

THIRTY-SIXTH DAY - FEBRUARY 29, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

THIRTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, February 29, 2024

PRAYER

The prayer was offered by Pastor Jay W. West, Elkhorn.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Dorn.

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 Halloran and Raybould who were excused; and Senators Conrad, Vargas, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the thirty-fifth day was approved.

AMENDMENT(S) - Print in Journal

Senator Riepe filed the following amendment to LB905:

[AM2766](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 68-911, Revised Statutes Supplement, 2023, is
- 4 amended to read:
- 5 68-911 (1) Medical assistance shall include coverage for health care
- 6 and related services as required under Title XIX of the federal Social
- 7 Security Act, including, but not limited to:
- 8 (a) Inpatient and outpatient hospital services;
- 9 (b) Laboratory and X-ray services;
- 10 (c) Nursing facility services;
- 11 (d) Home health services;
- 12 (e) Nursing services;

13 (f) Clinic services;
14 (g) Physician services;
15 (h) Medical and surgical services of a dentist;
16 (i) Nurse practitioner services;
17 (j) Nurse midwife services;
18 (k) Pregnancy-related services;
19 (l) Medical supplies;
20 (m) Mental health and substance abuse services;
21 (n) Early and periodic screening and diagnosis and treatment
22 services for children which shall include both physical and behavioral
23 health screening, diagnosis, and treatment services;
24 (o) Rural health clinic services; and
25 (p) Federally qualified health center services.
26 (2) In addition to coverage otherwise required under this section,
27 medical assistance may include coverage for health care and related
1 services as permitted but not required under Title XIX of the federal
2 Social Security Act, including, but not limited to:
3 (a) Prescribed drugs;
4 (b) Intermediate care facilities for persons with developmental
5 disabilities;
6 (c) Home and community-based services for aged persons and persons
7 with disabilities;
8 (d) Dental services;
9 (e) Rehabilitation services;
10 (f) Personal care services;
11 (g) Durable medical equipment;
12 (h) Medical transportation services;
13 (i) Vision-related services;
14 (j) Speech therapy services;
15 (k) Physical therapy services;
16 (l) Chiropractic services;
17 (m) Occupational therapy services;
18 (n) Optometric services;
19 (o) Podiatric services;
20 (p) Hospice services;
21 (q) Mental health and substance abuse services;
22 (r) Hearing screening services for newborn and infant children; and
23 (s) Administrative expenses related to administrative activities,
24 including outreach services, provided by school districts and educational
25 service units to students who are eligible or potentially eligible for
26 medical assistance.
27 (3) No later than July 1, 2009, the department shall submit a state
28 plan amendment or waiver to the federal Centers for Medicare and Medicaid
29 Services to provide coverage under the medical assistance program for
30 community-based secure residential and subacute behavioral health
31 services for all eligible recipients, without regard to whether the
1 recipient has been ordered by a mental health board under the Nebraska
2 Mental Health Commitment Act to receive such services.
3 (4) On or before October 1, 2014, the department, after consultation
4 with the State Department of Education, shall submit a state plan
5 amendment to the federal Centers for Medicare and Medicaid Services, as
6 necessary, to provide that the following are direct reimbursable services
7 when provided by school districts as part of an individualized education
8 program or an individualized family service plan: Early and periodic
9 screening, diagnosis, and treatment services for children; medical
10 transportation services; mental health services; nursing services;
11 occupational therapy services; personal care services; physical therapy
12 services; rehabilitation services; speech therapy and other services for
13 individuals with speech, hearing, or language disorders; and vision-
14 related services.

15 (5) No later than January 1, 2023, the department shall provide
16 coverage for continuous glucose monitors under the medical assistance
17 program for all eligible recipients who have a prescription for such
18 device.

19 (6) On or before October 1, 2023, the department shall seek federal
20 approval for federal matching funds from the federal Centers for Medicare
21 and Medicaid Services through a state plan amendment or waiver to extend
22 postpartum coverage for beneficiaries from sixty days to at least six
23 months. Nothing in this subsection shall preclude the department from
24 submitting a state plan amendment for twelve months.

25 (7)(a) No later than October 1, 2025, the department shall submit a
26 medicaid waiver or state plan amendment to the federal Centers for
27 Medicare and Medicaid Services to designate two medical respite
28 facilities to reimburse for services provided to an individual who is:
29 (i) Homeless; and
30 (ii) An adult in the expansion population.

31 (b) For purposes of this subsection:
1 (i) Adult in the expansion population means an adult (A) described
2 in 42 U.S.C. 1396a(a)(10)(A)(i)(VIII) as such section existed on January
3 1, 2024, and (B) not otherwise eligible for medicaid as a mandatory
4 categorically needy individual;
5 (ii) Homeless has the same meaning as provided in 42 U.S.C. 11302 as
6 such section existed on January 1, 2024;
7 (iii) Medical respite care means short-term housing with supportive
8 medical services; and
9 (iv) Medical respite facility means a residential facility that
10 provides medical respite care to homeless individuals.

11 (c) The department shall choose two medical respite facilities, one
12 in a city of the metropolitan class and one in a city of the primary
13 class, best able to serve homeless individuals who are adults in the
14 expansion population.

15 (d) Once such waiver or state plan amendment is approved, the
16 department shall submit a report to the Health and Human Services
17 Committee of the Legislature on or before November 30 each year, which
18 provides the (i) number of homeless individuals served at each facility,
19 (ii) cost of the program, and (iii) amount of reduction in health care
20 costs due to the program's implementation.

