

NINETEENTH DAY - FEBRUARY 2, 2022**LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION****NINETEENTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, February 2, 2022

PRAYER

The prayer was offered by Senator Erdman.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator B. Hansen.

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 Geist and Wishart who were excused; and Senators Blood, Bostar, Day, DeBoer, Hilkemann, Hughes, McCollister, Morfeld, Moser, Pansing Brooks, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR287 was adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR287.

GENERAL FILE

LEGISLATIVE BILL 986. Committee [AM1702](#), found on page 465 and considered on page 490, was renewed.

Senator M. Hansen renewed his amendment, [AM1716](#), found and considered on page 490.

SPEAKER HILGERS PRESIDING

SENATOR ARCH PRESIDING

SPEAKER HILGERS PRESIDING

Pending.

MOTION(S) - Withdraw LB1056

Senator Brewer offered his motion, [MO137](#), found on page 487, to withdraw LB1056.

The Brewer motion to withdraw the bill prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

COMMITTEE REPORT(S)
Executive Board

LEGISLATIVE BILL 708. Placed on General File.

(Signed) Dan Hughes, Chairperson

Enrollment and Review

LEGISLATIVE BILL 767. Placed on Select File with amendment. [ER101](#) is available in the Bill Room.

(Signed) Terrell McKinney, Chairperson

NOTICE OF COMMITTEE HEARING(S)
Revenue
Room 1524 1:30 PM

Wednesday, February 9, 2022

LB1237

LB729

LB730

LB1093

LB1176

(Signed) Lou Ann Linehan, Chairperson

Urban Affairs
Room 1510 12:00 PM

Friday, February 11, 2022
AM1737 to LB446

(Signed) Justin Wayne, Chairperson

AMENDMENT(S) - Print in Journal

Senator Erdman filed the following amendment to LB744:
[AM1714](#)

1 1. Strike the original sections and insert the following new
2 sections:
3 Section 1. Section 54-199, Reissue Revised Statutes of Nebraska, is
4 amended to read:
5 54-199 (1) To record a brand, a person shall forward to the Nebraska
6 Brand Committee a facsimile or description of the brand desired to be
7 recorded, a written application, and a recording fee and research fee
8 established by the brand committee. Such recording fee may vary according
9 to the number of locations and methods of brand requested but shall not
10 be more than one hundred fifty dollars per application. Such research fee
11 shall be charged on all applications and shall not be more than fifty
12 dollars per application.
13 (2) For recording of visual brands, upon receipt of a facsimile of
14 the brand, an application, and the required fee, the brand committee
15 shall determine compliance with the following requirements:
16 (a) The brand shall be an identification mark that is applied to the
17 hide of a live animal by hot iron branding or by either hot iron branding
18 or freeze branding. The brand shall be on either side of the animal in
19 any one of three locations, the shoulder, ribs, or hip;
20 (b) The brand is not recorded under the name of any other person and
21 does not conflict with or closely resemble a prior recorded brand;
22 (c) The brand application specifies the left or right side of the
23 animal and the location on that side of the animal where the brand is to
24 be placed;
25 (d) The brand is not recorded as a trade name nor as the name of any
26 profit or nonprofit corporation, unless such trade name or corporation is
27 of record, in current good standing, with the Secretary of State; and
1 (e) The brand is, in the judgment of the brand committee, legible,
2 adequate, and of such a nature that the brand when applied can be
3 properly read and identified by employees of the brand committee.
4 (3) All visual brands shall be recorded as a hot iron brand only
5 unless a co-recording as a freeze brand or other approved method of
6 branding is requested by the applicant. The brand committee shall approve
7 co-recording a brand as a freeze brand unless the brand would not be
8 distinguishable from in-herd identification applied by freeze branding.
9 (4) If the facsimile, the description, or the application does not
10 comply with the requirements of this section, the brand committee shall
11 not record such brand as requested but shall return the recording fee to
12 the forwarding person. The power of examination and rejection is vested
13 in the brand committee, and if the brand committee determines that the
14 application for a visual brand falls within the category set out in
15 subdivision (2)(e) of this section, it shall decide whether or not a
16 recorded brand shall be issued. The brand committee shall make such
17 examination as promptly as possible. If the brand is recorded, the
18 ownership vests from the date of filing of the application.
19 (5) The brand committee may by rule and regulation provide for the

20 use of approved nonvisual identifiers for purposes of enrolling cattle
 21 identified by such method of livestock identification. Such method of
 22 livestock identification shall be approved only if it functions as
 23 satisfactory evidence of ownership for the purpose of enrollment of
 24 cattle and for electronic inspection authorized under section 54-1,108.
 25 Before approving any nonvisual identifier, the brand committee shall
 26 consider the degree to which such method may be susceptible to error,
 27 failure, or fraudulent alteration. Any rule or regulation shall be
 28 adopted and promulgated only after public hearing conducted in compliance
 29 with the Administrative Procedure Act.
 30 (6) Any information that a person provides to the brand committee
 31 for the purpose of enrollment of cattle and electronic inspection
 1 pursuant to subsection (5) of this section is not a public record subject
 2 to disclosure under sections 84-712 to 84-712.09.
 3 Sec. 2. Original section 54-199, Reissue Revised Statutes of
 4 Nebraska, is repealed.

