

**SEVENTY-FOURTH DAY - MAY 8, 2023**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION**

**SEVENTY-FOURTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, May 8, 2023

**PRAYER**

The prayer was offered by Senator Bosn.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senators J. Cavanaugh, Day, Dover, Hunt, Raybould, Slama, Walz, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventy-third day was approved.

**COMMITTEE REPORT**

Enrollment and Review

**LEGISLATIVE BILL 814.** Placed on Select File with amendment.

[ER31](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

**MOTION - Recommit LB683 to Committee**

Senator Conrad offered her motion, [MO163](#), found on page 924, to recommit to Transportation and Telecommunications Committee.

Senator Conrad withdrew her motion to recommit to committee.

**MOTION - Return LB683 to Select File**

Senator Bostar moved to return LB683 to Select File for his specific amendment, [AM1301](#), found on page 1217.

Senator M. Cavanaugh requested a roll call vote on the Bostar motion to return.

Voting in the affirmative, 41:

Albrecht	Briese	Halloran	Lippincott	Slama
Arch	Clements	Hansen	Lowe	Vargas
Armendariz	Conrad	Hardin	McDonnell	von Gillern
Ballard	DeBoer	Holdcroft	McKinney	Wayne
Bosn	DeKay	Hughes	Moser	Wishart
Bostar	Dorn	Ibach	Murman	
Bostelman	Dover	Jacobson	Raybould	
Brandt	Erdman	Kauth	Riepe	
Brewer	Fredrickson	Linehan	Sanders	

Voting in the negative, 1:

Cavanaugh, M.

Present and not voting, 2:

Blood           Walz

Excused and not voting, 5:

Aguilar       Cavanaugh, J.   Day           Dungan       Hunt

The Bostar motion to return prevailed with 41 ayes, 1 nay, 2 present and not voting, and 5 excused and not voting.

**SELECT FILE**

**LEGISLATIVE BILL 683.** The Bostar specific amendment, [AM1301](#), found on page 1217, was offered.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate prevailed with 27 ayes, 9 nays, and 13 not voting.

Senator M. Cavanaugh requested a roll call vote on the Bostar specific amendment.

The Bostar specific amendment was adopted with 37 ayes, 0 nays, 8 present and not voting, and 4 excused and not voting.

Senator M. Cavanaugh offered the following motion:

[MO1015](#)

Reconsider the vote taken on AM1301.

Senator Moser offered the following motion:

[MO1017](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Moser requested a roll call vote on the motion to invoke cloture.

The Moser motion to invoke cloture prevailed with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 1 aye, 40 nays, 6 present and not voting, and 2 excused and not voting.

Senator M. Cavanaugh requested a record vote on the advancement of the bill.

Voting in the affirmative, 40:

Aguilar	Brandt	Erdman	Kauth	Riepe
Albrecht	Brewer	Halloran	Linehan	Sanders
Arch	Clements	Hansen	Lippincott	Slama
Armendariz	Conrad	Hardin	Lowe	Vargas
Ballard	DeBoer	Holdcroft	McDonnell	von Gillern
Bosn	DeKay	Hughes	Moser	Walz
Bostar	Dorn	Ibach	Murman	Wayne
Bostelman	Dover	Jacobson	Raybould	Wishart

Voting in the negative, 0.

Present and not voting, 7:

Blood	Cavanaugh, M.	Fredrickson	McKinney
Briese	Day	Hunt	

Excused and not voting, 2:

Cavanaugh, J. Dungan

Advanced to Enrollment and Review for Reengrossment with 40 ayes, 0 nays, 7 present and not voting, and 2 excused and not voting.

**AMENDMENT - Print in Journal**

Senator Vargas filed the following amendment to LB705:  
AM1641

(Amendments to E&R amendments, ER30)

1 1. Insert the following new sections:

2 Sec. 78. Section 79-566, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 79-566 The board of education of a Class IV school district shall at  
5 a regular meeting elect from outside its own members a superintendent, an  
6 associate superintendent of instruction, an associate superintendent of  
7 business affairs, a school district treasurer, and the number of  
8 employees the board of education may deem necessary for the proper  
9 conduct of the affairs of the school district at such compensation  
10 salaries as the board of education may determine, except that the  
11 compensation of the superintendent shall comply with the Superintendent  
12 Pay Transparency Act. The board may contract with them for terms not to  
13 exceed three years. The election of all officers of the board of  
14 education and all elections for filling vacancies on the board of  
15 education shall be by ballot. No person shall be declared elected unless  
16 he or she receives the vote of a majority of all the members of the board  
17 of education.

18 Sec. 79. Section 79-567, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 79-567 The members of the board of education of a Class V school  
21 district, at their regular meeting in January each year, shall elect a  
22 president and vice president from their own members, who shall serve for  
23 terms of one year or until their successors are elected and qualified.  
24 The members of the board of education may also select from outside their  
25 own members one superintendent of public schools, one secretary, one  
26 treasurer, and such other officers as the board may deem necessary for  
1 the administration of the affairs of the school district, at such  
2 compensation salary as the board may deem just, except that the  
3 compensation of the superintendent shall comply with the Superintendent  
4 Pay Transparency Act. The members of the board of education, and in their  
5 discretion, they may enter into contracts with such officers for terms of  
6 not to exceed three years. The board shall have the power to elect its  
7 president and vice president and to select its officers and employees in  
8 accordance with rules adopted by the board.

9 Sec. 80. Section 79-594, Revised Statutes Cumulative Supplement,  
10 2022, is amended to read:

11 79-594 The school board in a Class III or IV school district may  
12 also elect at any regular meeting one superintendent of public  
13 instruction with such compensation salary as the board deems best, except  
14 that such compensation shall comply with the Superintendent Pay  
15 Transparency Act. The board and may enter into contract with the  
16 superintendent him or her at its discretion, for a term not to exceed  
17 three years.

18 Sec. 100. Section 79-2401, Reissue Revised Statutes of Nebraska, is  
19 amended to read:

20 79-2401 Sections 79-2401 to 79-2405 and sections 101 and 102 of this  
21 act shall be known and may be cited as the Superintendent Pay  
22 Transparency Act.

23 Sec. 101. For purposes of the Superintendent Pay Transparency Act:  
24 (1) Benefit means any amount, not included in salary, to be paid  
25 during the contract year or to be paid in the future by a school district

26 in exchange for the personal services performed during such contract year  
27 resulting in a benefit for the employee or the family of the employee  
28 including, but not limited to, (a) employer contributions pursuant to the  
29 School Employees Retirement Act or the Class V School Employees  
30 Retirement Act, (b) early retirement inducements as defined in section  
31 79-978 for employees of Class V school districts and as defined in  
1 section 79-902 for employees of all other school districts, (c) cash  
2 awards paid by the school district, (d) severance pay, (e) employer  
3 contributions made for the purpose of separation payments to be made at  
4 retirement, (f) employer contributions to annuities, (g) employer  
5 contributions to group life, health, or disability insurance premiums,  
6 (h) payments made to an employee in lieu of employer contributions to  
7 insurance premiums, and (i) the maximum cash payment for potential unused  
8 leave of any type that could be accrued during such contract year;  
9 (2) Compensation means a reasonable estimate of the total amount of  
10 salary and benefits to be paid by a school district in exchange for  
11 personal services performed during a contract year;  
12 (3) Compensation for a beginning teacher means compensation expected  
13 to be paid by a school district for the first year of teaching by a  
14 certificated teacher assuming such certificated teacher receives the  
15 maximum benefits generally available to a teacher who does not receive  
16 additional compensation for duties beyond the standard teaching contract;  
17 and  
18 (4) Salary means gross wages to be paid in exchange for personal  
19 services performed during the contract year and includes (a) overtime  
20 pay, (b) member contributions pursuant to the School Employees Retirement  
21 Act or the Class V School Employees Retirement Act, and (c) amounts  
22 contributed to plans under section 125, 403(b), or 457 of the Internal  
23 Revenue Code or any other section of the code which defers or excludes  
24 such amounts from income.  
25 Sec. 102. (1) On and after the operative date of this section, no  
26 school district that receives equalization aid pursuant to section  
27 79-1008.01 may enter into any contract with a superintendent for services  
28 to be rendered to the school district if such contract will cause, by the  
29 terms of such contract or in combination with existing contracts, such  
30 school district to pay compensation for any contract year to or on behalf  
31 of such superintendent in excess of five times the compensation for a  
1 beginning teacher in such school district for the same contract year.  
2 (2) For purposes of this section if a superintendent of a school  
3 district also receives compensation from an educational service unit in  
4 which such school district is a member, such compensation shall be deemed  
5 compensation from such school district.  
6 (3) Any contract entered into in violation of this section shall be  
7 invalid, and money belonging to a school district shall not be expended  
8 on such a contract.  
9 (4) Any compensation received by a superintendent in violation of  
10 the limitations in this section shall be forfeited by such superintendent  
11 and returned to the school district, and a notice regarding such excess  
12 compensation shall be filed with the Commissioner of Education within  
13 thirty days after the superintendent or school board becomes aware of  
14 such violation.  
15 Sec. 103. Section 79-2402, Reissue Revised Statutes of Nebraska, is  
16 amended to read:  
17 79-2402 (1) Before the school board of any school district or the  
18 board of any educational service unit approves a proposed contract, or  
19 any proposed amendment to an existing contract, for future superintendent  
20 services to be rendered to such school district by the current  
21 superintendent or future administrator services to be rendered to such  
22 educational service unit by the current administrator, the board shall  
23 publish a copy of such proposed contract or amendment, and a reasonable  
24 estimate and description of all current and future costs to the school  
25 district or educational service unit if the proposed contract or  
26 amendment were to be approved, and if applicable, the maximum total  
27 compensation allowed for the superintendent pursuant to section 102 of

28 this act at least three days before the meeting of the board at which  
 29 such proposed contract or amendment will be considered. Such publication  
 30 shall also specify the date, time, and place of the public meeting at  
 31 which the proposed contract or amendment will be considered. Electronic  
 1 publication on the website of the school district or educational service  
 2 unit shall satisfy the requirement of this subsection if such electronic  
 3 publication is prominently displayed and allows public access to the  
 4 entire proposed contract or amendment and all other information required  
 5 by this section.

6 (2) After the school board of any school district or the board of  
 7 any educational service unit approves a contract for future  
 8 superintendent services to be rendered to such school district by a new  
 9 superintendent or future administrator services to be rendered to such  
 10 educational service unit by a new administrator, the board shall publish  
 11 a copy of such contract, and a reasonable estimate and description of all  
 12 current and future costs to the school district or educational service  
 13 unit that will be incurred as a result of such contract, within two days  
 14 after the meeting of the board at which such contract was approved.  
 15 Electronic publication on the website of the school district or  
 16 educational service unit shall satisfy the requirement of this subsection  
 17 if such electronic publication is prominently displayed and allows public  
 18 access to the entire contract.