21 (e) The department may adopt and promulgate rules and regulations to
22 carry out this subsection.

23 (f) The services described in subdivision (7)(a) of this section
24 shall be funded by the Medicaid Managed Care Excess Profit Fund as
25 described in section 68-996.

26 Sec. 2. Section 68-996, Revised Statutes Cumulative Supplement,
27 2022, is amended to read:
28 68-996 The Medicaid Managed Care Excess Profit Fund is created. The
29 fund shall contain money returned to the State Treasurer pursuant to
30 subdivision (3) of section 68-995. The fund shall first be used to offset
31 any losses under subdivision (2) of section 68-995 and then to provide
1 for services addressing the health needs of adults and children under the
2 Medical Assistance Act, including filling service gaps, providing system
3 improvements, providing medical respite services, and sustaining access
4 to care as determined by the Legislature. The fund shall only be used for
5 the purposes described in this section. Any money in the fund available
6 for investment shall be invested by the state investment officer pursuant
7 to the Nebraska Capital Expansion Act and the Nebraska State Funds
8 Investment Act.

9 Sec. 3. Section 71-428, Reissue Revised Statutes of Nebraska, is
10 amended to read:
11 71-428 (1) Respite care service means (a) a person or any legal
12 entity that provides short-term temporary care on an intermittent basis

13 to persons with special needs when the person's primary caregiver is
 14 unavailable to provide such care or (b) a residential facility that
 15 provides short-term housing with supportive medical services to homeless
 16 individuals as described in section 68-911.
 17 (2) Respite care service does not include:
 18 (a) A person or any legal entity which is licensed under the Health
 19 Care Facility Licensure Act and which provides respite care services at
 20 the licensed location;
 21 (b) A person or legal entity which is licensed to provide child care
 22 to thirteen or more children under the Child Care Licensing Act or which
 23 is licensed as a residential child-caring agency under the Children's
 24 Residential Facilities and Placing Licensure Act;
 25 (c) An agency that recruits, screens, or trains a person to provide
 26 respite care;
 27 (d) An agency that matches a respite care service or other providers
 28 of respite care with a person with special needs, or refers a respite
 29 care service or other providers of respite care to a person with special
 30 needs, unless the agency receives compensation for such matching or
 31 referral from the service or provider or from or on behalf of the person
 1 with special needs;
 2 (e) A person who provides respite care to fewer than eight unrelated
 3 persons in any seven-day period in his or her home or in the home of the
 4 recipient of the respite care; or
 5 (f) A nonprofit agency that provides group respite care for no more
 6 than eight hours in any seven-day period.
 7 Sec. 4. Original section 71-428, Reissue Revised Statutes of
 8 Nebraska, section 68-996, Revised Statutes Cumulative Supplement, 2022,
 9 and section 68-911, Revised Statutes Supplement, 2023, are repealed.

Senator Jacobson filed the following amendment to [LB852](#):
[AM2732](#)

(Amendments to Standing Committee amendments, AM2355)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 44-3601, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 44-3601 Sections 44-3601 to 44-3610 and sections 3 to 5 of this act
 6 shall be known and may be cited as the Medicare Supplement Insurance
 7 Minimum Standards Act.
 8 Sec. 2. Section 44-3602, Reissue Revised Statutes of Nebraska, is
 9 amended to read:
 10 44-3602 For purposes of the Medicare Supplement Insurance Minimum
 11 Standards Act:
 12 (1) Applicant ~~means shall mean~~:
 13 (a) In the case of an individual medicare supplement policy, the
 14 person who seeks to contract for insurance benefits; and
 15 (b) In the case of a group medicare supplement policy, the proposed
 16 certificate holder;
 17 (2) Balance bill means charging or collecting an amount in excess of
 18 the medicare-approved amount from a medicare beneficiary;
 19 ~~(3) (2) Certificate means shall mean~~ any certificate delivered or
 20 issued for delivery in this state under a group medicare supplement
 21 policy;
 22 ~~(4) (3) Certificate form means shall mean~~ the form on which the
 23 certificate is delivered or issued for delivery by the issuer;
 24 ~~(5) (4) Director means shall mean~~ the Director of Insurance;
 25 ~~(6) (5) Issuer means shall include~~ insurance companies, fraternal
 26 benefit societies, health care service plans, health maintenance
 1 organizations, and any other entities delivering or issuing for delivery
 2 in this state medicare supplement policies or certificates;

3 (7) (6) Medicare ~~means shall mean~~ the Health Insurance for the Aged
4 Act, Title XVIII of the Social Security Amendments of 1965, as then
5 constituted or later amended;

6 (8) Medicare-approved amount means the current payment rate listed
7 in the applicable fee schedule established by the federal Centers for
8 Medicare and Medicaid Services;

9 (9) (7) Medicare supplement policy ~~means shall mean~~ a group or
10 individual policy of sickness and accident insurance or a subscriber
11 contract of health maintenance organizations, other than a policy issued
12 pursuant to a contract under section 1876 of the federal Social Security
13 Act, 42 U.S.C. 1395 et seq., or an issued policy under a demonstration
14 project specified in 42 U.S.C. 1395ss(g)(1), which is advertised,
15 marketed, or designed primarily as a supplement to reimbursements under
16 medicare for the hospital, medical, or surgical expenses of persons
17 eligible for medicare; ~~and~~

18 (10) (8) Policy form ~~means shall mean~~ the form on which the policy
19 is delivered or issued for delivery by the issuer; ~~and -~~

20 (11) Supplier has the same meaning as defined in 42 C.F.R. 400.202,
21 as such regulation existed on January 1, 2024, including an entity or
22 individual that sells or rents Medicare Part B covered durable medical
23 equipment, prosthetics, orthotics, and supplies to medicare
24 beneficiaries.

