NINETEENTH DAY - FEBRUARY 5, 2020

LEGISLATIVE JOURNAL

ONE HUNDRED SIXTH LEGISLATURE SECOND SESSION

NINETEENTH DAY

Legislative Chamber, Lincoln, Nebraska Wednesday, February 5, 2020

PRAYER

The prayer was offered by Senator Kolterman.

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 Crawford, Pansing Brooks, and Stinner who were excused; and Senators Cavanaugh, DeBoer, B. Hansen, Hilkemann, Hunt, Kolowski, La Grone, McCollister, Slama, Vargas, and Wayne who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the eighteenth day was approved.

MESSAGE(S) FROM THE GOVERNOR

February 3, 2020

Mr. President, Speaker Scheer and Members of the Legislature State Capitol Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individual is being appointed to the State Board of Health:

John L. Kuehn, D.V.M., 1101 43 Road, Heartwell, NE 68935

The aforementioned appointee is respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

Sincerely,
(Signed) Pete Ricketts
Governor

Enclosures

February 4, 2020

Mr. President, Speaker Scheer and Members of the Legislature State Capitol Lincoln, NE 68509

Dear Mr. President, Speaker Scheer and Members of the Legislature:

Contingent upon your approval, the following individuals are being appointed to the Board of Emergency Medical Services:

Michael Sheridan, 5119 Decatur St., Omaha, NE 68104 Todd Hovey, 504 E. 3rd St., McCook, NE 69001 Dion J. Neumiller, Nebraska State Patrol, 300 W. South River Road, North Platte, NE 69101

Contingent upon your approval, the following individual is being reappointed to the Board of Emergency Medical Services:

Michael Bailey, 80135 Highway 183, Westerville, NE 68881

The aforementioned appointees are respectfully submitted for your consideration. Copies of the certificate and background information are included for your review.

(Signed) Sincerely,
Pete Ricketts
Governor

Enclosures

MOTION(S) - Confirmation Report(s)

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 501:

Board of Educational Lands and Funds

Glenn R. Wilson

Voting in the affirmative, 35:

Albrecht Briese Gragert Kolterman Murman Chambers Groene Arch Lathrop Quick Clements Blood Halloran Linehan Scheer Bolz Dorn Hansen, M. Vargas Lowe McDonnell Walz Bostelman Erdman Hilgers Howard Morfeld Williams Brandt Friesen Brewer Geist Hughes Moser Wishart

Voting in the negative, 0.

Present and not voting, 1:

Lindstrom

Excused and not voting, 13:

Cavanaugh Hansen, B. Kolowski Pansing Brooks Wayne Crawford Hilkemann La Grone Slama DeBoer Hunt McCollister Stinner

The appointment was confirmed with 35 ayes, 0 nays, 1 present and not voting, and 13 excused and not voting.

Senator Groene moved the adoption of the Education Committee report for the confirmation of the following appointment(s) found on page 501:

Nebraska Educational Telecommunications Commission Dorothy C. Anderson Jacque Carter

Voting in the affirmative, 31:

Albrecht Briese Gragert Linehan Walz Chambers Williams Arch Groene Lowe Blood Clements Halloran McDonnell Wishart Bolz Dorn Hilgers Morfeld Bostelman Hughes Erdman Moser Kolterman Brandt Friesen Murman Lathrop Quick Brewer Geist

Voting in the negative, 0.

Present and not voting, 5:

Hansen, M. Howard Lindstrom Scheer Vargas

Excused and not voting, 13:

Cavanaugh Hansen, B. Kolowski Pansing Brooks Wayne

Crawford Hilkemann La Grone Slama DeBoer Hunt McCollister Stinner

The appointments were confirmed with 31 ayes, 0 nays, 5 present and not voting, and 13 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 505:

Nebraska Ethanol Board Jan K. tenBensel

Voting in the affirmative, 32:

Albrecht Chambers Gragert La Grone Quick Arch Clements Groene Lathrop Vargas Bostelman DeBoer Halloran Linehan Walz Brandt Dorn Howard Lowe Williams Brewer Erdman Hughes Morfeld Briese Friesen Hunt Moser Geist Kolterman Murman Cavanaugh

Voting in the negative, 0.

Present and not voting, 8:

Blood Hansen, M. Lindstrom Scheer Bolz Hilgers McDonnell Wishart

Excused and not voting, 9:

Crawford Hilkemann McCollister Slama Wayne Hansen, B. Kolowski Pansing Brooks Stinner

The appointment was confirmed with 32 ayes, 0 nays, 8 present and not voting, and 9 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 506:

Environmental Quality Council

Norris Marshall

Voting in the affirmative, 26:

Albrecht Clements Gragert Lindstrom Scheer Blood DeBoer Groene Linehan Wishart Bolz Dorn Halloran Lowe Bostelman Morfeld Erdman Hughes Briese Hunt Moser Friesen Chambers Geist La Grone Quick

Voting in the negative, 0.

