

**FIFTY-FIFTH DAY - AUGUST 4, 2020**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION**

**FIFTY-FIFTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, August 4, 2020

**PRAYER**

The prayer was offered by Senator Arch.

**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 Senator Kolowski who was excused; and Senators Briese, B. Hansen, M. Hansen, Hunt, Linehan, and Morfeld who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-fourth day was approved.

**COMMITTEE REPORT(S)**

Government, Military and Veterans Affairs

**LEGISLATIVE BILL 1218.** Placed on General File with amendment.  
[AM3242](#) is available in the Bill Room.

(Signed) Tom Brewer, Chairperson

Natural Resources

**LEGISLATIVE BILL 367.** Placed on General File.  
**LEGISLATIVE BILL 855.** Placed on General File.  
**LEGISLATIVE BILL 856.** Placed on General File.

(Signed) Dan Hughes, Chairperson

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LRs 431, 442, 443, 444, 447, 448, 451, and 458 were adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 431, 442, 443, 444, 447, 448, 451, and 458.

**GENERAL FILE**

**LEGISLATIVE BILL 1004.** Title read. Considered.

Committee [AM3094](#), found on page 1057, was offered.

Senator Lathrop offered his amendment, [AM3224](#), found on page 1235, to the committee amendment.

The Lathrop amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Wayne offered his amendment, [AM3232](#), found on page 1325, to the committee amendment.

Senator La Grone requested a ruling of the Chair on whether the Wayne amendment is germane to the committee amendment.

The Chair ruled the Wayne amendment is not germane to the committee amendment.

Senator Wayne challenged the ruling of the Chair. The question is, "Shall the Chair be overruled?"

Senator Wayne moved for a call of the house. The motion prevailed with 23 ayes, 5 nays, and 21 not voting.

Senator Wayne requested a roll call vote on the motion to overrule the Chair.

Voting in the affirmative, 16:

Blood	DeBoer	Lathrop	Vargas
Bolz	Hansen, M.	Morfeld	Walz
Cavanaugh	Howard	Pansing Brooks	Wayne
Chambers	Hunt	Quick	Wishart

Voting in the negative, 21:

Albrecht	Erdman	Hansen, B.	La Grone	Slama
Arch	Geist	Hilgers	McDonnell	
Bostelman	Gragert	Hilkemann	Moser	
Brewer	Groene	Hughes	Murman	
Clements	Halloran	Kolterman	Scheer	

Present and not voting, 10:

Brandt	Dorn	Lindstrom	Lowe	Stinner
Crawford	Friesen	Linehan	McCollister	Williams

Excused and not voting, 2:

Briese            Kolowski

The Wayne motion to overrule the Chair failed with 16 ayes, 21 nays, 10 present and not voting, and 2 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

Senator La Grone offered the following amendment to the committee amendment:

[AM3245](#) is available in the Bill Room.

Senator La Grone withdrew his amendment.

Senator La Grone offered the following amendment to the committee amendment:

[AM3247](#)

(Amendments to Standing Committee amendments, AM3094)

- 1 1. Insert the following new section:
- 2 Sec. 4. This act becomes operative on November 17, 2020.
- 3 2. Renumber the remaining section accordingly.

Senator La Grone withdrew his amendment.

Senator Kolterman offered the following motion:

[MO209](#)

Bracket until August 5, 2020.

Senator Kolterman withdrew his motion to bracket.

**SPEAKER SCHEER PRESIDING**

**PRESIDENT FOLEY PRESIDING**

The committee amendment, as amended, was adopted with 30 ayes, 1 nay, 16 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review Initial with 29 ayes, 2 nays, 16 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1004A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

**LEGISLATIVE BILL 1089.** Title read. Considered.

Committee [AM3176](#), found on page 1195, was offered.

Senator Vargas offered the following amendment to the committee amendment:

[AM3318](#)

(Amendments to Standing Committee amendments, AM3176)

1 1. On page 1, line 20, strike "submits a signed form" and insert  
 2 "signs and submits the appropriate form prescribed by the Commissioner of  
 3 Education pursuant to subdivision (3)(c) of this section"; in line 23  
 4 strike "or"; in line 25 strike "authorizes the" and insert "signs and  
 5 submits the appropriate form prescribed by the Commissioner of Education  
 6 pursuant to subdivision (3)(c) of this section authorizing such"; in line  
 7 27 strike the period and insert "; or"; and after line 27 insert the  
 8 following new subdivision:  
 9 "(iii) A student who is nineteen years of age or older or is an  
 10 emancipated minor signs and submits the appropriate form prescribed by  
 11 the Commissioner of Education pursuant to subdivision (3)(c) of this  
 12 section stating that such student declines to complete and submit a Free  
 13 Application for Federal Student Aid."  
 14 2. On page 2, line 1, strike "create and adopt a form" and insert  
 15 "prescribe the forms"; in line 3 strike "form" and insert "forms"; strike  
 16 lines 10 through 12; in line 13 strike "(e)" and insert "(d)"; in line 26  
 17 strike "(f)" and insert "(e)"; and in line 29 strike "(3)(e)" and insert  
 18 "(3)(d)".  
 19 3. On page 3, lines 18 and 20, strike "form adopted under" and  
 20 insert "forms prescribed pursuant to"; and in line 31 strike "the form  
 21 adopted under" and insert "a form prescribed pursuant to".  
 22 4. On page 4, line 4, strike the second "the" and insert "a"; and in  
 23 line 5 strike "adopted under" and insert "prescribed pursuant to".