25 Sec. 3. A supplier that is a nonparticipating provider in the
26 medicare program shall not balance bill a Nebraska medicare beneficiary
27 for any durable medical equipment, prosthetic, orthotic, or supply for
28 which the supplier has not accepted assignment, unless the beneficiary
29 (1) agrees in writing prior to such billing to pay the additional amount
30 and (2) pays the full amount prior to receipt of the durable medical
31 equipment, prosthetic, orthotic, or supply. Such agreement shall provide
1 notification to the beneficiary that medicare reimburses eighty percent
2 of the medicare-approved amount and that an issuer of a medicare
3 supplement policy or certificate shall not be required to reimburse the
4 supplier or the beneficiary in an amount greater than one hundred fifteen
5 percent of the medicare-approved amount for durable medical equipment,
6 prosthetics, orthotics, or supplies as provided in section 4 of this act.

7 Sec. 4. An issuer of a medicare supplement policy or certificate
8 shall not be required to reimburse a supplier or beneficiary in an amount
9 greater than one hundred fifteen percent of the medicare-approved amount
10 for durable medical equipment, prosthetics, orthotics, or supplies.

11 Nothing in this section shall be construed to prevent an issuer from
12 negotiating the level and type of reimbursement with a supplier for
13 covered durable medical equipment, prosthetics, orthotics, or supplies.

14 Sec. 5. (1) An issuer that makes a medicare supplement policy or
15 certificate available to an individual who is sixty-five years of age and
16 eligible for medicare benefits as described in 42 U.S.C. 1395c(1), as
17 such section existed on January 1, 2024, shall make at least one medicare
18 supplement policy or certificate that meets the requirements of the
19 Medicare Supplement Insurance Minimum Standards Act, available to an
20 individual who is under sixty-five years of age and eligible for and
21 enrolled in medicare by reason of disability as described in 42 U.S.C.
22 1395c(2), as such section existed on January 1, 2024.

23 (2) Premium rates for medicare supplement insurance policies or
24 certificates may differ between an individual who qualifies for medicare
25 who is sixty-five years of age or older and an individual who qualifies
26 for medicare by reason of disability and who is under sixty-five years of
27 age. Such differences in premiums shall not be excessive, inadequate, or
28 unfairly discriminatory and shall be based on sound actuarial principles
29 and be reasonable in relation to the benefits provided. The premium for
30 an individual who is under sixty-five years of age shall not exceed one
31 hundred fifty percent of the premium for a similarly situated individual

1 who is sixty-five years of age.
 2 (3) An individual who is under sixty-five years of age and is
 3 eligible for a medicare supplement policy or certificate by reason of
 4 disability as described in subsection (1) of this section shall be
 5 subject to the same open enrollment rules applicable to an individual who
 6 is sixty-five years of age and eligible for a medicare supplement policy
 7 or certificate as described in subsection (1) of this section beginning
 8 on the first day of the first month that the individual turns sixty-five
 9 years of age.
 10 Sec. 6. Section 5 of this act becomes operative on January 1, 2025.
 11 The other sections of this act become operative on their effective date.
 12 Sec. 7. Original sections 44-3601 and 44-3602, Reissue Revised
 13 Statutes of Nebraska, are repealed.

REPORT OF REGISTERED LOBBYISTS

Following is a list of all lobbyists who have registered as of February 28, 2024, in accordance with Section 49-1481, Revised Statutes of Nebraska. Additional lobbyists who have registered will be filed weekly.

(Signed) Brandon Metzler
 Clerk of the Legislature

Baird Holm LLP
 Network Branded Prepaid Card Association
 Messersmith, Kymberly
 KPMG LLP
 Thornton, Melanie
 Children's Nebraska

REPORTS

Agency reports electronically filed with the Legislature can be found on the [Nebraska Legislature's website](#).

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR 304, 305, and 306 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 304, 305, and 306.

ANNOUNCEMENT

Speaker Arch requested LB130 be passed over on Final Reading.

GENERAL FILE

LEGISLATIVE BILL 204A. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

LEGISLATIVE BILL 358A. Title read. Considered.

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

LEGISLATIVE BILL 905A. Title read. Considered.

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

SELECT FILE

LEGISLATIVE BILL 829A. Advanced to Enrollment and Review for Engrossment.

