

SEVENTY-THIRD DAY - MAY 6, 2021

LEGISLATIVE JOURNAL

**ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION**

SEVENTY-THIRD DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, May 6, 2021

PRAYER

The prayer was offered by Senator Moser.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Aguilar.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Albrecht, Bostar, Briese, Day, Groene, M. Hansen, Hunt, Lindstrom, Morfeld, Walz, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the seventy-second day was approved.

SELECT FILE

LEGISLATIVE BILL 411A. Advanced to Enrollment and Review for Engrossment.

LEGISLATIVE BILL 485A. Advanced to Enrollment and Review for Engrossment.

GENERAL FILE

LEGISLATIVE BILL 241. Title read. Considered.

Senator Vargas withdrew his amendment, [AM580](#), found on page 606.

Senator Vargas offered the following amendment:

AM1163

1 1. Strike the original sections and insert the following new
2 sections:

3 Section 1. Sections 1 to 8 of this act shall be known and may be
4 cited as the Meatpacking Employees COVID-19 Protection Act.

5 Sec. 2. For purposes of the Meatpacking Employees COVID-19
6 Protection Act:

7 (1) Commissioner means the Commissioner of Labor;

8 (2) COVID-19 means the novel COVID-19 identified as SARS-CoV-2, the
9 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating
10 therefrom, and the health conditions or threats associated with the
11 disease caused by the novel coronavirus SARS-CoV-2 or a virus mutating
12 therefrom;

13 (3) COVID-19 test means a test capable of determining whether an
14 individual has COVID-19;

15 (4) Department means the Department of Labor;

16 (5) Employer or meatpacking operation means a business with more
17 than one hundred workers which engages in slaughtering, butchering, meat
18 canning, meatpacking, meat manufacturing, poultry canning, poultry
19 packing, poultry manufacturing, pet food manufacturing, processing of
20 meatpacking products, or rendering. Employer or meatpacking operation
21 does not include grocery stores, delis, restaurants, butchers, or other
22 retail entities preparing meat products for immediate consumption;

23 (6) Face mask means an item of double-layered cloth or various other
24 materials with elastic bands or cloth ties to secure such mask over the
25 wearer's nose and mouth in an effort to contain or reduce the spread of
26 potentially infectious respiratory secretions at the source, that is, the
27 wearer's nose and mouth. A face mask is intended to reduce the spread of
1 COVID-19 from the wearer to others, whether or not the face mask protects
2 the wearer;

3 (7) Hand sanitizer means alcohol-based hand sanitizer that is at
4 least sixty percent alcohol;

5 (8) Meatpacking products includes livestock products and poultry
6 products as such terms are defined in section 54-1902;

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

12 (10) Negative test result means a COVID-19 test result which
13 indicates that a worker was not infected with COVID-19 at the time of
14 testing;

15 (11) Positive case count means the total number of positive COVID-19
16 test results; and

17 (12) Positive test result means a COVID-19 test result which
18 indicates that a worker was infected with COVID-19 at the time of
19 testing.

20 Sec. 3. Meatpacking operations shall comply with the protections
21 and requirements of section 4 of this act beginning on the effective date
22 of this act and shall maintain such compliance until June 30, 2022.

23 Sec. 4. (1) An employer shall reconfigure common or congregate
24 spaces to allow for a six-foot social distancing radius, including, but
25 not limited to, lunch rooms, break rooms, and locker rooms. Where
26 feasible, an employer shall reinforce such social distancing with the use
27 of plastic barriers.

28 (2) An employer shall provide all workers with face masks and shall
29 make face shields available free of charge. An employer shall replace
30 face masks daily and more often as necessary, such as when face masks are
31 damaged or soiled. Any individual present at a meatpacking operation

1 facility shall wear a face mask properly secured over the individual's
2 nose and mouth while in the facility.
3 (3) An employer shall provide all workers with the ability to
4 frequently and routinely sanitize their hands with either hand washing or
5 hand sanitizing stations. An employer shall provide gloves to any worker
6 upon request.
7 (4) An employer shall comply with standards for ventilation set
8 forth in the rules and regulations of the federal Occupational Safety and
9 Health Administration.
10 (5) Each time before an individual enters a meatpacking operation
11 facility, the employer shall screen such individual for COVID-19. Such
12 screening procedure shall include a temperature check with the result
13 disclosed to the individual and shall require completion of an oral or
14 written questionnaire including questions about possible COVID-19
15 symptoms and disclosure of known exposure to COVID-19.
16 (6)(a) An employer shall permit any worker who suspects that such
17 worker may have been exposed to COVID-19 to leave the meatpacking
18 operation premises in order to receive a COVID-19 test on paid work time.
19 (b) A worker displaying or experiencing symptoms of COVID-19 who has
20 received a COVID-19 test shall be allowed to await test results while
21 quarantined away from the meatpacking operation. An asymptomatic worker
22 may return to work unless such worker develops symptoms.
23 (c) An employer shall allow a worker who receives a positive test
24 result to quarantine away from the meatpacking operation with paid sick
25 leave and without penalty. Such paid sick leave shall not count against
26 other paid sick leave to which a worker is otherwise entitled under state
27 law or employer policy. An employer shall not require a worker to return
28 to work while the worker is still showing symptoms of COVID-19 or within
29 two weeks after a positive test result.
30 (d) An employer shall allow a worker who receives a negative test
31 result to return to work upon receipt of such result.
1 (e) An employer shall permit any worker to leave the meatpacking
2 operation premises in order to receive a COVID-19 vaccine on paid work
3 time unless such test is provided at the premises.
4 (7) An employer shall track, for each meatpacking operation facility
5 it operates, the total number of COVID-19-related deaths and the positive
6 case count known to the employer. Such tracking shall be done on a daily
7 basis and shall be disaggregated by race and ethnicity. The employer
8 shall provide such data in a monthly report to the Department of Health
9 and Human Services, the Department of Labor, the Business and Labor
10 Committee of the Legislature, and the Health and Human Services Committee
11 of the Legislature. Such data and report shall be submitted in the form
12 and manner prescribed by the commissioner.
13 (8) If a worker is confirmed to have contracted COVID-19, the
14 employer shall identify all workers who worked in the same work area and
15 on the same shift and notify all such workers of their possible exposure.
16 Such notification shall be given in writing, in person, or by telephone.
17 Such notification shall maintain the confidentiality of the infected
18 worker's identity as required by the federal Americans with Disabilities
19 Act of 1990, as amended, as such act existed on January 1, 2021.
20 (9) An employer shall disseminate all communications, notices, and
21 any published materials required by or regarding this section in English,
22 Spanish, and such other languages as required by subdivision (2)(e) of
23 section 48-2213.
24 Sec. 5. (1) The department shall have the authority to administer
25 and enforce the Meatpacking Employees COVID-19 Protection Act under the
26 auspices of the meatpacking industry worker rights coordinator.
27 (2)(a) The department, including the coordinator, may conduct
28 unannounced workplace inspections of employers. The coordinator or the
29 coordinator's delegate has the authority to inspect employer records and