Present and not voting, 17:

Kolowski Williams Arch Hansen, M. McDonnell Brandt Hilgers Kolterman Murman Hilkemann Brewer Lathrop Vargas Walz Cavanaugh Howard McCollister

Excused and not voting, 6:

Crawford Pansing Brooks Stinner Hansen, B. Slama Wayne

The appointment was confirmed with 26 ayes, 0 nays, 17 present and not voting, and 6 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 506:

Tax Equalization and Review Commission James D. Kuhn

Voting in the affirmative, 31:

Blood DeBoer Vargas Hunt Lowe Bostelman Kolowski Wayne Dorn McCollister Brandt Erdman Kolterman McDonnell Wishart Brewer Geist La Grone Moser Lathrop Quick Briese Gragert Chambers Halloran Lindstrom Scheer Slama Clements Hilkemann Linehan

Voting in the negative, 0.

Present and not voting, 14:

Albrecht Cavanaugh Hansen, M. Hughes Walz Arch Friesen Hilgers Morfeld Williams Bolz Groene Howard Murman

Excused and not voting, 4:

Crawford Hansen, B. Pansing Brooks Stinner

The appointment was confirmed with 31 ayes, 0 nays, 14 present and not voting, and 4 excused and not voting.

ANNOUNCEMENT

The Chair announced the birthday of Senator Williams.

ANNOUNCEMENT(S)

Priority designation(s) received:

Education - LB920

NOTICE OF COMMITTEE HEARING(S)

Health and Human Services Room 1510

Wednesday, February 12, 2020 1:30 p.m.

Mark M. Bulger - Commission for the Blind and Visually Impaired

LB833

LB1053

LB1051

LB1138

LB840

Thursday, February 13, 2020 1:30 p.m.

Brent Heyen - Commission for the Blind and Visually Impaired

Kimberly Scherbarth - Commission for the Blind and Visually Impaired

LB893

LB1002

LB1124

LB1058

LB1183

(Signed) Sara Howard, Chairperson

Natural Resources Room 1525

Wednesday, February 12, 2020 1:30 p.m. Dan C. Kreitman - Game and Parks Commission

LB1173

LB861

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE RESOLUTION 279CA. Senator Chambers offered his motion, MO147, found on page 517, to recommit to the Executive Board.

Senator Chambers offered the following motion:

MO148

Bracket until April 22, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

LEGISLATIVE BILL 242. Title read. Considered.

SPEAKER SCHEER PRESIDING

Committee AM434, found on page 487, was offered.

Senator Lindstrom offered his amendment, <u>AM2279</u>, found on page 516, to the committee amendment.

SENATOR HUGHES PRESIDING

SPEAKER SCHEER PRESIDING

Pending.

ANNOUNCEMENT(S)

Priority designation(s) received:

Transportation and Telecommunications - LB992 and LB944

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board submits the following report:

Bailey, Michael - Board of Emergency Medical Services - Health and Human Services

Hovey, Todd - Board of Emergency Medical Services - Health and Human Services

Kuehn, John L. - State Board of Health - Health and Human Services

Neumiller, Dion J. - Board of Emergency Medical Services - Health and Human Services

Sheridan, Michael - Board of Emergency Medical Services - Health and Human Services

(Signed) Mike Hilgers, Chairperson Executive Board

COMMUNICATION(S)

February 5, 2020

Senator Mike Hilgers Chairperson, Executive Board Room 2108 State Capitol Lincoln, NE 68509

Dear Senator Hilgers,

Enclosed is correspondence from History Nebraska. The correspondence relates to a request regarding a <u>Cash Gift and an Addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park.</u> History Nebraska requested permission to increase the project budget up \$200,000 for a total of \$1,929,770. The Governor approved this request as part of a Revised Program Statement on January 14, 2020. The additional funds have been pledged by the Kiewit Foundation.

I am forwarding this correspondence to you for Executive Board action.

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

PJO:ck enclosure

REFERENCE COMMITTEE REPORT

The Legislative Council Executive Board referred the request to accept a cash gift and an addendum thereto for renovations to the Abbot Visitor Center at Chimney Rock National Park to the Appropriations Committee for further consideration.

(Signed) Mike Hilgers, Chairperson Executive Board

RESOLUTION(S)

LEGISLATIVE RESOLUTION 309. Introduced by Briese, 41.