Senator Brewer filed the following amendment to LB512:

AM1620

1 1. Strike original section 6.
 2 2. On page 2, strike lines 7 through 11 and insert the following new
 3 subdivision:
 4 "(2) Critical infrastructure utility worker means an essential
 5 critical infrastructure worker identified in the Guidance on the
 6 Essential Critical Infrastructure Workforce, Version 4.0, as released on
 7 August 18, 2020, by the United States Department of Homeland Security
 8 Cybersecurity and Infrastructure Security Agency."
 9 3. On page 3, line 16, after the semicolon insert "and"; strike
 10 lines 17 through 19; in line 20 strike "(3)" and insert "(2)", and in
 11 line 22 after "workers" insert "in accordance with federal law and
 12 regulations regarding eligibility".

RESOLUTION(S)

LEGISLATIVE RESOLUTION 291. Introduced by Day, 49.

WHEREAS, John Sievers will be remembered as a leader in the Omaha community, a steadfast supporter of the military and our nation's heroes, and a pillar of the Green Beans Coffee Company community and family; and

WHEREAS, John Sievers served in the Air Force for 26 years and traveled the world as a meteorologist; and

WHEREAS, after retiring from the military in 2014, John Sievers opened in West Omaha the country's first family and veteran owned franchise of the Green Beans Coffee Company which donates a portion of proceeds to organizations that support military families and children of the fallen; and

WHEREAS, John Sievers cultivated a local community through his small business; and

WHEREAS, John Sievers was a devoted son, brother, husband, father, grandfather, and friend; and

WHEREAS, John Sievers passed away on January 28, 2022; and

WHEREAS, John Sievers will be greatly missed by his family and friends.

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

1. That the Legislature honors and recognizes Senior Master Sergeant John Sievers for his strength, generosity, and leadership throughout his life and for his years of military service.
2. That the Legislature offer its condolences and gratitude to the family of John Sievers.
3. That a copy of this resolution be sent to the family of John Sievers.

Laid over.

LEGISLATIVE RESOLUTION 292. Introduced by Linehan, 39.

WHEREAS, Peter Benedict Haas, a member of Iron Horse Troop 357 from Elkhorn, and son of Dr. John Paul and Mrs. Susanne Novak Haas completed the requirements for the rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, to achieve the rank of Eagle Scout, the highest rank in scouting, a Boy Scout must fulfill requirements in the areas of leadership, service, and outdoor skills; and

WHEREAS, to advance through the ranks of Tenderfoot, Second Class, First Class, Star, Life, and finally Eagle Scout, a Boy Scout must demonstrate a number of specific skills; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout must complete a community service project approved by the troop and the Scout Council; and

WHEREAS, for his Eagle Scout Service Project, "Play It Forward," Peter coordinated a month-long donation drive, collecting 1,969 used sporting goods on behalf of the Football for the World Foundation, to be distributed to Omaha metro-area youth whose families fall below the poverty line; and

WHEREAS, to achieve the rank of Eagle Scout, a Boy Scout must earn 21 merit badges, 13 of which are in required areas, in addition to completing the community service project; and

WHEREAS, only a small percentage of those in Boy Scouts of America achieve the rank of Eagle Scout; and

WHEREAS, Peter, through his hard work and perseverance, joins other high achievers who are Eagle Scouts, such as astronauts, political and industry leaders, artists, scientists, and athletes.

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

1. That the Legislature congratulates Peter Benedict Haas on achieving the rank of Eagle Scout.
2. That a copy of this resolution be sent to Peter Benedict Haas.

Laid over.

BILL ON FIRST READING

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

LEGISLATIVE BILL 450A. Introduced by McKinney, 11.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 450, One Hundred Seventh Legislature, Second Session, 2022.

ANNOUNCEMENT

Senator Wayne announced the Urban Affairs Committee will hold an executive session Thursday, February 3, 2022, at 10:00 a.m., under the North Balcony.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Lindstrom name added to LB300.
Senator Albrecht name added to LB496.
Senator Groene name added to LB718.
Senator Albrecht name added to LB723.
Senator Bostar name added to LB783.
Senator Blood name added to LB783.
Senator Arch name added to LB933.
Senator Slama name added to LB955.
Senator Blood name added to LB1024.
Senator Albrecht name added to LB1037.
Senator Albrecht name added to LB1086.

VISITOR(S)

Visitors to the Chamber were Leadership Scottsbluff, Leadership Chadron, Heartland Expressway Association, Scottsbluff-Gering United Chamber, Northwest Nebraska Development Corporation; and members of the Nebraska Realtors Association from across Nebraska.

The Doctor of the Day was Dr. Hans Dethlefs of La Vista.

ADJOURNMENT

At 11:53 a.m., on a motion by Senator Hilkemann, the Legislature adjourned until 9:00 a.m., Thursday, February 3, 2022.

Patrick J. O'Donnell
Clerk of the Legislature