30 make remedial recommendations during such inspection.
31 (b) No later than thirty days following a workplace inspection, the
1 coordinator or delegate shall file a final report of findings, including
2 any findings of violations of the Meatpacking Employees COVID-19
3 Protection Act, with the department and provide a copy to the employer
4 and its workers' collective-bargaining representative, if any. The report
5 shall be considered a public record.
6 Sec. 6. (1) The commissioner shall issue a citation to an employer
7 when an inspection reveals that the employer is in violation of the
8 Meatpacking Employees COVID-19 Protection Act. Such citation shall
9 additionally list with particularity the nature of each violation and
10 prescribe required hazard abatement measures and a reasonable timeline
11 for such compliance.
12 (2) When a citation is issued, the commissioner shall notify the
13 employer of the proposed administrative penalty, if any, by certified
14 mail or any other manner of delivery by which the United States Postal
15 Service can verify delivery or by any method of service recognized under
16 Chapter 25, article 5. The citation shall specify a deadline by which the
17 employer must abate the violation. The deadline shall be set at the
18 discretion of the commissioner but shall not be later than forty-five
19 days after the date of issuance of the citation. The administrative
20 penalty shall be not less than five thousand dollars in the case of a
21 first violation and not less than fifty thousand dollars in the case of a
22 second or subsequent violation.
23 (3) An employer shall provide proof of abatement of the violation to
24 the commissioner within seven days after any abatement deadline named in
25 the citation. The commissioner shall assess an additional administrative
26 penalty of five thousand dollars for failure to comply with this
27 subsection for each unabated hazard.
28 (4) The employer shall have fifteen business days after the date of
29 the citation or penalty to contest such citation or penalty. Notice of
30 contest shall be filed with the commissioner who shall set a hearing in
31 accordance with the Administrative Procedure Act.
1 Sec. 7. The department may adopt and promulgate rules and
2 regulations as necessary to carry out the Meatpacking Employees COVID-19
3 Protection Act.
4 Sec. 8. The department may suspend the requirements of subsection
5 (1), (2), or (5) of section 4 of this act if strict compliance with such
6 provisions would conflict with or be more stringent than official
7 guidance from the Centers for Disease Control and Prevention of the
8 United States Department of Health and Human Services regarding COVID-19
9 in employment settings that specifically relates to social distancing,
10 the use of face masks, or COVID-19 health screenings.
11 Sec. 9. Since an emergency exists, this act takes effect when
12 passed and approved according to law.

SPEAKER HILGERS PRESIDING

Senator Slama moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 36 ayes, 0 nays, and 13 not voting.

Senator Vargas moved for a call of the house. The motion prevailed with 34 ayes, 2 nays, and 13 not voting.

Senator Vargas requested a roll call vote on his amendment.

Voting in the affirmative, 31:

Aguilar	DeBoer	Hunt	Moser	Wayne
Blood	Dorn	Lathrop	Pahls	Williams
Bostar	Flood	Linehan	Pansing Brooks	Wishart
Brandt	Gragert	McCollister	Sanders	
Cavanaugh, J.	Hansen, M.	McDonnell	Stinner	
Cavanaugh, M.	Hilgers	McKinney	Vargas	
Day	Hilkemann	Morfeld	Walz	

Voting in the negative, 13:

Albrecht	Briese	Geist	Kolterman	Slama
Arch	Clements	Halloran	Lindstrom	
Bostelman	Erdman	Hansen, B.	Low	

Present and not voting, 3:

Brewer	Friesen	Murman
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Excused and not voting, 2:

Groene	Hughes
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The Vargas amendment was adopted with 31 ayes, 13 nays, 3 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 28 ayes, 5 nays, and 16 not voting.

Senator Vargas requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 27:

Aguilar	Day	Hilkemann	McKinney	Walz
Blood	DeBoer	Hunt	Morfeld	Wayne
Bostar	Dorn	Lathrop	Pahls	Wishart
Brandt	Flood	Linehan	Pansing Brooks	
Cavanaugh, J.	Gragert	McCollister	Sanders	
Cavanaugh, M.	Hansen, M.	McDonnell	Vargas	

Voting in the negative, 16:

Albrecht	Clements	Hansen, B.	Lowe
Arch	Erdman	Hilgers	Moser
Bostelman	Geist	Kolterman	Murman
Briese	Halloran	Lindstrom	Slama

Present and not voting, 4:

Brewer	Friesen	Stinner	Williams
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Excused and not voting, 2:

Groene	Hughes
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Advanced to Enrollment and Review Initial with 27 ayes, 16 nays, 4 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

AMENDMENT(S) - Print in Journal

Senator Hilgers filed the following amendment to LB561:
AM1256

(Amendments to Final Reading copy)

- 1 1. Strike sections 27 to 31.
- 2 2. On page 1, line 4, strike "9-607, 9-646.01, 9-651,"; in line 6 strike "9-601,"; and strike beginning with "change" in line 16 through 4 "to" in line 17.
- 5 3. On page 5, line 24, strike "47" and insert "42".
- 6 4. On page 6, line 11, strike "47" and insert "42".
- 7 5. On page 35, line 11, strike "36 to 45" and insert "31 to 40".
- 8 6. On page 45, line 17, strike "47" and insert "42".
- 9 7. On page 49, lines 20 and 25, strike "47" and insert "42".
- 10 8. On page 50, lines 4 and 5, strike "47" and insert "42".
- 11 9. On page 57, line 5, strike "9-607, 9-646.01, 9-651,"; and in line 12 7 strike "9-601,".
- 13 10. Renumber the remaining sections accordingly.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 121. Introduced by Hunt, 8.