19 2. Correct the operative date and repealer sections so that the  
 20 sections added by this amendment become operative three calendar months  
 21 after the adjournment of this legislative session.

22 3. Renumber the remaining sections and correct internal references  
 23 accordingly.

### **MOTION - Print in Journal**

Senator Moser filed the following motion to LB683:

MO1016

Recommit to Transportation and Telecommunications Committee.

### **SELECT FILE**

**LEGISLATIVE BILL 282.** Senator Riepe offered MO905, found on page 1026, to bracket until June 9, 2023.

Senator Riepe withdrew his motion to bracket.

Senator Riepe withdrew MO906, found on page 1026, to recommit to committee.

Senator Riepe offered AM1354, found on page 1312.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

FA96

Strike Section 1.

Pending.

**AMENDMENT - Print in Journal**

Senator Bostelman filed the following amendment to [LB818](#):  
[AM1623](#)

(Amendments to Standing Committee amendments, AM1172)

1 1. Insert the following new section:

2 Sec. 12. Section 39-2805, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4 39-2805 (1) The County Bridge Match Program is created. The  
5 department shall administer the program using funds from the  
6 Transportation Infrastructure Bank Fund. ~~Forty~~ ~~except that no more than~~  
7 ~~forty~~ million dollars shall be expended for this program. The purpose of  
8 the program is to promote innovative solutions and provide additional  
9 funding to accelerate the repair and replacement of deficient bridges on  
10 the county road system. The department shall develop the program,  
11 including participation criteria and matching fund requirements for  
12 counties, in consultation with a statewide association representing  
13 county officials. Participation by counties in the program shall be  
14 voluntary. The details of the program shall be presented to the  
15 Appropriations Committee and the Transportation and Telecommunications  
16 Committee of the Legislature on or before December 1, 2016.  
17 (2) The County Bridge Match Program terminates on June 30, ~~2029~~  
18 ~~2023~~.  
19 2. On page 49, line 22, after the last comma insert "39-2805,".  
20 3. Renumber the remaining sections and correct internal references  
21 accordingly.

**VISITORS**

Visitors to the Chamber were students from Brownell-Talbot, Omaha;  
students from McCool Junction Elementary, McCool Junction.

**RECESS**

At 11:58 a.m., on a motion by Senator Brewer, the Legislature recessed until  
1:00 p.m.

**AFTER RECESS**

The Legislature reconvened at 1:00 p.m., Senator Dorn presiding.

**ROLL CALL**

The roll was called and all members were present except Senators  
Armendariz, Bostar, Brewer, Briese, J. Cavanaugh, Clements, Day, Dover,  
Hardin, Hughes, Linchan, Murman, von Gillern, Walz, Wayne, and Wishart  
who were excused until they arrive.

**SELECT FILE**

**LEGISLATIVE BILL 282.** Senator Riepe renewed [AM1354](#), found on  
page 1312 and considered in this day's Journal.

Senator M. Cavanaugh renewed [FA96](#), found and considered in this day's Journal, to the Riepe amendment.

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 10 nays, and 26 not voting.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 31 nays, 5 present and not voting, and 13 excused and not voting.

The Chair declared the call raised.

Senator M.Cavanaugh offered the following motion:

[MO1018](#)

Reconsider the vote taken on FA96.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 10 ayes, 17 nays, and 22 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to reconsider.

The M. Cavanaugh motion to reconsider failed with 4 ayes, 30 nays, 2 present and not voting, 3 absent and not voting, and 10 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA97](#)

Strike Section 2.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 9 ayes, 14 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

Senator M. Cavanaugh requested a record vote on her amendment, to the Riepe amendment.

Voting in the affirmative, 0.

Voting in the negative, 33:



Aguilar	Bostelman	Dorn	Jacobson	Riepe
Albrecht	Brandt	Erdman	Kauth	Sanders
Arch	Brewer	Halloran	Linehan	Slama
Ballard	Clements	Hansen	Lippincott	von Gillern
Blood	Conrad	Hardin	Lowe	Walz
Bosn	DeBoer	Holdcroft	Moser	
Bostar	DeKay	Ibach	Murman	

Present and not voting, 3:

Cavanaugh, M.    Hunt                    McKinney

Absent and not voting, 5:

Cavanaugh, J.    Dungan                    Hughes                    Raybould                    Vargas

Excused and not voting, 8:

Armendariz	Day	Fredrickson	Wayne
Briese	Dover	McDonnell	Wishart

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 33 nays, 3 present and not voting, 5 absent and not voting, and 8 excused and not voting.

Pending.

#### **AMENDMENT - Print in Journal**

Senator Sanders filed the following amendment to [LB583](#):

[AM1636](#)

(Amendments to Standing Committee amendments, AM970)

1 1. Strike sections 2, 3, and 4 and insert the following new section:

2 Sec. 11. Section 79-1142, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 79-1142 (1) Level I services refers to services provided to children  
5 with disabilities who require an aggregate of not more than three hours  
6 per week of special education services and support services and includes  
7 all administrative, diagnostic, consultative, and vocational-adjustment  
8 counselor services.

9 (2) The total allowable reimbursable cost for support services shall  
10 not exceed a percentage, established by the State Board of Education, of  
11 the school district's or approved cooperative's total allowable  
12 reimbursable cost for all special education programs and support  
13 services. The percentage established by the board for support services  
14 shall not exceed the difference of ten percent minus the percentage of  
15 the appropriations for special education approved by the Legislature set  
16 aside for reimbursements for support services pursuant to subsection (5)  
17 of this section.

18 (3) For special education and support services provided in each  
19 school fiscal year, the department shall reimburse each school district  
20 in the following school fiscal year eighty percent of a pro-rata amount

21 determined by the department. The reimbursement percentage shall be the  
 22 ratio of the difference of the appropriations for special education  
 23 approved by the Legislature minus the amounts set aside pursuant to  
 24 subsection (5) of this section divided by the total allowable excess  
 25 costs for all special education programs and support services. (4)  
 26 Cooperatives of school districts or educational service units shall also  
 1 be eligible for reimbursement for cooperative programs pursuant to this  
 2 section if such cooperatives or educational service units have complied  
 3 with the reporting and approval requirements of section 79-1155 for  
 4 cooperative programs which were offered the preceding year.  
 5 (4)(a) The payments shall be made by the department to the school  
 6 district of residence, cooperative of school districts, or educational  
 7 service unit each year in a minimum of seven payments between the fifth  
 8 and twentieth day of each month beginning in December. Additional  
 9 payments may be made based upon additional valid claims submitted. The  
 10 State Treasurer shall, between the fifth and twentieth day of each month,  
 11 notify the Director of Administrative Services of the amount of funds  
 12 available in the General Fund and the Education Future Fund for payment  
 13 purposes. The director shall, upon receiving such certification, draw  
 14 warrants against such funds as appropriated.  
 15 (b) If the General Fund appropriations for special education  
 16 approved by the Legislature, minus the amounts set aside pursuant to  
 17 subsection (5) of this section, are insufficient to reimburse eighty  
 18 percent of the total allowable excess costs for all special education  
 19 programs and support services for any school fiscal year:  
 20 (i) Such allowable excess costs shall be reimbursed from the General  
 21 Fund appropriations for special education approved by the Legislature,  
 22 minus the amounts set aside pursuant to subsection (5) of this section,  
 23 on a pro rata basis at the maximum rate of reimbursement such  
 24 appropriations will allow as determined by the department; and  
 25 (ii) The remainder of the eighty percent reimbursement of such  
 26 allowable excess costs shall be paid from the Education Future Fund.  
 27 (5) Residential settings described in subdivision (10)(c) of section  
 28 79-215 shall be reimbursed for the educational services, including  
 29 special education services and support services, in an amount determined  
 30 pursuant to the average per pupil cost of the service agency.  
 31 Reimbursements pursuant to this section shall be made from funds set  
 1 aside for such purpose within sixty days after receipt of a reimbursement  
 2 request submitted in the manner required by the department and including  
 3 any documentation required by the department for educational services  
 4 that have been provided, except that if there are not any funds available  
 5 for the remainder of the state fiscal year for such reimbursements, the  
 6 reimbursement shall occur within thirty days after the beginning of the  
 7 immediately following state fiscal year. The department may audit any  
 8 required documentation and subtract any payments made in error from  
 9 future reimbursements. The department shall set aside separate amounts  
 10 from the appropriations for special education approved by the Legislature  
 11 for reimbursements pursuant to this subsection for students receiving  
 12 special education services and for students receiving support services  
 13 for each state fiscal year. The amounts set aside for each purpose shall  
 14 be based on estimates of the reimbursements to be requested during the  
 15 state fiscal year and shall not be less than the total amount of  
 16 reimbursements requested in the prior state fiscal year plus any unpaid  
 17 requests from the prior state fiscal year.  
 18 (6) On or before November 15 of each year, the department shall  
 19 submit to the Governor, the Appropriations Committee of the Legislature,  
 20 and the Education Committee of the Legislature:  
 21 (a) The total allowable excess costs for all special education  
 22 programs and support services for all school districts, cooperatives of  
 23 school districts, and educational service units; and

24 (b) The total reimbursements requested pursuant to subsection (5) of  
 25 this section for the most recently completed school fiscal year.  
 26 2. On page 1, line 5, strike "3, 6, and 13" and insert "3 and 10".  
 27 3. On page 14, line 14; and page 15, line 26, strike "6" and insert  
 28 "3".  
 29 4. On page 15, line 1, strike "Twenty-three" and insert "Twenty-  
 30 four".  
 31 5. On page 16, lines 1 and 6; page 17, line 6; page 18, line 19; and  
 1 page 19, line 5, strike "May 1", show as stricken, and insert "June 15".  
 2 6. On page 19, strike lines 12 through 16 and insert the following  
 3 new subdivisions:  
 4 "(a) The amount by which the school district reduced its property  
 5 tax request for such school fiscal year, if any such reduction occurred;  
 6 and  
 7 (b) Other information as required by the department."  
 8 7. Renumber the remaining sections and correct the repealer  
 9 accordingly.

### SELECT FILE

**LEGISLATIVE BILL 282.** Senator Riepe renewed [AM1354](#), found on page 1312 and considered in this day's Journal.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA98](#)

Strike Section 3.

Senator M. Cavanaugh moved for a call of the house. The motion failed with 6 ayes, 15 nays, and 28 not voting.

