

FIFTY-FOURTH DAY - AUGUST 3, 2020

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION**

FIFTY-FOURTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, August 3, 2020

PRAYER

The prayer was offered by Senator Dorn.

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 Albrecht, DeBoer, B. Hansen, M. Hansen, Lathrop, Morfeld, Pansing Brooks, and Vargas who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-third day was approved.

PRESENTED TO THE GOVERNOR

Presented to the Governor on July 31, 2020, at 12:17 p.m. were the following: LBs 1140e, 1144, 1188, 1148, 43, 247, 461, 705, 751, 760, 774, 780e, 780Ae, 797, 803, 803Ae, 832, 835, 840, 850e, 858e, 889, 899, 910, 911e, 911Ae, 912, 924e, 931, 944e, 944Ae, and 1003e.

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

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 353, 360, 366, 375, 376, 403, and 426 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 353, 360, 366, 375, 376, 403, and 426.

GENERAL FILE

LEGISLATIVE BILL 866. Committee [AM2913](#), found on page 942 and considered on pages 1154 and 1240, was renewed.

The committee amendment was adopted with 31 ayes, 0 nays, 11 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review Initial with 28 ayes, 5 nays, 10 present and not voting, and 6 excused and not voting.

LEGISLATIVE BILL 1021. Title read. Considered.

Committee [AM2988](#), found on page 1115, was offered.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 424. Placed on Final Reading.

LEGISLATIVE BILL 848. Placed on Final Reading.

[ST70](#)

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

1. In the E & R amendments, ER191, on page 9, line 4, "and 62-301" has been struck and "62-301, and 72-2201" inserted; in line 8 "to change the Nebraska State Capitol Preservation and Restoration Act with respect to placement of tribal flags;" has been inserted after the semicolon; and in line 9 "to provide operative dates;" has been inserted after the semicolon.

LEGISLATIVE BILL 848A. Placed on Final Reading.

LEGISLATIVE BILL 918. Placed on Final Reading.

[ST69](#)

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

1. In lieu of the Wayne amendment, AM3151, section 8 and all amendments thereto have been struck.
2. On page 1, line 2, "; and to require a study" has been struck.

LEGISLATIVE BILL 918A. Placed on Final Reading.

LEGISLATIVE BILL 965. Placed on Final Reading.

LEGISLATIVE BILL 965A. Placed on Final Reading.

LEGISLATIVE BILL 966. Placed on Final Reading.

[ST68](#)

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

1. In the E & R amendments, ER233, on page 1, line 10, "and paternity" has been inserted after "maternity".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

General Affairs

The General Affairs 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.

Shane Greckel - State Racing Commission

Aye: 5. Arch, Brandt, Briese, Lowe, Moser. Nay: 3. Blood, Hunt, Wayne.
Absent: 0. Present and not voting: 0.

The General Affairs 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.

Shelby Bakenhus - State Racing Commission

Aye: 5. Arch, Brandt, Briese, Lowe, Moser. Nay: 1. Blood. Absent: 0.
Present and not voting: 2. Hunt, Wayne.

(Signed) Tom Briese, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755A. Placed on Select File.

LEGISLATIVE BILL 808A. Placed on Select File.

(Signed) Julie Slama, Chairperson

GENERAL FILE

LEGISLATIVE BILL 1021. Senator Chambers offered the following motion:

[MO207](#)

Bracket until August 6, 2020.

Senator Chambers withdrew his motion to bracket.

Senator Chambers offered the following motion:

[MO208](#)

Recommit to Urban Affairs Committee.

Pending.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Vargas name added to LB924.

RECESS

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

AFTER RECESS

The Legislature reconvened at 1:30 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senators Bolz, Hunt, and Vargas who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 755A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 808A. Advanced to Enrollment and Review for Engrossment.

BILLS ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1028.

