

FIFTY-EIGHTH DAY - AUGUST 11, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Tuesday, August 11, 2020

PRAYER

The prayer was offered by Senator Halloran.

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. Hansen and McCollister who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-seventh day was approved.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 1107. Placed on Select File with amendment.

ER242

1 1. In the Standing Committee amendments, AM3316:
2 a. On page 41, line 1; page 58, line 17; and page 78, line 14, after
3 "or" insert "a"; and
4 b. On page 149, line 10, strike "141" and insert "142"; and in line
5 23 strike "and 77-4602" and insert "77-4602, and 84-612".
6 2. On page 1, strike beginning with "revenue" in line 1 through line
7 4 and insert "government; to amend sections 77-202, 77-693, 77-801,
8 77-1229, 77-1238, 77-1248, 77-1514, 77-2717, 77-2734.03, 77-27,119,
9 77-27,144, 77-4212, 77-5905, and 81-125, Reissue Revised Statutes of
10 Nebraska, sections 18-2119, 18-2710.03, 49-801.01, and 84-602.03, Revised
11 Statutes Cumulative Supplement, 2018, and sections 50-1209, 66-1344,
12 77-1239, 77-2711, 77-2715.07, 77-4602, and 84-612, Revised Statutes
13 Supplement, 2019; to adopt the ImagiNE Nebraska Act, the Key Employer and
14 Jobs Retention Act, the Renewable Chemical Production Tax Credit Act, the
15 Customized Job Training Act, the Nebraska Transformational Projects Act,
16 and the Nebraska Property Tax Incentive Act; to eliminate the exemptions
17 provided under the Personal Property Tax Relief Act; to change provisions

18 relating to sales and use tax refunds; to change provisions under the
19 Property Tax Credit Act; to change provisions relating to actual General
20 Fund net receipts; to provide transfers to and from the Cash Reserve Fund
21 as prescribed; to harmonize provisions; to provide operative dates; to
22 provide severability; to repeal the original sections; and to declare an
23 emergency.".

(Signed) Julie Slama, Chairperson

MESSAGE(S) FROM THE GOVERNOR

August 6, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 1008e and 1009e were received in my office
on July 31, 2020.

These bills were signed and delivered to the Secretary of State on August
6, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 6, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 43, 247, 461, 705, 751, 760, 774, 780e,
780Ae, 797, 803, 803Ae, 832, 835, 840, 850e, 858e, 889, 899, 910, 911e,
911Ae, 912, 924e, 927e, 931, 944e, 944Ae, 1003e, 1140e, 1144, 1148, and
1188 were received in my office on July 31, 2020.

These bills were signed and delivered to the Secretary of State on August
6, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 6, 2020

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

I have signed LB 850 into law, but wish to bring a technical issue to your attention.

LB 850 creates the First Regiment Nebraska Volunteer Infantry at Fort Donelson Committee to plan for the production and placement of the monument. The members of the committee consist of an employee at the Nebraska State Historical Society, two members of a local Civic War round table organization and a professor of history from the University of Nebraska. The Chairperson of the Government, Military and Veterans Affairs Committee is also a member.

The mixture of Executive and Legislative branch members on the same committee raises constitutional concerns. I respectfully request that the law be amended in the upcoming legislative session to authorize the Chairperson of the Government, Military and Veterans Affairs Committee be a member of the committee in an ex-officio capacity.

I would like to extend my appreciation to Senator Pansing Brooks for highlighting the First Regiment Nebraska Volunteer Infantry in the Union victory at the Battle of Fort Donelson.

Sincerely,
(Signed) Pete Ricketts
Governor

August 7, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 881, 1028, 1042e, 1042Ae, 1052, 1055, 1080, 1124, 1130, 1152e, 1166e, 1183e, 1185, 1185A, and 1186 were received in my office on August 3, 2020.

These bills were signed and delivered to the Secretary of State on August 7, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

August 10, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 681, 783, 956, 1158e, and 1160e were received in my office on August 4, 2020.

These bills were signed and delivered to the Secretary of State on August 10, 2020.

Sincerely,
(Signed) Pete Ricketts
Governor

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 465 and 467 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 465 and 467.

SELECT FILE

LEGISLATIVE BILL 1107. [ER242](#), found in this day's Journal, was offered.

ER242 was adopted.

Senator Linehan offered the following amendment:

[AM3381](#)

1 1. Insert the following new sections:

2 Sec. 51. Equivalent employees means the number of employees

3 computed by dividing the total hours paid in a year by the product of

4 forty times the number of weeks in a year. A salaried employee who

5 receives a predetermined amount of compensation each pay period on a

6 weekly or less frequent basis is deemed to have been paid for forty hours

7 per week during the pay period.

8 Sec. 135. Section 77-3806, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 77-3806 (1) The tax return shall be filed and the total amount of

11 the franchise tax shall be due on the fifteenth day of the third month

12 after the end of the taxable year. No extension of time to pay the tax
13 shall be granted. If the Tax Commissioner determines that the amount of
14 tax can be computed from available information filed by the financial
15 institutions with either state or federal regulatory agencies, the Tax
16 Commissioner may, by regulation, waive the requirement for the financial
17 institutions to file returns.

18 (2) Sections 77-2714 to 77-27,135 relating to deficiencies,
19 penalties, interest, the collection of delinquent amounts, and appeal
20 procedures for the tax imposed by section 77-2734.02 shall also apply to
21 the tax imposed by section 77-3802. If the filing of a return is waived
22 by the Tax Commissioner, the payment of the tax shall be considered the
23 filing of a return for purposes of sections 77-2714 to 77-27,135.

24 (3) No refund of the tax imposed by section 77-3802 shall be allowed
25 unless a claim for such refund is filed within ninety days of the date on
26 which (a) the tax is due or was paid, whichever is later, (b) a change is
27 made to the amount of deposits or the net financial income of the
1 financial institution by a state or federal regulatory agency, or (c) the
2 Nebraska Investment Finance Authority issues an eligibility statement to
3 the financial institution pursuant to the Affordable Housing Tax Credit
4 Act.

5 (4) Any such financial institution shall receive a credit on the
6 franchise tax as provided under the Affordable Housing Tax Credit Act,
7 the Community Development Assistance Act, the Nebraska Job Creation and
8 Mainstreet Revitalization Act, the Nebraska Property Tax Incentive Act,
9 and the New Markets Job Growth Investment Act.

10 Sec. 142. It is the intent of the Legislature to fully fund the Tax
11 Equity and Educational Opportunities Support Act each year.

12 Sec. 143. There is hereby appropriated (1) \$1,259,100 from the
13 General Fund for FY2020-21 and (2) \$456,600 from the General Fund for
14 FY2021-22 to the Department of Revenue, for Program 102, to aid in
15 carrying out the provisions of this legislative bill.

16 Total expenditures for permanent and temporary salaries and per
17 diems from funds appropriated in this section shall not exceed \$254,200
18 for FY2020-21 or \$335,800 for FY2021-22.

19 Sec. 144. There is hereby appropriated (1) \$1,153,305 from the
20 General Fund for FY2020-21 and (2) \$1,880,115 from the General Fund for
21 FY2021-22 to the Department of Economic Development, for Program 604, to
22 aid in carrying out the provisions of this legislative bill.

23 Total expenditures for permanent and temporary salaries and per
24 diems from funds appropriated in this section shall not exceed \$467,365
25 for FY2020-21 or \$945,360 for FY2021-22.

26 Sec. 149. The following section is outright repealed: Laws 2019,
27 LB294, section 71.

28 2. In the Standing Committee amendments, AM3316:

29 a. On page 73, lines 26, 27, and 30, strike "2021" and insert
30 "2023";

31 b. On page 78, line 27; and page 79, line 1, strike "2022" and
1 insert "2024";

2 c. On page 81, line 25, after "1967" insert "or against the
3 franchise tax imposed by sections 77-3801 to 77-3807";

4 d. On page 82, lines 5, 7, 13, 14 and 15, 21, and 22 and 23, strike
5 "certified during" and insert "calculated for";

6 e. On page 83, line 13, after "tax" insert "or franchise tax";

7 f. On page 143, line 13, strike "estimated" and insert "actual"; and
8 in line 14 strike "such" and insert "the prior"; and

9 g. On page 144, line 4, strike "estimated" and insert "actual"; in
10 line 5 strike "such" and insert "the prior"; and in line 20 strike
11 "2024-25" and insert "2023-24".

12 3. In the Linehan amendment, AM3349:

13 a. On page 3, strike beginning with "until" in line 27 through line

14 29 and insert "unless the balance in the Cash Reserve Fund after such
 15 transfer will be at least equal to five hundred million dollars."; and
 16 b. On page 4, line 6, after "department" insert ", except that in no
 17 case shall the allowable growth percentage exceed five percent in any one
 18 year".
 19 4. Renumber the remaining sections and correct internal references
 20 accordingly.
 21 5. Correct the operative date and repealer sections so that:
 22 a. Section 51 added by this amendment becomes operative on January
 23 1, 2021; and
 24 b. Sections 135, 142, 143, 144, and 149 added by this amendment
 25 become operative on their effective date with the emergency clause.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Scheer offered the following motion:

[MO224](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Scheer moved for a call of the house. The motion prevailed with 33 ayes, 2 nays, and 14 not voting.