Pending.

### COMMITTEE REPORT(S)

Enrollment and Review

**LEGISLATIVE BILL 963.** Placed on Final Reading Second.

**LEGISLATIVE BILL 963A.** Placed on Final Reading Second.

(Signed) Julie Slama, Chairperson

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

Senator Murman filed the following amendment to [LB920: AM3315](#)

(Amendments to E & R amendments, ER231)

1 1. Strike sections 3, 50, 51, and 52 and insert the following new  
2 sections:  
3 Sec. 5. Section 79-254, Reissue Revised Statutes of Nebraska, is  
4 amended to read:  
5 79-254 Sections 79-254 to 79-294 and sections 7 and 8 of this act  
6 shall be known and may be cited as the Student Discipline Act.  
7 Sec. 6. Section 79-258, Revised Statutes Supplement, 2019, is  
8 amended to read:  
9 79-258 Administrative and teaching personnel may take actions  
10 regarding student behavior, other than those specifically provided in the  
11 Student Discipline Act, which are reasonably necessary to aid the  
12 student, further school purposes, or prevent interference with the  
13 educational process. Such actions may include, but need not be limited  
14 to, physical intervention, counseling of students, parent conferences,  
15 referral to restorative justice practices or services, rearrangement of  
16 schedules, requirements that a student remain in school after regular  
17 hours to do additional work, restriction of extracurricular activity, or  
18 requirements that a student receive counseling, psychological evaluation,  
19 or psychiatric evaluation upon the written consent of a parent or  
20 guardian to such counseling or evaluation.  
21 Sec. 7. (1) Teachers and other school personnel may use reasonable  
22 physical intervention to safely manage the behavior of a student to:  
23 (a) Protect such student, another student, a teacher or other school  
24 personnel, or another person from physical injury; or  
25 (b) Secure property in the possession of such student if the  
26 possession of such property by such student poses a threat of physical  
1 injury to such student, another student, a teacher or other school  
2 personnel, or another person.  
3 (2) Any physical intervention by a teacher or other school personnel  
4 pursuant to subdivision (1)(a) or (b) of this section shall not be used  
5 for the purpose of inflicting bodily pain as a penalty for disapproved  
6 behavior.  
7 (3) Following the use of physical intervention pursuant to this  
8 section, a teacher or other school personnel shall contact and notify the  
9 parent or guardian of the use of physical intervention.  
10 (4) No teacher or other school personnel shall be subject to  
11 professional or administrative discipline for the use of physical  
12 intervention pursuant to subdivision (1)(a) or (b) of this section if  
13 such physical intervention was reasonable. Nothing in this section shall  
14 be construed to limit any defense that may be available under any  
15 provision of law, including, but not limited to, any defense relating to  
16 self-protection, the protection of others, or the Political Subdivision  
17 Tort Claims Act.  
18 Sec. 8. (1) Each school district shall have a policy that describes  
19 the process of removing a student from a class and returning a student to  
20 a class. Such policy shall: (a) Describe how and when a student may be  
21 removed from a class and returned to a class; (b) use a discipline  
22 process that is proactive, instructive, and restorative; (c) require  
23 appropriate communication between administrators, teachers or other  
24 school personnel, students, and parents or guardians. Such policy shall  
25 be made available to the public.  
26 (2) Unless prohibited by the federal Individuals with Disabilities  
27 Education Act, 20 U.S.C. 1400 et seq., or a plan developed pursuant to

28 section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, as such  
29 acts existed on January 1, 2020, an administrator or administrator's  
30 designee shall immediately remove a student from a class upon request by  
31 a teacher or other school personnel if such teacher or other school  
1 personnel has followed school policy in requesting the removal of such  
2 student.

3 (3) When a student is removed from a class, the goal must be to  
4 return the student to the class as soon as possible after appropriate  
5 instructional or behavioral interventions or supports have been  
6 implemented to increase the likelihood the student will be successful.  
7 For a student with a pattern of disruptive behavior, the school shall  
8 provide additional interventions or supports.