WHEREAS, Megan Helberg, an English teacher from Burwell, was named 2020 Nebraska Teacher of the Year; and

WHEREAS, Ms. Helberg earned a bachelor's degree in business administration from Chadron State College and received her teaching

certificate through the Transition to Teach program at the University of Nebraska at Kearney; and

WHEREAS, Ms. Helberg's goal is to bring the world to her students, teaching them about various races, religions, and ways of life by creating innovative lessons and hosting video chats with speakers and classrooms from different countries; and

WHEREAS, Ms. Helberg has also been a Burwell Public School Leader in Technology Educator, a Museum Teacher Fellow in Washington, D.C., and received a Fund for Teachers grant to travel internationally; and

WHEREAS, the Nebraska Teacher of the Year program recognizes teachers who are exceptionally dedicated, knowledgeable, skilled, and able to inspire students of all backgrounds and abilities.

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

- 1. That the Legislature congratulates Megan Helberg for being named the 2020 Nebraska Teacher of the Year.
 - 2. That a copy of this resolution be sent to Megan Helberg.

Laid over.

LEGISLATIVE RESOLUTION 310. Introduced by Briese, 41.

WHEREAS, the United States Army Ranger School is a 62-day small unit tactics and leadership course that develops functional skills directly related to military units whose mission is to engage the enemy in close combat and direct fire battles; and

WHEREAS, Ranger School is considered one of the most physically and mentally demanding courses in the United States Army; and

WHEREAS, Alex Kerkman of Neligh and Christian Zuhlke of Brunswick have graduated from Ranger School.

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

- 1. That the Legislature appreciates the service of Alex Kerkman and Christian Zuhlke and congratulates them on graduating from the United States Army Ranger School and wishes them continued success in their training and service.
- 2. That a copy of this resolution be sent to Alex Kerkman and Christian Zuhlke.

Laid over.

LEGISLATIVE RESOLUTION 311. Introduced by Briese, 41.

WHEREAS, the American Legion Auxiliary developed Girls State in the 1930s to train young women in the positive processes of self-government and good citizenship as practiced in democratic societies; and

WHEREAS, Girls State citizens receive instruction in parliamentary procedure and participate in mock political parties and elections to fill city, county, and state positions; and

WHEREAS, as part of the mock democratic process, the Girls State citizens are involved in other activities including legislative sessions, campaigns, party rallies, mock trials, and debates; and

WHEREAS, on June 5, 2019, Alyssa Moser of Clearwater was elected Governor of the 2019 Cornhusker Girls State; 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 Alyssa Moser for being elected Governor of the 2019 Cornhusker Girls State.
 - 2. That a copy of this resolution be sent to Alyssa Moser.

Laid over.

COMMITTEE REPORT(S)

Education

LEGISLATIVE BILL 965. Placed on General File with amendment.

AM2234

- 1 1. Strike the original sections and insert the following new
- 2 continue
- 3 Section 1. The Legislature hereby declares that American Sign
- 4 Language is recognized by the State of Nebraska as a distinct and
- 5 separate language.
- 6 Sec. 2. The State Department of Education may provide for the
- 7 teaching of American Sign Language in public, private, denominational,
- 8 and parochial schools. If a school offers a course in American Sign
- 9 Language, such course shall be offered to all students and may be used
- 10 for world language credits by the school.
- 11 Sec. 3. Any postsecondary educational institution may offer an
- 12 elective course in American Sign Language. Any credits earned in a course
- 13 in American Sign Language at a postsecondary educational institution may
- 14 be used for world language credits if recognized as such by the
- 15 postsecondary educational institution.
- 16 Sec. 4. For purposes of sections 4 to 6 of this act:
- 17 (1) Communication means a two-way, interactive process to convey
- 18 meaning from one person or group to another through the use of mutually
- 19 understood signs, symbols, or voice;
- 20 (2) Credentialed teacher of the deaf means a certificated teacher
- 21 with a special education endorsement in deaf or hard of hearing
- 22 education;
- 23 (3) English means English literacy, spoken English, signing exact
- 24 English and morphemic system of signs, conceptually accurate signed
- 25 English, cued speech, and any other visual supplements;
- 26 (4) Language means a complex and dynamic system of conventional
- 27 symbols that is used in various modes for thought and communication; and
- 1 (5) Literacy includes the developmental stages of literacy, which
- 2 are necessary beginning stages to master a language and which include
- 3 pre-emergent, emergent, and novice levels.
- 4 Sec. 5. (1) The State Department of Education, in collaboration