Senator Scheer requested a roll call vote, in reverse order, on the motion to invoke cloture.

Voting in the affirmative, 42:

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

Voting in the negative, 4:

Cavanaugh	Erdman	Halloran	Hunt
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Present and not voting, 2:

Pansing Brooks Wayne

Absent and not voting, 1:

Chambers

The Scheer motion to invoke cloture prevailed with 42 ayes, 4 nays, 2 present and not voting, 1 absent and not voting, and 0 excused and not voting.

The Linehan amendment was adopted with 41 ayes, 3 nays, and 5 present and not voting.

Senator Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 41:

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

Voting in the negative, 4:

Erdman	Groene	Halloran	Hunt
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Present and not voting, 4:

Cavanaugh	Chambers	McCollister	Wayne
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Advanced to Enrollment and Review for Engrossment with 41 ayes, 4 nays, and 4 present and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 814. [ER241](#), found on page 1368, was offered.

Senator Geist offered the following motion:

[MO225](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Geist moved for a call of the house. The motion prevailed with 30 ayes, 0 nays, and 19 not voting.

Senator Geist requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lindstrom	Scheer
Blood	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 8:

Cavanaugh	Hansen, M.	Hunt	Morfeld
Chambers	Howard	McCollister	Pansing Brooks

Present and not voting, 7:

Bolz	Kolowski	Vargas	Wishart
DeBoer	Lathrop	Wayne	

The Geist motion to invoke cloture prevailed with 34 ayes, 8 nays, and 7 present and not voting.

Senator Cavanaugh requested a record vote on the adoption of the Enrollment and Review amendment.

Voting in the affirmative, 34:

Albrecht	Clements	Groene	La Grone	Quick
Arch	Crawford	Halloran	Lindstrom	Scheer
Blood	Dorn	Hansen, B.	Linehan	Slama
Bostelman	Erdman	Hilgers	Lowe	Stinner
Brandt	Friesen	Hilkemann	McDonnell	Walz
Brewer	Geist	Hughes	Moser	Williams
Briese	Gragert	Kolterman	Murman	

Voting in the negative, 2:

Cavanaugh	Chambers
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Present and not voting, 13:

Bolz	Howard	Lathrop	Pansing Brooks	Wishart
DeBoer	Hunt	McCollister	Vargas	
Hansen, M.	Kolowski	Morfeld	Wayne	

ER241 was adopted with 34 ayes, 2 nays, and 13 present and not voting.

Advanced to Enrollment and Review for Engrossment.

RESOLUTION(S)**LEGISLATIVE RESOLUTION 473.** Introduced by Bolz, 29.

WHEREAS, the 2020 coronavirus emergency has created an unprecedented need for public spaces to be kept disinfected; and

WHEREAS, the Nebraska State Capitol is a source of pride for Nebraskans; and

WHEREAS, the Capitol custodial staff have taken additional steps this year to keep the Capitol sanitized by wiping down commonly touched surfaces; and

WHEREAS, the cleaning staff have continually disinfected the chamber, cloakroom, lounge, and restrooms while we complete this legislative session.

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

1. That the Legislature thanks the Capitol custodial staff and expresses its gratitude for their efforts to keep the Capitol safe during the coronavirus emergency.

2. That copies of this resolution be sent to the Capitol cleaning staff and ServiceMaster.

Laid over.

LEGISLATIVE RESOLUTION 474. Introduced by Arch, 14.

WHEREAS, saccular, fusiform, and dissecting aneurysms are bulging, weakened areas in the wall of an artery in the brain; and

WHEREAS, an estimated one out of every fifty individuals in the United States has a brain aneurysm; and

WHEREAS, brain aneurysms are most likely to occur in individuals between the ages of thirty-five and sixty; and

WHEREAS, there are typically no warning signs before the occurrence of a brain aneurysm; and

WHEREAS, brain aneurysms are more likely to occur in women than in men by a three-two ratio; and

WHEREAS, young and middle-aged African Americans have a higher risk of brain aneurysm rupture when compared to young and middle-aged Caucasians in the United States; and

WHEREAS, the combined lost wages of survivors of brain aneurysm ruptures and their caretakers for one year is an estimated \$149,936,118; and

WHEREAS, various risk factors can contribute to the formation of a brain aneurysm, including smoking, hypertension, and a family history of brain aneurysms; and

WHEREAS, an unruptured brain aneurysm can lead to double vision, vision loss, loss of sensation, weakness, loss of balance, incoordination, and speech problems; and

WHEREAS, a brain aneurysm is often discovered when it ruptures and causes a subarachnoid hemorrhage; and

WHEREAS, a subarachnoid hemorrhage can lead to brain damage, hydrocephalus, stroke, and death; and

WHEREAS, each year, more than 30,000 individuals in the United States suffer from ruptured brain aneurysms, approximately 50 percent of whom die as a result; and

WHEREAS, annually, between 3,000 and 4,500 individuals in the United States with ruptured brain aneurysms die before reaching the hospital; and

WHEREAS, a number of advancements have been made in recent years regarding the detection of brain aneurysms, including the computerized tomography scan, the magnetic resonance imaging test, and the cerebral arteriogram; and

WHEREAS, early detection of brain aneurysms can save lives; and

WHEREAS, various research studies are being conducted in the United States in order to better understand, prevent, and treat brain aneurysms; and

WHEREAS, the Brain Aneurysm Foundation, a nonprofit organization, remains a globally recognized leader for brain aneurysm awareness, education, support, advocacy, and research funding; and

WHEREAS, the month of September has been designated as National Brain Aneurysm Awareness Month.

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

1. That the Legislature recognizes September as National Brain Aneurysm Awareness Month.
2. That a copy of this resolution be sent to the Brain Aneurysm Foundation.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Groene filed the following amendment to [LB1107](#):

[AM3362](#)

(Amendments to Standing Committee amendments, AM3316)

- 1 1. Insert the following new sections:
- 2 Sec. 115. Sections 115 to 138 of this act shall be known and may be
- 3 cited as the Nebraska Rural Projects Act.
- 4 Sec. 116. For purposes of the Nebraska Rural Projects Act, the
- 5 definitions found in sections 117 to 127 of this act shall be used.
- 6 Sec. 117. Applicant means a nonprofit economic development
- 7 corporation.
- 8 Sec. 118. (1) Applicant resources means dollars donated to the
- 9 applicant specifically for the project by any combination of one or more
- 10 of the following:
- 11 (a) An individual;
- 12 (b) An organization that is exempt from income tax under section
- 13 501(c) of the Internal Revenue Code; or
- 14 (c) Any nongovernmental organization.
- 15 (2) Applicant resources includes any direct or indirect funding for
- 16 the project from any federal, state, or local government.

17 Sec. 119. Date of application means the date that a completed
18 application is filed under the Nebraska Rural Projects Act.

19 Sec. 120. Director means the Director of Economic Development.

20 Sec. 121. Investment means the amount paid by the applicant for site
21 acquisition and preparation, utility extensions, and rail spur
22 construction for the development of a new industrial rail access business
23 park, including any such amounts paid to assist an initial tenant at such
24 business park that conducts business in the manufacturing, processing,
25 distribution, or transloading trades.

26 Sec. 122. Matching funds means the funds provided toward investment
1 at a project by the State of Nebraska pursuant to section 131 of this
2 act.

3 Sec. 123. Project means an investment by the applicant of up to ten
4 million dollars at one qualified location.

5 Sec. 124. Qualified location means a location within a county in
6 this state that has a population of less than one hundred thousand
7 inhabitants.

8 Sec. 125. Related entity means any entity which is a subsidiary or
9 affiliated entity of the applicant or which has, as one of its purposes
10 for existence, the financial support of the applicant.

11 Sec. 126. Transformational period means the period of time from the
12 date of application through the end of the fifth year after the year in
13 which the complete application was filed with the director.

14 Sec. 127. Year means the fiscal year of the State of Nebraska.

15 Sec. 128. (1) In order to be eligible to receive the matching funds
16 allowed in the Nebraska Rural Projects Act, the applicant shall file an
17 application with the director, on a form developed by the director,
18 requesting an agreement.

19 (2) The application shall:

20 (a) Identify the project, including the qualified location of such
21 project;

22 (b) State the estimated, projected amount of total new investment at
23 the project, including the estimated, projected amount of applicant
24 resources;

25 (c) State the E-Verify number or numbers that will be used by the
26 applicant for employees at the qualified location as provided by the
27 United States Citizenship and Immigration Services; and

28 (d) Contain a nonrefundable application fee of one thousand dollars.
29 The fee shall be remitted to the State Treasurer for credit to the
30 Nebraska Rural Project Fund.

31 (3) An application must be complete to establish the date of
1 application. An application shall be considered complete once it contains
2 the items listed in subsection (2) of this section.

3 (4) Once satisfied that the application is complete and that the
4 applicant is eligible to receive the matching funds allowed in the
5 Nebraska Rural Projects Act, the director shall approve the application.

6 (5) There shall be no new applications filed under this section
7 after December 31, 2021. Any complete application filed on or before
8 December 31, 2021, shall be considered by the director and approved if
9 the location and applicant qualify for approval. Agreements may be
10 executed with regard to any complete application filed on or before
11 December 31, 2021.