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

1. That we hereby reaffirm our solemn oaths of office by expressing a firm resolution to maintain and defend the American people and the right of all Nebraskans to an urgent, robust, and professional response to the public health and attendant economic crises caused by the COVID-19 pandemic.
2. That we are greatly alarmed that a factious and contentious spirit manifested itself in some former and current members of the state and

federal governments during the coronavirus emergency of 2019 and 2020, emanating both from the legislative and executive branches, with the desire to obstruct the dissemination of scientific evidence regarding the severity of the COVID-19 pandemic and methods for its mitigation. This design appears to have no other end except to signal an adherence to principles of personal liberty without regard for one's fellow human beings, the obvious tendency and inevitable consequence of which would be to contribute to hundreds of thousands of preventable deaths in the several states.

3. That we extend our appreciation to the membership of the current federal executive and legislative branches for decisive action taken to produce pandemic relief policies, which are grounded in best practices in science, medicine, and public health and promote common purpose, trust, transparency, and accountability.

4. That we express appreciation for the efforts of Nebraska's mayors, city councils, public health workers and officials, and other local government workers who adhered to scientific best practices in implementing mask requirements and safety measures designed to protect our citizenry. We similarly appreciate the efforts of the University of Nebraska Medical Center and all frontline healthcare workers who placed themselves at extraordinary risk in serving the public during the COVID-19 pandemic.

5. That we celebrate the widespread accessibility of the COVID-19 vaccination available to Americans at no cost and acknowledge that society has reached this remarkable achievement as a result of the diligent and sometimes thankless work of the scientists, doctors, and frontline workers, each of whom played a vital role in reaching this point.

6. That the Legislature requests cooperation from the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the United States Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and the presiding officers of each of the legislative houses in the several states in defending the Constitution of the United States, the several states, and the American people against future pandemics.

7. That the Clerk of the Legislature shall transmit copies of this resolution to the Governor of Nebraska, the Nebraska Attorney General, the President of the United States, the President pro tempore of the Senate, the Secretary of the United States Senate, the Speaker of the United States House of Representatives, the Clerk of the United States House of Representatives, and to the presiding officers of each of the legislative houses in the several states.

Laid over.

SPEAKER'S ANNOUNCEMENT

Pursuant to Rule 4, Section 8, LR121 was referred to the Reference Committee.

GENERAL FILE

LEGISLATIVE BILL 132. Senator Linehan renewed her amendment, [AM1203](#), found on page 1222, to the committee amendment.

Senator Linehan withdrew her amendment.

Senator Brandt offered his amendment, [AM1247](#), found on page 1267, to the committee amendment.

Senator Brandt withdrew his amendment.

Senator Friesen offered the following motion:

[MO60](#)

Recommit to the Education Committee.

Pending.

RECESS

At 11:58 a.m., on a motion by Senator Blood, 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 Albrecht, Bostar, Hunt, Linehan, McCollister, Morfeld, Pansing Brooks, Vargas, and Wishart who were excused until they arrive.

COMMITTEE REPORT(S)

Banking, Commerce and Insurance

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

Eric Dunning Director - Department of Insurance

Aye: 8. Aguilar, Bostar, Flood, Lindstrom, McCollister, Pahls, Slama, Williams. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Matt Williams, Chairperson

COMMITTEE REPORT(S)
Government, Military and Veterans Affairs

LEGISLATIVE BILL 489. Placed on General File with amendment.

[AM1217](#)

1 1. Strike the original sections and insert the following new
2 section:
3 Section 1. No state official or state employee of any state agency,
4 except an employee of the Legislative Council, shall testify at a public
5 hearing before the Legislature on any issue in any capacity other than
6 neutral unless such official or employee is on unpaid leave from state
7 employment for the duration of such public hearing.

(Signed) Tom Brewer, Chairperson

GENERAL FILE

LEGISLATIVE BILL 132. Senator Friesen renewed his motion, [MO60](#), found in this day's Journal, to recommit to the Education Committee.

Senator Friesen withdrew his motion to recommit to committee.

Senator Groene offered his amendment, [AM1246](#), found on page 1268, to the committee amendment.

Senator Groene withdrew his amendment.

Committee [AM555](#), found on page 595 and considered on page 1261, was renewed.

The committee amendment lost with 1 aye, 35 nays, 10 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 37 ayes, 5 nays, 6 present and not voting, and 1 excused and not voting.

LEGISLATIVE BILL 132A. Title read. Considered.

Advanced to Enrollment and Review Initial with 34 ayes, 6 nays, 8 present and not voting, and 1 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Blood filed the following amendment to [LR107](#):

[AM1277](#)

1 1. Insert the following new RESOLVED paragraph:
2 7. That the COVID-19 virus originated in Communist China. Further,
3 that those who love America support safety guidelines and vaccinations;
4 whereas, those who support Communist China oppose such safety measures.
5 As patriots, we want to defeat communism and protect America from the
6 communist threat by wearing our masks and practicing prescribed social

7 distancing measures.

8 2. Renumber the remaining RESOLVED paragraphs accordingly.

Senator Flood filed the following amendment to [LB595](#):
[AM1225](#) is available in the Bill Room.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 122. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to examine the statutes governing cities of the metropolitan class in Chapter 14 of the Nebraska Revised Statutes. The goal of the study is to determine statutes that need to be updated or modernized because those statutes contain obsolete, antiquated, or duplicate language.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 123. Introduced by Urban Affairs Committee: Wayne, 13, Chairperson; Arch, 14; Blood, 3; Briese, 41; Hansen, M., 26; Hunt, 8; Lowe, 37.