Senator M. Cavanaugh requested a roll call vote, in reverse order, on her amendment, to the Riepe amendment.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 28 nays, 3 present and not voting, 2 absent and not voting, and 16 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA99](#)

Strike Section 4.

### SENATOR DEBOER PRESIDING

Senator M. Cavanaugh moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call failed with 15 ayes, 19 nays, and 15 not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 32 nays, 4 present and not voting, 4 absent and not voting, and 9 excused and not voting.

Senator M. Cavanaugh offered the following amendment, to the Riepe amendment:

[FA100](#)

Strike Section 5.

Senator Erdman moved the previous question. The question is, "Shall the debate now close?"

Senator M. Cavanaugh moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call failed with 13 ayes, 13 nays, and 23 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to cease debate.

The motion to cease debate failed with 17 ayes, 8 nays, 4 present and not voting, 6 absent and not voting, and 14 excused and not voting.

#### **PRESIDENT KELLY PRESIDING**

Senator Riepe offered the following motion:

[MO1019](#)

Invoke cloture pursuant to Rule 7, Sec. 10.

Senator Riepe moved for a call of the house.

Senator M. Cavanaugh requested a roll call vote on the motion to place the house under call.

The motion to place the house under call prevailed with 38 ayes, 3 nays, and 8 not voting.

Senator M. Cavanaugh requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 43:

Aguilar	Brewer	Dover	Ibach	Riepe
Albrecht	Briese	Dungan	Jacobson	Sanders
Arch	Cavanaugh, J.	Erdman	Kauth	Slama
Armendariz	Clements	Fredrickson	Linehan	Vargas
Ballard	Conrad	Halloran	Lippincott	von Gillern
Blood	Day	Hansen	Lowe	Walz
Bosn	DeBoer	Hardin	McKinney	Wishart
Bostelman	DeKay	Holdcroft	Moser	
Brandt	Dorn	Hughes	Murman	

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar McDonnell Wayne

The Riepe motion to invoke cloture prevailed with 43 ayes, 0 nays, 2 present and not voting, 1 absent and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on her amendment, to the Riepe amendment.

Voting in the affirmative, 0.

Voting in the negative, 45:

Aguilar	Brewer	Dorn	Hughes	Moser
Albrecht	Briese	Dover	Hunt	Murman
Arch	Cavanaugh, J.	Dungan	Ibach	Riepe
Armendariz	Cavanaugh, M.	Erdman	Jacobson	Sanders
Ballard	Clements	Fredrickson	Kauth	Slama
Blood	Conrad	Halloran	Linehan	Vargas
Bosn	Day	Hansen	Lippincott	von Gillern
Bostelman	DeBoer	Hardin	Lowe	Walz
Brandt	DeKay	Holdcroft	McKinney	Wishart

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar          McDonnell      Wayne

The M. Cavanaugh amendment, to the Riepe amendment, lost with 0 ayes, 45 nays, 1 absent and not voting, and 3 excused and not voting.

Senator M. Cavanaugh requested a roll call vote on the Riepe amendment.

Voting in the affirmative, 45:

Aguilar	Brewer	Dorn	Hughes	Moser
Albrecht	Briese	Dover	Hunt	Murman
Arch	Cavanaugh, J.	Dungan	Ibach	Riepe
Armendariz	Cavanaugh, M.	Erdman	Jacobson	Sanders
Ballard	Clements	Fredrickson	Kauth	Slama
Blood	Conrad	Halloran	Linchan	Vargas
Bosn	Day	Hansen	Lippincott	von Gillern
Bostelman	DeBoer	Hardin	Lowe	Walz
Brandt	DeKay	Holdcroft	McKinney	Wishart

Voting in the negative, 0.

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar          McDonnell      Wayne

The Riepe amendment was adopted with 45 ayes, 0 nays, 1 absent and not voting, and 3 excused and not voting.

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

Voting in the affirmative, 44:

Aguilar	Brewer	Dorn	Hughes	Murman
Albrecht	Briese	Dover	Ibach	Riepe
Arch	Cavanaugh, J.	Dungan	Jacobson	Sanders
Armendariz	Cavanaugh, M.	Erdman	Kauth	Slama
Ballard	Clements	Fredrickson	Linchan	Vargas
Blood	Conrad	Halloran	Lippincott	von Gillern
Bosn	Day	Hansen	Lowe	Walz
Bostelman	DeBoer	Hardin	McKinney	Wishart
Brandt	DeKay	Holdcroft	Moser	

Voting in the negative, 0.

Present and not voting, 1:

Hunt

Absent and not voting, 1:

Raybould

Excused and not voting, 3:

Bostar        McDonnell    Wayne

Advanced to Enrollment and Review for Engrossment with 44 ayes, 0 nays, 1 present and not voting, 1 absent and not voting, and 3 excused and not voting.

The Chair declared the call raised.

**AMENDMENT - Print in Journal**

Senator B. Hansen filed the following amendment to [LB574](#):  
[AM1658](#) is available in the Bill Room.

**SELECT FILE**

**LEGISLATIVE BILL 562.** Speaker Arch requested to pass over LB562.

Senator M. Cavanaugh requested a point of order on whether the Speaker can unilaterally pass over LB562.

The Chair ruled the Speaker has the inherent authority to pass over LB562.

Senator M. Cavanaugh challenged the ruling of the Chair.

Pending.

**EASE**

The Legislature was at ease from 5:33 p.m. until 6:08 p.m.

**SELECT FILE**

**LEGISLATIVE BILL 562.** Senator M. Cavanaugh renewed her motion to overrule the Chair, found in this day's Journal. The question is, "Shall the Chair be overruled?"

Senator Hunt moved for a call of the house. The motion prevailed with 15 ayes, 8 nays, and 26 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 0.

Voting in the negative, 45:

Albrecht	Briese	Dover	Hunt	Murman
Arch	Cavanaugh, J.	Dungan	Ibach	Raybould
Armendariz	Cavanaugh, M.	Erdman	Jacobson	Riepe
Ballard	Clements	Fredrickson	Kauth	Sanders
Blood	Conrad	Halloran	Linehan	Slama
Bostar	Day	Hansen	Lippincott	Vargas
Bostelman	DeBoer	Hardin	Lowe	von Gillern
Brandt	DeKay	Holdcroft	McKinney	Walz
Brewer	Dorn	Hughes	Moser	Wishart

Excused and not voting, 4:

Aguilar      Bosn      McDonnell      Wayne

The M. Cavanaugh motion to overrule the Chair failed with 0 ayes, 45 nays, and 4 excused and not voting.

The Chair was sustained.

The Chair declared the call raised.

### COMMITTEE REPORT

Enrollment and Review

**LEGISLATIVE BILL 818.** Placed on Select File with amendment. [ER32](#) is available in the Bill Room.

**LEGISLATIVE BILL 813.** Placed on Select File with amendment. [ER33](#) is available in the Bill Room.

(Signed) Beau Ballard, Chairperson

### SELECT FILE

**LEGISLATIVE BILL 705.** Senator M. Cavanaugh requested a point of order to consider her motion, [MO1020](#), to overrule the Speaker's agenda pursuant to Rule 1, Section 16, in order to place LB562 ahead of LB705.



The Chair ruled the overrule agenda motion is not a priority motion.

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

Senator M. Cavanaugh moved for a call of the house. The motion prevailed with 13 ayes, 5 nays, and 31 not voting.

Senator M. Cavanaugh requested a roll call vote on her motion to overrule the Chair.

Voting in the affirmative, 5:

Cavanaugh, J.    Cavanaugh, M.    Conrad    Day    Hunt

Voting in the negative, 38:

Albrecht	Brandt	Dungan	Ibach	Riepe
Arch	Brewer	Erdman	Jacobson	Sanders
Armendariz	Briese	Fredrickson	Kauth	Slama
Ballard	Clements	Halloran	Linehan	Vargas
Blood	DeBoer	Hansen	Lippincott	von Gillern
Bosn	DeKay	Hardin	Lowe	Wishart
Bostar	Dorn	Holdcroft	Moser	
Bostelman	Dover	Hughes	Murman	

Present and not voting, 3:

McKinney    Raybould    Walz

Excused and not voting, 3:

Aguilar    McDonnell    Wayne

The M. Cavanaugh motion to overrule the Chair failed with 5 ayes, 38 nays, 3 present and not voting, and 3 excused and not voting.

The Chair was sustained.

Pending.

#### **AMENDMENT - Print in Journal**

Senator McKinney filed the following amendment to LB814:

[AM1668](#)

(Amendments to E&R amendments, ER31)

1 1. On page 90, after line 20 insert the following new paragraphs:

2 "Concurrent with the authorization of funding, the Department of

3 Correctional Services shall complete the following:

4 (1) Pursuant to Laws 2021, LB384, a classification study for

5 correctional facilities in the state, which shall be submitted  
 6 electronically to the Clerk of the Legislature by December 31, 2023;  
 7 (2) A custody-staffing analysis and an analysis of behavioral health  
 8 staff for state correctional facilities, which shall be submitted  
 9 electronically to the Clerk of the Legislature by June 30, 2025; and  
 10 (3) An evaluation of programs, as contracted for pursuant to Laws  
 11 2022, LB896, with reports submitted electronically to the Clerk of the  
 12 Legislature."

### MOTION - Adjournment

Senator M. Cavanaugh moved to adjourn until 9:00 a.m., Tuesday, May 9, 2023.

Senator M. Cavanaugh requested a roll call vote on her motion to adjourn.

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Brewer	Erdman	Linehan	Slama
Arch	Briese	Halloran	Lippincott	Vargas
Armendariz	Cavanaugh, J.	Hansen	Lowe	von Gillern
Ballard	Clements	Hardin	McKinney	Walz
Blood	Conrad	Holdcroft	Moser	Wishart
Bosn	DeKay	Hughes	Murman	
Bostar	Dorn	Ibach	Raybould	
Bostelman	Dover	Jacobson	Riepe	
Brandt	Dungan	Kauth	Sanders	

Present and not voting, 5:

Cavanaugh, M.	Day	DeBoer	Fredrickson	Hunt
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Excused and not voting, 3:

Aguilar	McDonnell	Wayne
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The M. Cavanaugh motion to adjourn failed with 0 ayes, 41 nays, 5 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

### SELECT FILE

**LEGISLATIVE BILL 705.** Senator Conrad offered [MO790](#), found on page 971, to bracket until June 2, 2023.

**SENATOR DEBOER PRESIDING**

**PRESIDENT KELLY PRESIDING**

Senator Conrad withdrew her motion to bracket.

