

**RECEIVED AFTER ADJOURNMENT**  
**LEGISLATIVE JOURNAL**  
**ONE HUNDRED SIXTH LEGISLATURE**  
**SECOND SESSION**

**CORRECTIONS FOR THE JOURNAL**

Page 751, after line 20, add "Senator Friesen name added to LB944."  
The Journal for the thirty-first day was approved as corrected.

**MESSAGE(S) FROM THE GOVERNOR**

August 15, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 424, 755, 755A, 781e, 808e, 808Ae, 848, 848A, 918, 918A, 923e, 963, 963A, 965, 965A, 966, 992, 1002e, 1053, 1056e, and 1064e were received in my office on August 11, 2020. Engrossed Legislative Bill 814 was received in my office on August 13, 2020.

These bills were signed and delivered to the Secretary of State on August 15, 2020.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 15, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1060 without my signature and with my objections.

I agree with the intent of LB 1060 to protect people against racial discrimination.

LB 1060 would add a new definition of "race" that would apply in all discrimination cases arising under the Nebraska Fair Employment Practice Act. The new definition would state "race includes, but is not limited to, hair texture and protective hairstyles; and protective hairstyles includes, but is not limited to, hairstyles such as braids, locks, and twists."

The bill covers features based on mutable characteristics that are not attributable to one racial group. While hair type is an immutable characteristic, hairstyles can easily be changed. Additionally, the hairstyles named in the bill (locks, braids, and twists) are not exclusively worn by one race.

While I agree with the goal, I object to the form of the bill. It needs to add protections for employees based upon their immutable hair texture and to also add protections for employers centered on health and safety standards.

As written, the bill fails to provide health or safety exceptions for employers. For example, employees who work in food service or around heavy machinery are often required to wear their hair a certain length or tie back or cover their hair in order to ensure their safety, as well as the health and safety of the public.

Under LB 1060, an employer would be unable to uniformly apply its grooming policies without fear of violating the Nebraska Fair Employment Practice Act. Additionally, since the changes in LB 1060 will apply to state agencies and political subdivisions, it will preclude law enforcement agencies across the state from being able to maintain long-standing personal grooming policies.

Clearly, there is a need to provide appropriate protections for African Americans and others so that their unchangeable hair textures cannot be used as a reason for bias or discrimination in the workplace. I am committed to working with the Legislature to enact a statute early in the upcoming session that will achieve this important purpose but in a manner that focuses on immutable race characteristics and provides employer flexibility.

For these reasons, I vetoed LB 1060. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 126, 153, 266, 312, 323, 323A, 518, 534, and 540 were received in my office on August 12, 2020.

These bills were signed and delivered to the Secretary of State on August 17, 2020.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. O'Donnell:

Engrossed Legislative Bills 106, 219, 450, 450A, 477, 477A, 632, 866, 1021, and 1107e were received in my office on August 13, 2020.

These bills were signed and delivered to the Secretary of State on August 17, 2020.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 238 without my signature and with my objections.

LB 238 adds additional burdens to the process of carrying out the death penalty in Nebraska. The legislation would require that witnesses who are

present continuously observe the execution process from the moment the inmate enters the execution chamber until the inmate is declared dead or the execution is halted. The bill's additional restrictions would mandate changes to the current execution protocol.

LB 238 purports to protect the identity of the person conducting the execution by allowing that person to wear a mask. Under current law, his or her identity is protected.

Members of the execution team are employees of the Nebraska Department of Correctional Services who volunteer for this responsibility. Wearing a mask or disguise in an attempt to conceal their identity could impede necessary procedures if the staff member's eyesight is hindered or blocked. Ultimately, the staff member would still be easily identified by gender, race, hair, weight, and height. Protecting the identity of the staff who are required to perform this duty on behalf of the State is done for their safety and the safety of their families.

Carrying out Nebraska's death penalty is a sobering responsibility that is assigned to state staff members. To have members of an execution team wearing a mask or disguise would make a mockery of the execution and show a complete lack of respect for the inmate, the inmate's family, and for family of the victims.

For these reasons, I have vetoed LB 238. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 515 without my signature and with my objections.

The bill amends the Student Discipline Act in a way that will detrimentally affect the learning environment in our schools. Parents and educators have worked with Senators to introduce several bills to protect students and educators over the last two years. LB 515 does the opposite by making it harder to reassign, suspend, or expel students who injure others or unlawfully possess controlled substances and alcohol in our schools.

I support giving students subject to suspension the opportunity to complete missed classwork and homework. I am also supportive of requiring schools to accept credits earned by an expelled student at another school. However, I cannot support increasing both the bureaucracy and costs related to student discipline.

LB 515 increases the burden of proof for school districts to discipline students that possess, sell, or distribute illegal drugs by requiring they prove the student knew they had drugs or that the drugs were illegal. Additionally, it also added a definition of a "personal injury caused by an accident" which goes well beyond the common meaning, making it harder to discipline students when they injure staff or students. Increasing the burden of proof and mandating unrealistic and arbitrary timelines make it nearly impossible to gather evidence of the student's intent or knowledge to meet the standard proposed by the bill.

It is not wise public policy to turn school discipline matters into court proceedings or arbitration. The bill disregards the safety of teachers and other students. Student discipline must balance the rights of students and the need for a safe learning environment. While well intentioned, LB 515 misses that mark. School districts have contacted me to share their concerns that the bill will adversely affect their staff and students. These concerns are serious and cannot be ignored.

