

**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:

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

Voting in the negative, 0.

Present and not voting, 4:

Hansen, M.	Lathrop	Lindstrom	McCollister
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Excused and not voting, 6:

Geist	Pansing Brooks	Vargas
Morfeld	Slama	Wishart

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:

Bostelman	Hansen, M.	Lindstrom	Stinner
Groene	Lathrop	Linehan	Walz

Excused and not voting, 5:

Geist	Pansing Brooks	Slama	Vargas	Wishart
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 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:

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	Kolterman	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 Brooks	Slama	Vargas	Wishart
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

#### **MOTION(S) - Rerefer LB1046**

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

LB1029  
LB1030  
LB1032  
LB1137  
LB1164

Thursday, February 6, 2020 1:30 p.m.

LB1041  
LB1095  
LB1112  
LB1148  
LB1169  
LB1194

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



LB1118  
LB1190

Friday, February 21, 2020 1:30 p.m.

LB816  
LB872  
LB958  
LB1221

Wednesday, February 26, 2020 1:30 p.m.

LB742  
LB749  
LB792  
LB793  
LB913  
LB1113

(Signed) Steve Lathrop, Chairperson

Government, Military and Veterans Affairs  
Room 1507

Wednesday, February 5, 2020 1:30 p.m.

LB1047  
LB1055  
LB1057  
LB1211

Thursday, February 6, 2020 1:30 p.m.

LB781  
LB807

(Signed) Tom Brewer, Chairperson

**GENERAL FILE**

**LEGISLATIVE BILL 347.** Title read. Considered.

**SENATOR HUGHES PRESIDING**

**SENATOR HILGERS PRESIDING**

Senator Murman offered the following amendment:

[AM2146](#)

1 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

7 reflexologists in the administration of reflexology.  
 8 Sec. 4. For purposes of the Reflexologist Registration Act, the  
 9 practice of reflexology means the application of pressure to specific  
 10 points on the feet, hands, and outer ears.  
 11 Sec. 5. No person shall engage in the practice of reflexology for  
 12 remuneration unless such person is listed on the reflexologist registry  
 13 created under section 6 of this act.  
 14 Sec. 6. (1) The reflexologist registry is created. The Department  
 15 of Health and Human Services shall list each reflexologist's registration  
 16 on the reflexologist registry.  
 17 (2) A listing in the registry shall be valid for the term of the  
 18 registration and upon renewal unless such listing is refused renewal or  
 19 is removed.  
 20 Sec. 7. To register as a reflexologist, an individual shall file an  
 21 application with the Department of Health and Human Services and pay the  
 22 applicable fee determined by the department.  
 23 2. 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

Tuesday, February 18, 2020 1:30 p.m.  
LB949  
LB804  
LB970  
LB948

Monday, February 24, 2020 1:30 p.m.  
LB1024  
LB1108  
LB1196

(Signed) Matt Williams, Chairperson

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 306.** Introduced by Wishart, 27; Linehan, 39; Pansing Brooks, 28.

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