Senator Conrad offered [MO789](#), found on page 971, to recommit to Education Committee.

Senator Conrad moved for a call of the house. The motion prevailed with 16 ayes, 4 nays, and 29 not voting.

Senator Conrad requested a roll call vote on the motion to recommit to committee.

Voting in the affirmative, 0.

Voting in the negative, 41:

Albrecht	Brewer	Dover	Jacobson	Sanders
Arch	Briese	Dungan	Kauth	Vargas
Armendariz	Cavanaugh, J.	Erdman	Linehan	von Gillern
Ballard	Clements	Fredrickson	Lippincott	Walz
Blood	Conrad	Halloran	Lowe	Wishart
Bosn	Day	Hardin	McKinney	
Bostar	DeBoer	Holdcroft	Murman	
Bostelman	DeKay	Hughes	Raybould	
Brandt	Dorn	Ibach	Riepe	

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Aguilar	McDonnell	Slama
Hansen	Moser	Wayne

The Conrad motion to recommit to committee failed with 0 ayes, 41 nays, 2 present and not voting, and 6 excused and not voting.

The Chair declared the call raised.

Senator M. Cavanaugh offered the following motion:

[MO1028](#)

Reconsider the vote taken on MO789.

Pending.

## AMENDMENTS - Print in Journal

Senator Vargas filed the following amendment to LB705: AM1642

(Amendments to E & R amendments, ER30)

1 1. Strike section 79 and insert the following new section:  
 2 Sec. 79. Section 79-729, Revised Statutes Cumulative Supplement,  
 3 2022, is amended to read:  
 4 79-729 (1) The Legislature recognizes the importance of assuring  
 5 that all persons who graduate from Nebraska high schools possess certain  
 6 minimum levels of knowledge, skills, and understanding. Each high school  
 7 student shall complete a minimum of two hundred high school credit hours  
 8 prior to graduation. At least eighty percent of the minimum credit hours  
 9 shall be core curriculum courses prescribed by the State Board of  
 10 Education.  
 11 (2) For students attending a public school: ;  
 12 (a) Beginning ~~beginning~~ in school year 2023-24, at least five of the  
 13 minimum credit hours shall be a high school course in personal finance or  
 14 financial literacy; ; and  
 15 (b) Beginning ~~beginning~~ in school year ~~2027-28~~ 2026-27, at least  
 16 five of the minimum credit hours shall ~~include be a high school course or~~  
 17 ~~the equivalent of a one-semester high school course in computer science~~  
 18 ~~and technology education as required under section 79-3304.~~  
 19 (3)(a) Beginning in school year 2024-25, each public high school  
 20 student shall complete and submit to the United States Department of  
 21 Education a Free Application for Federal Student Aid prior to graduating  
 22 from such high school except as otherwise provided in this subsection.  
 23 (b) A public high school student shall not be required to comply  
 24 with subdivision (3)(a) of this section if:  
 25 (i) A parent or legal guardian of or a person standing in loco  
 26 parentis to such student signs and submits the appropriate form  
 1 prescribed by the Commissioner of Education pursuant to subdivision (3)  
 2 (c) of this section indicating that such parent, legal guardian, or  
 3 person standing in loco parentis authorizes such student to decline to  
 4 complete and submit a Free Application for Federal Student Aid;  
 5 (ii) The school principal or the school principal's designee signs  
 6 and submits the appropriate form prescribed by the Commissioner of  
 7 Education pursuant to subdivision (3)(c) of this section authorizing such  
 8 student to decline to complete and submit a Free Application for Federal  
 9 Student Aid for good cause as determined by the school principal or the  
 10 school principal's designee; or  
 11 (iii) A student who is nineteen years of age or older or is an  
 12 emancipated minor signs and submits the appropriate form prescribed by  
 13 the Commissioner of Education pursuant to subdivision (3)(c) of this  
 14 section stating that such student declines to complete and submit a Free  
 15 Application for Federal Student Aid.  
 16 (c) The Commissioner of Education shall prescribe the forms to be  
 17 used by each public high school for purposes of compliance with  
 18 subdivision (3)(b) of this section. Such forms shall be made available:  
 19 (i) By each public high school to students, parents and legal  
 20 guardians of students, and persons standing in loco parentis to students;  
 21 and  
 22 (ii) In English, Spanish, and any other language spoken by a  
 23 majority of the students enrolled in any English learner program at such  
 24 public high school.  
 25 (d) The school principal or the school principal's designee of each  
 26 public high school shall provide such compliance information to the  
 27 school district or governing authority for such public high school and to  
 28 the State Department of Education without disclosing, for any student who

29 ~~has complied with the requirements of this subsection, personally~~  
30 ~~identifiable information distinguishing whether such compliance was~~  
31 ~~pursuant to subdivision (3)(a) or (b) of this section. Such school~~  
1 ~~principal or school principal's designee shall provide separately the~~  
2 ~~aggregate number of students who have not complied with this subsection,~~  
3 ~~who complied pursuant to subdivision (3)(a) of this section, and who~~  
4 ~~complied pursuant to subdivision (3)(b) of this section, unless otherwise~~  
5 ~~prohibited by federal or state law regarding the confidentiality of~~  
6 ~~student educational information.~~  
7 ~~(e) On or before December 31, 2025, and on or before December 31 of~~  
8 ~~each year thereafter, the Commissioner of Education shall electronically~~  
9 ~~submit a report with the information received by the State Department of~~  
10 ~~Education pursuant to subdivision (3)(d) of this section to the Clerk of~~  
11 ~~the Legislature.~~  
12 ~~(4) The State Board of Education may establish recommended statewide~~  
13 ~~graduation guidelines.~~  
14 ~~(5) This section does not apply to high school students whose~~  
15 ~~individualized education programs prescribe a different course of~~  
16 ~~instruction. This section does not prohibit the governing board of any~~  
17 ~~high school from prescribing specific graduation guidelines as long as~~  
18 ~~such guidelines do not conflict with this section.~~  
19 ~~(6) For purposes of this section, high school means grades nine~~  
20 ~~through twelve and credit hour shall be defined by appropriate rules and~~  
21 ~~regulations of the State Board of Education but shall not be less than~~  
22 ~~the amount of credit given for successful completion of a course which~~  
23 ~~meets at least one period per week for at least one semester.~~  
24 ~~(7) The State Board of Education shall adopt and promulgate rules~~  
25 ~~and regulations as necessary to implement this section. Such rules and~~  
26 ~~regulations shall include, but not be limited to:~~  
27 ~~(a) A timeline for the distribution of the Free Application for~~  
28 ~~Federal Student Aid and the forms prescribed pursuant to subdivision (3)~~  
29 ~~(c) of this section by public high schools and for the submission of the~~  
30 ~~Free Application for Federal Student Aid and the forms prescribed~~  
31 ~~pursuant to subdivision (3)(c) of this section;~~  
1 ~~(b) Standards regarding the information that a public high school~~  
2 ~~must provide to students regarding:~~  
3 ~~(i) Instructions for filling out the Free Application for Federal~~  
4 ~~Student Aid;~~  
5 ~~(ii) The options available to a student under subdivision (3)(b) of~~  
6 ~~this section if a student wishes to decline to complete and submit a Free~~  
7 ~~Application for Federal Student Aid; and~~  
8 ~~(iii) The method by which a student shall provide proof to the~~  
9 ~~public high school that such student has completed and submitted the Free~~  
10 ~~Application for Federal Student Aid or a form prescribed pursuant to~~  
11 ~~subdivision (3)(c) of this section; and~~  
12 ~~(c) A requirement for each public high school to report the number~~  
13 ~~of students who completed and submitted a Free Application for Federal~~  
14 ~~Student Aid and the number of students who instead submitted a form~~  
15 ~~prescribed pursuant to subdivision (3)(c) of this section.~~

Senator Erdman filed the following amendment to [LB705](#):  
[AM1665](#)

(Amendments to E & R amendments, ER30)

1 1. Insert the following new section:  
2 Sec. 126. (1) On and after the operative date of this section, each  
3 school board shall prominently display the national motto of the United  
4 States, "In God We Trust", written legibly in English, in each classroom  
5 or in another prominent place in each school building where each student  
6 is able to see and read it each day school is in session.  
7 (2) A school board may accept contributions to defray the costs of

8 implementing this section.

9 (3) Upon the filing of an action seeking to invalidate this section  
 10 in any state or federal court, the Attorney General shall intervene on  
 11 behalf of any school board and any other party named as a defendant for  
 12 their role in implementing this section.

13 2. Correct the operative date section so that the section added by  
 14 this amendment becomes operative three calendar months after the  
 15 adjournment of this legislative session.

16 3. Renumber the remaining sections and correct internal references  
 17 accordingly.

Senator Blood filed the following amendment to LB705:  
AM1661 is available in the Bill Room.

Senator Murman filed the following amendment to LB705:  
AM1643

(Amendments to E&R amendments, ER30)

1 1. Strike section 60 and insert the following new section:

2 Sec. 60. (1) Except as provided in subsection (2) of this section,  
 3 an elementary school shall not suspend a student in pre-kindergarten  
 4 through second grade. A student in pre-kindergarten through second grade  
 5 may be subject to an emergency exclusion as provided in section 79-264  
 6 for the purpose of giving the school, in consultation with the parent or  
 7 guardian of such student, adequate time to draft and implement a plan to  
 8 support such student. Each school district shall develop a policy to  
 9 implement this section which shall include disciplinary measures inside  
 10 the school as an alternative to suspension.

11 (2) An elementary school may suspend a student in pre-kindergarten  
 12 through second grade if such student brings a deadly weapon as defined in  
 13 section 28-109 onto school grounds, into a vehicle owned, leased, or  
 14 contracted by a school being used for a school purpose or a vehicle being  
 15 driven for a school purpose by a school employee or his or her designee,  
 16 or to a school-sponsored activity or athletic event.

Senator Murman filed the following amendment to LB705:  
AM1669

(Amendments to E&R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, 60, and 91 and insert the  
 2 following new sections:

3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative

4 Supplement, 2022, is amended to read:

5 79-8,137.05 (1) The Excellence in Teaching Cash Fund is created. The  
 6 fund shall consist of ~~transfers~~ ~~appropriations~~ by the Legislature,  
 7 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,  
 8 penalties, and interest payments received in the course of administering  
 9 the Attracting Excellence to Teaching Program and the Enhancing  
 10 Excellence in Teaching Program.

11 (2)(a) For all fiscal years beginning on and after July 1, 2024,  
 12 the commission shall allocate on an annual basis up to two hundred fifty  
 13 thousand dollars of the funds transferred pursuant to section 1 of this  
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-  
 15 Credit Education Grant Program.