12 Sec. 129. (1) Within ninety days after approval of the application,
13 the director shall prepare and deliver a written agreement to the
14 applicant for the applicant's signature. The applicant and the director,
15 on behalf of the State of Nebraska, shall enter into such written
16 agreement. Under the agreement, the applicant shall agree to undertake
17 the project and report all investment at the project to the director
18 annually. The director, on behalf of the State of Nebraska, shall agree
19 to allow the applicant to receive the matching funds allowed in the

20 Nebraska Rural Projects Act, subject to appropriation of such funds by
21 the Legislature. The application, and all supporting documentation, to
22 the extent approved, shall be considered a part of the agreement. The
23 agreement shall state:
24 (a) The qualified location;
25 (b) The type of documentation the applicant will need to document
26 its investment and receipt of applicant resources under the act;
27 (c) The date of application;
28 (d) A requirement that any access to the primary rail carrier, land
29 purchase option, or zoning approval needed to carry out the project will
30 be secured;
31 (e) A requirement that the applicant be and will stay registered for
1 the E-Verify Program provided by the United States Citizenship and
2 Immigration Services for the duration of the project;
3 (f) A requirement that the applicant provide any information needed
4 by the director to perform his or her responsibilities under the Nebraska
5 Rural Projects Act, in the manner specified by the director;
6 (g) A requirement that the applicant provide an annually updated
7 timetable showing the applicant resources donated and received and the
8 investment at the project, in the manner specified by the director; and
9 (h) A requirement that the applicant update the director annually,
10 with its timetable or in the manner specified by the director, on any
11 changes in plans or circumstances which it reasonably expects will affect
12 the investment or applicant resources for the project.
13 (2) Any failure by the applicant to timely provide the updates or
14 information required by the director or the act may result in the loss of
15 the right to receive matching funds or, at the discretion of the
16 director, result in the deferral of matching fund disbursements until
17 such updates and information have been provided to the director by the
18 applicant.
19 (3) The applicant shall provide documentation to the director
20 validating the receipt of applicant resources but is not required to
21 disclose the names of any private donors.
22 (4) An agreement under the Nebraska Rural Projects Act shall have a
23 duration of no more than five years after the date of application,
24 consisting of up to the five years of the transformational period, except
25 that such agreement shall remain effective until all matching fund
26 payments have been received as provided for under the act.
27 Sec. 130. The following transactions or activities shall not create
28 investment under the Nebraska Rural Projects Act except as specifically
29 allowed by this section:
30 (1) The renegotiation of any private donor commitment in existence
31 before the date of application, except to the extent of additional
1 donation commitments;
2 (2) The purchase of any property which was previously owned by the
3 applicant or a related entity. The first purchase by either the applicant
4 or a related entity shall be treated as investment if the item was first
5 placed in service in the state after the date of application;
6 (3) The renegotiation of any agreement in existence on the date of
7 application which does not materially change any of the material terms of
8 the agreement shall be presumed to be a transaction entered into for the
9 purpose of facilitating benefits under the act and shall not be allowed
10 in the calculation of investment under the act; and
11 (4) Any purchase of property from a related entity, except that the
12 applicant will be considered to have made investment under the act to the
13 extent the related entity would have been considered to have made
14 investment on the purchase of the property if the related entity was
15 considered the applicant.
16 Sec. 131. (1) Subject to section 133 of this act, an applicant shall
17 be entitled to receive, from the State of Nebraska, up to ten million

18 dollars as matching funds for up to ten million dollars of investment
19 made by the applicant by the end of the transformational period. For
20 purposes of this section, applicant resources shall be counted as part of
21 the applicant's investment.

22 (2) Subject to section 133 of this act, the state shall pay the
23 available matching funds to the applicant on an annual basis.
24 Sec. 132. (1) The right to matching funds prescribed in section 131
25 of this act shall be established by filing the forms required by the
26 director. The matching funds may only be used by the applicant to make
27 investments at the project or to pay off debt financing for such
28 investments.

29 (2) Interest at the rate specified in section 45-104.02, as such
30 rate may from time to time be adjusted, shall be due by the applicant on
31 any repayment of matching funds.

1 (3) All interpretations of the Nebraska Rural Projects Act shall be
2 made by the director.

3 (4) An audit of a project shall be made by the director to the
4 extent and in the manner determined by the director. The director may
5 recover any matching funds which were erroneously allowed by issuing a
6 repayment determination within the later of three years from the date the
7 matching funds were paid or three years after the end of the
8 transformational period.

9 (5) Any determination by the director that the applicant does not
10 qualify, that a location is not a qualified location, that a project does
11 not qualify, that applicant resources do not qualify, or that matching
12 funds must be repaid may be protested by the applicant to the director
13 within sixty days after the mailing to the applicant of the written
14 notice of the proposed determination by the director. If the notice of
15 proposed determination is not protested in writing by the applicant
16 within the sixty-day period, the proposed determination is a final
17 determination. If the notice is protested, the director, after a formal
18 hearing by the director or by an independent hearing officer appointed by
19 the director, if requested by the applicant in such protest, shall issue
20 a written order resolving such protest.

21 Sec. 133. The right to receive matching funds under the Nebraska
22 Rural Projects Act:

23 (1) Shall be subject to the limitations provided in the act;

24 (2) Shall be subject to funds being appropriated by the Legislature;
25 and

26 (3) Shall not be transferable.

27 Sec. 134. If the applicant cannot be paid in full in any given
28 fiscal year, then the matching funds shall be paid in later years until
29 fully funded.

30 Sec. 135. Any complete application shall be considered a valid
31 application on the date submitted for the purposes of the Nebraska Rural
1 Projects Act.

2 Sec. 136. (1) No later than October 1, 2022, and no later than
3 October 1 of each year thereafter, the director shall submit
4 electronically an annual report for the previous fiscal year to the
5 Legislature. The report shall be on a fiscal year, accrual basis that
6 satisfies the requirements set by the Governmental Accounting Standards
7 Board. The director shall, on or before December 15, 2022, and on or
8 before December 15 of each year thereafter, appear at a joint hearing of
9 the Appropriations Committee of the Legislature and the Revenue Committee
10 of the Legislature and present the report. Any supplemental information
11 requested by three or more committee members shall be presented within
12 thirty days after the request.

13 (2) The report shall state (a) the payment of matching funds made by
14 the State of Nebraska, (b) the expected payments of matching funds still
15 to be made by the State of Nebraska, and (c) the investment made by the

16 applicant.

17 (3) The report shall provide an explanation of the audit and review
18 processes of the Department of Economic Development in approving and
19 rejecting the provision of matching funds and in enforcing matching funds
20 repayment.

21 (4) No information shall be provided in the report or in
22 supplemental information that is protected by state or federal
23 confidentiality laws. The identity of private donors shall not be
24 included in the report.

25 Sec. 137. The director may adopt and promulgate all procedures and
26 rules and regulations necessary to carry out the purposes of the Nebraska
27 Rural Projects Act.

28 Sec. 138. (1) The Nebraska Rural Project Fund is hereby created. The
29 fund shall receive money from application fees paid under the Nebraska
30 Rural Projects Act and from appropriations from the Legislature, grants,
31 private contributions, repayments of matching funds, and all other
1 sources. Any money in the fund available for investment shall be invested
2 by the state investment officer pursuant to the Nebraska Capital
3 Expansion Act and the Nebraska State Funds Investment Act.

4 (2) Distributions shall only be made from the fund in amounts equal
5 to the amount of investment made by the applicant for the project.
6 2. Renumber the remaining sections and correct internal references
7 accordingly.

8 3. Correct the operative date section so that the sections added by
9 this amendment become operative on January 1, 2021.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bolz name added to LR466.

RECESS

At 12:14 p.m., on a motion by Senator La Grone, 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, Chambers, B. Hansen, Hilkemann, and Morfeld who were excused until they arrive.

SELECT FILE

LEGISLATIVE BILL 632. Senator Bostelman renewed his amendment, [AM3183](#), found on page 1189 and considered on page 1342.

The Bostelman amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Hunt offered her amendment, [AM3153](#), found on page 1197.

Senator Hunt moved for a call of the house. The motion prevailed with 18 ayes, 9 nays, and 22 not voting.

Senator Hunt requested a roll call vote, in reverse order, on her amendment.

Voting in the affirmative, 15:

Blood	DeBoer	Hunt	Pansing Brooks	Walz
Cavanaugh	Hansen, M.	Lathrop	Quick	Wayne
Crawford	Howard	Morfeld	Vargas	Wishart

Voting in the negative, 28:

Albrecht	Clements	Groene	La Grone	Murman
Arch	Dorn	Halloran	Lindstrom	Scheer
Bostelman	Erdman	Hansen, B.	Linehan	Slama
Brandt	Friesen	Hilgers	Lowe	Williams
Brewer	Geist	Hughes	McDonnell	
Briese	Gragert	Kolterman	Moser	

Present and not voting, 3:

Kolowski	McCollister	Stinner
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Excused and not voting, 3:

Bolz	Chambers	Hilkemann
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The Hunt amendment lost with 15 ayes, 28 nays, 3 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Hughes offered his amendment, [AM3218](#), found on page 1229.

The Hughes amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 866. [ER237](#), found on page 1324, was adopted.

Senator Wayne withdrew his amendment, [AM3292](#), found on page 1252.

Senator Wayne offered his amendment, [AM3356](#), found on page 1382.