9 (4) No teacher or other school personnel shall be subject to  
10 professional or administrative discipline for the removal of a student  
11 from a class pursuant to this section if such teacher or other school  
12 personnel acted in a reasonable manner and in accordance with school  
13 policy.

14 Sec. 9. Section 79-2,144, Revised Statutes Cumulative Supplement,  
15 2018, is amended to read:

16 79-2,144 The state school security director appointed pursuant to  
17 section 79-2,143 shall be responsible for providing leadership and  
18 support for safety and security for the public schools. Duties of the  
19 director include, but are not limited to:

20 (1) Collecting safety and security plans, required pursuant to rules  
21 and regulations of the State Department of Education relating to  
22 accreditation of schools, and other school security information from each  
23 school system in Nebraska. School districts shall provide the state  
24 school security director with the safety and security plans of the school  
25 district and any other security information requested by the director,  
26 but any plans or information submitted by a school district may be  
27 withheld by the department pursuant to subdivision (8) of section  
28 84-712.05;

29 (2) Recommending minimum standards for school security on or before  
30 January 1, 2016, to the State Board of Education;

31 (3) Conducting an assessment of the security of each public school  
1 building, which assessment shall be completed by August 31, 2019;

2 (4) Identifying deficiencies in school security based on the minimum  
3 standards adopted by the State Board of Education and making  
4 recommendations to school boards for remedying such deficiencies;  
5 (5) Establishing security awareness and preparedness tools and  
6 training programs for public school staff;

7 (6) Establishing research-based model instructional programs for  
8 staff, students, and parents to address the underlying causes for violent  
9 attacks on schools;

10 (7) Overseeing suicide awareness and prevention training in public  
11 schools pursuant to section 79-2,146;

12 (8) Establishing tornado preparedness standards which shall include,  
13 but not be limited to, ensuring that every school conducts at least two  
14 tornado drills per year;

15 (9) Collecting behavioral awareness and intervention training plans  
16 and certifying compliance or noncompliance with section 79-2,146 to the  
17 Commissioner of Education for each school district;

18 ~~(10) (9)~~ Responding to inquiries and requests for assistance  
19 relating to school security from private, denominational, and parochial  
20 schools; and

21 ~~(11) (10)~~ Recommending curricular and extracurricular materials to  
22 assist school districts in preventing and responding to cyberbullying and  
23 digital citizenship issues.

24 Sec. 10. Section 79-2,146, Reissue Revised Statutes of Nebraska, is  
25 amended to read:

26 79-2,146 (1)(a) (1) Beginning in school year 2015-16, all public  
27 school nurses, teachers, counselors, school psychologists,  
28 administrators, school social workers, and any other appropriate  
29 personnel shall receive at least one hour of suicide awareness and  
30 prevention training each year. This training shall be provided within the  
31 framework of existing inservice training programs offered by the State  
1 Department of Education or as part of required professional development  
2 activities.

3 (b) (2) The department, in consultation with organizations  
4 including, but not limited to, the Nebraska State Suicide Prevention  
5 Coalition, the Nebraska chapter of the American Foundation for Suicide  
6 Prevention, the Behavioral Health Education Center of Nebraska, the  
7 National Alliance on Mental Illness Nebraska, and other organizations and  
8 professionals with expertise in suicide prevention, shall develop a list  
9 of approved training materials to fulfill the requirements of subsection  
10 (1) of this section. Such materials shall include training on how to  
11 identify appropriate mental health services, both within the school and  
12 also within the larger community, and when and how to refer youth and  
13 their families to those services. Such materials may include programs  
14 that can be completed through self-review of suitable suicide prevention  
15 materials.

16 (2)(a) Prior to the end of school year 2023-24, each school district  
17 shall ensure that administrators, teachers, paraprofessionals, school  
18 nurses, and counselors receive behavioral awareness and intervention  
19 training. Each school district may provide such training, or similar  
20 training, to any other school employees at the discretion of the school  
21 district. In addition, all school employees shall have a basic awareness  
22 of the goals, strategies, and schoolwide plans included in such training.

23 (b) Beginning in school year 2021-22, each school district shall  
24 ensure that behavioral awareness and intervention training is offered  
25 annually. Administrators, teachers, paraprofessionals, school nurses, and  
26 counselors who have received such training from the school district in  
27 which they are employed shall receive a behavioral awareness and  
28 intervention training review at least once every three years.

29 (c) Behavioral awareness and intervention training shall include,  
30 but not be limited to, evidence-based training on a continuum that  
31 includes:

1 (i) Recognition of detrimental factors impacting student behavior,  
2 including, but not limited to, signs of trauma;

3 (ii) Positive behavior support and proactive teaching strategies,  
4 including, but not limited to, expectations and boundaries;

5 (iii) Verbal intervention and de-escalation techniques;

6 (iv) Clear guidelines on removing students from and returning  
7 students to a class;

8 (v) Behavioral interventions and supports that will take place when  
9 a student has been removed from a class; and

10 (vi) Physical intervention for safety.