16 (b) For all fiscal years beginning on and after July 1, 2024, the  
 17 commission shall allocate on an annual basis up to five hundred thousand  
 18 dollars of the funds transferred pursuant to section 1 of this act for  
 19 grants and loans to students enrolled in a teacher education program for  
 20 student-teaching semesters.

21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund

22 after the distributions pursuant to subdivisions (a) and (b) of this  
23 subsection, for ~~For~~ all fiscal years, the commission department shall  
24 allocate on an annual basis up to four hundred thousand dollars in the  
25 aggregate of the funds to be distributed for the Attracting Excellence to  
26 Teaching Program to all eligible institutions according to the  
1 distribution formula as determined by rule and regulation. The eligible  
2 institutions shall act as agents of the commission department in the  
3 distribution of the funds for the Attracting Excellence to Teaching  
4 Program to eligible students. The commission department shall allocate on  
5 an annual basis up to eight hundred thousand dollars of the remaining  
6 available funds to be distributed to eligible students for the Enhancing  
7 Excellence in Teaching Program. Funding amounts granted in excess of one  
8 million two hundred thousand dollars shall be evenly divided for  
9 distribution between the two programs.  
10 (3) Any money in the Excellence in Teaching Cash Fund available for  
11 investment shall be invested by the state investment officer pursuant to  
12 the Nebraska Capital Expansion Act and the Nebraska State Funds  
13 Investment Act.  
14 Sec. 41. (1) On or before January 15 of each school fiscal year, a  
15 school district with expected special education expenditures that total  
16 (a) at least fifty thousand dollars annually or (b) one-half percent or  
17 more of such school district's annual budget, whichever is greater, may  
18 submit an application as prescribed by the State Department of Education  
19 to the department for a payment from the Education Future Fund to cover  
20 an extraordinary increase in special education expenditures pursuant to  
21 the requirements of this section. Such application shall include the  
22 special education expenditures of the applicant school district as of the  
23 immediately preceding December 31 for the school fiscal year in which the  
24 application is submitted.  
25 (2) The department shall divide the special education expenditures  
26 for the school fiscal year immediately preceding the school fiscal year  
27 in which an application is submitted by two and multiply the result by  
28 one hundred seven percent for each applicant school district.  
29 (3) Each applicant school district shall qualify for a maximum  
30 payment equal to the difference of the special education expenditures for  
31 the current school fiscal year submitted pursuant to subsection (1) of  
1 this section minus the amount calculated pursuant to subsection (2) of  
2 this section for such school district for such school fiscal year.  
3 (4) The department shall make a payment to each applicant school  
4 district on or before January 31 for the school fiscal year in which the  
5 application is submitted. Such payment shall equal the maximum payment  
6 determined pursuant to subsection (3) of this section, except that if the  
7 sum of all maximum payments for applicant school districts for such  
8 school fiscal year exceeds the available balance for such purpose in the  
9 Education Future Fund, each payment shall be reduced proportionally so  
10 that the sum of all payments for applicant school districts for such  
11 school fiscal year equals the available balance for such purpose in the  
12 fund.  
13 Sec. 42. The department shall make a payment to each qualifying  
14 applicant school district from the Education Future Fund pursuant to  
15 section 41 of this act for an extraordinary increase in special education  
16 expenditures. The department shall reimburse the fund for each such  
17 payment from the appropriation for special education and support services  
18 reimbursements pursuant to section 79-1142 in the school fiscal year  
19 immediately following the school fiscal year in which each such payment  
20 was made. It is the intent of the Legislature to appropriate up to two  
21 million five hundred thousand dollars from the Education Future Fund for  
22 fiscal year 2023-24 and each year thereafter for payments to qualifying  
23 applicants.  
24 Sec. 51. (1) The State Department of Education shall create and

25 administer the Nebraska Teacher Apprenticeship Program. The purpose of  
26 the program is to help recruit and increase the number of teachers  
27 throughout the state by utilizing an apprenticeship model for training.  
28 The program shall provide for an applicant who successfully completes the  
29 program to obtain a certificate or permit issued by the Commissioner of  
30 Education. The department may work with standard institutions of higher  
31 education as defined in section 79-807, the Department of Labor, and  
1 other entities the State Department of Education deems necessary to  
2 develop and implement the program.

3 (2) An individual may apply for participation in the program if the  
4 individual (a) is an employee of a school district or (b) has a contract  
5 to begin working for a school district at the start of the school year  
6 for which the individual is applying for participation in the program.

7 (3) The department shall determine requirements for completion of  
8 the program by an applicant. The requirements shall include, but need not  
9 be limited to:

10 (a) The completion of a one-year apprenticeship in a classroom;

11 (b) A baccalaureate degree from a standard institution of higher  
12 education; and

13 (c) Successful completion of a subject area examination and pedagogy  
14 examination created by the department as part of the program.

15 (4) The Commissioner of Education shall issue a certificate to teach  
16 as set forth pursuant to the rules and regulations adopted and  
17 promulgated pursuant to sections 79-806 to 79-815 to an applicant who  
18 successfully completes the program.

19 (5) It is the intent of the Legislature to appropriate one million  
20 dollars for fiscal year 2023-24 and each fiscal year thereafter from the  
21 Education Future Fund to the State Department of Education for the  
22 program.

23 Sec. 60. (1) Except as provided in subsection (2) of this section,  
24 an elementary school shall not suspend a student in pre-kindergarten  
25 through second grade. A student in pre-kindergarten through second grade  
26 may be subject to an emergency exclusion as provided in section 79-264  
27 for the purpose of giving the school, in consultation with the parent or  
28 guardian of such student, adequate time to draft and implement a plan to  
29 support such student. Each school district shall develop a policy to  
30 implement this section which shall include disciplinary measures inside  
31 the school as an alternative to suspension.

1 (2) An elementary school may suspend a student in pre-kindergarten  
2 through second grade if such student brings a deadly weapon as defined in  
3 section 28-109 onto school grounds, into a vehicle owned, leased, or  
4 contracted by a school being used for a school purpose or a vehicle being  
5 driven for a school purpose by a school employee or his or her designee,  
6 or to a school-sponsored activity or athletic event.

7 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as  
8 amended by section 23, Legislative Bill 818, One Hundred Eighth  
9 Legislature, First Session, 2023, is amended to read:

10 79-1021 (1) The Education Future Fund is created. The fund shall be  
11 administered by the department and shall consist of money transferred to  
12 the fund by the Legislature. Any money in the fund available for  
13 investment shall be invested by the state investment officer pursuant to  
14 the Nebraska Capital Expansion Act and the Nebraska State Funds  
15 Investment Act.

16 (2) The fund shall be used only for the following purposes, in order  
17 of priority:

18 (a) To fully fund equalization aid under the Tax Equity and  
19 Educational Opportunities Support Act;

20 (b) To fund special education supplemental aid under the Tax Equity  
21 and Educational Opportunities Support Act;

22 (c) To fund foundation aid under the Tax Equity and Educational



23 Opportunities Support Act;

24 (d) To increase funding for school districts in a way that results

25 in direct property tax relief, which means a dollar-for-dollar

26 replacement of property taxes by a state funding source;

27 (e) To provide funding for a grant program created by the

28 Legislature to address teacher turnover rates and keep existing teachers

29 in classrooms;

30 (f) To provide funding to increase career and technical educational

31 classroom opportunities for students. Such funding must provide students

1 with the academic and technical skills, knowledge, and training necessary

2 to succeed in future careers; ~~and~~

3 (g) To provide funding for a grant program created by the

4 Legislature to provide students the opportunity to have a mentor who will

5 continuously engage with the student directly to aid in the student's

6 professional growth and give ongoing support and encouragement to the

7 student; -

8 (h) To provide funding for extraordinary increases in special

9 education expenditures to allow school districts with large, unexpected

10 special education expenditures to more easily meet the needs of all

11 students; and

12 (i) To provide funding to help recruit teachers throughout the state

13 by utilizing apprenticeships through a teacher apprenticeship program and

14 an alternative certification process.

15 (3)(a) The State Treasurer shall transfer one billion dollars from

16 the General Fund to the Education Future Fund in fiscal year 2023-24 on

17 such dates and in such amounts as directed by the budget administrator of

18 the budget division of the Department of Administrative Services.

19 (b) The State Treasurer shall transfer two hundred fifty million

20 dollars from the General Fund to the Education Future Fund in fiscal year

21 2024-25, on such dates and in such amounts as directed by the budget

22 administrator of the budget division of the Department of Administrative

23 Services.

24 (c) It is the intent of the Legislature that two hundred fifty

25 million dollars be transferred from the General Fund to the Education

26 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

27 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,

28 2022, is amended to read:

29 79-1142 (1) Level I services refers to services provided to children

30 with disabilities who require an aggregate of not more than three hours

31 per week of special education services and support services and includes

1 all administrative, diagnostic, consultative, and vocational-adjustment

2 counselor services.

3 (2) The total allowable reimbursable cost for support services shall

4 not exceed a percentage, established by the State Board of Education, of

5 the school district's or approved cooperative's total allowable

6 reimbursable cost for all special education programs and support

7 services. The percentage established by the board for support services

8 shall not exceed the difference of ten percent minus the percentage of

9 the appropriations for special education approved by the Legislature set

10 aside for reimbursements for support services pursuant to subsection (5)

11 of this section.

12 (3) Except as provided in subsection (6) of this section, for

13 special education and support services provided in each school fiscal

14 year, the department shall reimburse each school district in the

15 following school fiscal year a pro rata amount determined by the

16 department. The reimbursement percentage shall be the ratio of the

17 difference of the appropriations for special education approved by the

18 Legislature minus the amounts set aside pursuant to subsection (5) of

19 this section divided by the total allowable excess costs for all special

20 education programs and support services.

21 (4) Cooperatives of school districts or educational service units  
 22 shall also be eligible for reimbursement for cooperative programs  
 23 pursuant to this section if such cooperatives or educational service  
 24 units have complied with the reporting and approval requirements of  
 25 section 79-1155 for cooperative programs which were offered in the  
 26 preceding school fiscal year. The payments shall be made by the  
 27 department to the school district of residence, cooperative of school  
 28 districts, or educational service unit each school year in a minimum of  
 29 seven payments between the fifth and twentieth day of each month  
 30 beginning in December. Additional payments may be made based upon  
 31 additional valid claims submitted. The State Treasurer shall, between the  
 1 fifth and twentieth day of each month, notify the Director of  
 2 Administrative Services of the amount of funds available in the General  
 3 Fund for payment purposes. The director shall, upon receiving such  
 4 certification, draw warrants against funds appropriated.