MOTION(S) - Confirmation Report(s)

Senator McDonnell moved the adoption of the Nebraska Retirement Systems Committee report for the confirmation of the following appointment(s) found on page 810:

Nebraska Investment Council
Ellen Hung, State Investment Officer

Voting in the affirmative, 34:

Aguilar	Bostar	DeKay	Hunt	Moser
Albrecht	Bostelman	Dorn	Ibach	Murman
Arch	Brandt	Erdman	Jacobson	Riepe
Armendariz	Brewer	Fredrickson	Kauth	Slama
Ballard	Cavanaugh, J.	Hansen	Linehan	von Gillern
Blood	Clements	Holdcroft	Lippincott	Walz
Bosn	Day	Hughes	McDonnell	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	DeBoer	Hardin	McKinney	Sanders
Conrad	Dungan	Low	Meyer	Wayne

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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The appointment was confirmed with 34 ayes, 0 nays, 10 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 821:

Nebraska Environmental Trust Board
Roger Helgoth

Voting in the affirmative, 36:

Aguilar	Brandt	Fredrickson	Linehan	Slama
Albrecht	Brewer	Hansen	Lippincott	von Gillern
Armendariz	Cavanaugh, J.	Holdcroft	Lowe	Walz
Ballard	Clements	Hughes	McDonnell	Wayne
Blood	Day	Hunt	Meyer	
Bosn	DeKay	Ibach	Moser	
Bostar	Dorn	Jacobson	Murman	
Bostelman	Erdman	Kauth	Riepe	

Voting in the negative, 0.

Present and not voting, 8:

Arch	Conrad	Dungan	McKinney
Cavanaugh, M.	DeBoer	Hardin	Sanders

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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The appointment was confirmed with 36 ayes, 0 nays, 8 present and not voting, and 5 excused and not voting.

Senator Bostelman moved the adoption of the Natural Resources Committee report for the confirmation of the following appointment(s) found on page 821:

Nebraska Oil and Gas Conservation Commission
John Arley Rundel

Voting in the affirmative, 33:

Aguilar	Bostar	Dorn	Jacobson	Moser
Albrecht	Bostelman	Fredrickson	Kauth	Murman
Arch	Brandt	Hansen	Linehan	Riepe
Armendariz	Brewer	Holdcroft	Lippincott	Slama
Ballard	Cavanaugh, J.	Hughes	Lowe	von Gillern
Blood	Clements	Hunt	McDonnell	
Bosn	Day	Ibach	Meyer	

Voting in the negative, 0.

Present and not voting, 10:

Cavanaugh, M.	DeBoer	Erdman	McKinney	Walz
Conrad	Dungan	Hardin	Sanders	Wayne

Excused and not voting, 6:

DeKay	Halloran	Vargas
Dover	Raybould	Wishart

The appointment was confirmed with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

Senator Linehan moved the adoption of the Revenue Committee report for the confirmation of the following appointment(s) found on page 842:

Tax Equalization and Review Commission
Jacqueline Russell

Voting in the affirmative, 32:

Albrecht	Cavanaugh, J.	Fredrickson	Kauth	Murman
Armendariz	Clements	Hansen	Linehan	Riepe
Bosn	Day	Holdcroft	Lippincott	Slama
Bostar	DeBoer	Hughes	Lowe	von Gillern
Bostelman	Dorn	Hunt	McDonnell	
Brandt	Dungan	Ibach	Meyer	
Brewer	Erdman	Jacobson	Moser	

Voting in the negative, 0.

Present and not voting, 11:

Aguilar	Blood	Hardin	Walz
Arch	Cavanaugh, M.	McKinney	Wayne
Ballard	Conrad	Sanders	

Excused and not voting, 6:

DeKay	Halloran	Vargas
Dover	Raybould	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

Senator Hansen moved the adoption of the Health and Human Services Committee report for the confirmation of the following appointment(s) found on page 842:

Division of Children and Family Services-Department of Health and Human Services
Alyssa L. Bish, Director

Voting in the affirmative, 35:

Aguilar	Brandt	DeBoer	Hunt	McDonnell
Albrecht	Brewer	DeKay	Ibach	Meyer
Arch	Cavanaugh, J.	Dorn	Jacobson	Moser
Armendariz	Cavanaugh, M.	Erdman	Kauth	Murman
Ballard	Clements	Hansen	Linehan	Riepe
Bosn	Conrad	Holdcroft	Lippincott	Slama
Bostelman	Day	Hughes	Low	von Gillern

Voting in the negative, 0.

Present and not voting, 9:

Blood	Dungan	Hardin	Sanders	Wayne
Bostar	Fredrickson	McKinney	Walz	

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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The appointment was confirmed with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 992A. Placed on Final Reading.

(Signed) Beau Ballard, Chairperson

Natural Resources

LEGISLATIVE BILL 399. Placed on General File with amendment.
[AM2702](#) is available in the Bill Room.

LEGISLATIVE BILL 867. Placed on General File with amendment.
[AM2767](#) is available in the Bill Room.

(Signed) Bruce Bostelman, Chairperson

Banking, Commerce and Insurance

LEGISLATIVE BILL 1074. Placed on General File with amendment.
[AM2560](#) is available in the Bill Room.

(Signed) Julie Slama, Chairperson

Transportation and Telecommunications

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

Patrick Haggerty, Director - Nebraska Broadband Office

Aye: 8. Bosn, Bostelman, Brandt, Cavanaugh, M., DeBoer, DeKay, Fredrickson, Moser. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Mike Moser, Chairperson

BILLS ON FINAL READING**Dispense With Reading at Large**

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB16 with 36 ayes, 4 nays, 4 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 16.

A BILL FOR AN ACT relating to occupational regulation; to amend sections 81-2103, 81-2120, and 84-617, Reissue Revised Statutes of Nebraska, and sections 84-933, 84-934, 84-940, and 84-947, Revised Statutes Cumulative Supplement, 2022; to change requirements for membership of the State Electrical Board; to provide powers and duties for the State Electrical Board; to provide for an additional use of the State Treasurer Administrative Fund; to define and redefine terms; to provide for federal preemption; to provide for applicability of provisions; to require occupational boards to make a determination regarding an applicant with a criminal conviction; to require occupational boards to issue an occupational license or government certification based on a credential, private certification, or work experience in another state or in the United States Military; to provide for jurisprudential examinations and appeals; to change provisions relating to preliminary applications by individuals with a criminal conviction; to adopt the Interior Design Voluntary Registration Act; to harmonize provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Slama
Ballard	Clements	Hansen	Lippincott	von Gillern
Blood	Conrad	Hardin	McDonnell	Walz
Bosn	Day	Holdcroft	McKinney	Wayne
Bostar	DeBoer	Hughes	Meyer	
Bostelman	DeKay	Hunt	Moser	
Brandt	Dorn	Ibach	Murman	

Voting in the negative, 1:

Albrecht

Present and not voting, 1:

Lowe

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 16A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 16, One Hundred Eighth Legislature, Second Session, 2024.

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

Voting in the affirmative, 42:

Aguilar	Brewer	Dungan	Jacobson	Riepe
Arch	Cavanaugh, J.	Erdman	Kauth	Sanders
Armendariz	Cavanaugh, M.	Fredrickson	Linehan	Slama
Ballard	Clements	Hansen	Lippincott	von Gillern
Blood	Conrad	Hardin	McDonnell	Walz
Bosn	Day	Holdercroft	McKinney	Wayne
Bostar	DeBoer	Hughes	Meyer	
Bostelman	DeKay	Hunt	Moser	
Brandt	Dorn	Ibach	Murman	

Voting in the negative, 1:

Albrecht

Present and not voting, 1:

Lowe

Excused and not voting, 5:

Dover Halloran Raybould Vargas Wishart

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

LEGISLATIVE BILL 51.

A BILL FOR AN ACT relating to state government; to amend section 81-1120.27, Reissue Revised Statutes of Nebraska; to change provisions relating to the use of the state's telecommunications system and certain long-distance calls; and to repeal the original section.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Dover Halloran Raybould Vargas Wishart

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB83 with 33 ayes, 5 nays, 6 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 83.

A BILL FOR AN ACT relating to community property; to amend section 24-517, Revised Statutes Cumulative Supplement, 2022; to adopt the Uniform Community Property Disposition at Death Act; to change provisions relating to court jurisdiction; to provide severability; and to repeal the original section.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB102 with 38 ayes, 3 nays, 3 present and not voting, and 5 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 102.

A BILL FOR AN ACT relating to land surveying; to amend sections 15-106, 23-1901, 23-1901.01, 23-1901.02, 23-1908, 23-1911, 39-1311.02, 39-1410, 76-846, 76-1902, 76-2502, 76-2503, 76-2504, 76-2505, 76-2506, 81-8,110, 81-8,110.02, 81-8,110.04, 81-8,110.08, 81-8,110.12, 81-8,110.13, 81-8,110.14, 81-8,113, 81-8,114, 81-8,115, 81-8,117, 81-8,121, 81-8,122, 81-8,122.02, 81-8,124, 81-8,125, 81-1704, 81-1716, 81-1717, 81-1718, 84-407, and 84-413, Reissue Revised Statutes of Nebraska, and sections 81-8,108, 81-8,108.01, 81-8,109, 81-8,110.01, 81-8,111, 81-8,118, 81-8,119.01, 81-8,120, 81-8,122.01, 81-8,123, 81-8,126, 81-8,127, and 81-8,184, Revised Statutes Cumulative Supplement, 2022; to change provisions relating to the Nebraska Plane Coordinate System Act and the Land Surveyors Regulation Act; to define and redefine terms; to authorize certain land surveying activities; to provide for requirements, liability, licensure, duties, organizational practice, and disciplinary action as prescribed; to change requirements for the content and filing of land surveys; to change and provide penalties; to change and provide fees; to harmonize provisions; to provide an operative date; and to repeal the original sections.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 102A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 102, One Hundred Eighth Legislature, Second Session, 2024.

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

Voting in the affirmative, 44:

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

Voting in the negative, 0.

Excused and not voting, 5:

Dover	Halloran	Raybould	Vargas	Wishart
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A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 147.

A BILL FOR AN ACT relating to property tax refunds; to amend section 77-1736.06, Revised Statutes Supplement, 2023; to change provisions relating to the notification of political subdivisions; and to repeal the original section.

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

Voting in the affirmative, 41:

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

Voting in the negative, 0.

Present and not voting, 2:

Cavanaugh, M. Hunt

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB152 with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 152.

A BILL FOR AN ACT relating to the Membership Campground Act; to amend sections 76-2102, 76-2104, 76-2106, 76-2110, and 76-2117, Reissue Revised Statutes of Nebraska; to eliminate registration requirements and a penalty under the Membership Campground Act; to harmonize provisions; to repeal the original sections; and to outright repeal sections 76-2103, 76-2105, 76-2107, 76-2108, 76-2109, 76-2114, 76-2115, and 76-2116, Reissue Revised Statutes of Nebraska.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB184 with 34 ayes, 4 nays, 5 present and not voting, and 6 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 184.

A BILL FOR AN ACT relating to juveniles; to amend sections 29-1816 and 43-274, Revised Statutes Cumulative Supplement, 2022; to provide for inadmissibility of statements made by juveniles during proceedings to transfer cases to or from juvenile court; to eliminate obsolete provisions; and to repeal the original sections.