- 5 with the Commission for the Deaf and Hard of Hearing, shall establish and 6 coordinate a language assessment program for children who are deaf or
- 7 hard of hearing. The program shall assess, monitor, and track the
- 8 language developmental milestones for children from birth through five
- 9 years of age who are deaf or hard of hearing. The scope of the program
- 10 shall include children who use one or more communication modes in
- 11 American Sign Language, English literacy, and, if applicable, spoken
- 12 English and visual supplements.
- 13 (2) Language assessments shall be given as needed to each child who
- 14 is deaf or hard of hearing and who is less than six years of age in
- 15 compliance with the Special Education Act and the federal Individuals
- 16 with Disabilities Education Act, as such act existed on January 1, 2020.
- 17 Such language assessments shall be provided in accordance with the
- 18 provisions of this section and any recommendations adopted pursuant to 19 this section.
- 20 (3) On or before December 31, 2021, and on or before each December
- 21 31 thereafter, the State Department of Education and the Commission for
- 22 the Deaf and Hard of Hearing shall publish a joint report that is
- 23 specific to language and literacy developmental milestones for each age
- 24 from birth through five years of age of children who are deaf or hard of
- 25 hearing, including children who are deaf or hard of hearing and have
- 26 another disability, relative to such children's peers who are not deaf or
- 27 hard of hearing. Such report shall be based on existing data annually
- 28 reported by the State Department of Education in compliance with the
- 29 federally required state performance plan on pupils with disabilities.
- 30 The State Department of Education and the Commission for the Deaf and
- 31 Hard of Hearing shall each publish the report on their respective web
- 1 sites. The report shall be electronically submitted to the Education
- 2 Committee of the Legislature and the Clerk of the Legislature.
- 3 Sec. 6. (1) The Commission for the Deaf and Hard of Hearing shall
- 4 appoint an advisory committee to advise the commission regarding all
- 5 aspects of the language assessment program established pursuant to 6 section 5 of this act. The advisory committee shall consist of fourteen
- 7 members as follows:
- 8 (a) One member shall be a credentialed teacher of the deaf who uses
- 9 both American Sign Language and English during instruction;
- 10 (b) One member shall be a credentialed teacher of the deaf who uses
- 11 spoken English, with or without visual supplements, during instruction;
- 12 (c) One member shall be a credentialed teacher of the deaf who has
- 13 expertise in curriculum development and instruction for American Sign
- 14 Language and English;
- 15 (d) One member shall be a credentialed teacher of the deaf who has
- 16 expertise in assessing language development in both American Sign
- 17 Language and English;
- 18 (e) One member shall be a speech language pathologist who has 19 experience working with children from birth through five years of age;
- 20 (f) One member shall be a professional with a linguistic background
- 21 who conducts research on language outcomes of children who are deaf or
- 22 hard of hearing and who uses both American Sign Language and English;
- 23 (g) One member shall be a parent of a child who is deaf or hard of
- 24 hearing and who uses both American Sign Language and English;
- 25 (h) One member shall be a parent of a child who is deaf or hard of
- 26 hearing and who uses spoken English with or without visual supplements;
- 27 (i) One member shall be knowledgeable about teaching and using both
- 28 American Sign Language and English in the education of children who are
- 29 deaf or hard of hearing: 30 (j) One member shall be a community member representing the deaf
- 31 community;
- 1 (k) One member shall be a community member representing the hard of
- 2 hearing community;

- 3 (1) One member shall be the state liaison for any regional programs
- 4 for the education of children who are deaf or hard of hearing,
- 5 coordinated through the State Department of Education, or the state
- 6 liaison's designee;
- 7 (m) One member shall be a member of the Commission for the Deaf and
- 8 Hard of Hearing; and
- 9 (n) One member shall be the coordinator of a network that provides
- 10 service coordination for children with special needs who are below three
- 11 years of age or the coordinator's designee.
- 12 (2) On or before August 1, 2020, the executive director of the
- 13 Commission for the Deaf and Hard of Hearing shall call an organizational
- 14 meeting of the advisory committee. At such organizational meeting, the
- 15 members shall elect a chairperson and vice-chairperson from the
- 16 membership of the advisory committee. The advisory committee may meet at
- 17 any time and at any place within the state on the call of the
- 18 chairperson. A quorum of the advisory committee shall be six members. All
- 19 actions of the advisory committee shall be by motion adopted by a
- 20 majority of those members present when there is a quorum.
- 21 (3) On or before July 1, 2021, the advisory committee shall develop
- 22 specific action plans and make recommendations necessary to fully
- 23 implement the language assessment program. The advisory committee shall:
- 24 (a) Collaborate with the coordinating council for a network that
- 25 provides service coordination for children with special needs who are 26 below three years of age and an advisory council that provides policy
- 27 guidance to the State Department of Education;
- 28 (b) Solicit input from professionals trained in the language
- 29 development and education of children who are deaf or hard of hearing on
- 30 the selection of specific language developmental milestones; 31 (c) Review and recommend the use of existing and available language
- 1 assessments for children who are deaf or hard of hearing;
- 2 (d) Recommend qualifications for identifying language professionals
- 3 with knowledge of the use of evidence-based, best practices in English
- 4 and American Sign Language who can be available to advocate at
- 5 individualized family service plan or individualized education program
- 6 team meetings;
- 7 (e) Recommend qualifications for identifying language assessment
- 8 evaluators with knowledge of the use of evidence-based, best practices
- 9 with children who are deaf or hard of hearing and the resources for
- 10 locating such evaluators; and
- 11 (f) Recommend procedures and methods for communicating information
- 12 on language acquisition, assessment results, milestones, assessment tools
- 13 used, and progress of the child to the parent or legal guardian of such
- 14 child and the teachers and other professionals involved in the early
- 15 intervention and education of such child.
- 16 (4) The specific action plans and recommendations developed by the
- 17 advisory committee shall include, but are not limited to, the following:
- 18 (a) Language assessments that include data collection and timely
- 19 tracking of the child's development so as to provide information about
- 20 the child's receptive and expressive language compared to such child's
- 21 linguistically age-appropriate peers who are not deaf or hard of hearing;
- 22 (b) Language assessments conducted in accordance with standardized
- 23 norms and timelines in order to monitor and track language developmental
- 24 milestones in receptive, expressive, social, and pragmatic language
- 25 acquisition and developmental stages to show progress in American Sign
- 26 Language literacy, English literacy, or both, for all children from birth
- 27 through five years of age who are deaf or hard of hearing;
- 28 (c) Language assessments delivered in the child's mode of
- 29 communication and which have been validated for the specific purposes for
- 30 which each assessment is used, and appropriately normed;
- 31 (d) Language assessments administered by individuals who are

- 1 proficient in American Sign Language for American Sign Language
- 2 assessments and English for English assessments;
- 3 (e) Use of assessment results, in addition to the results of the
- 4 assessment required by federal law, for guidance in the language
- 5 developmental discussions by individualized family service plan or
- 6 individualized education program team meetings when assessing the child's
- 7 progress in language development;
- 8 (f) Reporting of assessment results to the parents or legal guardian
- 9 of the child and any applicable agency;
- 10 (g) Reporting of assessment results on an aggregated basis to the 11 Education Committee of the Legislature, the Clerk of the Legislature, and
- 12 the Governor; and
- 13 (h) Reporting of assessment results to the members of the child's
- 14 individualized family service plan or individualized education program
- 15 team, which assessment results may be used, in addition to the results of
- 16 the assessment required by federal law, by the child's individualized
- 17 family service plan or individualized education program team, as
- 18 applicable, to track the child's progress, and to establish or modify the
- 19 individualized family service plan or individualized education program.
- 20 (5) The advisory committee appointed pursuant to this section shall
- 21 terminate on July 1, 2021.
- 22 Sec. 7. The Revisor of Statutes shall assign section 2 of this act
- 23 to Chapter 79, article 7, and section 3 of this act to Chapter 85,
- 24 article 9.

(Signed) Mike Groene, Chairperson

UNANIMOUS CONSENT - Room Change

Senator M. Hansen asked unanimous consent that the Business and Labor Committee conduct its hearing on Monday, February 10, 2020, in the Warner Chamber instead of Room 1003. No objections. So ordered.

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB794.

Senator Bolz name added to LB817.

Senator Hunt name added to LB866.

Senator Kolowski name added to LB962.

Senator Linehan name added to LB995.

Senator Kolterman name added to LB1001.

Senator Blood name added to LB1001.

VISITOR(S)

Visitors to the Chamber were Tim Lindahl from Sidney, Ryan Reiber from Alliance, and Brian Heithoff; a group from Seward County 4-H; students and teachers from Syracuse High School; Kurt Mantonya, Louise Niemann, and Melissa Bartels; students and teachers from Sterling Public Schools; and a group from the Nebraska Association of County Extension Boards from all 93 counties and the University of Nebraska.

The Doctor of the Day was Dr. Dale Michels from Walton.

ADJOURNMENT

At 11:44 a.m., on a motion by Senator Dorn, the Legislature adjourned until 9:00 a.m., Thursday, February 6, 2020.

Patrick J. O'Donnell Clerk of the Legislature