

SIXTIETH DAY - AUGUST 13, 2020**LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION****SIXTIETH DAY**

Legislative Chamber, Lincoln, Nebraska
Thursday, August 13, 2020

PRAYER

The prayer was offered by Senator Williams.

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 Senator Groene who was excused until he arrives.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifty-ninth day was approved.

ATTORNEY GENERAL'S OPINIONOpinion 20-009

SUBJECT: Whether Noncompliance with the Legislature's
Procedural Rules Invalidates Legislation [LB 814].

REQUESTED BY: Senator Megan Hunt
Nebraska Legislature

WRITTEN BY: Douglas J. Peterson, Attorney General
L. Jay Bartel, Assistant Attorney General

INTRODUCTION

We are in receipt of your request for our opinion on the legal effect of alleged violations of legislative rules in advancing LB 814 to Final Reading. Our research and legal analysis of your questions are abbreviated given that

your request letter is dated August 11, 2020, and we must respond prior to the scheduled adjournment of the legislative session on August 13, 2020.

Your request contained several questions: (1) "What is the legal consequence of failing to formally read and introduce a bill on General File, the first step of full legislative debate?" (2) "Is this oversight in compliance with basic, fundamental legislative rule and policy fatal to the validity of LB 814?" (3) "Can this misstep or oversight be corrected by returning LB 814 to General File or Committee to cure this procedural defect?" (4) "Given the lack of procedural compliance, can the passage and enactment of LB 814 be challenged in court should it be passed and signed by the Governor?" These questions may be succinctly summarized as asking what effect the Legislature's alleged failure to adhere to its procedural rules, occurring sometime between when a bill is filed on the Legislature's Agenda for General File and when it is filed on the Legislature's Agenda for Final Reading, may have on the validity of that bill if it becomes law.

Your questions pertain to legislative rules that govern the stages of the legislative process. Your request makes specific reference to an alleged violation of Rule 6, Sec. 3 of the Rules of the Nebraska Unicameral Legislature. From the remaining context of your letter it appears that your other procedural concerns pertain to alleged violations of Rule 6, Sec. 5. Your request does not assert a violation of any other legislative rules, statutes or constitutional provisions. As your request pertains solely to rules of the Legislature regarding the stages of the legislative process, our opinion is likewise limited to such rules.

Because the Nebraska Supreme Court generally declines to review the Legislature's compliance with its own procedural rules, we conclude that any of the alleged procedural failings you have raised concerning LB 814 likely would not jeopardize its validity should it become law.

ANALYSIS

Article III, § 10 of the Nebraska Constitution states, in part: "[T]he Legislature shall determine the rules of its proceedings" This Office has previously stated that "[u]nder this provision the Legislature has complete authority to determine the rules of its own proceedings 'in the absence of constitutional restraints.'" Op. Att'y Gen. No. 145 (November 3, 1981) (citing *State ex rel. Johnson v. Hagemeister*, 161 Neb. 475, 73 N.W.2d 625 (1955)). Whether the Legislature complied with its own rules when enacting a bill is a question that the Nebraska Supreme Court has declined to review, "absent a constitutional issue," once the Legislature itself has determined that the bill has been passed in compliance with its rules. *DeCamp v. State*, 256 Neb. 892, 896, 594 N.W.2d 571, 574 (1999). "Where no definitive guidance is provided by the Constitution, [the Court is] required to give deference to the actions of the legislative branch in determining whether the statute was validly enacted." *Id.* at 895, 594 N.W.2d at 573. This judicial deference to the Legislature is consistent

with—if not required by—the separation of powers provision in art. II, § 1 of the Nebraska Constitution.

Nebraska courts are not alone in their deferential approach to these cases. The precept that compliance with these kinds of legislative rules presents a nonjusticiable question, unless the legislative procedure is mandated by the constitution, is reflected in case law from a number of other jurisdictions. See 16 C.J.S. *Constitutional Law* § 425 (June 2020).