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

Voting in the affirmative, 42:

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

Voting in the negative, 0.

Present and not voting, 1:

Wayne

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

The following bills were read and put upon final passage:

LEGISLATIVE BILL 190.

A BILL FOR AN ACT relating to county bridges; to authorize bridge project payment over a scheduled period of time extending beyond the completion date.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

LEGISLATIVE BILL 303.

A BILL FOR AN ACT relating to school funding; to amend section 79-1031, Reissue Revised Statutes of Nebraska; to change provisions relating to an annual estimate for necessary funding under the Tax Equity and Educational Opportunities Support Act; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

LEGISLATIVE BILL 307.

A BILL FOR AN ACT relating to public health; to amend sections 28-441 and 28-442, Revised Statutes Cumulative Supplement, 2022; to provide for syringe services programs; to provide for exceptions to penalties under the Uniform Controlled Substances Act relating to drug paraphernalia; and to repeal the original sections.

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

Voting in the affirmative, 30:

Aguilar	Brandt	DeBoer	Hunt	Moser
Arch	Brewer	Dorn	Jacobson	Riepe
Armendariz	Cavanaugh, J.	Dungan	Linehan	Sanders
Blood	Cavanaugh, M.	Fredrickson	McDonnell	von Gillern
Bosn	Conrad	Holdcroft	McKinney	Walz
Bostar	Day	Hughes	Meyer	Wayne

Voting in the negative, 7:

Albrecht	Hardin	Kauth	Slama
Clements	Ibach	Lippincott	

Present and not voting, 6:

Ballard	DeKay	Lowe
Bostelman	Hansen	Murman

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

LEGISLATIVE BILL 317.

A BILL FOR AN ACT relating to county assessors; to amend section 77-1311.03, Reissue Revised Statutes of Nebraska; to change provisions relating to the inspection of real property; and to repeal the original section.

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

Voting in the affirmative, 43:

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

Voting in the negative, 0.

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

LEGISLATIVE BILL 731.

A BILL FOR AN ACT relating to state government; to amend section 81-108, Reissue Revised Statutes of Nebraska; to provide for service by state agency department heads in the reserve components of the armed forces of the United States; and to repeal the original section.

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

Voting in the affirmative, 42:

Aguilar	Brewer	Dungan	Kauth	Riepe
Albrecht	Cavanaugh, J.	Fredrickson	Linchan	Sanders
Arch	Cavanaugh, M.	Hansen	Lippincott	Slama
Armendariz	Clements	Hardin	Low	von Gillern
Ballard	Conrad	Holdcroft	McDonnell	Walz
Blood	Day	Hughes	McKinney	Wayne
Bosn	DeBoer	Hunt	Meyer	
Bostar	DeKay	Ibach	Moser	
Brandt	Dorn	Jacobson	Murman	

Voting in the negative, 0.

Present and not voting, 1:

Bostelman

Excused and not voting, 6:

Dover	Halloran	Vargas
Erdman	Raybould	Wishart

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

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LBs 16, 16A, 51, 83, 102, 102A, 147, 152, 184, 190, 303, 307, 317, and 731.

BILL ON FIRST READING

The following bill was read for the first time by title:

LEGISLATIVE BILL 20A. Introduced by Wayne, 13.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 20, One Hundred Eighth Legislature, Second Session, 2024.

GENERAL FILE

LEGISLATIVE BILL 1288. Title read. Considered.

Senator Day offered Senator Raybould's [AM2695](#), found on page 816.

Senator Day moved for a call of the house. The motion prevailed with 26 ayes, 2 nays, and 21 not voting.

The Raybould amendment was adopted with 29 ayes, 6 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Senator Wayne moved for a call of the house. The motion prevailed with 30 ayes, 3 nays, and 16 not voting.

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

Voting in the affirmative, 25:

Aguilar	Brandt	Day	Hunt	Riepe
Armendariz	Brewer	DeBoer	Jacobson	von Gillern
Blood	Cavanaugh, J.	DeKay	McDonnell	Walz
Bosn	Cavanaugh, M.	Dungan	McKinney	Wayne
Bostar	Conrad	Fredrickson	Moser	Wishart

Voting in the negative, 10:

Albrecht	Bostelman	Kauth	Lowe	Murman
Ballard	Hardin	Lippincott	Meyer	Slama

Present and not voting, 6:

Arch	Holdcroft	Ibach
Hansen	Hughes	Sanders

Excused and not voting, 8:

Clements	Dover	Halloran	Raybould
Dorn	Erdman	Linehan	Vargas

Advanced to Enrollment and Review Initial with 25 ayes, 10 nays, 6 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 894. Title read. Considered.

Committee [AM2370](#), found on page 730, was offered.

Senator McKinney offered the following amendment to the committee amendment:

[FA232](#)

Amend AM2370 on page 3, line 5, add "(3) Each sheriff in Douglas, Lancaster, and Sarpy counties must possess a college degree from a four-year college in criminal justice or law enforcement." Renumber the remaining sections accordingly.

Pending.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 844. Placed on Select File.
LEGISLATIVE BILL 1394. Placed on Select File.
LEGISLATIVE BILL 1394A. Placed on Select File.
LEGISLATIVE BILL 856. Placed on Select File.

(Signed) Beau Ballard, Chairperson

Judiciary

LEGISLATIVE BILL 914. Placed on General File.
LEGISLATIVE BILL 945. Placed on General File.
LEGISLATIVE BILL 1202. Placed on General File.
LEGISLATIVE BILL 1268. Placed on General File.