Senator Wayne moved for a call of the house. The motion prevailed with 25 ayes, 8 nays, and 16 not voting.

Senator Wayne requested a roll call vote, in reverse order, on his amendment.

Voting in the affirmative, 29:

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

Voting in the negative, 12:

Albrecht	Briese	Groene	Moser
Bostelman	Clements	Halloran	Murman
Brewer	Erdman	Lowe	Slama

Present and not voting, 8:

Arch	Geist	Hansen, B.	La Grone
Friesen	Gragert	Hughes	Linehan

The Wayne amendment was adopted with 29 ayes, 12 nays, and 8 present and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1004. [ER238](#), found on page 1359, was adopted.

Senator Lathrop offered his amendment, [AM3335](#), found on page 1351.

The Lathrop amendment was adopted with 41 ayes, 0 nays, and 8 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1004A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 1089. [ER240](#), found on page 1360, was adopted.

Senator Vargas withdrew his amendment, [AM3348](#), found on page 1371.

The Presiding Officer called for a machine vote on the advancement of the bill.

Advanced to Enrollment and Review for Engrossment with 26 ayes, 13 nays, and 10 present and not voting.

LEGISLATIVE BILL 1021. [ER239](#), found on page 1362, was adopted.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB477A to Select File

Senator Vargas moved to return LB477A to Select File for his specific amendment, [AM2995](#), found on page 1036.

The Vargas motion to return prevailed with 29 ayes, 8 nays, and 12 present and not voting.

SELECT FILE

LEGISLATIVE BILL 477A. The Vargas specific amendment, [AM2995](#), found on page 1036, was adopted with 33 ayes, 4 nays, and 12 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Return LB450 to Select File

Senator Wishart moved to return LB450 to Select File for her specific amendment, [AM3057](#), found on page 1371.

The Wishart motion to return prevailed with 39 ayes, 0 nays, and 10 present and not voting.

SELECT FILE

LEGISLATIVE BILL 450. The Wishart specific amendment, [AM3057](#), found on page 1371, was adopted with 44 ayes, 1 nay, and 4 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

WITHDRAW - Amendment to LB450A

Senator Wishart withdrew her amendment, [AM2057](#), found on page 209, to LB450A.

MOTION(S) - Return LB450A to Select File

Senator Wishart moved to return LB450A to Select File for the following specific amendment:

[AM3355](#)

(Amendments to Final Reading copy)

- 1 1. Strike original section 1 and insert the following new section:
- 2 Section 1. There is hereby appropriated (1) \$134,185 from the
- 3 General Fund for FY2020-21 and (2) \$268,369 from the General Fund for
- 4 FY2021-22 to the Military Department, for Program 548, to aid in carrying
- 5 out the provisions of Legislative Bill 450, One Hundred Sixth
- 6 Legislature, Second Session, 2020.
- 7 There is included in the appropriation to this program for FY2020-21
- 8 \$134,185 General Funds for state aid, which shall only be used for such
- 9 purpose. There is included in the appropriation to this program for
- 10 FY2021-22 \$268,369 General Funds for state aid, which shall only be used
- 11 for such purpose.
- 12 No expenditures for permanent and temporary salaries and per diems
- 13 for state employees shall be made from funds appropriated in this
- 14 section.

The Wishart motion to return prevailed with 44 ayes, 0 nays, and 5 present and not voting.

SELECT FILE

LEGISLATIVE BILL 450A. The Wishart specific amendment, [AM3355](#), found in this day's Journal, was adopted with 46 ayes, 0 nays, and 3 present and not voting.

Advanced to Enrollment and Review for Reengrossment.

MOTION(S) - Print in Journal

Senator Blood filed the following motion to [LB518A](#):

[MO226](#)

Indefinitely postpone.

COMMITTEE REPORT(S)

Business and Labor

LEGISLATIVE BILL 667. Placed on General File with amendment.

[AM3384](#)

- 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
1 products as such terms are defined in section 54-1902;

2 (7) Meat processing worker or worker means any individual whom an
3 employer suffers or permits to work in a meatpacking operation, and also
4 includes independent contractors and individuals performing work for an
5 employer through a temporary service or staffing agency. An individual
6 need not be directly in contact with meatpacking products to be
7 considered a worker;

8 (8) Negative test result means a coronavirus test result which
9 indicates that a worker was not infected with coronavirus at the time of
10 testing;

11 (9) Positive case count means the total number of positive
12 coronavirus test results; and

13 (10) Positive test result means a coronavirus test result which
14 indicates that a worker was infected with coronavirus at the time of
15 testing.

16 Sec. 2. Meatpacking operations shall comply with the protections
17 and requirements of section 3 of this act beginning on the effective date
18 of this section and shall maintain such compliance until December 31,
19 2021.

20 Sec. 3. (1) An employer shall maintain a six-foot radius of space
21 around and between each worker in all areas of the employer's facility.
22 An employer may accomplish such distancing by increasing physical space
23 between workstations, slowing production speeds, staggering shifts and
24 breaks, adjusting shift size, or any combination thereof. Where feasible,
25 an employer shall reinforce social distancing with the use of plastic
26 barriers in work spaces and common areas. An employer shall also
27 reconfigure common or congregate spaces to allow for such six-foot social
28 distancing radius, including, but not limited to, lunch rooms, break
29 rooms, and locker rooms.

30 (2) An employer shall provide all workers with face masks and shall
31 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.

(Signed) Matt Hansen, Chairperson

MOTION - Overrule Speaker's Agenda

Senator Wayne moved to change the Speaker's agenda to allow consideration of [MO223](#) to LB1218 following LB450A.

Senator Wayne moved for a call of the house. The motion prevailed with 13 ayes, 8 nays, and 28 not voting.

The Wayne motion to overrule the Speaker's agenda failed with 14 ayes, 29 nays, and 6 present and not voting.

The Chair declared the call raised.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 475. Introduced by Vargas, 7.

WHEREAS, Army Specialist Vanessa Guillén was murdered on April 22, 2020, at the age of 20 after experiencing sexual harassment by another soldier; and

WHEREAS, in 2019, the United States Department of Defense reported 6,236 sexual assaults and recorded a three percent increase in the number of sexual assault cases compared to the previous year; and

WHEREAS, sexual harassment and violence disproportionately impacts women of color who are also less likely to report their sexual harassment or assault out of fear or retaliation; and

WHEREAS, sexual harassment and violence in the military against women of color is deeply concerning, particularly given that Latinos are the fastest growing population in the ranks of the United States military, accounting for up to 16 percent of all active-duty military; and

WHEREAS, the Nebraska Legislature has taken positive and encouraging steps against sexual harassment and violence, including Laws 2019, LB532, which made harassment protection orders more accessible for survivors to pursue, the recently passed LB43, which creates the Sexual Assault Victims' Bill of Rights, and LB745 as amended into LB518 (2020), which would provide access to visas for victims of human trafficking when they come forward to report the crimes against them.

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

1. That the Legislature extends heartfelt sympathy to the friends and family of Army Specialist Vanessa Guillén.
2. That the Legislature condemns sexual abuse, harassment, and violence.
3. That a copy of this resolution shall be sent to the family of Army Specialist Vanessa Guillén.

Laid over.

LEGISLATIVE RESOLUTION 476. Introduced by Hilgers, 21; Bolz, 29; Chambers, 11; Hughes, 44; Kolterman, 24; Lowe, 37; McCollister, 20; Scheer, 19; Stinner, 48; Vargas, 7.

WHEREAS, Joanne Pepperl has served as Revisor of Statutes for the Nebraska Unicameral Legislature for 40 years and has worked in the office for 43 years; and

WHEREAS, Joanne has led the office of Revisor of Statutes with professionalism, ethics, and efficiency, not only assuring the timely drafting of the many legislative bills and amendments required each legislative session, but also the accurate and efficient reissuing of the Revised Statutes of Nebraska and publication of the annual supplements; and

WHEREAS, Joanne, as part of her duties, serves as a commissioner of the Uniform Law Commission, and she also serves on the Committee on Style, which writes the drafting rules for uniform and model acts of the Uniform Law Commission and revises as to phraseology and style all acts submitted by drafting committees and all acts finally approved by the Uniform Law Commission; and

WHEREAS, Joanne plans to retire on December 1, 2020; and

WHEREAS, Joanne's contributions to the State of Nebraska deserve the appreciation of the Legislature and the recognition that she will be missed.

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

1. That the Legislature thanks Joanne Pepperl for her service to the Legislature and the State of Nebraska and congratulates her on her career and well-deserved retirement.

2. That a copy of this resolution be delivered to Joanne Pepperl.

Laid over.

MOTION(S) - Print in Journal

Senator Hughes filed the following motion to [LB632A](#):

[MO227](#)

Indefinitely postpone.

ATTORNEY GENERAL'S OPINION

Opinion 20-008

SUBJECT: Constitutionality of LB 814 – A Bill for an Act Relating to Abortion

REQUESTED BY: Senator Ernie Chambers
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
James A. Campbell, Solicitor General

INTRODUCTION

On August 10, 2020, you requested our opinion on the constitutionality of LB 814. That bill is pending before the Legislature, and the legislative session is scheduled to conclude on August 13, 2020, just three business days after your request was submitted to our office. Given this timeline, we have tried to respond as quickly as possible. The fast turnaround has forced us to limit our research and abbreviate our legal analysis.

For the reasons explained below, and based on the information available to our office at this time, we conclude that LB 814 is likely constitutional. Under binding U.S. Supreme Court precedent recently clarified by Chief Justice John Roberts in *June Medical Services LLC v. Russo*, 140 S. Ct. 2103, 2133-42 (2020), it does not appear that LB 814, if enacted, will impose a substantial obstacle on access to abortion in Nebraska.

ANALYSIS

LB 814 would prohibit any person from performing "a dismemberment abortion" on "a living unborn child" unless "a dismemberment abortion is necessary due to a medical emergency as defined [in state law]." LB 814, §§ 2 & 3. The bill defines a "dismemberment abortion" to mean "an abortion in which, with the purpose of causing the death of an unborn child, a person purposely dismembers the body of a living unborn child and extracts him or her one piece at a time from the uterus through use of clamps, grasping forceps, tongs, scissors, or similar instruments that, through the convergence of two rigid levers, slice, crush, or grasp a portion of the unborn child's body to cut or rip it off." *Id.* § 2. A prohibited dismemberment abortion "does not include: (i) An abortion in which suction is used to dismember the body of an unborn child by sucking fetal parts into a collection container; or (ii) The use of instruments or suction to remove the remains of an unborn child who has already died." *Id.*

In your request, you say that LB 814 "bans the D & E (dilation and evacuation) procedure" for abortion. That is not correct. LB 814 permits abortion providers to use the D & E procedure—which, according to the U.S. Supreme Court, involves dilating a woman's cervix, inserting forceps into the uterus, "grab[bing] the fetus," tearing it apart, and "evacuating" it "piece by piece," *Gonzales v. Carhart*, 550 U.S. 124, 135-36 (2007)—so long as providers do not perform that procedure on "a living unborn child." LB 814, § 2. In other words, LB 814 allows the D & E procedure so long as the abortion provider first causes what is known as "fetal demise"—that is, the death of the fetus—before dismembering its body. Doctors performing a D & E may bring about fetal demise by, among other ways, "inject[ing] digoxin or potassium chloride into the fetus, the umbilical cord, or the amniotic fluid." *Gonzales*, 550 U.S. at 136.

The U.S. Supreme Court has affirmed States' authority to regulate abortion procedures, including laws that substitute some procedures for others. As that Court has stated, "[w]here it has a rational basis to act, and it does not impose an undue burden, the State may use its regulatory power to bar certain procedures and substitute others, all in furtherance of its legitimate interests in regulating the medical profession in order to promote respect for life, including life of the unborn." *Id.* at 158.

Just over a month ago, Chief Justice John Roberts outlined the relevant constitutional analysis in his concurring opinion in *June Medical Services LLC v. Russo*, 140 S. Ct. 2103, 2133-42 (2020) (Roberts, C.J., concurring in judgment). And just last week, the United States Court of Appeals for the Eighth Circuit confirmed that the Chief Justice's "separate opinion is controlling" in future cases challenging abortion regulations. *Hopkins v. Jegley*, --- F.3d ---, 2020 WL 4557687, at *2 (8th Cir. Aug. 7, 2020) (per curiam).

The constitutional analysis begins by asking whether the State has "a 'legitimate purpose' for enacting the law and whether 'the law [is] 'reasonably related to that goal.'" *June Medical*, 140 S. Ct. at 2138 (Roberts, C.J., concurring) (quoting *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 878 (1992) (plurality op.)); accord *Hopkins*, 2020 WL 4557687, at *2 (same). As the lead sponsor of LB 814 has publicly stated, the purposes of her bill are "to protect living unborn children from having to endure the brutality of dismemberment," preserve the integrity of and "public trust in the medical profession," and promote "the value of human life." Judiciary Committee Hearing Transcript at 31 (Feb. 20, 2020). The Supreme Court has already recognized that these are legitimate government interests. *Gonzales*, 550 U.S. at 156-58 (acknowledging that the State may enact abortion regulations "to show its profound respect for the life within the woman," to "protect[] the integrity and ethics of the medical profession," and to "express[] respect for the dignity of human life" in general). And a law that forbids doctors from "purposely dismember[ing] the body of a living unborn child . . . through use of . . . instruments that . . . slice, crush, or grasp a portion of the unborn child's body to cut or rip it off," LB 814, § 2, is rationally related to—and directly furthers—those legitimate goals.

Once this rational-basis showing is satisfied, "the only question for a court is whether a law has the 'effect of placing a substantial obstacle in the path of a woman seeking an abortion.'" *June Medical*, 140 S. Ct. at 2138 (Roberts, C.J., concurring) (quoting *Casey*, 505 U.S. at 877); accord *Hopkins*, 2020 WL 4557687, at *2 (same); see also *Casey*, 505 U.S. at 877 (recognizing that an "undue burden" is "shorthand" for a "substantial obstacle"). To facially invalidate an abortion regulation as unconstitutional, a challenger must show that the statute "will operate as a substantial obstacle to a woman's choice to undergo an abortion" in "a large fraction of the cases in which [the law] is relevant." *Planned Parenthood of Ark. & E. Kan. v. Jegley*, 864 F.3d 953, 958 (8th Cir. 2017) (quoting *Casey*, 505 U.S. at 895). Because dismemberment abortions are specific to the second

trimester, LB 814 is "relevant" only to women seeking second trimester abortions. *See id.* LB 814 is thus constitutional unless it creates a substantial obstacle for a large fraction of women seeking second trimester abortions. Because the facts available to our office at this time indicate that LB 814, if enacted, will not operate as a substantial obstacle for a large fraction of that group of women, it appears that LB 814 is constitutional.

In 2019, 181 total abortions were performed in Nebraska on fetuses between 13 and 20 weeks' gestation. *See* Nebraska 2019 Statistical Report of Abortions, Dep't Health and Human Servs., at 10 (June 2020). Yet only six of those abortions used the D & E procedure, *id.* at 4, which means that procedure accounted for only three percent of all second trimester abortions in Nebraska (and only 0.3% of all abortions in the State). While LB 814 would *affect* that three percent of second trimester abortions, it would *not ban* them. Rather, it would simply require that abortion providers begin the D & E procedure with one of the recognized methods of fetal demise. A law that merely alters the manner in which Nebraska abortion providers perform three percent of second trimester abortions does not impose a substantial obstacle on a large fraction of women for whom the law is relevant.

Your request says that "former Nebraska Attorney General Don Stenberg agreed" during oral argument in *Stenberg v. Carhart*, 530 U.S. 914 (2000), that the D & E procedure "could not be banned." In that case, Attorney General Stenberg was asked whether he took "the position that the State of Nebraska could also prohibit the [D & E] procedure for pre-viability abortions" in addition to a ban on partial-birth abortions. Oral Argument Transcript at 9, *Stenberg v. Carhart*, 530 U.S. 914 (2000). In response, he said: "*For purposes of this case*, the State's position would be that the State could not prohibit the D & E procedure, but also the State has not attempted to prohibit the D & E procedure." *Id.* at 10 (emphasis added). General Stenberg was thus clear that his statement applied only to that case and that the State had not attempted to prohibit D & E. But even if his statement applied more broadly, it says nothing about LB 814's unconstitutionality since that bill, again, does not ban the D & E procedure but simply requires that it begin with fetal demise.

Quoting extensively from the various opinions published in *Stenberg*, your request seems to suggest that *Stenberg* establishes that LB 814 is unconstitutional. It does not, for at least two reasons. First, *Stenberg* concluded that the law at issue there *banned* D & E procedures entirely, determining that "[a]ll those who perform abortion procedures using [the D & E] method must fear prosecution, conviction, and imprisonment." 530 U.S. at 945 (emphasis added). But LB 814 allows the D & E procedure so long as it begins with fetal demise. Second, the *Stenberg* majority said that the record there—which was based on facts that are now more than 20 years old—established that the D & E procedure was "the most commonly used method for performing previability second trimester abortions," and thus a ban on it imposed "an undue burden upon a woman's right to make an abortion decision." *Id.* at 945-46. Here, however, the facts demonstrate that

the D & E procedure accounted for only three percent of second trimester abortions in Nebraska last year. Requiring Nebraska abortion providers to alter the way in which those infrequent procedures are performed does not impose a substantial obstacle on abortion.

Our research has revealed some judicial decisions invalidating abortion regulations similar to LB 814. *E.g.*, *W. Ala. Women's Ctr. v. Williamson*, 900 F.3d 1310 (11th Cir. 2018). But not only are none of those decisions binding precedent in Nebraska, they are distinguishable on both factual and legal grounds. The facts in some of the other States that enacted those laws established that the D & E procedure was the overwhelmingly predominant method for second trimester abortions in their jurisdictions. *E.g.*, *id.* at 1321 (noting that 99 percent of abortions during the relevant gestational period used the D & E procedure). But here, as discussed above, D & E procedures are few and far between in Nebraska. This critical factual difference dictates a different outcome. *See June Medical*, 140 S. Ct. at 2141 n.6 (Roberts, C.J., concurring) (agreeing that the validity of an abortion regulation "depend[s] on numerous factors," including the "factual record," that "may differ from State to State") (citation omitted).