5 (5) Residential settings described in subdivision (10)(c) of section  
 6 79-215 shall be reimbursed for the educational services, including  
 7 special education services and support services in an amount determined  
 8 pursuant to the average per pupil cost of the service agency.

9 Reimbursements pursuant to this section shall be made from funds set  
 10 aside for such purpose within sixty days after receipt of a reimbursement  
 11 request submitted in the manner required by the department and including  
 12 any documentation required by the department for educational services  
 13 that have been provided, except that if there are not any funds available  
 14 for the remainder of the state fiscal year for such reimbursements, the  
 15 reimbursement shall occur within thirty days after the beginning of the  
 16 immediately following state fiscal year. The department may audit any  
 17 required documentation and subtract any payments made in error from  
 18 future reimbursements. The department shall set aside separate amounts  
 19 from the appropriations for special education approved by the Legislature  
 20 for reimbursements pursuant to this subsection for students receiving  
 21 special education services and for students receiving support services  
 22 for each state fiscal year. The amounts set aside for each purpose shall  
 23 be based on estimates of the reimbursements to be requested during the  
 24 state fiscal year and shall not be less than the total amount of  
 25 reimbursements requested in the prior state fiscal year plus any unpaid  
 26 requests from the prior state fiscal year.

27 (6) For each school district that received a payment pursuant to the  
 28 Extraordinary Increase in Special Education Expenditures Act in the  
 29 school fiscal year for which special education expenditures were  
 30 reimbursed pursuant to subsection (3) of this section, an amount equal to  
 31 such payment shall be subtracted from the reimbursement calculated  
 1 pursuant to subsection (3) of this section and such amount shall be  
 2 transferred to the Education Future Fund.

3 2. On page 13, line 18, strike the new matter; in line 19 reinstate  
 4 the stricken matter; and in lines 20 through 23 strike the new matter.

5 3. On page 33, line 26, strike "use funds" and insert "appropriate  
 6 ten million dollars".

7 4. On page 127, line 23, strike "outcomes," and insert "and  
 8 outcomes".

9 5. On page 130, lines 3, 6, and 11, strike "department" and insert  
 10 "State Department of Education".

11 6. On page 132, after line 20 insert the following new subsection:  
 12 "(5) Nothing in this section shall be construed to supersede a  
 13 parent's ability to exercise any rights such parent has under a school  
 14 district policy established pursuant to section 79-531."; in line 24  
 15 strike "92,"; and in line 27 after the sixth comma insert "93,".

16 7. Correct the operative date and repealer sections so that section  
 17 24 added by this amendment becomes operative on July 1, 2024, section 60  
 18 added by this amendment becomes operative three calendar months after the

19 adjournment of this legislative session, and sections 41, 42, 51, 89, and  
 20 92 added by this amendment become operative on their effective date with  
 21 the emergency clause.  
 22 8. Renumber the remaining sections and correct internal references  
 23 accordingly.

Senator Murman filed the following amendment to LB705:  
AM1672

(Amendments to E & R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, and 91 and insert the following  
 2 new sections:  
 3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative  
 4 Supplement, 2022, is amended to read:  
 5 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The  
 6 fund shall consist of ~~transfers~~ appropriations by the Legislature,  
 7 transfers pursuant to section 1 of this act ~~9-812~~, and loan repayments,  
 8 penalties, and interest payments received in the course of administering  
 9 the Attracting Excellence to Teaching Program and the Enhancing  
 10 Excellence in Teaching Program.  
 11 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,  
 12 the commission shall allocate on an annual basis up to two hundred fifty  
 13 thousand dollars of the funds transferred pursuant to section 1 of this  
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-  
 15 Credit Education Grant Program.  
 16 (b) For all fiscal years beginning on and after July 1, 2024, the  
 17 commission shall allocate on an annual basis up to five hundred thousand  
 18 dollars of the funds transferred pursuant to section 1 of this act for  
 19 grants and loans to students enrolled in a teacher education program for  
 20 student-teaching semesters.  
 21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund  
 22 after the distributions pursuant to subdivisions (a) and (b) of this  
 23 subsection, for For all fiscal years, the ~~commission~~ department shall  
 24 allocate on an annual basis up to four hundred thousand dollars in the  
 25 aggregate of the funds to be distributed for the Attracting Excellence to  
 26 Teaching Program to all eligible institutions according to the  
 1 distribution formula as determined by rule and regulation. The eligible  
 2 institutions shall act as agents of the ~~commission~~ department in the  
 3 distribution of the funds for the Attracting Excellence to Teaching  
 4 Program to eligible students. The ~~commission~~ department shall allocate on  
 5 an annual basis up to eight hundred thousand dollars of the remaining  
 6 available funds to be distributed to eligible students for the Enhancing  
 7 Excellence in Teaching Program. Funding amounts granted in excess of one  
 8 million two hundred thousand dollars shall be evenly divided for  
 9 distribution between the two programs.  
 10 (3) Any money in the Excellence in Teaching Cash Fund available for  
 11 investment shall be invested by the state investment officer pursuant to  
 12 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 13 Investment Act.  
 14 Sec. 41. (1) On or before January 15 of each school fiscal year, a  
 15 school district with expected special education expenditures that total  
 16 (a) at least fifty thousand dollars annually or (b) one-half percent or  
 17 more of such school district's annual budget, whichever is greater, may  
 18 submit an application as prescribed by the State Department of Education  
 19 to the department for a payment from the Education Future Fund to cover  
 20 an extraordinary increase in special education expenditures pursuant to  
 21 the requirements of this section. Such application shall include the  
 22 special education expenditures of the applicant school district as of the  
 23 immediately preceding December 31 for the school fiscal year in which the  
 24 application is submitted.  
 25 (2) The department shall divide the special education expenditures

26 for the school fiscal year immediately preceding the school fiscal year  
27 in which an application is submitted by two and multiply the result by  
28 one hundred seven percent for each applicant school district.  
29 (3) Each applicant school district shall qualify for a maximum  
30 payment equal to the difference of the special education expenditures for  
31 the current school fiscal year submitted pursuant to subsection (1) of  
1 this section minus the amount calculated pursuant to subsection (2) of  
2 this section for such school district for such school fiscal year.  
3 (4) The department shall make a payment to each applicant school  
4 district on or before January 31 for the school fiscal year in which the  
5 application is submitted. Such payment shall equal the maximum payment  
6 determined pursuant to subsection (3) of this section, except that if the  
7 sum of all maximum payments for applicant school districts for such  
8 school fiscal year exceeds the available balance for such purpose in the  
9 Education Future Fund, each payment shall be reduced proportionally so  
10 that the sum of all payments for applicant school districts for such  
11 school fiscal year equals the available balance for such purpose in the  
12 fund.  
13 Sec. 42. The department shall make a payment to each qualifying  
14 applicant school district from the Education Future Fund pursuant to  
15 section 41 of this act for an extraordinary increase in special education  
16 expenditures. The department shall reimburse the fund for each such  
17 payment from the appropriation for special education and support services  
18 reimbursements pursuant to section 79-1142 in the school fiscal year  
19 immediately following the school fiscal year in which each such payment  
20 was made. It is the intent of the Legislature to appropriate up to two  
21 million five hundred thousand dollars from the Education Future Fund for  
22 fiscal year 2023-24 and each year thereafter for payments to qualifying  
23 applicants.  
24 Sec. 51. (1) The State Department of Education shall create and  
25 administer the Nebraska Teacher Apprenticeship Program. The purpose of  
26 the program is to help recruit and increase the number of teachers  
27 throughout the state by utilizing an apprenticeship model for training.  
28 The program shall provide for an applicant who successfully completes the  
29 program to obtain a certificate or permit issued by the Commissioner of  
30 Education. The department may work with standard institutions of higher  
31 education as defined in section 79-807, the Department of Labor, and  
1 other entities the State Department of Education deems necessary to  
2 develop and implement the program.  
3 (2) An individual may apply for participation in the program if the  
4 individual (a) is an employee of a school district or (b) has a contract  
5 to begin working for a school district at the start of the school year  
6 for which the individual is applying for participation in the program.  
7 (3) The department shall determine requirements for completion of  
8 the program by an applicant. The requirements shall include, but need not  
9 be limited to:  
10 (a) The completion of a one-year apprenticeship in a classroom;  
11 (b) A baccalaureate degree from a standard institution of higher  
12 education; and  
13 (c) Successful completion of a subject area examination and pedagogy  
14 examination created by the department as part of the program.  
15 (4) The Commissioner of Education shall issue a certificate to teach  
16 as set forth pursuant to the rules and regulations adopted and  
17 promulgated pursuant to sections 79-806 to 79-815 to an applicant who  
18 successfully completes the program.  
19 (5) It is the intent of the Legislature to appropriate one million  
20 dollars for fiscal year 2023-24 and each fiscal year thereafter from the  
21 Education Future Fund to the State Department of Education for the  
22 program.  
23 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as

24 amended by section 23, Legislative Bill 818, One Hundred Eighth  
 25 Legislature, First Session, 2023, is amended to read:  
 26 79-1021 (1) The Education Future Fund is created. The fund shall be  
 27 administered by the department and shall consist of money transferred to  
 28 the fund by the Legislature. Any money in the fund available for  
 29 investment shall be invested by the state investment officer pursuant to  
 30 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 31 Investment Act.

1 (2) The fund shall be used only for the following purposes, in order  
 2 of priority:

3 (a) To fully fund equalization aid under the Tax Equity and  
 4 Educational Opportunities Support Act;

5 (b) To fund special education supplemental aid under the Tax Equity  
 6 and Educational Opportunities Support Act;

7 (c) To fund foundation aid under the Tax Equity and Educational  
 8 Opportunities Support Act;

9 (d) To increase funding for school districts in a way that results  
 10 in direct property tax relief, which means a dollar-for-dollar  
 11 replacement of property taxes by a state funding source;

12 (e) To provide funding for a grant program created by the  
 13 Legislature to address teacher turnover rates and keep existing teachers  
 14 in classrooms;

15 (f) To provide funding to increase career and technical educational  
 16 classroom opportunities for students. Such funding must provide students  
 17 with the academic and technical skills, knowledge, and training necessary  
 18 to succeed in future careers; ~~and~~

19 (g) To provide funding for a grant program created by the  
 20 Legislature to provide students the opportunity to have a mentor who will  
 21 continuously engage with the student directly to aid in the student's  
 22 professional growth and give ongoing support and encouragement to the  
 23 student; -

24 (h) To provide funding for extraordinary increases in special  
 25 education expenditures to allow school districts with large, unexpected  
 26 special education expenditures to more easily meet the needs of all  
 27 students; and

28 (i) To provide funding to help recruit teachers throughout the state  
 29 by utilizing apprenticeships through a teacher apprenticeship program and  
 30 an alternative certification process.