11 (d) In addition to the requirements contained in subdivision (2)(d)  
12 of this section, behavioral awareness and intervention training shall be  
13 consistent with the Student Discipline Act, include an awareness of the  
14 protections for school personnel found in the act, include an awareness  
15 of the requirement for written consent of a parent or guardian pursuant  
16 to section 79-258, and include the identification and role of each  
17 employee designated as the behavioral awareness and intervention point of  
18 contact.

19 (3)(a) Each school district shall designate one or more school  
20 employees as a behavioral awareness and intervention point of contact for  
21 each school building or other division as determined by such school  
22 district. Each behavioral awareness and intervention point of contact  
23 shall be trained in behavioral awareness and intervention and shall have

24 knowledge of community service providers and other resources that are  
25 available for the students and families in such school district.

26 (b) Each school district shall maintain or have access to an  
27 existing registry of local mental health and counseling resources. The  
28 registry shall include resource services that can be accessed by families  
29 and individuals outside of school. Each behavioral awareness and  
30 intervention point of contact shall coordinate access to support services  
31 for students whenever possible. Except as provided in section 43-2101, if  
1 information for an external support service is provided to an individual  
2 student, school personnel shall notify a parent or guardian of such  
3 student in writing unless law enforcement or child protective services is  
4 involved. Each school district shall indicate each behavioral awareness  
5 and intervention point of contact for such school district on the web  
6 site of the school district and in any school directory for the school  
7 that the behavioral awareness and intervention point of contact serves.

8 (4)(a) On or before September 1, 2021, and on or before September 1  
9 of each year thereafter, each school district shall submit a behavioral  
10 awareness and intervention training report to the state school security  
11 director. Such report shall include the school district behavioral  
12 awareness and intervention training plan, summarize how such plan  
13 fulfills the requirements of this section, and provide any other  
14 information required by rules and regulations adopted and promulgated  
15 pursuant to subsection (5) of this section.

16 (b) Behavioral awareness and intervention training required pursuant  
17 to this section shall be funded with behavioral training funding from the  
18 Behavioral Training Cash Fund pursuant to section 23 of this act. Any  
19 school district that fails to file the behavioral awareness and  
20 intervention training report required pursuant to subdivision (4)(a) of  
21 this section with the state school security director or that is found to  
22 be in noncompliance with the requirements of this section shall not  
23 receive behavioral training funding pursuant to section 23 of this act  
24 for such school year.

25 (c) On or before October 31, 2021, and each October 31 thereafter,  
26 the state school security director shall certify the compliance or  
27 noncompliance with the requirements of this section of each school  
28 district to the Commissioner of Education.

29 (5) (3) The department may adopt and promulgate rules and  
30 regulations to carry out this section.

31 Sec. 11. The Behavioral Training Cash Fund is created. The fund  
1 shall be administered by the State Department of Education and shall  
2 consist of money received pursuant to section 9-812 and any money  
3 appropriated by the Legislature. The department shall distribute money in  
4 the fund as behavioral training funding pursuant to section 23 of this  
5 act to school districts for behavioral awareness and intervention  
6 training required pursuant to section 79-2,146. Any money in the fund  
7 available for investment shall be invested by the state investment  
8 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska  
9 State Funds Investment Act.

10 Sec. 22. Section 79-1001, Revised Statutes Cumulative Supplement,  
11 2018, is amended to read:  
12 79-1001 Sections 79-1001 to 79-1033 and section 23 of this act shall  
13 be known and may be cited as the Tax Equity and Educational Opportunities  
14 Support Act.

15 Sec. 23. (1) For school fiscal year 2021-22 and each school fiscal  
16 year thereafter, using data from the fall personnel report filed pursuant  
17 to section 79-804 for the immediately preceding school fiscal year, each  
18 school district shall receive behavioral training funding paid from the  
19 Behavioral Training Cash Fund for each school within such school district  
20 that has any grade above kindergarten, including, but not limited to, a  
21 special education school, an alternative school, or a focus school.