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

Ann E. Ames - Crime Victim's Reparations Committee
 John Brazda - Crime Victim's Reparations Committee
 Michael D. Jones - Crime Victim's Reparations Committee

Aye: 6. Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach. Nay: 2. McKinney, Wayne. Absent: 0. Present and not voting: 0.

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

Bryan Tuma, Executive Director - Nebraska Crime Commission

Aye: 5. Bosn, DeBoer, DeKay, Holdcroft, Ibach. Nay: 3. Blood, McKinney, Wayne. Absent: 0. Present and not voting: 0.

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

Layne Gissler - Board of Parole

Aye: 6. Blood, Bosn, DeBoer, DeKay, Holdcroft, Ibach. Nay: 2. McKinney, Wayne. Absent: 0. Present and not voting: 0.

(Signed) Justin Wayne, Chairperson

PRESENTED TO THE GOVERNOR

Presented to the Governor on February 29, 2024, at 10:40 a.m. were the following: LBs 16, 16A, 51, 83, 102, 102A, 147, 152, 184, 190, 303, 307, 317, and 731.

(Signed) Sarah Skirry
Clerk of the Legislature's Office

AMENDMENT(S) - Print in Journal

Senator Hardin filed the following amendment to LB1120:
[AM2773](#)

(Amendments to Standing Committee amendments, AM2519)

1 1. On page 1, strike line 4 and insert "means real estate described
2 in 31 C.F.R. 802.211(b)(3)."; after line 16 insert the following new
3 subsection:
4 "(5) The responsibility for determining whether an affidavit is
5 required under this section rests solely with the purchaser, and no
6 individual or entity other than the purchaser shall bear any civil or
7 criminal liability under this section."; and in line 17 strike "(5)" and
8 insert "(6)".

Senator Bosn filed the following amendment to LB137:

[FA231](#)

Strike the comma after (7) on page 4, line 15.

Senator Bostelman filed the following amendment to LB61:

[FA233](#)

Amend AM2531 to strike the words ", or terrestrial fixed wireless technology and" on lines 11 and 12 of page 11.

Senator J. Cavanaugh filed the following amendment to LB541:

[FA234](#)

Strike the enacting clause.

Senator Jacobson filed the following amendment to LB1087:

[AM2760](#)

(Amendments to Standing Committee amendments, AM2512)

1 1. Strike the original sections and all amendments thereto and
2 insert the following new sections:
3 Section 1. Sections 1 to 10 of this act shall be known and may be
4 cited as the Hospital Quality Assurance and Access Assessment Act.
5 Sec. 2. For purposes of the Hospital Quality Assurance and Access
6 Assessment Act:

7 (1) Assessment means a quality assurance and access assessment
8 imposed on hospitals pursuant to section 3 of this act;
9 (2) Department means the Division of Medicaid and Long-Term Care of
10 the Department of Health and Human Services;
11 (3) Hospital means a hospital as defined in section 71-419 or a
12 rural emergency hospital as described in section 71-477;
13 (4) Medical assistance program means the medical assistance program
14 established pursuant to the Medical Assistance Act; and
15 (5) Net patient revenue means the revenue paid to a hospital for
16 patient care, room, board, and services less contractual adjustments, bad
17 debt, and revenue from sources other than operations, including, but not
18 limited to, interest, guest meals, gifts, and grants.
19 Sec. 3. (1) The department shall amend the medicaid state plan or
20 file other federal authorizing documents to establish assessments and
21 directed-payment programs for hospital inpatient and outpatient services.
22 (2) Upon approval by the federal Centers for Medicare and Medicaid
23 Services of a hospital assessment and a directed-payment program, the
24 department shall impose an assessment on hospitals to assure quality and
25 access in the medical assistance program.
26 (3) The department may establish different assessment rates based on
1 categories of hospital or hospital services as allowed by federal law.
2 (4) The department shall consult with a statewide association
3 representing a majority of hospitals and health systems in Nebraska
4 regarding the development, implementation, and annual renewal of the
5 assessments and the directed-payment programs.
6 (5) The department shall partner with a statewide association
7 representing a majority of hospitals and health systems in Nebraska to:
8 (a) Aggregate inpatient, outpatient, and clinic claims data in order
9 to establish quality improvement metrics and track progress on identified
10 metrics; and
11 (b) Design and implement quality initiatives to improve children's
12 mental health, adult mental health, maternity care, and senior care.
13 (6) The department shall adopt and promulgate rules and regulations
14 that are necessary to implement the Hospital Quality Assurance and Access
15 Assessment Act.
16 Sec. 4. (1) Except as provided in section 6 of this act, the
17 department shall collect assessments from hospitals and remit the
18 assessments to the State Treasurer for credit to the Hospital Quality
19 Assurance and Access Assessment Fund. It is the intent of the Legislature
20 that no proceeds from the fund, including the federal match, shall be
21 credited directly to the General Fund except as provided in subdivision
22 (3)(a) of section 6 of this act.
23 (2) The first quarterly payment of each fiscal year made by the
24 department shall be transferred from the General Fund. All remaining
25 quarterly payments shall be paid as provided in section 6 of this act.
26 Sec. 5. (1) Each hospital shall pay an assessment based on net
27 patient revenue for the purpose of improving the quality of, and access
28 to, hospital care in the state. The statewide aggregate assessment shall
29 equal (a) the state share of the payments authorized by the federal
30 Centers for Medicare and Medicaid Services and (b) funds for expenditures
31 as provided in subsection (3) of section 6 of this act. The statewide
1 aggregate assessment total shall not exceed six percent of the net
2 patient revenue of all assessed hospitals.
3 (2)(a) A hospital shall pay its quarterly assessment within thirty
4 days after receipt of its quarterly directed payments. Failure of a
5 hospital to remit the assessments may result in penalties, interest, or
6 legal action.
7 (b) A new hospital shall begin paying an assessment and receiving
8 directed payments at the start of the first full fiscal year after the
9 hospital is eligible for medicaid reimbursement for inpatient or