For these reasons, I have vetoed LB 515. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 607 and LB 607A without my signature and with my objections.

I appreciate the hard work of Senator Kolterman on this omnibus legislative bill. My sole objection is to the provision that would impose new occupational licensing requirements upon individuals who perform manicures and pedicures on natural nails.

LB 607 would define that work as "nail technology" and then increase the licensing burdens and costs by requiring a natural nail practitioner to graduate from a cosmetology school or a nail technology apprentice salon, produce documentation of having at least three hundred hours of work experience, and pass a written examination in order to be licensed. These requirements go well beyond basic education and training in safe health and sanitation practices.

Entrepreneurs, many who have recently immigrated to our state, work in this profession. The regulatory burdens placed upon them by LB 607 do not seem warranted when weighed against the harm that the bill intends to prevent. A better practice would be to require a less burdensome state registration system for natural nail manicurists and pedicurists.

For these reasons, I have vetoed LB 607 and LB 607A. Given that the Legislature has adjourned sine die, I filed the vetoed bills with the Nebraska Secretary of State.

Sincerely,  
(Signed) Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1004 and LB 1004A without my signature and with my objections.

This legislation liberalizes the parole eligibility date for inmates by making them eligible for parole two years earlier than their mandatory discharge date.

My primary concern with LB 1004 is that the bill will allow inmates with serious felony convictions to become eligible for parole earlier than current law allows. Supporters of the bill tend to cite cases involving low-level crimes; however, as presented for my consideration, LB 1004 is not limited to low-level offenders. Inmates incarcerated for serious and violent crimes like domestic assault, sexual assault on a child, and armed robbery will be eligible for earlier parole under the bill.

LB 1004 will also make any newly admitted inmates with sentences of two years or less eligible for parole on the day that they enter a Nebraska Department of Correctional Services (NDCS) facility. Every new inmate spends approximately 30-90 days in intake, where they are assessed and have

treatment recommendations made, if appropriate. Those inmates with clinical recommendations generally need at least 6 to 12 months to complete any required programming. Depending on how quickly those programming requirements are completed, many inmates in this category may not have enough time remaining on their sentence for a meaningful period of supervision in the community.

LB 1004 also presents funding concerns. LB 1004A does not appropriate any additional funding for the Board of Parole even though the board's fiscal note states that additional financing to hire more parole officers to supervise the increased number of parolees will be needed. Funding for additional treatment and housing costs to provide adequate supervision and supports was not appropriated. Initially, the fiscal note for LB 1004 suggested that the increased costs for the Board of Parole would be offset by savings at NDCS, as inmates shifted from confinement to parole. The reality is this will not happen in a vacuum. NDCS will continue to need adequate funding to support parole-eligible inmates as they near their hearings before the Parole Board.

Contrary to assertions that little has been done to address the space needs in our correctional system, since 2015, substantial funding investments have been enacted.

I appreciate Senator Lathrop's innovative approach in LB 1004, but the bill is overly broad and will lead to the unintended consequence of making certain inmates eligible for parole as soon as they enter a NDCS facility. It will also make violent felons eligible for parole earlier than what is permitted by current law. I have no objection to the remaining provisions of LB 1004 which pertain to the age of majority.

Despite my objections to LB 1004, I am willing to work with the introducer during the upcoming session on approaches to expand the parole-eligible population, provided there are limitations that will preclude violent offenders from becoming eligible for parole earlier than their court-imposed sentences. Nebraska already has a very generous "good time" law which operates by reducing most sentences by one-half.

For these reasons, I have vetoed LB 1004 and LB 1004A. Given that the Legislature has adjourned sine die, I filed the vetoed bills with the Nebraska Secretary of State.

(Signed) Sincerely,  
Pete Ricketts  
Governor

August 17, 2020

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

Dear Mr. President and Members of the Legislature:

I am returning LB 1089 without my signature and with my objections.

LB 1089 requires all families to share their private, sensitive family financial information with the U.S. Department of Education by completing the Free Application for Federal Student Aid (FAFSA) or by completing a prescribed state form to decline.

The bill imposes an unnecessary hurdle to high school graduation by mandating that our public school students and families complete and submit a complex federal financial aid application or a state form electing not to participate in the bill's new requirements. State mandates related to high school graduation should be limited to academic content and rigor.

Additionally, I am concerned this will become the new method to hold students hostage for the goals of others that have no direct relationship to the quality of education our students receive in our public high schools. This bill intrudes into the personal lives of students outside of the classroom setting.

Many private, philanthropic groups have supported efforts to voluntarily increase the number of students completing the Free Application for Federal Student Aid (FAFSA). This bill encourages private organizations to lobby for state mandates to achieve their goals, rather than continue the good work they have done to educate and assist students and families.

These mandates are a one-size-fits all policy. It is clear that the reporting requirements in the bill will pressure school districts to increase FAFSA completion rates to avoid the stigma of having a low student participation rate.

I have vetoed LB 1089 as it is an unfunded and burdensome mandate on students and families that is not related to the core education mission of our K-12 schools. Given that the Legislature has adjourned sine die, I filed the vetoed bill with the Nebraska Secretary of State.

Sincerely,  
(Signed) Pete Ricketts  
Governor

**CERTIFICATE**

I, Patrick J. O'Donnell, Clerk of the Legislature, hereby certify that the foregoing communications are true and correct copies provided concerning action on bills after adjournment of the One Hundred Sixth Legislature, Second Session.

Patrick J. O'Donnell  
Clerk of the Legislature

August 18, 2020  
Lincoln, Nebraska