22 (2) Except as otherwise provided in subsection (6) of this section,  
 23 the behavioral training funding for each school described in subsection  
 24 (1) of this section shall equal the base training reimbursement plus any  
 25 additional training reimbursement units calculated pursuant to this  
 26 section.  
 27 (3) The base training reimbursement shall be two thousand dollars.  
 28 (4) Each school that has a full-time teacher equivalent greater than  
 29 or equal to eighty teachers shall qualify for additional training  
 30 reimbursement units as follows:  
 31 (a) Three additional training reimbursement units for each school  
 1 with a full-time teacher equivalent greater than or equal to two hundred  
 2 forty teachers;  
 3 (b) Two additional training reimbursement units for each school with  
 4 a full-time teacher equivalent greater than or equal to one hundred sixty  
 5 teachers but less than two hundred forty teachers; and  
 6 (c) One additional training reimbursement unit for each school with  
 7 a full-time teacher equivalent greater than or equal to eighty teachers  
 8 but less than one hundred sixty teachers.  
 9 (5) The amount to be paid for each additional training reimbursement  
 10 unit for each school fiscal year shall equal the ratio of (a) the  
 11 difference of the amount available for distribution in the Behavioral  
 12 Training Cash Fund on August 10 immediately preceding such school fiscal  
 13 year minus the total of the base training reimbursements for all school  
 14 districts divided by (b) the total additional training reimbursement  
 15 units for all school districts.  
 16 (6) For any school fiscal year when the amount available for  
 17 distribution in the Behavioral Training Cash Fund on August 10  
 18 immediately preceding such school fiscal year is less than the total of  
 19 the base training reimbursements for all schools as calculated pursuant  
 20 to subsection (3) of this section, the base training reimbursements shall  
 21 be reduced proportionally such that the total of the base training  
 22 reimbursements for all schools equals the amount available for  
 23 distribution. Payment shall not be made for any additional training  
 24 reimbursement units pursuant to subsections (4) and (5) of this section  
 25 for such school fiscal year.  
 26 (7) For school fiscal year 2021-22, each school district shall  
 27 qualify for behavioral training funding. For school fiscal year 2022-23  
 28 and each school fiscal year thereafter, each school district in  
 29 compliance with the behavioral awareness and intervention training  
 30 requirements provided in section 79-2,146, as certified by the state  
 31 school security director, shall be eligible for behavioral training  
 1 funding.  
 2 (8) The department shall not include behavioral training funding in  
 3 the calculation of formula resources pursuant to section 79-1017.01.  
 4 (9) Behavioral training funding shall be distributed directly to  
 5 school districts from the Behavioral Training Cash Fund in the same  
 6 manner as and in conjunction with funds distributed pursuant to section  
 7 79-1022.  
 8 Sec. 59. Sections 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18,  
 9 19, 20, 21, 23, 26, 31, 33, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45,  
 10 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 59, and 61 of this act become  
 11 operative on July 1, 2021. The other sections of this act become  
 12 operative on their effective date.  
 13 Sec. 60. Original sections 79-2,146, 79-8,124, 79-8,125, 79-8,126,  
 14 79-8,128, 79-8,131, 79-8,132, 79-8,133, 79-8,135, 79-8,138, 79-8,139,  
 15 79-8,140, 79-1064, and 85-2101, Reissue Revised Statutes of Nebraska,  
 16 sections 9-836.01, 79-2,144, 79-759, 79-8,134, 79-8,137, 79-8,137.01,  
 17 79-8,137.02, 79-8,137.03, 79-8,137.04, 79-8,137.05, 79-2505, 85-1412, and  
 18 85-2009, Revised Statutes Cumulative Supplement, 2018, and section  
 19 84-304, Revised Statutes Supplement, 2019, are repealed.

20 Sec. 61. Original sections 79-254 and 79-1201.01, Reissue Revised  
 21 Statutes of Nebraska, sections 9-812, 79-1001, 79-1054, 79-1104.02,  
 22 79-1337, 79-2503, 79-2506, and 85-1920, Revised Statutes Cumulative  
 23 Supplement, 2018, and sections 79-258 and 79-1003, Revised Statutes  
 24 Supplement, 2019, are repealed.  
 25 2. Renumber the remaining sections and correct internal references  
 26 accordingly.

### RESOLUTION(S)

**LEGISLATIVE RESOLUTION 467.** Introduced by Hilkemann, 4.

WHEREAS, the Little People of America (LPA), a non-profit organization, is the nation's largest and oldest organization for people with dwarfism and is celebrating its 63rd anniversary in 2020; and

WHEREAS, Dwarfism is a medical condition made up of over 200 different types that results in shorter stature of the affected person; and

WHEREAS, there are an estimated 100 people in Nebraska, 30,000 people in the United States, and 651,700 people in the world living with dwarfism; and

WHEREAS, the popularity of and the need for LPA is at a historic high, growing from twenty members in 1957, to more than eight thousand members in 2019; and

WHEREAS, Nebraska is a part of the LPA, District 9, and many Nebraskan little people contribute to the success of the district by providing ideas, advocacy, and attendance at events supporting little people; and

WHEREAS, LPA dedicates itself to improving the lives of those with dwarfism and provides support and resources to its members for issues such as adoption, parenting, medical needs, conference and educational scholarships, advocacy, and awareness for dwarfism; and

WHEREAS, little people make the world, the United States, and the state of Nebraska a better and more diverse place; and

WHEREAS, Little People of America celebrates National Dwarfism Awareness Month in October each year.