A BILL FOR AN ACT relating to courts; to amend sections 24-1004, 24-1005, 25-2804, and 29-2702, Reissue Revised Statutes of Nebraska, and sections 25-1301 and 25-1301.01, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to records, judgments, and orders; to change provisions relating to actions in Small Claims Court; to change provisions relating to disposition of money received; 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, 46:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Walz
Bostelman	Erdman	Howard	McDonnell	Wayne
Brandt	Friesen	Hughes	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1042 with 34 ayes, 4 nays, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1042. With Emergency Clause.

A BILL FOR AN ACT relating to the Nebraska educational savings plan trust; to amend sections 77-3,110, 85-1808, and 85-1810, Reissue Revised Statutes of Nebraska, and sections 77-2716, 85-1807, 85-2802, and 85-2803, Revised Statutes Supplement, 2019; to change provisions relating to the Department of Revenue Miscellaneous Receipts Fund and the College Savings Plan Expense Fund; to provide tax deductions for certain contributions to the Nebraska educational savings plan trust as prescribed; to provide that certain contributions to the Nebraska educational savings plan trust not be recognized as income for certain purposes; to redefine qualified private contribution for purposes of the Meadowlark Act; to change provisions relating to the Meadowlark Endowment Fund; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hunt

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1042A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1042, One Hundred Sixth Legislature, Second Session, 2020; 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, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hunt

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1052 with 37 ayes, 5 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1052.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-2826, 38-28,107, 68-955, 71-401, 71-403, 71-2411, 71-2412, 71-2413, 71-2457, 71-2458, 71-2468, 71-2478, and 71-2479, Reissue Revised Statutes of Nebraska, and section 28-414.01, Revised Statutes Cumulative Supplement, 2018; to authorize pharmacists to adapt prescriptions as prescribed; to define and redefine terms; to change provisions relating to dispensed drugs or devices, certain prescription drugs, and emergency box drugs; to provide requirements for assisted-living facilities, nursing facilities, and skilled nursing facilities; 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1055 with 37 ayes, 8 nays, 2 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1055.

A BILL FOR AN ACT relating to government; to amend sections 10-702, 32-103, 32-405, 32-545, 32-960, 32-1027, 32-1305, 32-1525, 49-14, 103.01, and 79-552, Reissue Revised Statutes of Nebraska, sections 32-312 and 32-606, Revised Statutes Cumulative Supplement, 2018, and sections 32-101, 32-552, 32-910, and 32-1306, Revised Statutes Supplement, 2019; to change requirements for the issuance of certain bonds; to define a term under the Election Act and change provisions relating to voter registration applications, special elections, certain incumbent filing deadlines, voting by mail, early voting, petition signatures, and recall elections; to eliminate obsolete provisions; to provide for poll watchers and for powers and duties; to provide a penalty; to change provisions of the Nebraska Political Accountability and Disclosure Act relating to an interest in a contract by certain officers; to eliminate a prohibition against an interest in a contract by a board member of a public power and irrigation district; to harmonize provisions; to repeal the original sections; and to outright repeal section 70-642.02, 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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

MOTION(S) - Return LB1060 to Select File

Senator Cavanaugh moved to return LB1060 to Select File for the following specific amendment:

[AM3288](#)

(Amendments to Final Reading copy)

- 1 1. On page 6, strike lines 14 through 18 and insert the following
- 2 new subdivision:
- 3 "(19) Race includes, but is not limited to, hair texture and
- 4 protective hairstyles; and".

The Cavanaugh motion to return prevailed with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1060. The Cavanaugh specific amendment, [AM3288](#), found in this day's Journal, was adopted with 34 ayes, 0 nays, 14 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1080.

A BILL FOR AN ACT relating to schools; to define terms; to prohibit sexual conduct with students and former students as prescribed; and to provide duties.

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, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1124.

A BILL FOR AN ACT relating to public health and welfare; to adopt the Opioid Prevention and Treatment Act.

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, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1130.

A BILL FOR AN ACT relating to the Mutual Finance Assistance Act; to amend sections 35-1204 and 35-1207, Revised Statutes Supplement, 2019; to change provisions relating to mutual finance organization agreements; to change certain deadlines for applications and notifications; 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, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	DeBoer	Hilkemann	Lowe	Stinner
Blood	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Wayne
Brewer	Geist	Kolowski	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Bolz Hansen, M.