In addition, those other cases were all decided before Chief Justice Roberts recently clarified the relevant constitutional analysis in *June Medical*. His discussion of "substantial obstacle" analysis is directly relevant to the constitutional issues addressed in those cases. For example, he stressed that "state and federal legislatures [have] wide discretion to pass legislation," including abortion regulations, "in areas where there is medical and scientific uncertainty." *June Medical*, 140 S. Ct. at 2136 (Roberts, C.J., concurring) (quoting *Gonzales*, 550 U.S. at 163) (alteration in original). In contrast, the courts that have invalidated abortion regulations similar to LB 814 did so based on their belief that legislatures may not "resolve questions of medical uncertainty." *W. Ala. Women's Ctr.*, 900 F.3d at 1325-26. These rulings, therefore, are based on an outmoded view of governing constitutional principles.

The Eighth Circuit's recent *Hopkins* decision proves this. That case includes a challenge to an Arkansas statute similar to LB 814. *Hopkins*, 2020 WL 4557687, at *1 (challenging "the Arkansas Unborn Child Protection from Dismemberment Abortion Act"). The Eighth Circuit "vacated" the trial court's decision invalidating that Arkansas law and "remand[ed] for reconsideration in light of Chief Justice Roberts's separate opinion in *June Medical*." *Id.* at *3. Like some of the other rulings mentioned above, the trial court in that case had relied on the notion that courts, not legislatures, "must resolve questions of medical uncertainty," but Chief Justice Roberts "emphasized the 'wide discretion' that courts must afford to legislatures in areas of medical uncertainty" surrounding abortion. *Id.* at *2 (citations omitted). Also, the trial court "weigh[ed] the asserted benefits" of the law "against the burden," *id.* at *2 n.2, yet Chief Justice Roberts directed courts not to employ a "balancing test in which unweighted factors mysteriously are weighed" because that would require judges "to act

as legislators," *id.* at *1-2 (quoting *June Medical*, 140 S. Ct. at 2135-36). The Eighth Circuit's opinion in *Hopkins* thus cast serious doubt on the prior decisions striking down state laws similar to LB 814.

CONCLUSION

Based on the information currently available to us, we conclude that LB 814 is likely constitutional because it does not appear that it will impose a substantial obstacle on access to abortion in Nebraska.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) James A. Campbell
Solicitor General

pc Patrick J. O'Donnell
Clerk of the Nebraska Legislature

SELECT FILE

LEGISLATIVE BILL 607. [ER169](#), found on page 621, was offered.

ER169 was adopted.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 607A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 106. Senator Hunt offered the following amendment:
[AM3022](#)

1 1. Insert the following new section:
2 Section 1. Section 29-4104, Reissue Revised Statutes of Nebraska, is
3 amended to read:
4 29-4104 (1) The State DNA Data Base is established. The Nebraska
5 State Patrol shall administer the State DNA Data Base and shall provide
6 DNA records to the Federal Bureau of Investigation for storage and
7 maintenance in the Combined DNA Index System. The patrol shall provide
8 for liaison with the Federal Bureau of Investigation and other law
9 enforcement agencies in regard to the state's participation in the
10 Combined DNA Index System.
11 (2) The State DNA Data Base shall store and maintain DNA records
12 related to:
13 (a) (1) Forensic casework, including, but not limited to, forensic
14 casework relating to missing persons, relatives of missing persons, and
15 unidentified human remains;
16 (b) (2) Convicted offenders required to provide a DNA sample under
17 the DNA Identification Information Act;
18 (c) (3) Anonymous DNA records used for research or quality control;
19 and

20 (d) (4) Missing persons, relatives of missing persons, and
 21 unidentified human remains.
 22 (3) The State DNA Data Base shall not receive, store, or maintain
 23 DNA identification information collected or obtained as part of a test to
 24 detect or trace an infectious disease or contagious virus.
 25 2. Renumber the remaining sections and correct the repealer
 26 accordingly.

Senator Hunt withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 219. [ER166](#), found on page 622, was adopted.

Senator Bolz offered her amendment, [AM2812](#), found on page 892.

The Bolz amendment was adopted with 29 ayes, 0 nays, and 20 present and not voting.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 515. [ER171](#), found on page 626, was adopted.

Senator Groene offered the following amendment:
[AM3379](#) is available in the Bill Room.

SPEAKER SCHEER PRESIDING

Senator Chambers offered the following motion:
[MO228](#)
 Recommit to Education Committee.

PRESIDENT FOLEY PRESIDING

Senator Chambers withdrew his motion to recommit to committee.

Senator Groene moved for a call of the house. The motion prevailed with 21 ayes, 0 nays, and 28 not voting.

Senator Groene requested a roll call vote on his amendment.

Voting in the affirmative, 20:

Albrecht	Briese	Gragert	Hughes	Moser
Arch	Clements	Groene	La Grone	Murman
Bostelman	Erdman	Halloran	Linehan	Scheer
Brewer	Geist	Hansen, B.	Lowe	Slama

Voting in the negative, 21:

Bolz	Hansen, M.	Kolterman	Pansing Brooks	Wishart
Cavanaugh	Hilkemann	Lathrop	Quick	
Chambers	Howard	McCollister	Vargas	
Crawford	Hunt	McDonnell	Walz	
DeBoer	Kolowski	Morfeld	Wayne	

Present and not voting, 6:

Blood	Dorn	Stinner
Brandt	Lindstrom	Williams

Excused and not voting, 2:

Friesen	Hilgers
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The Groene amendment lost with 20 ayes, 21 nays, 6 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 238. Senator Pansing Brooks offered her amendment, [AM2551](#), found on page 715.

The Pansing Brooks amendment was adopted with 36 ayes, 0 nays, 11 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Return LB866 to Select File

Senator Wayne moved to return LB866 to Select File for the following specific amendment:

[AM3387](#)

1 1. Insert the following new sections:
 2 Sec. 20. There is hereby appropriated (1) \$3,500,000 from the
 3 Middle Income Workforce Housing Investment Fund for FY2020-21 and (2)
 4 \$7,000,000 from the Middle Income Workforce Housing Investment Fund for
 5 FY2021-22 to the Department of Economic Development, for Program 601, to
 6 aid in carrying out the provisions of Legislative Bill 866, One Hundred
 7 Sixth Legislature, Second Session, 2020.
 8 Total expenditures for permanent and temporary salaries and per
 9 diems from funds appropriated in this section shall not exceed \$66,210
 10 for FY2020-21 or \$128,770 for FY2021-22.
 11 There is included in the appropriation to this program for FY2020-21
 12 \$3,328,850 Cash Funds for state aid, which shall only be used for such
 13 purpose. There is included in the appropriation to this program for

14 FY2021-22 \$6,273,140 Cash Funds for state aid, which shall only be used
 15 for such purpose.

16 Sec. 21. The State Treasurer shall transfer ten million dollars
 17 from the General Fund to the Middle Income Workforce Housing Investment
 18 Fund on the effective date of this act or as soon thereafter as
 19 administratively practicable.

20 Sec. 24. Since an emergency exists, this act takes effect when
 21 passed and approved according to law.

The Wayne motion to return prevailed with 37 ayes, 0 nays, 10 present and not voting, and 2 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 866. The Wayne specific amendment, [AM3387](#), found in this day's Journal, was adopted with 38 ayes, 0 nays, 9 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Bracket LB424

Senator Erdman offered his motion, MO206, found on page 1302, to bracket LB424 until August 13, 2020.

Senator Quick offered the following motion:

[MO229](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Erdman requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

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

Voting in the negative, 12:

Albrecht	Clements	Halloran	La Grone
Bostelman	Erdman	Hansen, B.	Lowe
Brewer	Geist	Hilgers	Slama

Present and not voting, 3:

Arch Linehan Murman

Excused and not voting, 1:

Groene

The Quick motion to invoke cloture prevailed with 33 ayes, 12 nays, 3 present and not voting, and 1 excused and not voting.

The Erdman motion to bracket failed with 12 ayes, 30 nays, 6 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 LB424 with 35 ayes, 7 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 424.

A BILL FOR AN ACT relating to municipalities; to amend sections 77-1736.06, 77-1807, and 77-1810, Reissue Revised Statutes of Nebraska, and sections 19-5201, 19-5202, 19-5203, 19-5204, 19-5205, 19-5206, 19-5207, 19-5208, 19-5209, 19-5210, 19-5211, 19-5212, 19-5213, 19-5214, 19-5215, 19-5216, 19-5217, and 19-5218, Revised Statutes Cumulative Supplement, 2018; to transfer and change provisions of the Nebraska Municipal Land Bank 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, 31:

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

Voting in the negative, 12:

Albrecht	Clements	Halloran	La Grone
Bostelman	Erdman	Hansen, B.	Lowe
Brewer	Geist	Hilgers	Slama

Present and not voting, 5:

Arch	Friesen	Hughes	Linehan	Murman
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Excused and not voting, 1:

Groene

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LB424.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 632. Placed on Final Reading.
LEGISLATIVE BILL 814. Placed on Final Reading.
LEGISLATIVE BILL 1107. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

RECESS

At 6:05 p.m., on a motion by Senator Stinner, the Legislature recessed until 7:15 p.m.

AFTER RECESS

The Legislature reconvened at 7:15 p.m., President Foley presiding.

ROLL CALL

The roll was called and all members were present except Senator Groene who was excused; and Senators Howard, Lathrop, McDonnell, Pansing Brooks, Vargas, Walz, and Wayne who were excused until they arrive.