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

1. That the Legislature recognizes October 2020, as Dwarfism Awareness Month and encourages celebration of this month to honor and reflect on the contributions of little people in Nebraska.

2. That a copy of this resolution be sent to the LPA, District 9.

Laid over.

### RECESS

At 11:55 a.m., on a motion by Senator Wayne, the Legislature recessed until 1:30 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:30 p.m., President Foley presiding.

**ROLL CALL**

The roll was called and all members were present except Senator Kolowski who was excused; and Senators Albrecht, Bolz, Briese, B. Hansen, Howard, Morfeld, Stinner, and Walz who were excused until they arrive.

**GENERAL FILE**

**LEGISLATIVE BILL 1089.** The Vargas amendment, [AM3318](#), found in this day's Journal, to the committee amendment, was renewed.

The Vargas amendment was adopted with 32 ayes, 0 nays, 8 present and not voting, and 9 excused and not voting.

Committee [AM3176](#), found on page 1195 and considered in this day's Journal, as amended, was renewed.

The committee amendment, as amended, was adopted with 30 ayes, 0 nays, 10 present and not voting, and 9 excused and not voting.

Senator Vargas moved for a call of the house. The motion prevailed with 25 ayes, 5 nays, and 19 not voting.

Senator Erdman requested a roll call vote on the advancement of the bill.

Senator Vargas requested the roll call vote be taken in reverse order.

Voting in the affirmative, 28:

Blood	Crawford	Kolterman	McDonnell	Walz
Bolz	DeBoer	La Grone	Morfeld	Wayne
Bostelman	Dorn	Lathrop	Pansing Brooks	Williams
Brandt	Hansen, M.	Lindstrom	Quick	Wishart
Cavanaugh	Howard	Linehan	Scheer	
Chambers	Hunt	McCollister	Vargas	

Voting in the negative, 9:

Albrecht	Clements	Geist	Halloran	Moser
Arch	Erdman	Groene	Hilgers	

Present and not voting, 9:

Brewer	Gragert	Hilkemann	Lowe	Slama
Friesen	Hansen, B.	Hughes	Murman	

Excused and not voting, 3:

Briese	Kolowski	Stinner
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Advanced to Enrollment and Review Initial with 28 ayes, 9 nays, 9 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**LEGISLATIVE BILL 1021.** Senator Chambers renewed his motion, [MO208](#), found on page 1307, to recommit to Urban Affairs Committee.

Senator Chambers withdrew his motion to recommit to committee.

Committee [AM2988](#), found on page 1115 and considered on page 1306, was renewed.

The committee amendment was adopted with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 5 present and not voting, and 3 excused and not voting.

#### SELECT FILE

**LEGISLATIVE BILL 632.** [ER220](#), found on page 1138, was adopted.

Senator Pansing Brooks offered the following motion:

[MO211](#)

Bracket until August 13, 2020.

Senator Pansing Brooks withdrew her motion to bracket.

Senator Bostelman offered his amendment, [AM3183](#), found on page 1189.

Senator Chambers offered the following motion:

[MO212](#)

Bracket until August 13, 2020.

Senator Chambers withdrew his motion to bracket.

Pending.

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

Senator Wayne filed the following motion to LB1107:

MO210

Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

**COMMITTEE REPORT(S)**

Enrollment and Review

**LEGISLATIVE BILL 781.** Placed on Final Reading.

**LEGISLATIVE BILL 1064.** Placed on Final Reading.

ST71

The following changes, required to be reported for publication in the Journal, have been made:

1. On page 1, line 5, "to provide for participation in compliance enforcement activities as prescribed; to harmonize provisions;" has been inserted after the first semicolon.

(Signed) Julie Slama, Chairperson

**SPEAKER'S MAJOR PROPOSAL**

August 4, 2020

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

RE: Speaker's Major Proposals

Dear Senator Hilgers and Members of the Executive Board,

Pursuant to Rule 1, Section 17, I have selected Legislative Bill 1107, a bill to change tax provisions, as one of my 2020 Speaker's Major Proposals. I am requesting Executive Board approval of this designation as required by rule.

Thank you for your assistance.

Sincerely,  
(Signed) Jim Scheer

**COMMITTEE REPORT(S)**

Education

The Education Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Marjean C. Terrell - Board of Trustees of the Nebraska State Colleges

Aye: 7. Brewer, Groene, Linehan, Morfeld, Murman, Pansing Brooks, Walz.  
Nay: 0. Absent: 1. Kolowski. Present and not voting: 0.