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1152 with 34 ayes, 8 nays, 5 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1152. With Emergency Clause.

A BILL FOR AN ACT relating to hemp; to amend section 28-401.01, Revised Statutes Cumulative Supplement, 2018, and sections 2-503, 2-504, 2-505, 2-506, 2-507, 2-510, 2-511, 2-512, 2-514, 2-515, 2-516, 2-517, 2-5701, and 28-101, Revised Statutes Supplement, 2019; to change the Nebraska Hemp Farming Act as prescribed; to change provisions relating to the cultivation of industrial hemp; to provide a termination date; to provide requirements for the transportation of hemp; to provide a penalty; to harmonize provisions; to provide operative dates; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 44:

Arch	Crawford	Hilgers	Lindstrom	Scheer
Blood	DeBoer	Hilkemann	Linehan	Slama
Bostelman	Dorn	Howard	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Vargas
Brewer	Geist	Hunt	Morfeld	Walz
Briese	Gragert	Kolowski	Moser	Wayne
Cavanaugh	Groene	Kolterman	Murman	Williams
Chambers	Halloran	La Grone	Pansing Brooks	Wishart
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 3:

Albrecht Erdman Lowe

Excused and not voting, 2:

Bolz Hansen, M.

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 1166. With Emergency Clause.

A BILL FOR AN ACT relating to school districts; to amend section 79-499, Revised Statutes Cumulative Supplement, 2018; to change school district membership requirement provisions as prescribed; to repeal the original section; 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, 47:

Albrecht	Crawford	Hansen, M.	Linehan	Slama
Arch	DeBoer	Hilgers	Lowe	Stinner
Blood	Dorn	Hilkemann	McCollister	Vargas
Bostelman	Erdman	Howard	McDonnell	Walz
Brandt	Friesen	Hughes	Morfeld	Wayne
Brewer	Geist	Hunt	Moser	Williams
Briese	Gragert	Kolterman	Murman	Wishart
Cavanaugh	Groene	La Grone	Pansing Brooks	
Chambers	Halloran	Lathrop	Quick	
Clements	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Bolz

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1183 with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1183. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend section 71-2455, Reissue Revised Statutes of Nebraska, and section 71-2454, Revised Statutes Supplement, 2019; to adopt the Population Health Information Act; to create the Health Information Technology Board; to provide powers and duties; to change provisions relating to the prescription drug monitoring system and the statewide health information exchange; to harmonize provisions; to repeal the original sections; and to declare an emergency.

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

Voting in the affirmative, 47:

Albrecht	Crawford	Hilgers	Linehan	Slama
Arch	Dorn	Hilkemann	Lowe	Stinner
Blood	Erdman	Howard	McCollister	Vargas
Bostelman	Friesen	Hughes	McDonnell	Walz
Brandt	Geist	Hunt	Morfeld	Wayne
Brewer	Gragert	Kolowski	Moser	Williams
Briese	Groene	Kolterman	Murman	Wishart
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	
Clements	Hansen, M.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

DeBoer

Excused and not voting, 1:

Bolz

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB1185 with 35 ayes, 3 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1185.

A BILL FOR AN ACT relating to the Department of Health and Human Services; to amend section 71-1908, Reissue Revised Statutes of Nebraska, and sections 68-1206, 71-1912, and 71-1928.01, Revised Statutes Supplement, 2019; to change provisions relating to participation in the federal Child Care Subsidy program and criminal history record information checks for child care staff members and child care providers; to provide for reimbursement for criminal history record information checks as prescribed; to define a term; to provide for criminal history record information checks for unlicensed providers of child care participating in the federal Child Care Subsidy program; 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, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1185A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1185, One Hundred Sixth Legislature, Second Session, 2020.

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, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

LEGISLATIVE BILL 1186.