PURPOSE: The purpose of this interim study is to review the occupational regulations for radon measurement specialists and radon mitigation specialists. Such a review is required by section 84-948 of the Nebraska Revised Statutes. This study shall fulfill the requirements of the Occupational Board Reform Act. The study shall include an examination of the guidelines issued by the Department of Health and Human Services to determine qualifications for radon measurement specialists and radon mitigation specialists pursuant to the Radiation Control Act.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 124. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the designation of extremely blighted areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in Article VIII, section 12, of the Constitution of Nebraska and the Community Development Law that govern extremely blighted areas;

(2) A review of areas that have been designated by municipalities as extremely blighted areas since the passage of Amendment 2 by Nebraska voters in November 2020;

(3) An examination of the definition of extremely blighted area under the Community Development Law and whether such definition is sufficiently limited to encourage the use of tax-increment financing in the hardest hit neighborhoods within municipalities; and

(4) An examination of any additional requirements placed by municipalities on the use of tax-increment financing for more than fifteen years within areas that have been designated as extremely blighted areas, including whether such additional requirements should be codified in the Community Development Law.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 125. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the designation of enhanced employment areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in the Community Development Law that govern enhanced employment areas;

(2) A review of the procedures utilized by municipalities for the review and approval of proposed enhanced employment areas;

(3) An examination of the different statutory requirements for enhanced employment areas within areas that have been designated blighted and substandard under the Community Development Law and outside of areas that have been designated blighted and substandard under the Community Development Law; and

(4) An examination of the interaction between enhanced employment areas and the use of tax-increment financing by municipalities.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

LEGISLATIVE RESOLUTION 126. Introduced by Wayne, 13.

PURPOSE: The purpose of this interim study is to examine issues related to the designation of blighted areas and extremely blighted areas under the Community Development Law. The issues addressed by this interim study shall include, but not be limited to:

(1) A review of the provisions in the Community Development Law that provide for designation of an area as a blighted area or an extremely blighted area;

(2) A review of the Community Development Law to determine if a process exists for removing a blighted area designation or an extremely blighted area designation from an area;

(3) A review of areas which are no longer designated by a municipality as a blighted area or an extremely blighted area and the procedures utilized to remove such a designation; and

(4) An examination of whether the Community Development Law should require a regular review of areas designated as a blighted area or an extremely blighted area to determine whether those areas still meet the statutory requirements for those designations.

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

1. That the Urban Affairs Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 432A. Introduced by Linehan, 39.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 432, One Hundred Seventh Legislature, First Session, 2021.

GENERAL FILE

LEGISLATIVE BILL 147. Title read. Considered.

Committee [AM926](#), found on page 938, was offered.

SENATOR HUGHES PRESIDING

Senator Kolterman moved for a call of the house. The motion prevailed with 23 ayes, 3 nays, and 23 not voting.

Senator Kolterman requested a roll call vote, in reverse order, on the committee amendment.

Voting in the affirmative, 32:

Aguilar	DeBoer	Hughes	McDonnell	Walz
Blood	Dorn	Hunt	McKinney	Wayne
Bostar	Flood	Kolterman	Morfeld	Williams
Brandt	Gragert	Lathrop	Pahls	Wishart
Cavanaugh, J.	Hansen, M.	Lindstrom	Pansing Brooks	
Cavanaugh, M.	Hilgers	Linehan	Stinner	
Day	Hilkemann	McCollister	Vargas	

Voting in the negative, 10:

Albrecht	Clements	Halloran	Moser	Sanders
Brewer	Erdman	Low	Murman	Slama

Present and not voting, 6:

Bostelman	Friesen	Groene
Briese	Geist	Hansen, B.

Excused and not voting, 1:

Arch

The committee amendment was adopted with 32 ayes, 10 nays, 6 present and not voting, and 1 excused and not voting.

Senator Kolterman withdrew his amendment, [AM295](#), found on page 461.

The Chair declared the call raised.

Advanced to Enrollment and Review Initial with 31 ayes, 5 nays, 11 present and not voting, and 2 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB407](#):

[AM1282](#)

- 1 1. On page 4, line 30, strike "and" and insert "or".
- 2 2. On page 4, line 31; and page 5, line 22, after "jail" insert "in
- 3 a high-population county".

Senator Brewer filed the following amendment to [LB51](#):

[AM1292](#)

(Amendments to Standing Committee amendments, AM745)

- 1 1. On page 36, strike beginning with "A" in line 22 through "of" in
- 2 line 23 and insert "The council may extend"; in line 25 strike "The" and
- 3 insert "Upon application by a noncertified conditional officer, the"; in
- 4 line 26 after the semicolon insert "and"; in line 27 strike "may" and
- 5 insert "shall"; and in line 28 strike "the following showing" and insert
- 6 "finding".
- 7 2. On page 37, line 4, strike "will enroll" and insert "is
- 8 enrolled"; strike beginning with "for" in line 5 through "center" in line
- 9 6; and in line 7 strike "is not for the purpose of evading" and insert
- 10 "would not be contrary to".
- 11 3. On page 46, line 20, strike the period and insert "incurred
- 12 pursuant to this section. In awarding such grants, the commission shall
- 13 prioritize smaller law enforcement agencies.".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 127. Introduced by Hilkemann, 4.

PURPOSE: The purpose of this interim study is to identify a more equitable scale for motor vehicle taxation.

The interim study shall include, but not be limited to, an examination of:

- (1) The average number of vehicles registered that pay zero percent of the motor vehicle tax;
- (2) The amount of annual revenue generated by the motor vehicle tax;
- (3) The possibility of rescheduling the percentage of motor vehicle tax by vehicle age to achieve a revenue-neutral impact;
- (4) To what extent decreasing the motor vehicle tax on newer vehicles and increasing the motor vehicle tax on older vehicles would incentivize consumers to purchase new vehicles; and
- (5) The potential for reduction in pollution by increasing the motor vehicle tax on older vehicles.

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

1. That the Transportation and Telecommunications Committee of the Legislature shall be designated to conduct an interim study to carry out the purposes of this resolution.

