

**FORTY-EIGHTH DAY - JULY 24, 2020****LEGISLATIVE JOURNAL****ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION****FORTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Friday, July 24, 2020

**PRAYER**

The prayer was offered by Senator Lindstrom.

**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 Blood, Hilkeemann, and Moser who were excused; and Senators Bolz and B. Hansen who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the forty-seventh day was approved.

**RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 378.** Introduced by Halloran, 33.

**PURPOSE:** The purpose of this resolution is to examine the Livestock Brand Act and the role and mission of the Nebraska Brand Committee.

Specifically, the study shall:

(1)(a) Compare and describe similarities and differences between brand inspection services and mandates applied in Nebraska and those applied in other states where brand inspection is performed. Such comparison shall:

(b) Identify public or private entities responsible for performing brand inspection, carrying out livestock brand recording, and carrying out other related services and regulations;

(c) Identify any employment of law enforcement personnel or relationships with other law enforcement agencies by such entities; and

(d) Compare the points in commerce where brand inspection is performed, the cost of brand inspection, and how such cost is supported;

(2) Gather data, literature, and other information along with opinions from the Nebraska livestock industry relevant to the following questions:

(a) Whether brand recording, brand inspection, and related services and regulations under the Livestock Brand Act remains a cost-effective, essential, and valued tool for theft detection and prevention;

(b) Whether brand inspection services continue to have commercial utility to all segments of the cattle industry and provide a vital contribution to the integrity of the marketplace;

(c) Whether the Livestock Brand Act and the rules and regulations of the Nebraska Brand Committee, or any provisions thereof, impose unnecessary regulatory costs and burdens or result in competitive disadvantages for Nebraska's cattle industry as a whole or for segments of the cattle industry;

(d) Whether any revisions to the Livestock Brand Act and its implementation would eliminate or mitigate such burdens or competitive disadvantages;

(e) Whether alternative methods of organizing and providing brand inspection and related services would more cost effectively and more appropriately serve the cattle industry in Nebraska; and

(f) Whether the mission of the Nebraska Brand Committee should expand or evolve to provide other livestock identification recording and verification services that would be of value to the cattle industry; and

(3) Consult and involve various interested parties and organizations in its inquiry under this resolution, including, but not limited to, the Nebraska Brand Committee, cow-calf producers, livestock feeders, dairy producers, breeding stock producers, livestock auction market operators, livestock processors, and academic and industry experts in livestock identification methods and technologies as related to herd management, livestock marketing, and disease traceability.

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

1. That the Agriculture 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.

### REPORTS

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

### REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of July 23, 2020, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Patrick J. O'Donnell  
Clerk of the Legislature

American Communications Group, Inc.  
Nebraska Occupational Therapy Association  
Baumfalk, Benjamin  
First Five Nebraska (Withdrawn 07/23/2020)  
Benson, David  
American Cancer Society Cancer Action Network  
Borgeson, Robert A.  
SMART-TD  
Catalyst Public Affairs  
Nebraska Board of Engineers and Architects  
CP Strategies LLC  
American Federation for Children (Withdrawn 03/26/2020)  
PACE Sage Capital, LLC (Withdrawn 04/15/2020)  
Davis, Jeffrey N.  
Burlington Northern Sante Fe (BNSF) Railway Company  
Douglas, Eric  
Prime Therapeutics, LLC (Withdrawn 06/04/2020)  
Faustman, Nicholas  
American Cancer Society Cancer Action Network (Withdrawn  
05/26/2020)  
Harding, Mariel  
United Way of the Midlands (Withdrawn 06/04/2020)  
Heartland Strategy Group, LLC  
Heartland Relief, LLC  
Nebraska Occupational Therapy Association (Withdrawn 07/22/2020)  
Hilton, Mary  
Smart Approaches to Marijuana Nebraska (Withdrawn 07/09/2020)  
Lautenbaugh, Scott  
Nebraska Premium Tobacco  
Lawrence, Katherine  
ACT, Inc. (Withdrawn 07/13/2020)  
Malik, Meghan  
Women's Fund of Greater Omaha, Inc. (Withdrawn 07/21/2020)  
Mueller Robak  
NaphCare, Inc.  
Mueting, Marcia  
Nebraska Pharmacists Association  
Onley, Mark  
The Good Food Institute, Inc. (Withdrawn 04/13/2020)  
Paden, Nicholas K.  
Rembolt Ludtke, LLP (Withdrawn 05/05/2020)  
Rasmussen, Jordan  
Center for Rural Affairs (Withdrawn 04/29/2020)  
Rips, Sara  
ACLU Nebraska