The Wisconsin Supreme Court, for example, recently confirmed that the separation of powers doctrine precludes judicial review of whether a legislative body complied with internal operating rules in enacting a statute. *League of Women Voters of Wisconsin v. Evers*, 387 Wis. 2d 511, 929 N.W.2d 209 (2019) [*League of Women Voters*]. "[U]nder separation of powers concepts and affording the comity and respect due a co-equal branch of state government," the judiciary may not "interfere with the conduct of legislative affairs." *Id.* at 537, 929 N.W.2d at 222. "When the legislative process has been completed, a court may then in a proper case consider whether the power of the legislature has been constitutionally exercised or whether the law enacted in the exercise of its power is valid." *Id.* (quoting *Goodland v. Zimmerman*, 243 Wis. 459, 469, 10 N.W.2d 180 (1943)). "The process by which laws are enacted, however, falls beyond the powers of judicial review." *League of Women Voters*, 387 Wis. 2d at 537, 929 N.W.2d at 222. Noting that the constitution "confers discretion on the Legislature to determine for itself the rules of its own proceedings," the court stated it "[would] not intermeddle in what we view, in the absence of constitutional directives to the contrary, to be purely legislative concerns[.]" *Id.* at 539, 929 N.W.2d at 223 (quoting *State ex rel. La Follette v. Stitt*, 114 Wis. 2d 358, 364, 338 N.W.2d 684 (1983) [*La Follette*]). The court explained that

[d]eclining to "inquire into whether the legislature has complied with legislatively prescribed formalities in enacting a statute" springs from the principles of "separation of powers and comity." . . . "[T]he legislature's adherence to the rules or statutes prescribing procedure is a matter entirely within legislative control and discretion, not subject to judicial review unless the legislative procedure is mandated by the constitution." . . . "If the legislature fails to follow self-adopted procedural rules in enacting legislation, and such rules are not mandated by the constitution, courts will not intervene to declare the legislation invalid." *Id.* at 539-40, 929 N.W.2d at 223 (quoting *La Follette*, 114 Wis. 2d at 364-65, 338 N.W.2d 684)).

The court concluded by noting the legislature is "accountable to the people...for any failure to follow its self-imposed statutory or procedural rules." *League of Women Voters*, 387 Wis. 2d at 540, 929 N.W.2d at 223. "Provided the Legislature acts in accordance with its mandates, the constitution confers no power on the judiciary to enjoin or invalidate laws as a consequence for deficiencies in the implementation of internally-imposed legislative procedures." *Id.*

Numerous state courts agree with the Wisconsin Supreme Court that a legislature's failure to follow its procedural rules does not invalidate legislation. *E.g., Des Moines Register and Tribune Co. v. Dwyer*, 542 N.W.2d 491, 496 (Iowa 1996) ("[T]he legislature has complete control and discretion whether it shall observe, enforce, waive, suspend, or disregard its own rules of procedure, and violations of such rules are not grounds for the voiding of legislation."); *Starr v. Governor*, 154 N.H. 174, 178, 910 A.2d 1247, 1251 (N.H. 2006) ("We will not declare a legislative act invalid for failure of a house to observe its own rules."); *Board of Trustees of the Judicial Reform Retirement System v. Attorney General*, 132 S.W.3d 770, 777 (Ky. 2003) ("[O]ur Constitution authorizes the General Assembly to establish rules governing its own proceedings. So long as those rules do not violate some other provision of the Constitution, it is not within our prerogative to approve, disapprove, or enforce them."); *State ex rel. Grendell v. Davidson*, 86 Ohio St. 3d 629, 633, 716 N.E.2d 704, 708 (Ohio 1999) ("[I]t is well settled that, in considering the validity of a statute, courts will not inquire into whether the legislature complied with its own rules in enacting the statute, as long as no constitutional provision is violated."); *State v. Gray*, 221 La. 868, 874, 60 So.2d 466, 468 (La. 1952) ("[I]t is well settled that an act of the Legislature will not be declared void or invalid for failure of the legislative body to observe its own rules of procedure.").

Although the Nebraska Constitution includes some procedural requirements for the Legislature to follow, it does not appear that any of those requirements are violated by the procedural issues you raised. Article III, § 13, for example, requires "the assent of a majority of all members elected" and demands that "the yeas and nays on the question of final passage of any bill be entered upon the journal." (Emphasis added.) But those requirements are not implicated by your request. Nor is the requirement in art. III, § 14 that every bill be "read by title when introduced" implicated as the title of LB 814 was read when introduced on January 8, 2020. Floor Debate on LB 814, 106th Leg., 2nd Sess. at 15 (Jan. 8, 2020 (Rough Draft)). The remaining procedural requirements in art. III, § 14 are also irrelevant because they apply only to the vote taken upon final passage of a bill. The procedural concerns you raise pertain to legislative rules that govern the Legislature's action in consideration of a bill on General File and Select File, respectively. These particular legislative rules do not correspond to any discrete mandate of the Nebraska Constitution governing legislative procedure, and therefore challenges to compliance with those rules present nonjusticiable questions.

