THIRTEENTH DAY - JANUARY 28, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE
SECOND SESSION

THIRTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Tuesday, January 28, 2020

PRAYER

The prayer was offered by Pastor Rodney Hinrichs, Reaching the Unreached, Lincoln.

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, La Grone, Morfeld, Pansing Brooks, Slama, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twelfth day was approved.

NOTICE OF COMMITTEE HEARING(S)

Education
Room 1525

Tuesday, February 4, 2020 1:30 p.m.
LB1066
LB1083
LB1166
LB1131

(Signed) Mike Groene, Chairperson
RESOLUTION(S)

LEGISLATIVE RESOLUTION 305. Introduced by Kolterman, 24.

WHEREAS, McCool Junction Public Schools received a 2019 NebraskARTS Award presented by Nebraskans for the Arts; and
WHEREAS, Nebraskans for the Arts annually recognizes select schools and school districts that make notable and worthwhile contributions to the arts and arts education in Nebraska; and
WHEREAS, McCool Junction Public Schools demonstrates high educational standards and provides all students the opportunity to learn through the arts; and
WHEREAS, McCool Junction Public Schools provides numerous opportunities for students to improve their craft and share their talents and hard work with the community; and
WHEREAS, the Legislature recognizes the academic, athletic, and artistic achievements of the youth of our state.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature congratulates McCool Junction Public Schools for receiving a 2019 NebraskARTS award.
2. That a copy of this resolution be sent to McCool Junction Public Schools.

Laid over.

MOTION(S) - Confirmation Report(s)

Senator Howard moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 415:
Division of Public Health - Department of Health and Human Services
Gary J. Anthone - Director

Voting in the affirmative, 35:
Arch    Cavanaugh    Gragert    Hunt    Murman
Blood   Chambers    Halloran   Kolowski   Quick
Bolz    Clements    Hansen, B.  Kolterman  Scheer
Bostelman  Crawford    Hilgers    Linehan   Stinner
Brandt  DeBoer     Hilkemann   Lowe     Walz
Brewer  Erdman     Howard     McCollister Wayne
Briese  Friesen    Hughes     Moser     Williams

Voting in the negative, 0.

Present and not voting, 7:
Albrecht    Groene    Lathrop    McDonnell
Dorn        Hansen, M.    Lindstrom

Excused and not voting, 7:

Geist    Morfeld    Slama    Wishart
La Grone  Pansing Brooks  Vargas

The appointment was confirmed with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 416:

Nebraska Tourism Commission
Robert Phillip Sabin

Voting in the affirmative, 39:

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<th>Albrecht</th>
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<td>Briese</td>
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Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.    Lathrop    Lindstrom    McCollister

Excused and not voting, 6:

<table>
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<th>Geist</th>
<th>Pansing Brooks</th>
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<td>Morfeld</td>
<td>Slama</td>
<td>Wishart</td>
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The appointment was confirmed with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Senator Brewer moved the adoption of the Government, Military and Veterans Affairs Committee report for the confirmation of the following appointment(s) found on page 416:

State Emergency Response Commission
Rod Buethe
Polly Ann Jordening
Kyle Keeling
Tonya Ngotel  
Kimberly K. Plouzek

Voting in the affirmative, 36:

Albrecht  Cavanaugh  Gragert  Kolowski  Quick  
Arch  Chambers  Halloran  Kolterman  Scheer  
Blood  Clements  Hansen, B.  La Grone  Wayne  
Bolz  Crawford  Hilgers  Linehan  Williams  
Bostelman  DeBoer  Hilkemann  Lowe  
Brandt  Dorn  Howard  McDonnell  
Brewer  Erdman  Hughes  Moser  
Briese  Friesen  Hunt  Murman

Voting in the negative, 0.

Present and not voting, 7:

Groene  Lathrop  McCollister  Walz  
Hansen, M.  Lindstrom  Stinner  

Excused and not voting, 6:

Geist  Pansing  Brooks  Vargas  
Morfeld  Slama  Wishart

The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 437:

Environmental Quality Council  
James W. Hawks

Voting in the affirmative, 36:

Albrecht  Chambers  Halloran  Kolterman  Quick  
Arch  Clements  Hansen, B.  La Grone  Scheer  
Blood  Crawford  Hilgers  Lowe  Wayne  
Bolz  DeBoer  Hilkemann  McCollister  Williams  
Brandt  Dorn  Howard  McDonnell  
Brewer  Erdman  Hughes  Morfeld  
Briese  Friesen  Hunt  Moser  
Cavanaugh  Gragert  Kolowski  Murman

Voting in the negative, 0.

