includes independent contractors and individuals performing work for an
 32 employer through a temporary service or staffing agency. An individual
 33 need not be directly in contact with meatpacking products to be
 34 considered a worker;
 35 (8) Negative test result means a coronavirus test result which
 36 indicates that a worker was not infected with coronavirus at the time of
 37 testing;
 38 (9) Positive case count means the total number of positive
 39 coronavirus test results; and
 40 (10) Positive test result means a coronavirus test result which
 41 indicates that a worker was infected with coronavirus at the time of
 42 testing.
 43 Sec. 2. Meatpacking operations shall comply with the protections
 44 and requirements of section 3 of this act beginning on the effective date
 45 of this section and shall maintain such compliance until December 31,
 46 2021.
 47 Sec. 3. (1) An employer shall maintain a six-foot radius of space
 48 around and between each worker in all areas of the employer's facility.
 49 An employer may accomplish such distancing by increasing physical space
 50 between workstations, slowing production speeds, staggering shifts and
 51 breaks, adjusting shift size, or any combination thereof. Where feasible,
 52 an employer shall reinforce social distancing with the use of plastic
 53 barriers in work spaces and common areas. An employer shall also
 54 reconfigure common or congregate spaces to allow for such six-foot social
 55 distancing radius, including, but not limited to, lunch rooms, break
 56 rooms, and locker rooms.
 57 (2) An employer shall provide all workers with face masks and shall
 58 make face shields available free of charge. An employer shall replace

1 face masks at least daily and more often as necessary, such as when face
2 masks are damaged or soiled. Any individual present at a meatpacking
3 operation facility shall wear a face mask while in the facility.

4 (3) An employer shall provide all workers with the ability to
5 frequently and routinely sanitize their hands with either hand washing or
6 hand sanitizing stations. An employer shall provide gloves to any worker
7 upon request.

8 (4) An employer shall clean and regularly disinfect all frequently
9 touched surfaces in the workplace, such as workstations, training rooms,
10 machinery controls, tools, protective garments, eating surfaces,
11 bathrooms, showers, and other similar areas. An employer shall install
12 and maintain ventilation systems that ensure unidirectional air flow,
13 ventilation with outdoor air, and filtration in both production areas and
14 common areas such as cafeterias and locker rooms.

15 (5) Each time before an individual enters a meatpacking operation
16 facility, the employer shall screen such individual for coronavirus. Such
17 screening procedure shall include a temperature check with the result
18 disclosed to the individual and shall require completion of an oral or
19 written questionnaire including possible coronavirus symptoms and
20 disclosure of known exposure to coronavirus.

21 (6)(a) An employer shall permit any worker who suspects that such
22 worker may have been exposed to the coronavirus to leave the meatpacking
23 operation premises in order to receive a coronavirus test on paid work
24 time.

25 (b) A worker displaying or experiencing symptoms of coronavirus who
26 has received a coronavirus test shall be allowed to await test results
27 while quarantined away from the meatpacking operation. An asymptomatic
28 worker may return to work unless such worker develops symptoms.

29 (c) An employer shall allow a worker who receives a positive test
30 result to quarantine away from the meatpacking operation with paid sick
31 leave and without penalty. An employer shall not require a worker to
1 return to work while the worker is still showing symptoms of coronavirus
2 or within two weeks after a positive test result.

3 (d) An employer shall allow a worker who receives a negative test
4 result to return to work upon receipt of such result.

5 (7) An employer shall track, for each meatpacking operation facility
6 it operates, the total number of coronavirus-related deaths and the
7 positive case count known to the employer. This shall be done on a daily
8 basis and shall be disaggregated by race and ethnicity. The employer
9 shall provide such data in a weekly report to the Department of Health
10 and Human Services, the Department of Labor, the Business and Labor
11 Committee of the Legislature, and the Health and Human Services Committee
12 of the Legislature. Such data and report shall be submitted in the form
13 and manner prescribed by the Commissioner of Labor.

14 (8) If a worker is confirmed to have contracted coronavirus, the
15 employer shall identify all workers who worked in the same work area and
16 on the same shift and notify in writing all such workers of their
17 possible exposure. Such notification shall maintain the confidentiality
18 of the infected worker's identity as required by the federal Americans
19 with Disabilities Act of 1990, as amended, as such act existed on January
20 1, 2020.