In *DeCamp*, the Nebraska Supreme Court demonstrated the important distinction between constitutionally imposed legislative requirements and legislatively created internal procedures. The court initially determined whether the bill at issue complied with the requirement in art. III, § 14 that a bill be "on file for final reading and passage for at least one legislative day." But when the court turned to compliance with legislatively created rules, it deferred to the Legislature. Specifically, the court concluded that the Legislature had itself determined that the bill satisfied the requirements of

Legislative Rule 6, Sec. 7 by passing the bill in compliance with all other constitutionally imposed legislative procedures. *DeCamp*, 256 Neb. at 896, 594 N.W.2d at 574. Consistent with this reasoning, should LB 814 pass in accordance with constitutional requirements, Nebraska courts would likely conclude that the Legislature itself deemed the bill to have been properly enacted, regardless of the concerns you have raised.

CONCLUSION

Based on the information currently available to us, we conclude that none of the procedural concerns articulated in your request regarding LB 814 presents a constitutional issue. Further, based on the widely held view that courts will not invalidate statutes based on the failure of a legislative body to observe its own rules, Nebraska courts would not likely entertain a challenge to LB 814 if enacted based on the procedural issues raised in your request.

Very truly yours,
DOUGLAS J. PETERSON
Attorney General
(Signed) L. Jay Bartel
Assistant Attorney General

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

07-1343-29

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

MOTION(S) - Bracket LB1107

Senator Wayne offered his motion, [MO214](#), found on page 1351, to bracket LB1107 until August 13, 2020.

SPEAKER SCHEER PRESIDING

PRESIDENT FOLEY PRESIDING

Senator Scheer offered the following motion:

[MO230](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 42:

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

Voting in the negative, 3:

Cavanaugh Erdman Hunt

Present and not voting, 1:

Wayne

Absent and not voting, 1:

Chambers

Excused and not voting, 2:

Briese Groene

The Scheer motion to invoke cloture prevailed with 42 ayes, 3 nays, 1 present and not voting, 1 absent and not voting, and 2 excused and not voting.

Senator Wayne requested a record vote on the motion to bracket.

Voting in the affirmative, 4:

Cavanaugh Erdman Hunt Wayne

Voting in the negative, 39:

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

Present and not voting, 4:

Blood Chambers Howard Pansing Brooks

Excused and not voting, 2:

Briese Groene

The Wayne motion to bracket failed with 4 ayes, 39 nays, 4 present and not voting, and 2 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 LB1107 with 38 ayes, 6 nays, 3 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1107. With Emergency Clause.

A BILL FOR AN ACT relating to government; to amend sections 77-202, 77-693, 77-801, 77-1229, 77-1238, 77-1248, 77-1514, 77-2717, 77-2734.03, 77-27,119, 77-27,144, 77-3806, 77-4212, 77-5905, and 81-125, Reissue Revised Statutes of Nebraska, sections 18-2119, 18-2710.03, 49-801.01, and 84-602.03, Revised Statutes Cumulative Supplement, 2018, and sections 50-1209, 66-1344, 77-1239, 77-2711, 77-2715.07, 77-4602, and 84-612, Revised Statutes Supplement, 2019; to adopt the ImagiNE Nebraska Act, the Key Employer and Jobs Retention Act, the Renewable Chemical Production Tax Credit Act, the Customized Job Training Act, the Nebraska Transformational Projects Act, and the Nebraska Property Tax Incentive Act; to eliminate the exemptions provided under the Personal Property Tax Relief Act; to change provisions relating to sales and use tax refunds; to provide for credits on franchise taxes; to change provisions under the Property Tax Credit Act; to change provisions relating to actual General Fund net receipts; to provide transfers to and from the Cash Reserve Fund as prescribed; to state intent regarding funding the Tax Equity and Educational Opportunities Support Act; to appropriate funds to aid in carrying out the provisions of this legislative bill; to eliminate an appropriation to the Department of Revenue for personal property tax exemptions; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal Laws 2019, LB294, section 71; 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, 41:

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

Voting in the negative, 4:

Chambers	Erdman	Halloran	Hunt
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Present and not voting, 2:

Cavanaugh	Wayne
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Excused and not voting, 2:

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

WITHDRAW - Motion to LB814

Senator Erdman withdrew his motion, [MO199](#), found on page 1239, to bracket LB814 until July 30, 2020.

MOTION(S) - Bracket LB814

Senator Hunt offered her motion, [MO217](#), found on page 1362, to bracket LB814 until August 13, 2020.

Senator Geist offered the following motion:

[MO231](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

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

Voting in the affirmative, 33:

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

Voting in the negative, 8:

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

Present and not voting, 7:

Blood	DeBoer	Lathrop	Wishart
Bolz	Kolowski	Vargas	

Excused and not voting, 1:

Wayne

The Geist motion to invoke cloture prevailed with 33 ayes, 8 nays, 7 present and not voting, and 1 excused and not voting.

The Hunt motion to bracket failed with 8 ayes, 29 nays, 11 present and not voting, and 1 excused and not voting.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 814.

A BILL FOR AN ACT relating to abortion; to amend sections 28-326 and 38-2021, Reissue Revised Statutes of Nebraska, and section 28-101, Revised Statutes Supplement, 2019; to define a term; to prohibit dismemberment abortion; to provide for a hearing, immunity from liability, causes of action, injunctions, damages, attorney's fees, a penalty, and anonymity; to state intent; to harmonize provisions; to provide severability; 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, 33:

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

Voting in the negative, 8:

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

Present and not voting, 7:

Blood	DeBoer	Lathrop	Wishart
Bolz	Kolowski	Vargas	

Excused and not voting, 1:

Wayne

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 1107 and 814.

REFERENCE COMMITTEE REPORT

2020 Resolution calling for an Interim Study

LR477	Interim study to examine the definition and interpretation of cigarette by the Dept. of Revenue for purposes of taxation and the Master Settlement Agreement	Revenue
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(Signed) Mike Hilgers, Chairperson
Executive Board

VISITOR(S)

Visitors to the Chamber were Senator Bolz's mom, Pam Eisenhower; Senator Crawford's husband, David; and Senator Scheer's wife, Kris, daughter, son-in-law, granddaughter, and grandson, Keeli, Mike, Stella, and Miller Vrbicky, and daughter, son-in-law, and grandson, Rachel, Aaron, and Harris Hoffman.

RECESS

At 12:00 p.m., on a motion by Senator Friesen, 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 Senator Morfeld who was excused until he arrives.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 13, 2020, at 12:10 p.m. were the following: LBs 1107e and 814.

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

MOTION(S) - Return LB106 to Select File

Senator Chambers moved to return LB106 to Select File for the following specific amendment:

[FA140](#)

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

BILL ON FINAL READING

The following bill was read and put upon final passage:

LEGISLATIVE BILL 106.

A BILL FOR AN ACT relating to the DNA Identification Information Act; to amend section 29-4108, Reissue Revised Statutes of Nebraska; to change provisions relating to DNA records; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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

MOTION(S) - Return LB219 to Select File

Senator Chambers moved to return LB219 to Select File for the following specific amendment:

[FA141](#)

Strike the enacting clause.

Senator Chambers withdrew his motion to return.

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 LB219 with 30 ayes, 6 nays, 12 present and not voting, and 1 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 219.

A BILL FOR AN ACT relating to children; to amend section 43-4704, Revised Statutes Cumulative Supplement, 2018, and sections 43-1311.03 and 68-1212, Revised Statutes Supplement, 2019; to provide requirements for foster care transition proposals and provision of materials relating to acquiring a driver's license; to provide for a child in foster care to obtain a

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

Voting in the negative, 0.

Present and not voting, 1:

Lowe

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 238.

A BILL FOR AN ACT relating to executions; to amend section 83-970, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to witnessing executions; 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	Dorn	Kolterman	Pansing Brooks	Wayne
Bolz	Hansen, M.	Lathrop	Quick	Williams
Brandt	Hilkemann	Lindstrom	Scheer	Wishart
Cavanaugh	Howard	McCollister	Stinner	
Crawford	Hunt	McDonnell	Vargas	
DeBoer	Kolowski	Morfeld	Walz	

Voting in the negative, 10:

Albrecht	Clements	Groene	La Grone	Moser
Bostelman	Erdman	Halloran	Lowe	Slama

Present and not voting, 12:

Arch	Chambers	Gragert	Hughes
Brewer	Friesen	Hansen, B.	Linehan
Briese	Geist	Hilgers	Murman

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

LEGISLATIVE BILL 450.

A BILL FOR AN ACT relating to postsecondary education; to amend sections 85-505, 85-505.01, 85-506, and 85-507, Reissue Revised Statutes of Nebraska; to change tuition assistance program provisions for National Guard members, spouses, and children; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 48:

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

Voting in the negative, 0.

Excused and not voting, 1:

Chambers

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

LEGISLATIVE BILL 450A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, 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	Crawford	Hansen, M.	Lindstrom	Slama
Arch	DeBoer	Hilgers	Linehan	Stinner
Blood	Dorn	Hilkemann	Lowe	Vargas
Bolz	Erdman	Howard	McCollister	Walz
Bostelman	Friesen	Hughes	McDonnell	Wayne
Brandt	Geist	Hunt	Morfeld	Williams
Brewer	Gragert	Kolowski	Moser	Wishart
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Quick	
Clements	Hansen, B.	Lathrop	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Chambers Pansing Brooks

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

LEGISLATIVE BILL 477.

A BILL FOR AN ACT relating to revenue and taxation; to amend section 77-2716, Revised Statutes Supplement, 2019; to provide an income tax exemption for Segal AmeriCorps Education Awards; 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, 39:

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

Voting in the negative, 4:

Albrecht	Clements	Groene	Lowe
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Present and not voting, 4:

Erdman	Halloran	Hansen, B.	Kolowski
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Excused and not voting, 2:

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

LEGISLATIVE BILL 477A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 477, One Hundred Sixth Legislature, Second Session, 2020; and to provide for a transfer of funds.

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, 38:

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

Voting in the negative, 4:

Albrecht Clements Groene Lowe

Present and not voting, 5:

Bolz Erdman Halloran Hansen, B. Kolowski

Excused and not voting, 2:

Chambers Pansing Brooks

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 LB515 with 30 ayes, 10 nays, 7 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 515.

A BILL FOR AN ACT relating to the Student Discipline Act; to amend sections 79-254, 79-256, 79-265, 79-266, 79-267, 79-268, 79-269, 79-272, 79-276, 79-278, 79-282, 79-283, and 79-287, Reissue Revised Statutes of Nebraska; to redefine a term; to change provisions relating to intent, suspension, expulsion, reassignment, discipline, and hearings; 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, 26:

Blood	Gragert	Lathrop	Quick	Williams
Bolz	Hansen, M.	Lindstrom	Scheer	Wishart
Cavanaugh	Hilkemann	McCollister	Stinner	
Crawford	Howard	McDonnell	Vargas	
DeBoer	Hunt	Morfeld	Walz	
Dorn	Kolterman	Murman	Wayne	

Voting in the negative, 7:

Albrecht Clements Groene Moser
Bostelman Erdman Lowe

Present and not voting, 14:

Arch	Briese	Halloran	Hughes	Linehan
Brandt	Friesen	Hansen, B.	Kolowski	Slama
Brewer	Geist	Hilgers	La Grone	

Excused and not voting, 2:

Chambers Pansing Brooks

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 LB607 with 33 ayes, 5 nays, 9 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 607.

A BILL FOR AN ACT relating to the Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art Practice Act; to amend sections 38-1008, 38-1033, 38-1035, 38-1037, 38-1040, 38-1041, 38-1044, 38-1053, 38-1054, 38-1055, 38-1060, 38-1064, 38-10,167, and 38-10,169, Reissue Revised Statutes of Nebraska, sections 38-1004, 38-1061, 38-1062, 38-1066, 38-1067, 38-1069, 38-1075, 38-10,128, and 38-10,171, Revised Statutes Cumulative Supplement, 2018, and section 38-1001, Revised Statutes Supplement, 2019; to define and redefine terms; to change provisions relating to permanent color technology and licensure by examination; to provide for registration of a guest body artist and licensure of a temporary body art facility and a nail technology apprentice salon; 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, 31:

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

Voting in the negative, 10:

Albrecht	Erdman	Groene	Hansen, B.	Lowe
Clements	Geist	Halloran	La Grone	Slama

Present and not voting, 6:

Arch	Briese	Hilgers
Brewer	Friesen	Murman

Excused and not voting, 2:

Chambers Pansing Brooks

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 607A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 607, 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, 28:

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

Voting in the negative, 10:

Albrecht	Erdman	Groene	La Grone	Murman
Clements	Geist	Hansen, B.	Lowe	Slama

Present and not voting, 9:

Arch	Brewer	Cavanaugh	Halloran	Linehan
Bostelman	Briese	Friesen	Hilgers	

Excused and not voting, 2:

Chambers Pansing Brooks

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

WITHDRAW - Motion to LB632

Senator Chambers withdrew his motion, [MO213](#), found on page 1344, to recommit LB632 to the Natural Resources Committee.

MOTION(S) - Return LB632 to Select File

Senator Cavanaugh moved to return LB632 to Select File for the following specific amendment:

[FA144](#)

Strike the enacting clause.

Senator Cavanaugh withdrew her motion to return.

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 LB632 with 31 ayes, 2 nays, 14 present and not voting, and 2 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 632.

A BILL FOR AN ACT relating to environment and energy; to amend sections 13-2001, 13-2003, 13-2017, 13-2023, 70-1605, and 70-1606, Reissue Revised Statutes of Nebraska, and section 2-1504, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to Nebraska Natural Resources Commission membership and the Integrated Solid Waste Management Act; to define a term; to restate policy; to prohibit regulation of containers as prescribed; to change provisions relating to utility discontinuance and reconnection; to require the Department of Natural Resources to develop a state flood mitigation plan; 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, 46:

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

Voting in the negative, 0.

Present and not voting, 1:

Hansen, M.

Excused and not voting, 2:

Chambers Pansing Brooks

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

MOTION(S) - Return LB866 to Select File

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

[FA145](#)

Strike the enacting clause.

Senator Wayne withdrew his motion to return.

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 LB866 with 35 ayes, 8 nays, and 6 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 866. With Emergency Clause.

A BILL FOR AN ACT relating to cities; to amend sections 14-403 and 15-902, Reissue Revised Statutes of Nebraska, and sections 19-901 and

19-902, Revised Statutes Supplement, 2019; to adopt the Municipal Density and Missing Middle Housing Act; to provide zoning regulation requirements for certain cities; 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; to harmonize provisions; to provide a duty for the Revisor of Statutes; 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, 29:

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

Voting in the negative, 7:

Albrecht	Clements	Halloran	Slama
Bostelman	Groene	Lowe	

Present and not voting, 13:

Arch	Briese	Geist	La Grone	Murman
Brandt	Erdman	Gragert	Linehan	
Brewer	Friesen	Hansen, B.	Moser	

Having failed to receive a constitutional two-thirds majority voting in the affirmative, the bill failed to pass with the emergency clause attached. The question is, "Shall the bill pass with the emergency clause stricken?"

Voting in the affirmative, 31:

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

Voting in the negative, 7:

Albrecht	Clements	Halloran	Slama
Bostelman	Groene	Lowe	

Present and not voting, 11:

Arch	Briese	Geist	Moser
Brandt	Erdman	Hansen, B.	Murman
Brewer	Friesen	La Grone	

A constitutional majority having voted in the affirmative, the bill was declared passed with the emergency clause stricken.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 1004.

A BILL FOR AN ACT relating to law; to amend section 83-1,110, Reissue Revised Statutes of Nebraska, section 83-1,102, Revised Statutes Cumulative Supplement, 2018, and section 43-2101, Revised Statutes Supplement, 2019; to change provisions relating to age of majority; to provide powers and duties with respect to the administration and supervision of parole; to change provisions relating to eligibility for parole and provide for applicability; 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, 29:

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

Voting in the negative, 11:

Albrecht	Clements	Halloran	Murman
Bostelman	Erdman	La Grone	Slama
Brewer	Groene	Lowe	

Present and not voting, 9:

Arch	Geist	Hansen, B.	Hughes	Moser
Briese	Gragert	Hilgers	Linehan	

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

LEGISLATIVE BILL 1004A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1004, One Hundred Sixth Legislature, Second Session, 2020; and to provide for a transfer.

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, 28:

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

Voting in the negative, 11:

Albrecht	Clements	Halloran	Murman
Bostelman	Erdman	La Grone	Slama
Brewer	Groene	Lowe	

Present and not voting, 10:

Arch	Friesen	Gragert	Hilgers	Linehan
Briese	Geist	Hansen, B.	Hughes	Moser

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 LB1021 with 35 ayes, 3 nays, and 11 present and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1021.