2. That the committee shall upon the conclusion of its study make a report of its findings, together with its recommendations, to the Legislative Council or Legislature.

Referred to the Executive Board.

GENERAL FILE

LEGISLATIVE BILL 496. Title read. Considered.

Committee [AM1054](#), found on page 1073, was offered.

SPEAKER HILGERS PRESIDING

Senator Wayne offered his amendment, [AM1083](#), found on page 1268, to the committee amendment.

Senator Wayne moved for a call of the house. The motion prevailed with 21 ayes, 1 nays, and 27 not voting.

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

Voting in the affirmative, 24:

Aguilar	Cavanaugh, J.	Hansen, M.	McCollister	Vargas
Blood	Cavanaugh, M.	Hunt	McKinney	Walz
Bostar	Day	Kolterman	Morfeld	Wayne
Brandt	DeBoer	Lathrop	Pahls	Wishart
Brewer	Dorn	Linehan	Pansing Brooks	

Voting in the negative, 9:

Albrecht	Clements	Geist	Moser	Sanders
Bostelman	Flood	Lowe	Murman	

Present and not voting, 8:

Arch	Gragert	Hilkemann	Stinner
Briese	Hilgers	Lindstrom	Williams

Excused and not voting, 8:

Erdman	Groene	Hansen, B.	McDonnell
Friesen	Halloran	Hughes	Slama

The Wayne amendment lost with 24 ayes, 9 nays, 8 present and not voting, and 8 excused and not voting.

Pending.

The Chair declared the call raised.

EASE

The Legislature was at ease from 6:02 p.m. until 6:32 p.m.

GENERAL FILE

LEGISLATIVE BILL 496. Senator J. Cavanaugh offered the following amendment to the committee amendment:

[AM1274](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. Strike section 7 and insert the following new sections:
 2 Section 1. Section 29-3001, Reissue Revised Statutes of Nebraska, is
 3 amended to read:
 4 29-3001 (1) A prisoner in custody under sentence and claiming a
 5 right to be released on the ground that there was such a denial or
 6 infringement of the rights of the prisoner as to render the judgment void
 7 or voidable under the Constitution of this state or the Constitution of
 8 the United States, may file a verified motion, in the court which imposed
 9 such sentence, stating the grounds relied upon and asking the court to
 10 vacate or set aside the sentence.
 11 (2) Unless the motion and the files and records of the case show to
 12 the satisfaction of the court that the prisoner is entitled to no relief,
 13 the court shall cause notice thereof to be served on the county attorney,
 14 grant a prompt hearing thereon, and determine the issues and make
 15 findings of fact and conclusions of law with respect thereto. If the
 16 court finds that there was such a denial or infringement of the rights of
 17 the prisoner as to render the judgment void or voidable under the
 18 Constitution of this state or the Constitution of the United States, the
 19 court shall vacate and set aside the judgment and shall discharge the
 20 prisoner or resentence the prisoner or grant a new trial as may appear
 21 appropriate. Proceedings under the provisions of sections 29-3001 to
 22 29-3004 shall be civil in nature. Costs shall be taxed as in habeas
 23 corpus cases.
 24 (3) A court may entertain and determine such motion without
 25 requiring the production of the prisoner, whether or not a hearing is
 26 held. Testimony of the prisoner or other witnesses may be offered by
 1 deposition. The court need not entertain a second motion or successive
 2 motions for similar relief on behalf of the same prisoner.
 3 (4) A one-year period of limitation shall apply to the filing of a
 4 verified motion for postconviction relief. The one-year limitation period
 5 shall run from the later of:
 6 (a) The date the judgment of conviction became final by the
 7 conclusion of a direct appeal or the expiration of the time for filing a
 8 direct appeal;
 9 (b) The date on which the factual predicate of the constitutional
 10 claim or claims alleged could have been discovered through the exercise
 11 of due diligence;
 12 (c) The date on which an impediment created by state action, in

13 violation of the Constitution of the United States or the Constitution of
 14 Nebraska or any law of this state, is removed, if the prisoner was
 15 prevented from filing a verified motion by such state action;
 16 (d) The date on which a constitutional claim asserted was initially
 17 recognized by the Supreme Court of the United States or the Nebraska
 18 Supreme Court, if the newly recognized right has been made applicable
 19 retroactively to cases on postconviction collateral review; or
 20 (e) The date on which the Supreme Court of the United States denies
 21 a writ of certiorari or affirms a conviction appealed from the Nebraska
 22 Supreme Court August 27, 2011. This subdivision only applies if, within
 23 thirty days after petitioning the Supreme Court of the United States for
 24 a writ of certiorari, the prisoner files a notice in the district court
 25 of conviction stating that the prisoner has filed such petition.
 26 Sec. 8. Sections 2, 3, 4, 5, 6, 7, and 10 of this act become
 27 operative on January 1, 2022. The other sections of this act become
 28 operative on their effective date.
 29 Sec. 9. Original section 29-3001, Reissue Revised Statutes of
 30 Nebraska, is repealed.
 31 2. On page 5, line 21, strike "act" and insert "section"; and in
 1 line 30, after "cause" insert "pursuant to section 29-506 or 29-1607".

Senator Wayne offered the following motion:

[MO61](#)

Bracket until May 28, 2021.

SENATOR SLAMA PRESIDING

Senator Wayne withdrew his motion to bracket.

The J. Cavanaugh amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Pending.

RESOLUTION(S)

LEGISLATIVE RESOLUTION 128. Introduced by Brewer, 43; Aguilar, 35; Albrecht, 17; Arch, 14; Brandt, 32; Briese, 41; Clements, 2; DeBoer, 10; Dorn, 30; Geist, 25; Gragert, 40; Hilkemann, 4; Hunt, 8; Kolterman, 24; Lathrop, 12; McCollister, 20; Pansing Brooks, 28; Walz, 15; Wayne, 13; Wishart, 27.