31 (3)(a) The State Treasurer shall transfer one billion dollars from  
 1 the General Fund to the Education Future Fund in fiscal year 2023-24 on  
 2 such dates and in such amounts as directed by the budget administrator of  
 3 the budget division of the Department of Administrative Services.

4 (b) The State Treasurer shall transfer two hundred fifty million  
 5 dollars from the General Fund to the Education Future Fund in fiscal year  
 6 2024-25, on such dates and in such amounts as directed by the budget  
 7 administrator of the budget division of the Department of Administrative  
 8 Services.

9 (c) It is the intent of the Legislature that two hundred fifty  
 10 million dollars be transferred from the General Fund to the Education  
 11 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

12 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,  
 13 2022, is amended to read:

14 79-1142 (1) Level I services refers to services provided to children  
 15 with disabilities who require an aggregate of not more than three hours  
 16 per week of special education services and support services and includes  
 17 all administrative, diagnostic, consultative, and vocational-adjustment  
 18 counselor services.

19 (2) The total allowable reimbursable cost for support services shall  
 20 not exceed a percentage, established by the State Board of Education, of  
 21 the school district's or approved cooperative's total allowable

22 reimbursable cost for all special education programs and support  
 23 services. The percentage established by the board for support services  
 24 shall not exceed the difference of ten percent minus the percentage of  
 25 the appropriations for special education approved by the Legislature set  
 26 aside for reimbursements for support services pursuant to subsection (5)  
 27 of this section.

28 (3) Except as provided in subsection (6) of this section, for  
 29 special education and support services provided in each school fiscal  
 30 year, the department shall reimburse each school district in the  
 31 following school fiscal year a pro rata amount determined by the  
 1 department. The reimbursement percentage shall be the ratio of the  
 2 difference of the appropriations for special education approved by the  
 3 Legislature minus the amounts set aside pursuant to subsection (5) of  
 4 this section divided by the total allowable excess costs for all special  
 5 education programs and support services.

6 (4) Cooperatives of school districts or educational service units  
 7 shall also be eligible for reimbursement for cooperative programs  
 8 pursuant to this section if such cooperatives or educational service  
 9 units have complied with the reporting and approval requirements of  
 10 section 79-1155 for cooperative programs which were offered in the  
 11 preceding school fiscal year. The payments shall be made by the  
 12 department to the school district of residence, cooperative of school  
 13 districts, or educational service unit each school year in a minimum of  
 14 seven payments between the fifth and twentieth day of each month  
 15 beginning in December. Additional payments may be made based upon  
 16 additional valid claims submitted. The State Treasurer shall, between the  
 17 fifth and twentieth day of each month, notify the Director of  
 18 Administrative Services of the amount of funds available in the General  
 19 Fund for payment purposes. The director shall, upon receiving such  
 20 certification, draw warrants against funds appropriated.

21 (5) Residential settings described in subdivision (10)(c) of section  
 22 79-215 shall be reimbursed for the educational services, including  
 23 special education services and support services in an amount determined  
 24 pursuant to the average per pupil cost of the service agency.  
 25 Reimbursements pursuant to this section shall be made from funds set  
 26 aside for such purpose within sixty days after receipt of a reimbursement  
 27 request submitted in the manner required by the department and including  
 28 any documentation required by the department for educational services  
 29 that have been provided, except that if there are not any funds available  
 30 for the remainder of the state fiscal year for such reimbursements, the  
 31 reimbursement shall occur within thirty days after the beginning of the  
 1 immediately following state fiscal year. The department may audit any  
 2 required documentation and subtract any payments made in error from  
 3 future reimbursements. The department shall set aside separate amounts  
 4 from the appropriations for special education approved by the Legislature  
 5 for reimbursements pursuant to this subsection for students receiving  
 6 special education services and for students receiving support services  
 7 for each state fiscal year. The amounts set aside for each purpose shall  
 8 be based on estimates of the reimbursements to be requested during the  
 9 state fiscal year and shall not be less than the total amount of  
 10 reimbursements requested in the prior state fiscal year plus any unpaid  
 11 requests from the prior state fiscal year.

12 (6) For each school district that received a payment pursuant to the  
 13 Extraordinary Increase in Special Education Expenditures Act in the  
 14 school fiscal year for which special education expenditures were  
 15 reimbursed pursuant to subsection (3) of this section, an amount equal to  
 16 such payment shall be subtracted from the reimbursement calculated  
 17 pursuant to subsection (3) of this section and such amount shall be  
 18 transferred to the Education Future Fund.

19 2. On page 13, line 18, strike the new matter; in line 19 reinstate

20 the stricken matter; and in lines 20 through 23 strike the new matter.  
 21 3. On page 33, line 26, strike "use funds" and insert "appropriate  
 22 ten million dollars".  
 23 4. On page 127, line 23, strike ", outcomes." and insert "and  
 24 outcomes".  
 25 5. On page 130, lines 3, 6, and 11, strike "department" and insert  
 26 "State Department of Education".  
 27 6. On page 132, after line 20 insert the following new subsection:  
 28 "(5) Nothing in this section shall be construed to supersede a  
 29 parent's ability to exercise any rights such parent has under a school  
 30 district policy established pursuant to section 79-531."; in line 24  
 31 strike "92."; and in line 27 after the sixth comma insert "93,".  
 1 7. Correct the operative date and repealer sections so that section  
 2 24 added by this amendment becomes operative on July 1, 2024, and  
 3 sections 41, 42, 51, 89, and 92 added by this amendment become operative  
 4 on their effective date with the emergency clause.  
 5 8. Renumber the remaining sections and correct internal references  
 6 accordingly.

Senator Murman filed the following amendment to LB705:  
AM1675

(Amendments to E & R amendments, ER30)

1 1. On page 48, after line 12 insert the following new subsection:  
 2 "(3) This section shall not apply to Class III school districts."

Senator Murman filed the following amendment to LB705:  
AM1680

(Amendments to E & R amendments, ER30)

1 1. Strike sections 24, 41, 42, 51, and 91 and insert the following  
 2 new sections:  
 3 Sec. 24. Section 79-8,137.05, Revised Statutes Cumulative  
 4 Supplement, 2022, is amended to read:  
 5 ~~79-8,137.05~~ (1) The Excellence in Teaching Cash Fund is created. The  
 6 fund shall consist of ~~transfers~~ appropriations by the Legislature,  
 7 transfers pursuant to section ~~1 of this act 9-812~~, and loan repayments,  
 8 penalties, and interest payments received in the course of administering  
 9 the Attracting Excellence to Teaching Program and the Enhancing  
 10 Excellence in Teaching Program.  
 11 ~~(2)~~ (2)(a) For all fiscal years beginning on and after July 1, 2024,  
 12 the commission shall allocate on an annual basis up to two hundred fifty  
 13 thousand dollars of the funds transferred pursuant to section 1 of this  
 14 act for grants to teachers pursuant to the Career-Readiness and Dual-  
 15 Credit Education Grant Program.  
 16 (b) For all fiscal years beginning on and after July 1, 2024, the  
 17 commission shall allocate on an annual basis up to five hundred thousand  
 18 dollars of the funds transferred pursuant to section 1 of this act for  
 19 grants and loans to students enrolled in a teacher education program for  
 20 student-teaching semesters.  
 21 (c) Of the funds remaining in the Excellence in Teaching Cash Fund  
 22 after the distributions pursuant to subdivisions (a) and (b) of this  
 23 subsection, for For all fiscal years, the ~~commission~~ department shall  
 24 allocate on an annual basis up to four hundred thousand dollars in the  
 25 aggregate of the funds to be distributed for the Attracting Excellence to  
 26 Teaching Program to all eligible institutions according to the  
 1 distribution formula as determined by rule and regulation. The eligible  
 2 institutions shall act as agents of the ~~commission~~ department in the  
 3 distribution of the funds for the Attracting Excellence to Teaching  
 4 Program to eligible students. The ~~commission~~ department shall allocate on  
 5 an annual basis up to eight hundred thousand dollars of the remaining  
 6 available funds to be distributed to eligible students for the Enhancing  
 7 Excellence in Teaching Program. Funding amounts granted in excess of one

8 million two hundred thousand dollars shall be evenly divided for  
9 distribution between the two programs.

10 (3) Any money in the Excellence in Teaching Cash Fund available for  
11 investment shall be invested by the state investment officer pursuant to  
12 the Nebraska Capital Expansion Act and the Nebraska State Funds  
13 Investment Act.

14 Sec. 41. (1) On or before January 15 of each school fiscal year, a  
15 school district with expected special education expenditures that total  
16 (a) at least fifty thousand dollars annually or (b) one-half percent or  
17 more of such school district's annual budget, whichever is greater, may  
18 submit an application as prescribed by the State Department of Education  
19 to the department for a payment from the Education Future Fund to cover  
20 an extraordinary increase in special education expenditures pursuant to  
21 the requirements of this section. Such application shall include the  
22 special education expenditures of the applicant school district as of the  
23 immediately preceding December 31 for the school fiscal year in which the  
24 application is submitted.

25 (2) The department shall divide the special education expenditures  
26 for the school fiscal year immediately preceding the school fiscal year  
27 in which an application is submitted by two and multiply the result by  
28 one hundred seven percent for each applicant school district.

29 (3) Each applicant school district shall qualify for a maximum  
30 payment equal to the difference of the special education expenditures for  
31 the current school fiscal year submitted pursuant to subsection (1) of  
1 this section minus the amount calculated pursuant to subsection (2) of  
2 this section for such school district for such school fiscal year.

3 (4) The department shall make a payment to each applicant school  
4 district on or before January 31 for the school fiscal year in which the  
5 application is submitted. Such payment shall equal the maximum payment  
6 determined pursuant to subsection (3) of this section, except that if the  
7 sum of all maximum payments for applicant school districts for such  
8 school fiscal year exceeds the available balance for such purpose in the  
9 Education Future Fund, each payment shall be reduced proportionally so  
10 that the sum of all payments for applicant school districts for such  
11 school fiscal year equals the available balance for such purpose in the  
12 fund.