A BILL FOR AN ACT relating to cities and villages; to amend sections 18-2108, 18-2110, 18-2111, 18-2112, 18-2114, 18-2117, and 77-1704.01, Reissue Revised Statutes of Nebraska, sections 18-2109, 18-2113, 18-2115, 18-2116, 18-2117.01, 18-2117.02, and 18-2147, Revised Statutes

Cumulative Supplement, 2018, and section 18-2101, Revised Statutes Supplement, 2019; to provide for an expedited review of certain redevelopment plans under the Community Development Law; to exempt such redevelopment plans from certain requirements; 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, 49:

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

Voting in the negative, 0.

Not voting, 0.

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 1089.

A BILL FOR AN ACT relating to schools; to amend section 79-729, Reissue Revised Statutes of Nebraska; to add a high school graduation requirement and provide an exception as prescribed; to provide a duty for schools to submit data to the State Department of Education; to provide duties for the Commissioner of Education and require an annual report to the Legislature; to provide for rules and regulations as prescribed; and to repeal the original section.

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

Voting in the affirmative, 29:

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

Voting in the negative, 12:

Albrecht	Briese	Geist	Hansen, B.
Arch	Clements	Groene	Lowe
Bostelman	Erdman	Halloran	Moser

Present and not voting, 8:

Brewer	Gragert	Hughes	Murman
Friesen	Hilgers	La Grone	Slama

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

COMMITTEE REPORT

Enrollment and Review

Correctly Enrolled

The following bill was correctly enrolled: LB866.

(Signed) Julie Slama, Chairperson

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 106, 219, 238, 450, 450A, 477, 477A, 515, 607, 607A, 632, 866, 1004, 1004A, 1021, and 1089.

EXECUTIVE BOARD COMMUNICATION

August 13, 2020

Patrick O'Donnell
Clerk of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. O'Donnell,

The *Legislature's Workplace Harassment Policy* requires all senators and staff to receive workplace harassment training at least once each biennium. A report of senators and staff who have taken the training is then required to be published in the Legislative Journal at the end of the two-year session.

All senators, but three, and all staff, but two, took the training. In compliance with the *Policy*, but in order to facilitate the Journal's publication, the list of names of those who took the training this biennium is available in the office of the Chairperson of the Executive Board.

Sincerely,
(Signed) Mike Hilgers, Chairperson
Executive Board

MOTION - Notify Governor

Senator Crawford moved that a committee of five be appointed to notify the Governor that the One Hundred Sixth Legislature, Second Session of the Nebraska Legislature, is about to complete its work, and to return with any message the Governor may have for the Legislature.

The motion prevailed.

The Chair appointed Senators Bolz, Crawford, Howard, Kolowski, and Scheer to serve on said committee.

The committee returned and escorted Governor Pete Ricketts to the rostrum where he delivered a message to the members.

The committee escorted Governor Pete Ricketts from the Chamber.

MOTION - Disposition of Bills

Senator Kolowski moved that all bills not otherwise disposed of, excluding bills on Final Reading and vetoed or line-item vetoed bills on this date, be indefinitely postponed.

The motion prevailed.

PRESENTED TO THE GOVERNOR

Presented to the Governor on August 13, 2020, at 4:03 p.m. were the following: LBs 106, 219, 238, 450, 450A, 477, 477A, 515, 607, 607A, 632, 866, 1004, 1004A, 1021, and 1089.

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

MOTION - Committee Records

Senator Kolterman moved that the chairpersons of all standing committees file with the Clerk of the Legislature all standing committee records so that a proper record may be made of the final disposition of all bills.

The motion prevailed.

MOTION - Legislative Journal, Session Laws, and Indexes

Senator Howard moved that the Legislature approve the preparation and printing of the permanent Legislative Journal, Session Laws, and Indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and Session Laws, and that the Journal for the Sixtieth Day, as prepared by the Clerk of the Legislature, be approved.

The motion prevailed.

MOTION - Adjourn Sine Die

Senator Scheer moved that the One Hundred Sixth Legislature, Second Session of the Nebraska Legislature, having finished all business before it, now at 4:32 p.m., adjourn sine die.

The motion prevailed.

Patrick J. O'Donnell
Clerk of the Legislature