Present and not voting, 8:
Senator Hughes moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 437:

Nebraska Environmental Trust Board
Jeff T. Kanger

Voting in the affirmative, 36:

Albrecht  Cavanaugh  Halloran  La Grone  Quick
Arch      Chambers  Hilgers  Linehan  Scheer
Blood     Clements  Hilkemann  Lowe   Wayne
Bolz      Crawford  Howard  McCollister  Williams
Bostelman Dorn      Hughes  McDonnell
Brandt    Erdman    Hunt    Morfeld
Brewer    Friesen   Kolowski  Moser
Briese    Gragert   Koltermann Murman

Voting in the negative, 0.

Present and not voting, 8:

DeBoer  Hansen, B.  Lathrop  Stinner
Groene  Hansen, M.  Lindstrom  Walz

Excused and not voting, 5:

Geist  Pansing  Slama  Vargas  Wishart

The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Wayne offered his motion, MO129, found on page 439, to rerefer LB1046 to the Urban Affairs Committee, pursuant to Rule 6, Section 2(a).

Senator Wayne moved for a call of the house. The motion prevailed with 18 ayes, 3 nays, and 28 not voting.
Senator Wayne requested a roll call vote, in reverse order, on the motion to rerefer the bill.

Voting in the affirmative, 17:

Blood   Crawford   Kolowski   Pansing Brooks   Wishart
Bolz     Hansen, M. Lathrop     Vargas
Cavanaugh Howard   McDonnell   Walz
Chambers Hunt     Morfeld     Wayne

Voting in the negative, 31:

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

Present and not voting, 1:

Quick

The Wayne motion to rerefer the bill failed with 17 ayes, 31 nays, and 1 present and not voting.

The Chair declared the call raised.

**COMMITTEE REPORT(S)**
Banking, Commerce and Insurance

**LEGISLATIVE BILL 775.** Placed on General File.
**LEGISLATIVE BILL 902.** Placed on General File.

(Signed) Matt Williams, Chairperson

**MOTION(S) - Print in Journal**

Senator Stinner filed the following motion to LB1092:
[MO133]
Withdraw bill.
NOTICE OF COMMITTEE HEARING(S)
Appropriations
Room 1003

Tuesday, February 4, 2020 1:30 p.m.
LB1099
LB910
LB1198
Agency 9 - Secretary of State
Agency 12 - State Treasurer
Agency 16 - Revenue, Department of
Agency 65 - Administrative Services, Department of
Agency 85 - Public Employees Retirement Board, Nebraska
Agency 87 - Accountability and Disclosure Commission

Wednesday, February 5, 2020 1:30 p.m.
LB916
LB995
LB1017
LB1096
LB1097
Agency 5 - Supreme Court
Agency 46 - Correctional Services, Department of
Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice

Thursday, February 6, 2020 1:30 p.m.
LB826
LB894
LB979
LB1079

(Signed) John Stinner, Chairperson
Executive Board
Room 1507

Tuesday, February 4, 2020 12:00 p.m.
LB1144
LR298

(Signed) Mike Hilgers, Chairperson
Judiciary
Room 1113

Wednesday, February 5, 2020 1:30 p.m.
LB1027
LB1028
Thursday, February 6, 2020 1:30 p.m.
LB1029
LB1030
LB1032
LB1137
LB1164

Wednesday, February 12, 2020 1:30 p.m.
LB786
LB978
LB1082
LB1171
LB1180
LB1208

Thursday, February 13, 2020 1:30 p.m.
LB959
LB985
LB1117
LB1181
LB1209
LR281CA

Wednesday, February 19, 2020 1:30 p.m.
LB907
LB1004
LB1062
LB1081
LB1133

Thursday, February 20, 2020 1:30 p.m.
LB766
LB814
LB991
LB1048
LB1210

Thursday, February 27, 2020 1:30 p.m.
LB750
LB1091
LB1094
LB1115
SENATOR HUGHES PRESIDING

SENATOR HILGERS PRESIDING

Senator Murman offered the following amendment:

1. Insert the following new sections:
2 Sec. 2. Sections 2 to 7 of this act shall be known and may be cited
3 as the Reflexologist Registration Act.
4 Sec. 3. The purpose of the Reflexologist Registration Act is to
5 ensure the health, safety, and welfare of the public by providing for the
6 accurate, cost-effective, efficient, and safe utilization of registered
reflexologists in the administration of reflexology.

For purposes of the Reflexologist Registration Act, the practice of reflexology means the application of pressure to specific points on the feet, hands, and outer ears.

No person shall engage in the practice of reflexology for remuneration unless such person is listed on the reflexologist registry created under section 6 of this act.

For purposes of the Reflexologist Registration Act, the practice of reflexology means the application of pressure to specific points on the feet, hands, and outer ears.