WHEREAS, Chief Standing Bear of the Ponca Tribe is a significant historical and civil rights figure from Nebraska's Niobrara River Valley region; and

WHEREAS, the United States federal government removed the Ponca Tribe to Indian Territory in 1877; and

WHEREAS, Chief Standing Bear's epic return to his Nebraska homeland to bury his son culminated in the historic court case, United States ex rel. Standing Bear v. Crook, which took place in Omaha, Nebraska, in May 1879; and

WHEREAS, the court case set the historic precedent that Chief Standing Bear, as a Native American individual, was found to be a person under the law; and

WHEREAS, nearly all photographic and other representations of Chief Standing Bear portray him with his inherited ceremonial tomahawk; and

WHEREAS, Chief Standing Bear's financial indigency should have resulted in court-appointed counsel, but instead led him to offer compensation to his attorney John L. Webster in the form of his tomahawk; and

WHEREAS, the tomahawk was later given to the Peabody Museum of Archaeology and Ethnology at Harvard University, despite the fact that this institution did not have a relationship with either Chief Standing Bear or with the events that transpired in his life; and

WHEREAS, this tomahawk is an item of patrimony and is a prominent and recognizable cultural artifact of great significance to the Ponca and to Native Americans; and

WHEREAS, the Peabody Museum has recently apologized for its historic practices of collecting and maintaining possession of Native American cultural objects and has declared its new commitment to changing these practices in the future.

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

1. That the Legislature encourages the Peabody Museum of Archaeology and Ethnology at Harvard University to fulfill its commitment to repatriation of Native American objects.

2. That the Legislature encourages the Peabody Museum of Archaeology and Ethnology at Harvard University to respect the wishes of and requests from the Ponca Tribe of Nebraska and descendants of Chief Standing Bear for repatriation of Chief Standing Bear's tomahawk to the Ponca Tribe of Nebraska.

3. That copies of this resolution be sent to the Ponca Tribe of Nebraska, the Peabody Museum of Archaeology and Ethnology at Harvard University, and the Commission on Indian Affairs.

Laid over.

AMENDMENT(S) - Print in Journal

Senator Hunt filed the following amendment to [LB496](#):

[AM1289](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. On page 6, after line 9 insert the following new subsection:

2 "~~(5)~~ A candidate for elective office as defined in sections 32-104

3 and 32-109 who does not have a DNA sample available for use in the State

4 DNA Sample Bank shall, at his or her own expense, have a DNA sample

5 collected by the sheriff before his or her name may be placed on any

6 ballot."; and in line 10 strike "~~(5)~~" and insert "(6)".

Senator Hunt filed the following amendment to [LB496](#):

[AM1288](#)

(Amendments to Standing Committee amendments, AM1054)

- 1 1. On page 1, line 5, before "The" insert "(1)"; and after line 20
- 2 insert the following subsection:
- 3 "(2) The Legislature finds that firearms in the hands of known
- 4 violent criminals pose a safety threat to the public and that each person
- 5 who intends to carry a concealed weapon should be subject to thorough
- 6 vetting including a check on whether their DNA sample exists in the State
- 7 DNA Sample Bank from some prior arrest."
- 8 2. On page 6, after line 9 insert the following new subsection:
- 9 "(5) A person who is applying for a permit under the Concealed
- 10 Handgun Permit Act who does not have a DNA sample available for use in
- 11 the State DNA Sample Bank shall, at his or her own expense, have a DNA
- 12 sample collected by the sheriff as part of the permit application
- 13 process."; and in line 10 strike "(5)" and insert "(6)".

Senator Hunt filed the following amendment to [LB496](#):

[AM1283](#)

(Amendments to Standing Committee amendments, AM1054)

- 1 1. Strike amendment 1 and insert the following new amendment:
- 2 1. Strike the original sections and insert the following new
- 3 sections:
- 4 Section 1. Section 29-4102, Reissue Revised Statutes of Nebraska, is
- 5 amended to read:
- 6 29-4102 The Legislature finds that DNA data banks are an important
- 7 tool in criminal investigations, in the exclusion of individuals who are
- 8 the subject of criminal investigations or prosecutions, in deterring and
- 9 detecting recidivist acts, and in locating and identifying missing
- 10 persons and human remains. ~~It Several states have enacted laws requiring~~
- 11 ~~persons convicted of certain crimes to provide genetic samples for DNA~~
- 12 ~~typing tests. Moreover, it is the policy of this state to assist federal,~~
- 13 ~~state, and local criminal justice and law enforcement agencies in the~~
- 14 ~~identification and detection of individuals in criminal investigations~~
- 15 ~~and in locating and identifying missing persons and human remains. It is~~
- 16 ~~in the best interest of this state to establish a State DNA Data Base for~~
- 17 ~~DNA records and a State DNA Sample Bank as a repository for DNA samples~~
- 18 ~~from all individuals nineteen years of age and older convicted of felony~~
- 19 ~~offenses and other specified offenses and from individuals for purposes~~
- 20 ~~of assisting in locating and identifying missing persons and human~~
- 21 ~~remains.~~
- 22 Sec. 2. Section 29-4103, Reissue Revised Statutes of Nebraska, is
- 23 amended to read:
- 24 29-4103 For purposes of the DNA Identification Information Act:
- 25 (1) Combined DNA Index System means the Federal Bureau of
- 26 Investigation's national DNA identification index system that allows the
- 1 storage and exchange of DNA records submitted by state and local forensic
- 2 DNA laboratories;
- 3 (2) DNA means deoxyribonucleic acid which is located in the cells
- 4 and provides an individual's personal genetic blueprint. DNA encodes
- 5 genetic information that is the basis of human heredity and forensic
- 6 identification;
- 7 (3) DNA record means the DNA identification information stored in
- 8 the State DNA Data Base or the Combined DNA Index System which is derived
- 9 from DNA typing test results;
- 10 (4) DNA sample means a blood, tissue, or bodily fluid sample
- 11 provided by any person covered by the DNA Identification Information Act
- 12 for analysis or storage, or both;
- 13 (5) DNA typing tests means the laboratory procedures which evaluate

14 the characteristics of a DNA sample which are of value in establishing
15 the identity of an individual; and