A BILL FOR AN ACT relating to school districts; to amend section 79-8,106, Reissue Revised Statutes of Nebraska; to require that usual salary be paid to injured school district employees as prescribed; 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, 48:

Albrecht	Crawford	Hansen, M.	Lindstrom	Scheer
Arch	DeBoer	Hilgers	Linehan	Slama
Blood	Dorn	Hilkemann	Lowe	Stinner
Bostelman	Erdman	Howard	McCollister	Vargas
Brandt	Friesen	Hughes	McDonnell	Walz
Brewer	Geist	Hunt	Morfeld	Wayne
Briese	Gragert	Kolowski	Moser	Williams
Cavanaugh	Groene	Kolterman	Murman	Wishart
Chambers	Halloran	La Grone	Pansing Brooks	
Clements	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Bolz

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

MOTION(S) - Return LB881 to Select File

Senator Albrecht moved to return LB881 to Select File for her specific amendment, [AM3171](#), found on page 1256.

The Albrecht motion to return failed with 11 ayes, 27 nays, 10 present and not voting, and 1 excused and not voting.

MOTION(S) - Return LB881 to Select File

Senator Albrecht moved to return LB881 to Select File for her specific amendment, [AM3170](#), found on page 1259.

The Albrecht motion to return failed with 13 ayes, 25 nays, 10 present and not voting, and 1 excused and not voting.

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 LB881 with 32 ayes, 7 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 881.

A BILL FOR AN ACT relating to criminal and civil procedure; to amend sections 27-1103, 28-713.01, and 29-1406, Reissue Revised Statutes of Nebraska, sections 29-901, 29-1407.01, 29-1822, 29-2004, 29-2005, 29-2206, 29-2264, and 29-3005, Revised Statutes Cumulative Supplement, 2018, and sections 27-404, 27-413, 28-101, 28-311.11, 28-318, 28-710, 28-713, 29-110, 29-1823, and 29-4003, Revised Statutes Supplement, 2019; to require cities of the primary class and metropolitan class to make an annual report on the number of untested sexual assault evidence collection kits; to change provisions relating to evidence; to define and redefine terms; to provide for the admission of expert testimony on eyewitness identification and memory as prescribed; to change provisions relating to sex offenses and the Child Protection and Family Safety Act; to create the offense of sexual abuse by a school employee and provide a penalty; to change the statute of limitations for failure to report child abuse or neglect; to change provisions relating to bail; to require appointment of counsel as prescribed; to change provisions relating to grand jury transcripts and competency for criminal proceedings; to provide powers for the Department of Health and Human Services; to change provisions relating to alternate jurors; to state intent regarding construction; to prohibit holding a defendant in custody awaiting trial beyond a prescribed period; to change provisions relating to collection of fines and costs and setting aside convictions; to provide for applicability; to change provisions under the Sex Offender Registration Act; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

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

Voting in the affirmative, 30:

Arch	Crawford	Howard	McCollister	Stinner
Blood	DeBoer	Hunt	McDonnell	Vargas
Brandt	Dorn	Kolowski	Morfeld	Walz
Briese	Gragert	Kolterman	Pansing Brooks	Wayne
Cavanaugh	Hansen, M.	Lathrop	Quick	Williams
Chambers	Hilkemann	Lindstrom	Scheer	Wishart

Voting in the negative, 8:

Albrecht	Clements	Groene	Lowe
Bostelman	Erdman	Halloran	Murman

Present and not voting, 10:

Brewer	Geist	Hilgers	La Grone	Moser
Friesen	Hansen, B.	Hughes	Linehan	Slama

Excused and not voting, 1:

Bolz

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

MOTION(S) - Return LB963 to Select File

Senator Brewer moved to return LB963 to Select File for his specific amendment, [AM3294](#), found on page 1262.

The Brewer motion to return prevailed with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 963. The Brewer specific amendment, [AM3294](#), found on page 1262, was adopted with 44 ayes, 0 nays, 4 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB963A to Select File

Senator Brewer moved to return LB963A to Select File for his specific amendment, [AM3299](#), found on page 1262.

The Brewer motion to return prevailed with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 963A. The Brewer specific amendment, [AM3299](#), found on page 1262, was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1028, 1042, 1042A, 1052, 1055, 1080, 1124, 1130, 1152, 1166, 1183, 1185, 1185A, 1186, and 881.