No person shall engage in the practice of reflexology for remuneration unless such person is listed on the reflexologist registry created under section 6 of this act.

The reflexologist registry is created. The Department of Health and Human Services shall list each reflexologist's registration on the reflexologist registry.

A listing in the registry shall be valid for the term of the registration and upon renewal unless such listing is refused renewal or is removed.

To register as a reflexologist, an individual shall file an application with the Department of Health and Human Services and pay the applicable fee determined by the department.

Renumber the remaining section accordingly.

Senator Chambers offered the following motion:
MO135
Bracket until April 22, 2020.

Pending.

**MOTION(S) - Print in Journal**

Senator Wayne filed the following motion to LB1046:
MO134
Rerefer bill to the Revenue Committee, pursuant to Rule 6, Section 2(a).

**NOTICE OF COMMITTEE HEARING(S)**

Judiciary
Room 1113

Wednesday, February 19, 2020 1:30 p.m.
Anne C. Boatright - Crime Victim's Reparations Committee
Mark T. Langan - Board of Parole

(Signed) Steve Lathrop, Chairperson

Banking, Commerce and Insurance
Room 1507

Monday, February 10, 2020 1:30 p.m.
LB808
LB954
LB988

Tuesday, February 11, 2020 1:30 p.m.
LB997
LB767
LB1199
WHEREAS, the federal Education for All Handicapped Children Act of 1975 (the 1975 Act) was enacted to address the failure of states to meet the educational needs of children with disabilities. In 1990, the act was amended and renamed the Individuals with Disabilities Education Act (IDEA). This law remains the cornerstone of federal statutory mandates governing special education; and

WHEREAS, the purpose of the 1975 Act, as declared by Congress, was to ensure that all children with disabilities have available to them a free appropriate public education which emphasizes special education and related services designed to meet their unique needs, to assure that the rights of children with disabilities and their parents or guardians are protected, to assist states and localities to provide for the education of all children with disabilities, and to assess and assure the effectiveness of efforts to educate children with disabilities; and

WHEREAS, the 1975 Act authorized a maximum state funding entitlement of 40 percent, for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, of the average per-pupil expenditure in public elementary and secondary schools in the United States; and

WHEREAS, since 1975, including in the most recent amendments to the IDEA, Public Law 108-446, the federal Individuals with Disabilities Education Improvement Act of 2004, Congress has maintained the funding authorization at 40 percent of the average per-pupil expenditure in public elementary schools and secondary schools in the United States; and

WHEREAS, the federal government has never paid the promised 40 percent share of the IDEA mandate. For many years, Congress paid less than 8 percent of the excess cost of educating children with disabilities, forcing the states and local educational agencies to cover the remaining costs; and

WHEREAS, the Nebraska student population requiring special education and related services continues to grow each year; and
WHEREAS, school, disability, and parent groups have been trying for years to bring IDEA appropriations up to the full funding of 40 percent of average per-pupil expenditures, the maximum any state can receive per student with disability. These efforts have yet to succeed; and
WHEREAS, in 2016, federal funding only represented 16.3 percent of its share, well short of the promised 40 percent level; and
WHEREAS, because the promised federal funding level is not being met, the burden has fallen on states and local school districts, which leads to cuts in programs, tax increases, or both; and
WHEREAS, a bill stands on the floor of the United States House of Representatives, H.R. 1878, known as the IDEA Full Funding Act, that aims to reach the 40 percent full funding level by the fiscal year 2028 through incremental increases in the federal share of funding each fiscal year.
NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE ONE HUNDRED SIXTH LEGISLATURE OF NEBRASKA, SECOND SESSION:
1. That the Legislature respectfully urges Congress and the President of the United States to enact H.R. 1878 to fully fund the Individuals with Disabilities Education Act.
2. That a copy of this resolution be sent to each member of Nebraska's congressional delegation and to the United States Secretary of Education.

Laid over.

SPEAKER'S ANNOUNCEMENT
Pursuant to Rule 4, Section 8, LR306 was referred to the Reference Committee.

UNANIMOUS CONSENT - Add Cointroducer(s)
Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator M. Hansen name added to LB518.
Senator Briese name added to LB518.
Senator Crawford name added to LB748.
Senator Williams name added to LB825.
Senator Walz name added to LB825.
Senator McCollister name added to LB1181.
Senator McCollister name added to LB1191.
Senator Briese name added to LB1201.
VISITOR(S)

Visitors to the Chamber were members of the Nebraska Cattlemen YCC Class of 2019 from across the state; and students from UNL.

The Doctor of the Day was Dr. Aaron Lanik from Wahoo.

ADJOURNMENT

At 11:48 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Wednesday, January 29, 2020.

Patrick J. O'Donnell
Clerk of the Legislature