16 (6) Law enforcement agency includes a police department, a town
17 marshal, a county sheriff, and the Nebraska State Patrol; ;

18 ~~(7) Other specified offense means misdemeanor stalking pursuant to
19 sections 28-311.02 to 28-311.05 or false imprisonment in the second
20 degree pursuant to section 28-315 or an attempt, conspiracy, or
21 solicitation to commit stalking pursuant to sections 28-311.02 to
22 28-311.05, false imprisonment in the first degree pursuant to section
23 28-314, false imprisonment in the second degree pursuant to section
24 28-315, knowing and intentional sexual abuse of a vulnerable adult or
25 senior adult pursuant to subdivision (1)(c) of section 28-386, or a
26 violation of the Sex Offender Registration Act pursuant to section
27 29-4011; and~~

28 ~~(8) Released means any release, parole, furlough, work release,
29 prerelease, or release in any other manner from a prison, a jail, or any
30 other detention facility or institution.~~

31 Sec. 3. Section 29-4104, Reissue Revised Statutes of Nebraska, is
1 amended to read:

2 29-4104 The State DNA Data Base is established. The Nebraska State
3 Patrol shall administer the State DNA Data Base and shall provide DNA
4 records to the Federal Bureau of Investigation for storage and
5 maintenance in the Combined DNA Index System. The patrol shall provide
6 for liaison with the Federal Bureau of Investigation and other law
7 enforcement agencies in regard to the state's participation in the
8 Combined DNA Index System. The State DNA Data Base shall store and
9 maintain DNA records of all Nebraska residents who are nineteen years of
10 age or older, related to:

11 ~~(1) Forensic casework, including, but not limited to, forensic
12 casework relating to missing persons, relatives of missing persons, and
13 unidentified human remains;~~

14 ~~(2) Convicted offenders required to provide a DNA sample under the
15 DNA Identification Information Act;~~

16 ~~(3) Anonymous DNA records used for research or quality control; and
17 (4) Missing persons, relatives of missing persons, and unidentified
18 human remains.~~

19 Sec. 4. Section 29-4105, Reissue Revised Statutes of Nebraska, is
20 amended to read:

21 29-4105 (1) The Nebraska State Patrol shall prescribe procedures to
22 be used in the collection, submission, identification, analysis, storage,
23 and disposition of DNA samples in the State DNA Sample Bank and DNA
24 records in the State DNA Data Base. These procedures shall include
25 quality assurance guidelines for laboratories which submit DNA records to
26 the State DNA Data Base and shall also require that all laboratories be
27 accredited by the American Society of Crime Laboratory Directors-LAB-
28 Laboratory Accreditation Board or the National Forensic Science
29 Technology Center or by any other national accrediting body or public
30 agency which has requirements that are substantially equivalent to or
31 more comprehensive than those of the society or center. The State DNA
1 Data Base shall be compatible with the procedures specified by the
2 Federal Bureau of Investigation, including the use of comparable test
3 procedures, laboratory equipment, supplies, and computer software. The
4 DNA records shall be securely stored in the State DNA Data Base and
5 retained in a manner consistent with the procedures established by the
6 Federal Bureau of Investigation.

7 (2) The Nebraska State Patrol may contract with the University of
8 Nebraska Medical Center to establish the State DNA Sample Bank at the
9 medical center and for DNA typing tests. The State DNA Sample Bank shall
10 serve as the repository of DNA samples collected under the DNA
11 Identification Information Act and other forensic casework. Any such

12 contract shall require that the University of Nebraska Medical Center be
 13 subject to the same restrictions and requirements of the act, insofar as
 14 applicable, as the Nebraska State Patrol, as well as any additional
 15 restrictions imposed by the patrol.

16 (3) The DNA samples and DNA records shall only be used by the
 17 Nebraska State Patrol (a) to create a separate population data base
 18 comprised of DNA records obtained after all personal identification is
 19 removed and (b) for quality assurance, training, and research purposes
 20 related to human DNA identification. The patrol may share or disseminate
 21 the population data base with other law enforcement agencies or forensic
 22 DNA laboratories which assist the patrol with statistical data bases. The
 23 population data base may be made available to and searched by other
 24 agencies participating in the Combined DNA Index System.

25 ~~(4) Except for records and samples expunged under section 29-4109,
 26 the Nebraska State Patrol shall permanently retain DNA samples and
 27 records of an individual obtained under section 29-4106. Any other DNA
 28 samples and records related to forensic casework, other than those used
 29 for research or quality control, shall not be permanently retained but
 30 shall be retained only as long as needed for a criminal investigation or
 31 criminal prosecution.~~

1 ~~(5) If the Nebraska State Patrol determines after analysis that a
 2 forensic sample has been submitted by an individual who has been
 3 eliminated as a suspect in a crime, the patrol or the law enforcement
 4 agency which submitted the sample shall destroy the DNA sample and record
 5 in the presence of a witness. After destruction, the patrol or law
 6 enforcement agency shall make and keep a written record of the
 7 destruction, signed by the individual who witnessed the destruction.
 8 After the patrol or the law enforcement agency destroys the DNA sample
 9 and record, it shall notify the individual if he or she is not a minor or
 10 the parent or legal guardian of a minor by certified mail that the sample
 11 and record have been destroyed. Destruction of a DNA sample and record
 12 under this section shall not be considered the offense of tampering with
 13 physical evidence under section 28-922.~~

14 Sec. 5. Section 29-4106, Reissue Revised Statutes of Nebraska, is
 15 amended to read:

16 29-4106 (1) Except as provided in subsection (2) of this section,
 17 beginning July 1, 2022, any resident of Nebraska shall, within thirty
 18 days after reaching nineteen years of age, report to a law enforcement
 19 facility in such resident's county or municipality and have a DNA sample
 20 collected. A person who is convicted of a felony offense or other
 21 specified offense on or after July 15, 2010, who does not have a DNA
 22 sample available for use in the State DNA Sample Bank, shall, at his or
 23 her own expense, have a DNA sample collected:

24 (2)(a) Residents of Nebraska who are already nineteen years of age
 25 before July 1, 2022, shall report to a law enforcement facility in such
 26 resident's county or municipality and have a DNA sample collected
 27 according to the implementation schedule set forth in this subsection.