SELECT FILE

LEGISLATIVE BILL 1064. Senator Linehan offered her amendment, [AM3175](#), found on page 1153.

Senator Linehan withdrew her amendment.

Senator Crawford offered her amendment, [AM3161](#), found on page 1188.

SENATOR HILGERS PRESIDING

The Crawford amendment was adopted with 45 ayes, 0 nays, 3 present and not voting, and 1 excused and not voting.

Senator Briese offered his amendment, [AM3228](#), found on page 1262.

The Briese amendment was adopted with 43 ayes, 0 nays, 5 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 781. [ER222](#), found on page 1138, was adopted.

Senator Brewer offered his amendment, [AM3177](#), found on page 1217.

The Brewer amendment was adopted with 42 ayes, 0 nays, 6 present and not voting, and 1 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 866. Placed on Select File with amendment.

[ER237](#)

1 1. On page 1, strike beginning with "adopt" in line 1 through line 3
2 and insert "amend sections 14-403 and 15-902, Reissue Revised Statutes of
3 Nebraska, and sections 19-901 and 19-902, Revised Statutes Supplement,
4 2019; to adopt the Municipal Density and Missing Middle Housing Act; to
5 provide zoning regulation requirements for certain cities; to harmonize
6 provisions; to provide a duty for the Revisor of Statutes; and to repeal
7 the original sections."

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 755A. Placed on Final Reading.

LEGISLATIVE BILL 808A. Placed on Final Reading.

LEGISLATIVE BILL 1060. Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 857. Placed on General File with amendment.

[AM3325](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 64-401, Revised Statutes Supplement, 2019, is
4 amended to read:
5 64-401 Sections 64-401 to 64-418 and section 2 of this act shall be
6 known and may be cited as the Online Notary Public Act.
7 Sec. 2. No otherwise valid online notarial act performed on or
8 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
9 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
10 because it was performed prior to the operative date of Laws 2019, LB186.
11 Sec. 3. Original section 64-401, Revised Statutes Supplement, 2019,
12 is repealed.
13 Sec. 4. Since an emergency exists, this act takes effect when
14 passed and approved according to law.

(Signed) Tom Brewer, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 3, 2020, at 4:37 p.m. were the following: LBs 1028, 1042e, 1042Ae, 1052, 1055, 1080, 1124, 1130, 1152e, 1166e, 1183e, 1185, 1185A, 1186, and 881.

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

AMENDMENT(S) - Print in Journal

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

[AM3232](#)

(Amendments to Standing Committee amendments, AM3094)

1 1. Insert the following new sections:
2 Section 1. Section 29-2101, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-2101 A new trial, after a verdict of conviction, may be granted,
5 on the application of the defendant, for any of the following grounds
6 affecting materially his or her substantial rights:
7 (1) Irregularity in the proceedings of the court, of the prosecuting
8 attorney, or of the witnesses for the state or in any order of the court
9 or abuse of discretion by which the defendant was prevented from having a
10 fair trial;
11 (2) Misconduct ~~misconduct~~ of the jury, of the prosecuting attorney,
12 or of the witnesses for the state;
13 (3) Accident ~~accident~~ or surprise which ordinary prudence could not
14 have guarded against;

15 (4) ~~The the~~ verdict is not sustained by sufficient evidence or is
 16 contrary to law;

17 (5) ~~Newly newly~~ discovered evidence material for the defendant which
 18 he or she could not with reasonable diligence have discovered and
 19 produced at the trial. For purposes of this subdivision, newly discovered
 20 evidence includes testimony or evidence from a witness who previously
 21 asserted a testimonial or constitutional privilege and refused to testify
 22 or produce evidence in a prior proceeding;

23 (6) ~~Newly newly~~ discovered exculpatory DNA or similar forensic
 24 testing evidence obtained under the DNA Testing Act; or

25 (7) ~~Error error~~ of law occurring at the trial.

26 The changes made to this section by this legislative bill shall
 1 apply to all persons, otherwise eligible in accordance with the
 2 provisions of this section, whether convicted prior to, on, or subsequent
 3 to the effective date of this act.