21 (9) An employer shall disseminate all communications, notices, and
22 any published materials required by or regarding this section in English,
23 Spanish, and such other languages as required by subdivision (2)(e) of
24 section 48-2213.

25 Sec. 4. (1) The Department of Labor shall have the authority to
26 administer and enforce section 3 of this act under the auspices of the
27 meatpacking industry worker rights coordinator.

28 (2)(a) The department, including the coordinator, may conduct
29 unannounced workplace inspections of employers. The coordinator or the

30 coordinator's delegate has the authority to inspect employer records and
31 make remedial recommendations during such inspection.
1 (b) No later than thirty days following a workplace inspection, the
2 coordinator or delegate shall file a final report of findings, including
3 any findings of violations of section 3 of this act, with the department
4 and provide a copy to the employer and its workers' collective-bargaining
5 representative, if any. The report shall be considered a public record.
6 (3) The department may adopt and promulgate rules and regulations as
7 necessary to carry out sections 1 to 4 of this act.
8 Sec. 5. Since an emergency exists, this act takes effect when
9 passed and approved according to law.

MOTION(S) - Print in Journal

Senator Erdman filed the following motion to [LB814](#):

[MO199](#)

Bracket until July 30, 2020.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to [LB814](#):

[AM3211](#)

1 1. Insert the following new section:
2 Sec. 11. The LB814 Legal Defense Fund is hereby created. It is the
3 intent of the Legislature to transfer one million five hundred thousand
4 dollars to the fund. The fund shall be used to pay for any legal costs
5 associated with any legal challenges related to defending the provisions
6 of LB814. The State Treasurer shall transfer money remaining in the fund
7 on July 1, 2025, to the General Fund. Any money in the LB814 Legal
8 Defense Fund available for investment shall be invested by the state
9 investment officer pursuant to the Nebraska Capital Expansion Act and the
10 Nebraska State Funds Investment Act.
11 2. Renumber the remaining sections accordingly.

Senator Wayne filed the following amendment to [LB848](#):

[AM3241](#)

(Amendments to E & R amendments, ER191)

1 1. On page 1, strike beginning with "Arbor" in line 22 through the
2 first semicolon in line 23 and show as stricken; and in line 23 after the
3 second semicolon insert "Juneteenth, June 19;".
4 2. On page 7, strike beginning with "Arbor" in line 24 through the
5 first semicolon in line 25 and show as stricken; and in line 25 after the
6 second semicolon insert "Juneteenth, June 19;".

Senator Wayne filed the following amendment to [LB1056](#):

[AM3154](#) is available in the Bill Room.

Senator Stinner filed the following amendment to [LB930](#):

[FA123](#)

Strike Sec. 2.

NOTICE OF COMMITTEE HEARING(S)

Business and Labor
Room 1525

Thursday, August 6, 2020 1:30 p.m.
AM3238 to LB667

(Signed) Matt Hansen, Chairperson

COMMITTEE REPORT(S)

Transportation and Telecommunications

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

Roger Figard - Board of Public Roads Classifications and Standards
John F. Krager III - Board of Public Roads Classifications and Standards
Lisa Kramer - Board of Public Roads Classifications and Standards
Steven D. Rames - Board of Public Roads Classifications and Standards
Darold E. Tagge - Board of Public Roads Classifications and Standards
Timothy W. Weander - Board of Public Roads Classifications and Standards

Aye: 6. Albrecht, Bostelman, DeBoer, Friesen, Geist, Hughes. Nay: 0.
Absent: 2. Cavanaugh, Hilgers. Present and not voting: 0.

(Signed) Curt Friesen, Chairperson

GENERAL FILE

LEGISLATIVE BILL 866. Senator Hunt withdrew her motion, [MO201](#), found in this day's Journal, to bracket until July 29, 2020, at 1:30 p.m.

Committee [AM2913](#), found on page 942 and considered on page 1154, was renewed.

Pending.

MOTION(S) - Print in Journal

Senator Briese filed the following motion to [LB1008](#):

[MO202](#)

Bracket until August 13, 2020.

ADJOURNMENT

At 4:58 p.m., on a motion by Senator Briese, the Legislature adjourned until 9:00 a.m., Thursday, July 30, 2020.

Patrick J. O'Donnell
Clerk of the Legislature