Segal, Kate

Biogen (Withdrawn 05/01/2020)

Townsend, Julie

Advance America (Withdrawn 06/09/2020)

Traynor, Hunter

Rembolt Ludtke, LLP

White, Rosemary

AAA Nebraska and The Auto Club Group (Withdrawn 07/09/2020)

Zulkoski Weber LLC

Nelnet, Inc. (Withdrawn 07/08/2020)

#### **MOTION(S) - Return LB911A to Select File**

Senator Quick moved to return LB911A to Select File for his specific amendment, [AM3148](#), found on page 1103.

The Quick motion to return prevailed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

#### **SELECT FILE**

**LEGISLATIVE BILL 911A.** The Quick specific amendment, [AM3148](#), found on page 1103, was adopted with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

#### **MOTION - Escort Governor**

Senator Brandt moved that a committee of six be appointed to escort the Governor of the State of Nebraska to the Legislative Chamber to deliver any message he may have for the Legislature.

The motion prevailed.

The Speaker appointed Senators Lindstrom, McDonnell, Hughes, Crawford, Linehan, and Dorn to serve on said committee.

The committee escorted Governor Pete Ricketts from the Chamber.

#### **WITHDRAW - Amendment to LB534**

Senator Cavanaugh withdrew her amendment, [AM2996](#), found on page 1036, to LB534.

**MOTION(S) - Return LB534 to Select File**

Senator Cavanaugh moved to return LB534 to Select File for the following specific amendment:

AM3160

(Amendments to Final Reading copy)

1 1. Strike section 1 and insert the following new section:  
2 Section 1. (1) On or before September 15, 2021, and September 15 of  
3 each odd-numbered year thereafter, each public postsecondary institution  
4 shall electronically submit a report regarding sexual harassment and  
5 Title IX compliance to the Clerk of the Legislature and the Education  
6 Committee of the Legislature. The report shall include:  
7 (a) Results of any campus climate survey related to sexual  
8 harassment;  
9 (b) Information related to the training provided to Title IX  
10 coordinators, investigators, and decisionmakers regarding sexual  
11 harassment;  
12 (c) Any policies, initiatives, or grievance procedures the  
13 postsecondary institution has adopted to address sexual harassment;  
14 (d) Information on where the postsecondary institution's students  
15 and employees may receive immediate emergency assistance to address  
16 instances of sexual harassment;  
17 (e) Information on how the postsecondary institution's students and  
18 employees may report concerns of sexual harassment to the postsecondary  
19 institution;  
20 (f) Information on resources, programs, and support available to the  
21 postsecondary institution's students and employees to address concerns of  
22 sexual harassment;  
23 (g) Information on any of the postsecondary institution's student or  
24 employee-led organizations engaged in supporting victims of sexual  
25 harassment; and  
26 (h) Any agreement between the postsecondary institution and a local  
1 law enforcement agency or the county attorney related to addressing  
2 instances of sexual harassment.  
3 (2) The report shall not include any personally identifiable  
4 information, information that is subject to a privilege arising under  
5 state or federal law, or records that may be withheld from disclosure  
6 under section 84-712.05.  
7 (3) On or before December 15, 2021, and on or before December 15 of  
8 each odd-numbered year thereafter, the Education Committee of the  
9 Legislature shall hold a public hearing to review all reports submitted  
10 under this section.  
11 (4) For purposes of this section:  
12 (a) Postsecondary institution has the same meaning as in section  
13 85-2403;  
14 (b) Sexual harassment means conduct that satisfies one or more of  
15 the following:  
16 (i) An employee conditioning the provision of an aid, benefit, or  
17 service on an individual's participation in unwelcome sexual conduct;  
18 (ii) Unwelcome conduct on the basis of sex determined by a  
19 reasonable person to be so severe, pervasive, and objectively offensive  
20 that it effectively denies a person equal access to the education program  
21 or activity;  
22 (iii) Sexual assault as defined in 20 U.S.C. 1092(f)(6)(A)(v);  
23 (iv) Dating violence as defined in 34 U.S.C. 12291(a)(10);  
24 (v) Domestic violence as defined in 34 U.S.C. 12291(a)(8); or  
25 (vi) Stalking as defined in 34 U.S.C. 12291(a)(30); and  
26 (c) Title IX means Title IX of the Education Amendments of 1972,  
27 Public Law 92-318, 20 U.S.C. 1681 to 1688, and its accompanying

28 regulations and guidance documents, as amended.  
29 2. On page 1, strike line 3 and insert "harassment; to".