4 Sec. 2. Section 29-2103, Reissue Revised Statutes of Nebraska, is
 5 amended to read:

6 29-2103 (1) A motion for new trial shall be made by written
 7 application and may be filed either during or after the term of the court
 8 at which the verdict was rendered.

9 (2) A motion for a new trial shall state the grounds under section
 10 29-2101 which are the basis for the motion and shall be supported by
 11 evidence as provided in section 29-2102.

12 (3) A motion for new trial based on the grounds set forth in
 13 subdivision (1), (2), (3), (4), or (7) of section 29-2101 shall be filed
 14 within ten days after the verdict was rendered unless such filing is
 15 unavoidably prevented, and the grounds for such motion may be stated by
 16 directly incorporating the appropriate language of section 29-2101
 17 without further particularity.

18 (4) A motion for new trial based on the grounds set forth in
 19 subdivision (5) of section 29-2101 shall be filed within a reasonable
 20 time after the discovery of the new evidence ~~and cannot be filed more~~
 21 ~~than five years after the date of the verdict, unless the motion and~~
 22 ~~supporting documents show the new evidence could not with reasonable~~
 23 ~~diligence have been discovered and produced at trial and such evidence is~~
 24 ~~so substantial that a different result may have occurred.~~

25 (5) A motion for new trial based on the grounds set forth in
 26 subdivision (6) of section 29-2101 shall be filed within ninety days
 27 after a final order is issued under section 29-4123 or within ninety days
 28 after the hearing if no final order is entered, whichever occurs first.

29 (6) The changes made to this section by this legislative bill shall
 30 apply to all persons, otherwise eligible in accordance with the
 31 provisions of this section, whether convicted prior to, on, or subsequent
 1 to the effective date of this act.

2 2. Renumber the remaining sections and correct the repealer
 3 accordingly.

Senator Hunt filed the following amendment to [LB1053](#):
[AM3319](#)

(Amendments to Standing Committee amendments, AM2806)

1 1. Insert the following new section:
 2 Sec. 14. Section 71-1631, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 71-1631 Except as provided in subsection (4) of section 71-1630, the
 5 board of health of each county, district, or city-county health
 6 department organized under sections 71-1626 to 71-1636 shall, immediately
 7 after appointment, meet and organize by the election of one of its own
 8 members as president, one as vice president, and another as secretary
 9 and, either from its own members or otherwise, a treasurer and shall have
 10 the power set forth in this section. The board may elect such other

11 officers as it may deem necessary and may adopt and promulgate such rules
12 and regulations for its own guidance and for the government of such
13 health department as may be necessary, not inconsistent with sections
14 71-1626 to 71-1636. The board of health shall, with the approval of the
15 county board and the municipality, whenever a city is a party in such a
16 city-county health department:

17 (1) Select the health director of such department who shall be (a)
18 well-trained in public health work though he or she need not be a
19 graduate of an accredited medical school, but if he or she is not such a
20 graduate, he or she shall be assisted at least part time by at least one
21 medical consultant who shall be a licensed physician, (b) qualified in
22 accordance with the state personnel system, and (c) approved by the
23 Department of Health and Human Services;

24 (2) Hold an annual meeting each year, at which meeting officers
25 shall be elected for the ensuing year;

26 (3) Hold meetings quarterly each year;

1 (4) Hold special meetings upon a written request signed by two of
2 its members and filed with the secretary;

3 (5) Provide suitable offices, facilities, and equipment for the
4 health director and assistants and their pay and traveling expenses in
5 the performance of their duties, with mileage to be computed at the rate
6 provided in section 81-1176;

7 (6) Publish, on or soon after the second Tuesday in July of each
8 year, in pamphlet form for free distribution, an annual report showing
9 (a) the condition of its trust for each year, (b) the sums of money
10 received from all sources, giving the name of any donor, (c) how all
11 money has been expended and for what purpose, and (d) such other
12 statistics and information with regard to the work of such health
13 department as may be of general interest;

14 (7) Enact rules and regulations, subsequent to public hearing held
15 after due public notice of such hearing by publication at least once in a
16 newspaper having general circulation in the county or district at least
17 ten days prior to such hearing, and enforce the same for the protection
18 of public health and the prevention of communicable diseases within its
19 jurisdiction, subject to the review and approval of such rules and
20 regulations by the Department of Health and Human Services;

21 (8) Make all necessary sanitary and health investigations and
22 inspections;

23 (9) In counties having a population of more than four hundred
24 thousand inhabitants as determined by the most recent federal decennial
25 census, enact rules and regulations for the protection of public health
26 and the prevention of communicable diseases within the district, except
27 that such rules and regulations shall have no application within the
28 jurisdictional limits of any city of the metropolitan class and shall not
29 be in effect until (a) thirty days after the completion of a three-week
30 publication in a legal newspaper, (b) approved by the county attorney
31 with his or her written approval attached thereto, and (c) filed in the
1 office of the county clerk of such county. A county shall comply with
2 this subsection within six months after a determination that the
3 population has reached more than four hundred thousand inhabitants as
4 determined by the most recent federal decennial census;

5 (10) Investigate the existence of any contagious or infectious
6 disease and adopt measures, ~~with the approval of the Department of Health~~
7 ~~and Human Services~~, to arrest the progress of the same;

8 (11) Distribute free as the local needs may require all vaccines,
9 drugs, serums, and other preparations obtained from the Department of
10 Health and Human Services or purchased for public health purposes by the
11 county board;

12 (12) Upon request, give professional advice and information to all
13 city, village, and school authorities on all matters pertaining to

14 sanitation and public health;
 15 (13) Fix the salaries of all employees, including the health
 16 director. Such city-county health department may also establish an
 17 independent pension plan, retirement plan, or health insurance plan or,
 18 by agreement with any participating city or county, provide for the
 19 coverage of officers and employees of such city-county health department
 20 under such city or county pension plan, retirement plan, or health
 21 insurance plan. Officers and employees of a county health department
 22 shall be eligible to participate in the county pension plan, retirement
 23 plan, or health insurance plan of such county. Officers and employees of
 24 a district health department formed by two or more counties shall be
 25 eligible to participate in the county retirement plan unless the district
 26 health department establishes an independent pension plan or retirement
 27 plan for its officers or employees;
 28 (14) Establish fees for the costs of all services, including those
 29 services for which third-party payment is available; and
 30 (15) In addition to powers conferred elsewhere in the laws of the
 31 state and notwithstanding any other law of the state, implement and
 1 enforce an air pollution control program under subdivision (23) of
 2 section 81-1504 or subsection (1) of section 81-1528, which program shall
 3 be consistent with the federal Clean Air Act, as amended, 42 U.S.C. 7401
 4 et seq. Such powers shall include without limitation those involving
 5 injunctive relief, civil penalties, criminal fines, and burden of proof.
 6 Nothing in this section shall preclude the control of air pollution by
 7 resolution, ordinance, or regulation not in actual conflict with the
 8 state air pollution control regulations.
 9 2. On page 13, line 5, strike "20, and 22" and insert "21, and 23";
 10 and in line 11 after "sections" insert "71-1631,".
 11 3. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 465. Introduced by Wishart, 27; Brewer, 43; Cavanaugh, 6; Crawford, 45; DeBoer, 10; Geist, 25; Gragert, 40; Hughes, 44; Hunt, 8; Kolowski, 31; Kolterman, 24; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Pansing Brooks, 28; Quick, 35; Scheer, 19; Stinner, 48; Vargas, 7; Walz, 15; Wayne, 13.

WHEREAS, children across the globe are losing their connection with our natural world, an alienation that threatens their health, their quality of life, their readiness for future job opportunities, and the future of our natural resources; and

WHEREAS, children who spend frequent time outdoors enjoying unstructured and structured activity experience enhanced use of the senses, fewer attention difficulties, and decreased rates of physical and emotional illness and activity; and

WHEREAS, studies show that children who learn and play in nature are healthier, happier, and perform better in school; and

WHEREAS, the State of Nebraska is committed to ensuring that all children have the opportunity to connect with nature at an early age and build upon that connection throughout their developing years; and

WHEREAS, spending time outdoors while adhering to public health protocols and guidelines is proven to be safe and should be encouraged.