13 Sec. 42. The department shall make a payment to each qualifying  
14 applicant school district from the Education Future Fund pursuant to  
15 section 41 of this act for an extraordinary increase in special education  
16 expenditures. The department shall reimburse the fund for each such  
17 payment from the appropriation for special education and support services  
18 reimbursements pursuant to section 79-1142 in the school fiscal year  
19 immediately following the school fiscal year in which each such payment  
20 was made. It is the intent of the Legislature to appropriate up to two  
21 million five hundred thousand dollars from the Education Future Fund for  
22 fiscal year 2023-24 and each year thereafter for payments to qualifying  
23 applicants.

24 Sec. 51. (1) The State Department of Education shall create and  
25 administer the Nebraska Teacher Apprenticeship Program. The purpose of  
26 the program is to help recruit and increase the number of teachers  
27 throughout the state by utilizing an apprenticeship model for training.  
28 The program shall provide for an applicant who successfully completes the  
29 program to obtain a certificate or permit issued by the Commissioner of  
30 Education. The department may work with standard institutions of higher  
31 education as defined in section 79-807, the Department of Labor, and  
1 other entities the State Department of Education deems necessary to  
2 develop and implement the program.

3 (2) An individual may apply for participation in the program if the  
4 individual (a) is an employee of a school approved or accredited by the  
5 State Department of Education or (b) has a contract to begin working for  
6 a school approved or accredited by the State Department of Education at  
7 the start of the school year for which the individual is applying for  
8 participation in the program.

9 (3) The department shall determine requirements for completion of



10 the program by an applicant. The requirements shall include, but need not  
 11 be limited to:

12 (a) The completion of a one-year apprenticeship in a classroom;

13 (b) A baccalaureate degree from a standard institution of higher  
 14 education; and

15 (c) Successful completion of a subject area examination and pedagogy  
 16 examination created by the department as part of the program.

17 (4) The Commissioner of Education shall issue a certificate to teach

18 as set forth pursuant to the rules and regulations adopted and

19 promulgated pursuant to sections 79-806 to 79-815 to an applicant who  
 20 successfully completes the program.

21 (5) It is the intent of the Legislature to appropriate one million

22 dollars for fiscal year 2023-24 and each fiscal year thereafter from the

23 Education Future Fund to the State Department of Education for the  
 24 program.

25 Sec. 89. Section 79-1021, Reissue Revised Statutes of Nebraska, as

26 amended by section 23, Legislative Bill 818, One Hundred Eighth

27 Legislature, First Session, 2023, is amended to read:

28 79-1021 (1) The Education Future Fund is created. The fund shall be

29 administered by the department and shall consist of money transferred to

30 the fund by the Legislature. Any money in the fund available for

31 investment shall be invested by the state investment officer pursuant to

1 the Nebraska Capital Expansion Act and the Nebraska State Funds

2 Investment Act.

3 (2) The fund shall be used only for the following purposes, in order

4 of priority:

5 (a) To fully fund equalization aid under the Tax Equity and

6 Educational Opportunities Support Act;

7 (b) To fund special education supplemental aid under the Tax Equity

8 and Educational Opportunities Support Act;

9 (c) To fund foundation aid under the Tax Equity and Educational

10 Opportunities Support Act;

11 (d) To increase funding for school districts in a way that results

12 in direct property tax relief, which means a dollar-for-dollar

13 replacement of property taxes by a state funding source;

14 (e) To provide funding for a grant program created by the

15 Legislature to address teacher turnover rates and keep existing teachers

16 in classrooms;

17 (f) To provide funding to increase career and technical educational

18 classroom opportunities for students. Such funding must provide students

19 with the academic and technical skills, knowledge, and training necessary

20 to succeed in future careers; ~~and~~

21 (g) To provide funding for a grant program created by the

22 Legislature to provide students the opportunity to have a mentor who will

23 continuously engage with the student directly to aid in the student's

24 professional growth and give ongoing support and encouragement to the

25 student; -

26 (h) To provide funding for extraordinary increases in special

27 education expenditures to allow school districts with large, unexpected

28 special education expenditures to more easily meet the needs of all

29 students; and

30 (i) To provide funding to help recruit teachers throughout the state

31 by utilizing apprenticeships through a teacher apprenticeship program and

1 an alternative certification process.

2 (3)(a) The State Treasurer shall transfer one billion dollars from

3 the General Fund to the Education Future Fund in fiscal year 2023-24 on

4 such dates and in such amounts as directed by the budget administrator of

5 the budget division of the Department of Administrative Services.

6 (b) The State Treasurer shall transfer two hundred fifty million

7 dollars from the General Fund to the Education Future Fund in fiscal year

8 2024-25, on such dates and in such amounts as directed by the budget

9 administrator of the budget division of the Department of Administrative

10 Services.

11 (c) It is the intent of the Legislature that two hundred fifty

12 million dollars be transferred from the General Fund to the Education  
13 Future Fund in fiscal year 2025-26 and each fiscal year thereafter.

14 Sec. 92. Section 79-1142, Revised Statutes Cumulative Supplement,  
15 2022, is amended to read:

16 79-1142 (1) Level I services refers to services provided to children  
17 with disabilities who require an aggregate of not more than three hours  
18 per week of special education services and support services and includes  
19 all administrative, diagnostic, consultative, and vocational-adjustment  
20 counselor services.

21 (2) The total allowable reimbursable cost for support services shall  
22 not exceed a percentage, established by the State Board of Education, of  
23 the school district's or approved cooperative's total allowable  
24 reimbursable cost for all special education programs and support  
25 services. The percentage established by the board for support services  
26 shall not exceed the difference of ten percent minus the percentage of  
27 the appropriations for special education approved by the Legislature set  
28 aside for reimbursements for support services pursuant to subsection (5)  
29 of this section.

30 (3) Except as provided in subsection (6) of this section, for For  
31 special education and support services provided in each school fiscal  
1 year, the department shall reimburse each school district in the  
2 following school fiscal year a pro rata amount determined by the  
3 department. The reimbursement percentage shall be the ratio of the  
4 difference of the appropriations for special education approved by the  
5 Legislature minus the amounts set aside pursuant to subsection (5) of  
6 this section divided by the total allowable excess costs for all special  
7 education programs and support services.

8 (4) Cooperatives of school districts or educational service units  
9 shall also be eligible for reimbursement for cooperative programs  
10 pursuant to this section if such cooperatives or educational service  
11 units have complied with the reporting and approval requirements of  
12 section 79-1155 for cooperative programs which were offered in the  
13 preceding school fiscal year. The payments shall be made by the  
14 department to the school district of residence, cooperative of school  
15 districts, or educational service unit each school year in a minimum of  
16 seven payments between the fifth and twentieth day of each month  
17 beginning in December. Additional payments may be made based upon  
18 additional valid claims submitted. The State Treasurer shall, between the  
19 fifth and twentieth day of each month, notify the Director of  
20 Administrative Services of the amount of funds available in the General  
21 Fund for payment purposes. The director shall, upon receiving such  
22 certification, draw warrants against funds appropriated.

23 (5) Residential settings described in subdivision (10)(c) of section  
24 79-215 shall be reimbursed for the educational services, including  
25 special education services and support services in an amount determined  
26 pursuant to the average per pupil cost of the service agency.  
27 Reimbursements pursuant to this section shall be made from funds set  
28 aside for such purpose within sixty days after receipt of a reimbursement  
29 request submitted in the manner required by the department and including  
30 any documentation required by the department for educational services  
31 that have been provided, except that if there are not any funds available  
1 for the remainder of the state fiscal year for such reimbursements, the  
2 reimbursement shall occur within thirty days after the beginning of the  
3 immediately following state fiscal year. The department may audit any  
4 required documentation and subtract any payments made in error from  
5 future reimbursements. The department shall set aside separate amounts  
6 from the appropriations for special education approved by the Legislature  
7 for reimbursements pursuant to this subsection for students receiving  
8 special education services and for students receiving support services  
9 for each state fiscal year. The amounts set aside for each purpose shall  
10 be based on estimates of the reimbursements to be requested during the  
11 state fiscal year and shall not be less than the total amount of  
12 reimbursements requested in the prior state fiscal year plus any unpaid  
13 requests from the prior state fiscal year.

14 (6) For each school district that received a payment pursuant to the  
15 Extraordinary Increase in Special Education Expenditures Act in the  
16 school fiscal year for which special education expenditures were  
17 reimbursed pursuant to subsection (3) of this section, an amount equal to  
18 such payment shall be subtracted from the reimbursement calculated  
19 pursuant to subsection (3) of this section and such amount shall be  
20 transferred to the Education Future Fund.  
21 2. On page 13, line 18, strike the new matter; in line 19 reinstate  
22 the stricken matter; and in lines 20 through 23 strike the new matter.  
23 3. On page 33, line 26, strike "use funds" and insert "appropriate  
24 ten million dollars".  
25 4. On page 127, line 23, strike ", outcomes," and insert "and  
26 outcomes".  
27 5. On page 130, lines 3, 6, and 11, strike "department" and insert  
28 "State Department of Education".  
29 6. On page 132, after line 20 insert the following new subsection:  
30 "(5) Nothing in this section shall be construed to supersede a  
31 parent's ability to exercise any rights such parent has under a school  
1 district policy established pursuant to section 79-531."; in line 24  
2 strike "92,"; and in line 27 after the sixth comma insert "93,".  
3 7. Correct the operative date and repealer sections so that section  
4 24 added by this amendment becomes operative on July 1, 2024, and  
5 sections 41, 42, 51, 89, and 92 added by this amendment become operative  
6 on their effective date with the emergency clause.  
7 8. Renumber the remaining sections and correct internal references  
8 accordingly.

### MOTIONS - Print in Journal

Senator M. Cavanaugh filed the following motion to LB705:

[MO1020](#)

Overrule the Speaker's agenda pursuant to Rule 1, Section 16, in order to place LB562 ahead of LB705.

Senator Murman filed the following motion to LB705:

[MO1021](#)

Bracket until June 9, 2023.

Senator Murman filed the following motion to LB705:

[MO1022](#)

Recommit to Education Committee.

Senator Murman filed the following motion to LB705:

[MO1023](#)

Indefinitely postpone.

Senator Dorn filed the following motion to LB562:

[MO1025](#)

Bracket until June 9, 2023.

Senator Dorn filed the following motion to LB562:

[MO1026](#)

Recommit to Agriculture Committee.

Senator Dorn filed the following motion to LB562:

[MO1027](#)

Indefinitely postpone.

### **VISITORS**

Visitors to the Chamber were students from York Elementary, York.

The Doctor of the Day was Dr. Theresa Hatcher of Omaha.

### **ADJOURNMENT**

At 11:32 p.m., on a motion by Senator von Gillern, the Legislature adjourned until 9:00 a.m., Tuesday, May 9, 2023.

Brandon Metzler  
Clerk of the Legislature