The Cavanaugh motion to return prevailed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 534.** The Cavanaugh specific amendment, [AM3160](#), found in this day's Journal, was adopted with 38 ayes, 0 nays, 6 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 927.** Title read. Considered.

Committee [AM2822](#), found on page 893, was offered.

Senator M. Hansen withdrew his amendment, [AM3053](#), found on page 1032.

Senator M. Hansen offered his amendment, [AM3152](#), found on page 1115, to the committee amendment.

The M. Hansen amendment was adopted with 36 ayes, 1 nay, 6 present and not voting, and 6 excused and not voting.

The committee amendment, as amended, was adopted with 35 ayes, 0 nays, 8 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 3 present and not voting, and 6 excused and not voting.

#### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 379.** Introduced by Geist, 25.

PURPOSE: The purpose of this interim study is to examine whether continuity of care and safety for individuals and the public can be enhanced by allowing mental health providers to coordinate with law enforcement. The study shall include, but not be limited to, a review of mental health records to the extent such review is consistent with state and federal law regarding the confidentiality of such records.

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

1. That the Judiciary 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 380.** Introduced by Brewer, 43; Bostelman, 23; Erdman, 47; Gragert, 40; Halloran, 33.

**PURPOSE:** The purpose of this interim study is to examine the feasibility of creating a state meat inspection program. A state meat inspection program would allow cattle producers and small beef processors in this state to better feed Nebraska residents, greatly strengthen and secure the beef supply chain from cattle producers to consumers, and spur economic development in rural Nebraska. The study should seek to consult with and involve various interests and stakeholders in its inquiry under this resolution including, but not limited to, livestock producers, small plant processors, the Department of Agriculture, and industry and trade groups. The study should examine, but not be limited to, the following:

- (1) Different ways cattle producers and meat processors can take advantage of federal law and legislation to allow intrastate, interstate, and e-commerce sales of state-inspected meat;
- (2) How cattle producers can develop their own branded beef programs and take advantage of available United States Department of Agriculture (USDA) producer grants;
- (3) Courses of action that are safe so that the requirements of the Food Safety and Inspection Service of the USDA are met or exceeded, and which do not have a General Fund impact;
- (4) Programs offered in other states to stimulate the expansion of local meat processing; and
- (5) How to support investment in custom and small plant processing and expand direct-to-the-consumer marketing of inspected meat.

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

1. That the Agriculture 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 966.** Title read. Considered.

Committee [AM2947](#), found on page 1057, was adopted with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 5 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 1053.** Title read. Considered.

Committee [AM2806](#), found on page 931, was adopted with 34 ayes, 0 nays, 8 present and not voting, and 7 excused and not voting.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 1004A.** Introduced by Lathrop, 12.

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.

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 381.** Introduced by Hansen, M., 26.

**PURPOSE:** The purpose of this interim study is to review the collective-bargaining agreements of law enforcement agencies and the statutory requirements for such agreements.

The issues addressed by this interim study shall include, but not be limited to:

- (1) Common provisions in individual collective-bargaining agreements with law enforcement agencies;
- (2) Disciplinary procedures provided for in collective-bargaining agreements, including, but not limited to, responses to the use of force and safeguards for the public;
- (3) Duties of the Nebraska Commission on Law Enforcement and Criminal Justice imposed by sections 81-1456 and 81-1457;
- (4) Requirements of the Commission of Industrial Relations on collective-bargaining agreements between political subdivisions and law enforcement agencies; and
- (5) Requirements for collective-bargaining between the Nebraska State Patrol and its employees.

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



1. That the Business and Labor 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.

**MOTION - Adjournment**

Speaker Scheer moved to adjourn until 9:00 a.m., Monday, July 27, 2020.

Senator Chambers requested a roll call vote on the motion to adjourn.

The Scheer motion to adjourn prevailed with 37 ayes, 2 nays, 4 present and not voting, and 6 excused and not voting, and at 11:02 a.m., the Legislature adjourned until 9:00 a.m., Monday, July 27, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature