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

1. That the Nebraska Legislature encourages every child to:
 - (a) Discover and connect with the natural world;
 - (b) Share nature with the child's family, friends, mentors, and educators;
 - (c) Celebrate the child's cultural connection to the natural world;
 - (d) Spend time learning outdoors as a part of the school day or after school; and
 - (e) Experience specific outdoor activities, like climbing a tree, hiking a trail, riding a bike, splashing in the creek or river, playing in the sand and mud, gazing at the night sky, planting a seed and watching it grow, and harvesting and eating fruits or vegetables.

Laid over.

LEGISLATIVE RESOLUTION 466. Introduced by Pansing Brooks, 28; Blood, 3; Brandt, 32; Cavanaugh, 6; Chambers, 11; Crawford, 45; DeBoer, 10; Dorn, 30; Gragert, 40; Hansen, M., 26; Hilkemann, 4; Howard, 9; Hunt, 8; Kolowski, 31; Kolterman, 24; Lathrop, 12; Lindstrom, 18; McCollister, 20; McDonnell, 5; Morfeld, 46; Quick, 35; Scheer, 19; Stinner, 48; Vargas, 7; Wayne, 13; Williams, 36; Wishart, 27.

WHEREAS, on June 15, 2020, the United States Supreme Court ruled in *Bostock v. Clayton County*; *Altitude Express, Inc. v. Zarda*; and *R.G. & G.R. Harris Funeral Homes, Inc. v. Equal Employment Opportunity Commission*, that an employer who fires an individual merely for being gay or transgender violates Title VII of the Civil Rights Act of 1964; and

WHEREAS, Justice Neil Gorsuch, writing for the majority in the *Bostock* decision, said, "An employer who fires an individual for being homosexual or transgender fires that person for traits or actions it would not have questioned in members of a different sex. Sex plays a necessary and undisguisable role in the decision, exactly what Title VII forbids."; and

WHEREAS, Justice Gorsuch further explained that "it is impossible to discriminate against a person for being homosexual or transgender without discriminating against that individual based on sex"; and

WHEREAS, the Nebraska Chamber of Commerce, local chambers of commerce across the state, employers, and policy leaders throughout Nebraska have repeatedly declared that workforce development is an important challenge and top concern for business leaders and entrepreneurs; and

WHEREAS, Nebraska continually has one of the lowest unemployment rates in the nation, which presents unique challenges for Nebraska businesses looking to attract and retain skilled, qualified, and ambitious workers; and

WHEREAS, in order to attract and recruit a workforce for the needs of our employers and for the benefit of Nebraska, legislators and policymakers need to look thoughtfully at our state laws to make sure they are welcoming to all potential qualified applicants and employees; and

WHEREAS, the motto of our state was adopted in 1867 as "Equality Before the Law" and this motto is proudly displayed on the official state flag and state seal. There has been an increasing recognition that this commitment to equality should be extended to all, including members of the LGBTQ+ community, and that no one should be denied the benefits of our state, such as equal employment or housing, for who they are or whom they love. The Bostock decision is consistent with our state's pledge of equality and equal treatment under the law.

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

1. That the Legislature affirms the United States Supreme Court decision in *Bostock v. Clayton County*.

2. That the Legislature is committed to the ongoing training, recruitment, and retention of all skilled workers in Nebraska to meet the workforce development needs of our employers.

3. That the Nebraska Legislature sends a strong message to current and prospective employers and workers that Nebraska is committed to being a welcoming and inclusive state for all, including LGBTQ+ families and individuals, and that Nebraska is open for business.

Laid over.

ADJOURNMENT

At 4:51 p.m., on a motion by Senator Vargas, the Legislature adjourned until 9:00 a.m., Tuesday, August 4, 2020.

Patrick J. O'Donnell
Clerk of the Legislature