(Signed) Mike Groene, Chairperson

**SELECT FILE**

**LEGISLATIVE BILL 632.** Senator Chambers offered the following motion:

[MO213](#)

Recommit to Natural Resources Committee.

Pending.

**LEGISLATIVE BILL 1056.** [ER221](#), found on page 1143, was adopted.

Senator Lowe offered his amendment, [AM3158](#), found on page 1164.

The Lowe amendment was adopted with 31 ayes, 0 nays, 13 present and not voting, and 5 excused and not voting.

Senator Wayne withdrew his amendment, [AM3154](#), found on page 1239.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1053.** [ER236](#), found on page 1225, was adopted.

Senator Hunt offered her amendment, [AM3319](#), found on page 1326.

Senator Hunt withdrew her amendment.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1002.** [ER235](#), found on page 1226, was adopted.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 992.** [ER234](#), found on page 1226, was adopted.

Senator Friesen offered the following amendment:

[AM3180](#)

(Amendments to Standing Committee amendments, AM3055)

1 1. On page 14, line 13, strike "of dark fiber leased to" and insert

2 "or portion of a lease of dark fiber leased to exclusively".

The Friesen amendment was adopted with 34 ayes, 0 nays, 11 present and not voting, and 4 excused and not voting.

Senator Brewer offered the following amendment:

[AM3327](#)

(Amendments to Standing Committee amendments, AM3055)

- 1 1. Strike section 15 and insert the following new sections:
- 2 Sec. 10. Section 64-401, Revised Statutes Supplement, 2019, is
- 3 amended to read:
- 4 64-401 Sections 64-401 to 64-418 and section 11 of this act shall be
- 5 known and may be cited as the Online Notary Public Act.
- 6 Sec. 11. No otherwise valid online notarial act performed on or
- 7 after April 2, 2020, and before July 1, 2020, pursuant to the Governor's
- 8 Executive Order No. 20-13, dated April 1, 2020, shall be invalidated
- 9 because it was performed prior to the operative date of Laws 2019, LB186.
- 10 Sec. 17. Sections 1, 2, 3, 4, 5, 6, 7, 9, 12, 13, 14, 15, 16, 19,
- 11 and 20 of this act become operative three calendar months after
- 12 adjournment. Section 8 of this act becomes operative on July 1, 2022. The
- 13 other sections of this act become operative on their effective date.
- 14 Sec. 18. Original section 64-401, Revised Statutes Supplement, 2019,
- 15 is repealed.
- 16 Sec. 21. Since an emergency exists, this act takes effect when
- 17 passed and approved according to law.
- 18 2. Renumber the remaining sections accordingly.

Senator Brewer withdrew his amendment.

Advanced to Enrollment and Review for Engrossment.

### BILLS ON FINAL READING

The following bills were read and put upon final passage:

#### LEGISLATIVE BILL 681.

A BILL FOR AN ACT relating to the Legislature; to amend sections 29-2011.02, 29-2011.03, and 50-408, Reissue Revised Statutes of Nebraska, and sections 50-406, 50-407, and 50-1205, Revised Statutes Cumulative Supplement, 2018; to change provisions relating to witnesses who refuse to testify or provide information, powers of the Legislative Council and committees of the Legislature, litigation related to legislative subpoenas, and enforcement of legislative subpoenas; to provide for renewal of legislative subpoenas as prescribed; to provide that certain legislative issues are not justiciable; to change provisions relating to certain witness fees; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 42:

Albrecht	Crawford	Hansen, M.	Lindstrom	Quick
Arch	DeBoer	Hilgers	Linehan	Scheer
Blood	Dorn	Hilkemann	Lowe	Slama
Bostelman	Erdman	Howard	McCollister	Walz
Brandt	Friesen	Hughes	McDonnell	Wayne
Brewer	Geist	Hunt	Morfeld	Williams
Briese	Gragert	Kolterman	Moser	
Cavanaugh	Halloran	La Grone	Murman	
Clements	Hansen, B.	Lathrop	Pansing Brooks	

Voting in the negative, 0.

Present and not voting, 4:

Bolz	Chambers	Vargas	Wishart
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Excused and not voting, 3:

Groene	Kolowski	Stinner
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **LEGISLATIVE BILL 783.**

A BILL FOR AN ACT relating to health care; to amend section 71-405, Reissue Revised Statutes of Nebraska, section 38-2025, Revised Statutes Cumulative Supplement, 2018, and section 71-7910.01, Revised Statutes Supplement, 2019; to provide an exemption from licensure under the Medicine and Surgery Practice Act; to redefine ambulatory surgical center under the Health Care Facility Licensure Act; to redefine professional health care service entity under the Health Care Quality Improvement Act; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "



Voting in the affirmative, 46:

Albrecht	Clements	Hansen, M.	Linehan	Slama
Arch	Crawford	Hilgers	Lowe	Vargas
Blood	DeBoer	Hilkemann	McCollister	Walz
Bolz	Dorn	Howard	McDonnell	Wayne
Bostelman	Erdman	Hughes	Morfeld	Williams
Brandt	Friesen	Hunt	Moser	Wishart
Brewer	Geist	Kolterman	Murman	
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 3:

Groene      Kolowski      Stinner

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

### **Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB956 with 36 ayes, 5 nays, 5 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

### **LEGISLATIVE BILL 956.**

A BILL FOR AN ACT relating to the Medical Assistance Act; to amend sections 68-914 and 68-973, Reissue Revised Statutes of Nebraska, and sections 68-901 and 68-974, Revised Statutes Supplement, 2019; to define and redefine terms; to provide duties for managed care organizations regarding changes to provider contracts as prescribed; to change provisions relating to notice regarding eligibility for or modifications to medical assistance; to state findings and intent regarding integrity procedures; to provide for program integrity contractors and remove references to recovery audit contractors; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, M.	Linehan	Slama
Arch	Crawford	Hilgers	Lowe	Stinner
Blood	DeBoer	Hilkemann	McCollister	Vargas
Bolz	Dorn	Howard	McDonnell	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Groene            Kolowski

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

**LEGISLATIVE BILL 1158.** With Emergency Clause.

A BILL FOR AN ACT relating to social services; to amend sections 71-801 and 71-831, Reissue Revised Statutes of Nebraska, and section 68-901, Revised Statutes Supplement, 2019; to change provisions regarding contracts and agreements relating to the medical assistance program; to create a fund; to provide duties regarding job-skills programs for applicants for medical assistance; to transfer provisions; to harmonize provisions; to repeal the original sections; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 47:

Albrecht	Clements	Hansen, M.	Linehan	Slama
Arch	Crawford	Hilgers	Lowe	Stinner
Blood	DeBoer	Hilkemann	McCollister	Vargas
Bolz	Dorn	Howard	McDonnell	Walz
Bostelman	Erdman	Hughes	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Brewer	Geist	Kolterman	Murman	Wishart
Briese	Gragert	La Grone	Pansing Brooks	
Cavanaugh	Halloran	Lathrop	Quick	
Chambers	Hansen, B.	Lindstrom	Scheer	

Voting in the negative, 0.

Excused and not voting, 2:

Groene          Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**LEGISLATIVE BILL 1160.** With Emergency Clause.

A BILL FOR AN ACT relating to labor; to adopt the Nebraska Statewide Workforce and Education Reporting System Act; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Arch	DeBoer	Hilkemann	McCollister	Vargas
Blood	Dorn	Howard	McDonnell	Walz
Bolz	Geist	Hunt	Morfeld	Wayne
Brandt	Gragert	Kolterman	Pansing Brooks	Williams
Cavanaugh	Hansen, B.	La Grone	Quick	Wishart
Chambers	Hansen, M.	Lathrop	Scheer	
Crawford	Hilgers	Lindstrom	Stinner	

Voting in the negative, 5:

Albrecht      Bostelman      Clements      Erdman      Lowe

Present and not voting, 9:

Brewer	Friesen	Hughes	Moser	Slama
Briese	Halloran	Linehan	Murman	

Excused and not voting, 2:

Groene      Kolowski

A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

**WITHDRAW - Amendment to LB518**

Senator Chambers withdrew his amendment, [AM2588](#), found on page 726, to LB518.

**MOTION(S) - Return LB518 to Select File**

Senator Linehan moved to return LB518 to Select File for her specific amendment, [AM3023](#), found on page 1217.

The Linehan motion to return prevailed with 39 ayes, 0 nays, 8 present and not voting, and 2 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 518.** The Linehan specific amendment, [AM3023](#), found on page 1217 was adopted with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Advanced to Enrollment and Review for Reengrossment.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 681, 783, 956, 1158, and 1160.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1107.** Placed on General File with amendment. [AM3316](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

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

Senator Wayne filed the following motion to LB1107:

[MO214](#)

Bracket until August 13, 2020.

Senator Wayne filed the following motion to LB1107:

[MO215](#)

Recommit to Revenue Committee.

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

Senator Lathrop filed the following amendment to LB1004:

[AM3335](#)

(Amendments to Standing Committee amendments, AM3094)

1 1. On page 2, line 10, after "guardian" insert "except as required

2 in section 71-6902".

**UNANIMOUS CONSENT - Add Cointroducer(s)**

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

Senator Lowe name added to LR373.

**ADJOURNMENT**

At 4:51 p.m., on a motion by Senator B. Hansen, the Legislature adjourned until 9:00 a.m., Wednesday, August 5, 2020.

Patrick J. O'Donnell  
Clerk of the Legislature