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB755 with 31 ayes, 6 nays, 4 present and not voting, and 8 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 755.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 38-10,121, 38-10,160, 38-2002, 38-2008, 38-2014, 38-2017, 38-2018, 38-2023, 38-2046, 38-2047, 38-2050, 38-2053, 38-2054, 38-2055, 38-2056, 38-3001, 38-3002, 71-202.01, 71-224, 71-519, and 81-6,103, Reissue Revised Statutes of Nebraska, sections 81-3401, 81-3403, 81-3416.01, 81-3428, 81-3429, 81-3432, 81-3433, 81-3438, 81-3448, and 81-3451, Revised Statutes Cumulative Supplement, 2018, and sections 38-2001 and 81-3453, Revised Statutes Supplement, 2019; to change home services permit provisions under the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act and the Barber Act; to change physician, podiatrist, and physician assistant provisions under the Medicine and Surgery Practice Act and the Podiatry Practice Act; to define and redefine terms; to change membership of the Board of Medicine and Surgery; to change infant screening test provisions; to change provisions of a Parkinson's disease drug report; to change provisions, define and redefine terms, and eliminate obsolete provisions under the Engineers and Architects Regulation Act; to provide a duty for the Department of Health and Human Services and the Department of Veterans' Affairs; 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	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	Dorn	Howard	McCollister	Vargas
Bostelman	Erdman	Hughes	McDonnell	Walz
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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

The following bill was read and put upon final passage:

LEGISLATIVE BILL 755A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 755, 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, 45:

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

Voting in the negative, 0.

Present and not voting, 2:

Albrecht Lowe

Excused and not voting, 2:

Groene Wayne

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 LB781 with 38 ayes, 1 nay, 8 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 781. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 14-553, 15-317, and 23-1601, Reissue Revised Statutes of Nebraska, sections 17-605, 17-606, and 23-1605, Revised Statutes Cumulative Supplement, 2018, and sections 16-318 and 84-304, Revised Statutes Supplement, 2019; to provide an annual continuing education requirement for treasurers of certain local governments; to change and eliminate provisions relating to tabulated statements by county treasurers; to provide a duty for the Auditor of Public Accounts as prescribed; to harmonize provisions; to provide operative dates; to repeal the original sections; to outright repeal sections 23-1606 and 23-1607, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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 LB808 with 34 ayes, 4 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 808. With Emergency Clause.

A BILL FOR AN ACT relating to commerce; to amend sections 25-223, 76-842, 76-844, 76-854, 76-857, 76-859, 76-860, 76-867, 76-869, 76-870, 76-884, 76-890, 76-2202, 76-2204, 76-2205.02, 76-2207.01, 76-2207.17, 76-2207.22, 76-2207.26, 76-2212.03, 76-2215, 76-2216, 76-2216.02, 76-2218.02, 76-2219.01, 76-2219.02, 76-2220, 76-2221, 76-2223, 76-2227, 76-2233, 76-2233.01, 76-2233.02, 76-2233.03, 76-2239, 76-2243, 76-2245, 76-2246, 76-2247.01, 76-3207, 76-3210, and 81-885.04, Reissue Revised Statutes of Nebraska, sections 1-116, 21-201, and 81-885.24, Revised Statutes Cumulative Supplement, 2018, and sections 76-861, 76-2207.27, 76-2207.30, 76-2228.01, 76-2228.02, 76-2230, 76-2231.01, 76-2232, 76-2236, 76-2238, 76-3202, 76-3203.01, and 77-2387, Revised Statutes Supplement, 2019; to eliminate obsolete provisions relating to accountants; to change provisions relating to the certified public accountant examination; to define terms and provide for the ratification of defective corporate actions under the Nebraska Model Business Corporation Act; to adopt the Uniform Trust Decanting Act; to change provisions relating to actions on breach of warranty on improvements to real property; to change provisions under the Nebraska Condominium Act; to change provisions relating to the Real Property Appraiser Act; to define and eliminate certain terms under the Nebraska Appraisal Management Company Registration Act; to redefine the term security to include certain student loans under the Public Funds Deposit Security Act; to change provisions under the Nebraska Real Estate License Act; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 76-2205.01 and 76-2216.03, Reissue Revised Statutes of Nebraska; and to declare an emergency.

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

Voting in the affirmative, 47:

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

Voting in the negative, 0.

Excused and not voting, 2:

Groene Wayne

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 808A. With Emergency Clause.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 808, 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, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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 LB848 with 34 ayes, 8 nays, 6 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 848.

A BILL FOR AN ACT relating to government; to amend sections 25-2221, 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, 62-301, and 72-2201, Reissue Revised Statutes of Nebraska, and section 43-4504, Revised Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples' Day and Columbus Day; to change the Young Adult Bridge to Independence Act as it relates to young adult members of Indian tribes; to change the Nebraska State Capitol Preservation and Restoration Act with respect to placement of tribal flags; to harmonize provisions; to provide operative dates; 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, 35:

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

Voting in the negative, 10:

Bostelman	Erdman	Hansen, B.	La Grone	Moser
Clements	Halloran	Hilgers	Lowe	Slama

Present and not voting, 3:

Friesen	Hughes	Murman
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Excused and not voting, 1:

Groene

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 848A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 848, 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, 34:

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

Voting in the negative, 7:

Bostelman	Erdman	Moser	Slama
Clements	Halloran	Murman	

Present and not voting, 7:

Friesen	Hilgers	Kolowski	Lowe
Hansen, B.	Hughes	La Grone	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 918.

A BILL FOR AN ACT relating to government; to create the Commission on African American Affairs.

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

Voting in the affirmative, 39:

Albrecht	Cavanaugh	Hilgers	Lindstrom	Scheer
Arch	Chambers	Hilkemann	Linehan	Slama
Blood	Crawford	Howard	McCollister	Stinner
Bolz	DeBoer	Hunt	McDonnell	Vargas
Bostelman	Dorn	Kolowski	Morfeld	Walz
Brandt	Geist	Kolterman	Moser	Wayne
Brewer	Gragert	La Grone	Pansing Brooks	Wishart
Briese	Hansen, M.	Lathrop	Quick	

Voting in the negative, 2:

Clements Erdman

Present and not voting, 7:

Friesen	Hansen, B.	Lowe	Williams
Halloran	Hughes	Murman	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 918A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 918, 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, 37:

Arch	Chambers	Hilkemann	Linehan	Slama
Blood	Crawford	Howard	McCollister	Vargas
Bolz	DeBoer	Hunt	McDonnell	Walz
Bostelman	Dorn	Kolowski	Morfeld	Wayne
Brandt	Geist	Kolterman	Moser	Wishart
Brewer	Gragert	La Grone	Pansing Brooks	
Briese	Hansen, M.	Lathrop	Quick	
Cavanaugh	Hilgers	Lindstrom	Scheer	

Voting in the negative, 1:

Clements

Present and not voting, 10:

Albrecht	Friesen	Hansen, B.	Lowe	Stinner
Erdman	Halloran	Hughes	Murman	Williams

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 923. With Emergency Clause.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2701.16, Revised Statutes Supplement, 2019; to change provisions relating to gross receipts; to provide an operative date; 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, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 963.

A BILL FOR AN ACT relating to workers' compensation; to amend section 71-7104, Reissue Revised Statutes of Nebraska, section 48-101.01, Revised Statutes Cumulative Supplement, 2018, and section 48-122, Revised Statutes Supplement, 2019; to state intent; to change provisions relating to personal injuries of first responders and frontline state employees; to provide a means of demonstrating a prima facie case of personal injury; to provide duties for the Critical Incident Stress Management Program and the Department of Health and Human Services; to require reimbursement for training as prescribed; to change provisions relating to compensation paid for burial expenses; to define and redefine terms; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Friesen	Stinner	Williams
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Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 963A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 963, 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, 45:

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

Voting in the negative, 0.

Present and not voting, 3:

Friesen Stinner Williams

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 965.

A BILL FOR AN ACT relating to education; to recognize American Sign Language as a distinct and separate language; to authorize schools and postsecondary educational institutions to offer courses in American Sign Language; to define terms; to establish a language assessment program for children who are deaf or hard of hearing; to provide duties for the Commission for the Deaf and Hard of Hearing and the State Department of Education; to provide for an advisory committee; and to provide a duty for the Revisor of Statutes.

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	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 965A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 965, 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Dorn

Excused and not voting, 1:

Groene

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 LB966 with 35 ayes, 4 nays, 9 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 966.

A BILL FOR AN ACT relating to law; to amend sections 30-2414, 30-2416, 30-2426, 71-601, and 76-3413, Reissue Revised Statutes of Nebraska, and section 30-2201, Revised Statutes Cumulative Supplement, 2018; to adopt the Uniform Wills Recognition Act (1977); to change Nebraska Probate Code provisions relating to individuals who are related to a decedent through two lines of relationship, parents who are barred from inheriting from a child, allowable will provisions, informal probate and appointment proceedings, and formal testacy or appointment proceedings; to provide for an acknowledgment of maternity and paternity as prescribed; to change provisions relating to the revocation of transfer on death deeds under the Nebraska Uniform Real Property Transfer on Death Act; 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, 45:

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

Voting in the negative, 1:

Erdman

Present and not voting, 2:

Halloran Lowe

Excused and not voting, 1:

Groene

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 LB992 with 36 ayes, 4 nays, 8 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 992.