28 (b) On or before July 1, 2022, the Nebraska State Patrol shall
 29 create a schedule to obtain DNA samples of all Nebraska residents
 30 described in this subsection. The implementation schedule shall require
 31 that all such residents have a DNA sample collected by July 1, 2027.

1 (c) This subsection does not apply to a person who already has a DNA
 2 sample available for use in the State DNA Sample Bank.

3 (3) DNA samples collected under this section shall be collected at
 4 the state's expense.

5 (a) Upon intake to a prison, jail, or other detention facility or
 6 institution to which such person is sentenced. If the person is already
 7 confined at the time of sentencing, the person shall have a DNA sample
 8 collected immediately after the sentencing. Such DNA sample shall be
 9 collected at the place of incarceration or confinement. Such person shall

10 not be released unless and until a DNA sample has been collected; or
11 (b) As a condition for any sentence which will not involve an intake
12 into a prison, jail, or other detention facility or institution. Such DNA
13 samples shall be collected as follows:

14 (i) In any county containing a city of the metropolitan class, a
15 person placed on probation or who received a penalty of a fine or time
16 served shall have such DNA sample collected by a probation officer at a
17 probation office. Such person shall not be released unless and until a
18 DNA sample has been collected; and

19 (ii) In all other counties, a person placed on probation shall have
20 such DNA sample collected by a probation officer at a probation office,
21 and a person not placed on probation who receives a penalty of a fine or
22 time served shall have such DNA sample collected by the county sheriff.
23 Such person shall not be released unless and until a DNA sample has been
24 collected.

25 (2) A person who has been convicted of a felony offense or other
26 specified offense before July 15, 2010, who does not have a DNA sample
27 available for use in the State DNA Sample Bank, and who is still serving
28 a term of confinement or probation for such felony offense or other
29 specified offense on July 15, 2010, shall not be released prior to the
30 expiration of his or her maximum term of confinement or revocation or
31 discharge from his or her probation unless and until a DNA sample has
1 been collected.

2 (3) A person who is serving a term of probation and has a DNA sample
3 collected pursuant to this section shall pay all costs associated with
4 the collection of the DNA sample.

5 (4) If the court waives the cost of taking a DNA sample for any
6 reason, a county jail or other county detention facility or institution
7 collecting the DNA sample shall not be held financially responsible for
8 the cost of the DNA sample kit.

9 Sec. 6, Section 29-4108, Revised Statutes Cumulative Supplement,
10 2020, is amended to read:

11 29-4108 (1) All DNA samples and DNA records submitted to the State
12 DNA Sample Bank or the State DNA Data Base are confidential except as
13 otherwise provided in the DNA Identification Information Act. The
14 Nebraska State Patrol shall make DNA records in the State DNA Data Base
15 available:

16 (a) To law enforcement agencies and forensic DNA laboratories which
17 serve such agencies and which participate in the Combined DNA Index
18 System; and

19 (b) Upon written or electronic request and in furtherance of an
20 official investigation of a criminal offense or offender or suspected
21 offender.

22 (2) The Nebraska State Patrol shall adopt and promulgate rules and
23 regulations governing the methods of obtaining information from the State
24 DNA Data Base and the Combined DNA Index System and procedures for
25 verification of the identity and authority of the requester.

26 (3) The Nebraska State Patrol may, for good cause shown, revoke or
27 suspend the right of a forensic DNA laboratory in this state to have
28 access to or submit records to the State DNA Data Base.

29 (4) For purposes of this subsection, person means a law enforcement
30 agency, the Federal Bureau of Investigation, any forensic DNA laboratory,
31 or person. No records or DNA samples shall be provided to any person
1 unless such person enters into a written agreement with the Nebraska
2 State Patrol to comply with the provisions of section 29-4109 relative to
3 expungement, when notified by the Nebraska State Patrol that expungement
4 has been granted. Every person shall comply with the provisions of
5 section 29-4109 within ten calendar days of receipt of such notice and
6 certify in writing to the Nebraska State Patrol that such compliance has
7 been effectuated. The Nebraska State Patrol shall provide notice of such

8 certification to the person who was granted expungement.
9 Sec. 7. Original sections 29-4102, 29-4103, 29-4104, 29-4105, and
10 29-4106, Reissue Revised Statutes of Nebraska, and section 29-4108,
11 Revised Statutes Cumulative Supplement, 2020, are repealed.
12 Sec. 8. The following sections are outright repealed: Sections
13 29-4109 and 29-4113, Reissue Revised Statutes of Nebraska.

Senator Hunt filed the following amendment to [LB496](#):

[AM1290](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. On page 6, after line 9 insert the following new subsection:
2 "(5) An applicant for any license to practice podiatry under the
3 Podiatry Practice Act who does not have a DNA sample available for use in
4 the State DNA Sample Bank shall, at his or her own expense, have a DNA
5 sample collected by the sheriff before he or she may hold himself or
6 herself out as a licensed podiatrist."; and in line 10 strike "(5)" and
7 insert "(6)".

GENERAL FILE

LEGISLATIVE BILL 496. Senator Pansing Brooks offered the following amendment to the committee amendment:

[AM1285](#)

(Amendments to Standing Committee amendments, AM1054)

1 1. On page 1, line 18, after "individuals" insert "nineteen years of
2 age or older".
3 2. On page 5, line 20, strike "An adult" and insert "A person
4 nineteen years of age or older".
5 3. On page 6, after line 6 insert the following new subdivision:
6 "(c) Nothing in this subsection shall be construed to authorize the
7 collection of DNA samples from persons who are younger than nineteen
8 years of age.".

The Pansing Brooks amendment was adopted with 32 ayes, 0 nays, 12 present and not voting, and 5 excused and not voting.

Senator Hunt offered her amendment, [AM1289](#), found in this day's Journal, to the committee amendment.

Pending.

ADJOURNMENT

At 9:58 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Friday, May 7, 2021.

Patrick J. O'Donnell
Clerk of the Legislature