A BILL FOR AN ACT relating to telecommunications; to amend sections 75-109.01, 86-127, and 86-577, Reissue Revised Statutes of Nebraska, and sections 86-579 and 86-1102, Revised Statutes Cumulative Supplement, 2018; to adopt the Broadband Internet Service Infrastructure Act; to state intent; to provide for a state broadband coordinator; to provide duties for the Public Service Commission as prescribed; to create the Nebraska E-Rate Special Construction Matching Fund Program; to change the distribution of certain performance payments; to change provisions relating to the lease of dark fiber; to terminate a fund; to eliminate a financial assistance program; to provide a term of service for certain Rural Broadband Task Force members; to harmonize provisions; to provide operative dates; to repeal the

original sections; and to outright repeal section 86-580, 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	Clements	Hansen, M.	Lindstrom	Slama
Arch	Crawford	Hilgers	Linehan	Stinner
Blood	DeBoer	Hilkemann	Lowe	Vargas
Bolz	Dorn	Howard	McCollister	Walz
Bostelman	Erdman	Hughes	McDonnell	Wayne
Brandt	Friesen	Hunt	Morfeld	Williams
Brewer	Geist	Kolowski	Moser	Wishart
Briese	Gragert	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Quick	
Chambers	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Pansing Brooks

Excused and not voting, 1:

Groene

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 LB1002 with 33 ayes, 5 nays, 10 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1002. With Emergency Clause.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 13-1801, 23-1821, 28-907, 28-929, 28-929.01, 28-930, 28-931, 28-931.01, 38-1202, 38-1203, 38-1209, 38-1210, 38-1211, 38-1213, 38-1226, 38-1228, 38-1233, 38-1234, 38-1813, 48-115, 71-507, 71-509, 71-7436, 71-7444, 71-8226, 71-8227, 71-8236, 71-8237, 71-8240, 71-8248, 71-8249, 71-8251, and 71-8253, Reissue Revised Statutes of Nebraska, sections 13-303, 28-934, 38-1201, 38-1204, 38-1204.01, 38-1206.01,

38-1207.01, 38-1207.02, 38-1208, 38-1208.01, 38-1208.02, 38-1215, 38-1216, 38-1217, 38-1218, 38-1224, 38-1225, 38-1232, and 38-1237, Revised Statutes Cumulative Supplement, 2018, and sections 38-1220 and 68-901, Revised Statutes Supplement, 2019; to define and redefine terms; to provide for community paramedic and critical care paramedic practice and discipline of training agencies; to change the scope of practice of emergency care providers; to change provisions relating to the State Trauma Advisory Board; to eliminate powers and duties; to eliminate obsolete provisions; to provide for the independent provision of a therapeutic diet order pursuant to the Medical Nutrition Therapy Practice Act; to require standards for inpatient psychiatric units and psychiatric residential treatment facilities under the Medical Assistance Act as prescribed; to change provisions relating to wholesale drug distribution for emergency medical services; 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, 47:

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

Voting in the negative, 0.

Present and not voting, 1:

Stinner

Excused and not voting, 1:

Groene

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 LB1053 with 37 ayes, 6 nays, 5 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1053.

A BILL FOR AN ACT relating to public health and welfare; to amend sections 71-401, 71-403, 71-404, 71-413, 71-415, 71-416, 71-417, 71-436, 71-2085, 71-2086, 71-2087, 71-2092, 71-2093, 71-2094, and 71-6720, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to require adoption of rules and regulations for certain reimbursement rates under the Medical Assistance Act; to define and redefine terms and change licensure provisions under the Health Care Facility Licensure Act; to change receiver and receivership provisions relating to health care facilities; to change applicability of the Medication Aide Act; to harmonize provisions; to provide operative dates; 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	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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 LB1056 with 32 ayes, 5 nays, 11 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1056. With Emergency Clause.

A BILL FOR AN ACT relating to regulated activities; to amend sections 9-426, 9-429, and 9-431, Reissue Revised Statutes of Nebraska, sections 53-123.12, 53-129, and 53-134, Revised Statutes Cumulative Supplement, 2018, and section 53-123.11, Revised Statutes Supplement, 2019; to change provisions regarding special permits, remittance of taxes on gross proceeds, and sales of raffle tickets or stubs pursuant to the Nebraska Lottery and Raffle Act; to provide for temporary expansion of licensed premises under the Nebraska Liquor Control Act; 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	Clements	Hansen, M.	Linehan	Slama
Arch	Crawford	Hilgers	Lowe	Stinner
Blood	DeBoer	Hilkemann	McCollister	Vargas
Bolz	Dorn	Howard	McDonnell	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Present and not voting, 1:

Kolowski

Excused and not voting, 1:

Groene

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

MOTION(S) - Return LB1060 to Select File

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

[FA137](#)

Strike the enacting clause.

Senator Vargas withdrew his motion to return.

BILLS ON FINAL READING

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1060.

A BILL FOR AN ACT relating to the Nebraska Fair Employment Practice Act; to amend section 48-1102, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to racial discrimination; to harmonize provisions; and to repeal the original section.

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

Voting in the affirmative, 27:

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

Voting in the negative, 12:

Albrecht	Erdman	Hansen, B.	Lowe
Bostelman	Geist	Hilgers	Murman
Clements	Halloran	La Grone	Slama

Present and not voting, 9:

Arch	Briese	Gragert	Linehan	Stinner
Brewer	Friesen	Hughes	Moser	

Excused and not voting, 1:

Groene

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

LEGISLATIVE BILL 1064. With Emergency Clause.

A BILL FOR AN ACT relating to tobacco; to amend sections 28-1418, 28-1418.01, 28-1419, 28-1421, 28-1424, 28-1425, and 28-1427, Revised Statutes Supplement, 2019; to change provisions relating to the sale and use of tobacco products, electronic nicotine delivery systems, and alternative nicotine products; to provide for participation in compliance enforcement activities as prescribed; to harmonize provisions; to provide an operative date; 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, 48:

Albrecht	Clements	Hansen, M.	Lindstrom	Scheer
Arch	Crawford	Hilgers	Linehan	Slama
Blood	DeBoer	Hilkemann	Lowe	Stinner
Bolz	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	Halloran	La Grone	Pansing Brooks	
Chambers	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Excused and not voting, 1:

Groene

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 755, 755A, 781, 808, 808A, 848, 848A, 918, 918A, 923, 963, 963A, 965, 965A, 966, 992, 1002, 1053, 1056, 1060, and 1064.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 11, 2020, at 6:13 p.m. was the following: LB424.

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

COMMITTEE REPORT(S)
Enrollment and Review

LEGISLATIVE BILL 106. Placed on Final Reading.

LEGISLATIVE BILL 219. Placed on Final Reading.

[ST78](#)

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

1. In the E&R amendments, ER166, on page 7, line 6, "section 43-1311.03" has been struck and "sections 43-1311.03 and 68-1212" inserted; and in line 9 "to change provisions relating to case management services and provide a duty for the Director of Children and Family Services of the Division of Children and Family Services of the Department of Health and Human Services;" has been inserted after the semicolon.

LEGISLATIVE BILL 238. Placed on Final Reading.

[ST79](#)

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

1. On page 1, line 1, "sections 83-969 and" has been struck and "section" inserted; the matter beginning with "to" in line 2 through the first semicolon in line 4 has been struck; and in line 5 "sections" has been struck and "section" inserted.

LEGISLATIVE BILL 450. Placed on Final Reading Second.

LEGISLATIVE BILL 450A. Placed on Final Reading Second.

[ST76](#)

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

1. On page 1, line 3, "First Session, 2019" has been struck and "Second Session, 2020" inserted.

LEGISLATIVE BILL 477A. Placed on Final Reading Second.

LEGISLATIVE BILL 515. Placed on Final Reading.

LEGISLATIVE BILL 607. Placed on Final Reading.

LEGISLATIVE BILL 607A. Placed on Final Reading.

[ST80](#)

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

1. On page 1, line 3, "First" has been struck and "Second" inserted and "2019" has been struck and "2020" inserted.

LEGISLATIVE BILL 866. Placed on Final Reading.

[ST77](#)

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

1. In the E&R amendments, ER237, on page 1, line 5, "to adopt the Middle Income Workforce Housing Investment Act; to create a fund; to provide a civil penalty; to appropriate and transfer funds from the General Fund;" has been inserted after the semicolon; in line 6

"and" has been struck; and in line 7 "; and to declare an emergency" has been inserted after "sections".

2. In the Standing Committee amendments, AM2913:

- a. On page 8, line 18, "National" has been struck, shown as stricken, and "national" inserted; and
- b. Sections 11 and 12 have been renumbered as sections 22 and 23, respectively.

LEGISLATIVE BILL 1004. Placed on Final Reading.

LEGISLATIVE BILL 1004A. Placed on Final Reading.

LEGISLATIVE BILL 1021. Placed on Final Reading.

LEGISLATIVE BILL 1089. Placed on Final Reading.

(Signed) Julie Slama, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator M. Hansen name added to LB667.

Senator Wayne name added to LB1021.

Senator M. Hansen name added to LB1060.

ADJOURNMENT

At 8:33 p.m., on a motion by Senator M. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, August 12, 2020.

Patrick J. O'Donnell
Clerk of the Legislature