10 outpatient services. A hospital that has merged with another hospital
11 shall have its assessment and directed payments revised at the start of
12 the first full fiscal year after the merger is recognized by the
13 department. A closed hospital shall be retroactively responsible for
14 assessments owed and shall receive directed payments for services
15 provided.

16 (3) If the department determines that a hospital has underpaid or
17 overpaid assessments, the department shall notify the hospital of the
18 unpaid assessments or of any refund due. Such payment or refund shall be
19 due or refunded within thirty days after the date of the notice.

20 Sec. 6. (1) The Hospital Quality Assurance and Access Assessment
21 Fund is created. Interest earned on the fund shall be credited to the
22 fund. Any money in the fund available for investment shall be invested by
23 the state investment officer pursuant to the Nebraska Capital Expansion
24 Act and the Nebraska State Funds Investment Act.

25 (2) The department shall use the Hospital Quality Assurance and
26 Access Assessment Fund, including the matching federal financial
27 participation, for the purpose of enhancing rates paid to hospitals under
28 the medical assistance program except as allowed by subsection (3) of
29 this section. Money in the fund shall not be used to replace or offset
30 existing state funds paid to hospitals for providing services under the
31 medical assistance program.

1 (3) The Hospital Quality Assurance and Access Assessment Fund shall
2 also be used to:

3 (a) Reimburse the General Fund the amount of the first quarterly
4 payment on or before June 30 of each fiscal year;

5 (b) Reimburse the department an administrative fee of three percent
6 of the assessment, not to exceed fifteen million dollars per year, to
7 collect assessments and administer directed-payment programs established
8 by the Hospital Quality Assurance and Access Assessment Act;

9 (c) Provide the Nebraska Center for Nursing Board one-half of one
10 percent of the assessment, not to exceed two million five hundred
11 thousand dollars per year, for the expansion of clinical nursing training
12 sites as authorized in subsection (3) of section 71-1798; and

13 (d) Provide funding of three and one-half percent of the assessment,
14 not to exceed seventeen million five hundred thousand dollars per year,
15 for rates for nonhospital providers in the medical assistance program,
16 continuous eligibility for children, or the designated health information
17 exchange authorized in section 81-6,125.

18 (4) In calculating rates, the proceeds from assessments and federal
19 match not utilized under subsection (3) of this section shall be used to
20 enhance rates for hospital inpatient and outpatient services in addition
21 to any funds appropriated by the Legislature.

22 (5) The department shall collect data for revenue, discharge, and
23 inpatient days from a hospital that does not file an annual medicare cost
24 report. At the request of the department, a hospital that does not file
25 an annual medicare cost report shall submit such requested data to the
26 department.

27 (6) The department shall prohibit a medicaid managed care
28 organization from (a) setting, establishing, or negotiating reimbursement
29 rates with a hospital in a manner that takes into account, directly or
30 indirectly, a directed payment that a hospital receives under the
31 Hospital Quality Assurance and Access Assessment Act, (b) unnecessarily
1 delaying a directed payment to a hospital, or (c) recouping or offsetting
2 a directed payment for any reason.

3 (7)(a) A hospital shall not:

4 (i) Set, establish, or negotiate reimbursement rates with a managed
5 care organization in a manner that directly or indirectly takes into
6 account a directed payment that a hospital receives under the Hospital
7 Quality Assurance and Access Assessment Act; or

8 (ii) Directly pass on the cost of an assessment to patients or
9 nonmedicaid payors, including as a fee or rate increase.
10 (b) A hospital that violates this subsection shall not receive a
11 directed payment for the remainder of the rate year. This subsection
12 shall not be construed to prohibit a hospital from negotiating with a
13 payor for a rate increase.
14 Sec. 7. It is the intent of the Legislature that medicaid rates
15 paid for hospital inpatient and outpatient services and the General Fund
16 appropriations for hospital inpatient and outpatient services in the
17 medical assistance program shall not be reduced to an amount below the
18 rates paid and General Fund appropriations for these services in fiscal
19 year 2023-24.
20 Sec. 8. Assessments and directed-payment programs shall be treated
21 as a separate component in developing rates paid to hospitals and shall
22 not be included with existing rate components. The assessments and
23 directed-payment programs shall be retroactive to July 1, 2024, or the
24 effective date approved by the federal Centers for Medicare and Medicaid
25 Services.
26 Sec. 9. (1) The department shall discontinue the collection of
27 assessments when federal matching funds are unavailable. In such case,
28 the department shall terminate the collection of the assessments
29 beginning on the date such federal matching funds become unavailable.
30 (2) If collection of assessments is discontinued as provided in this
31 section, the money in the Hospital Quality Assurance and Access
1 Assessment Fund shall be returned to the hospitals from which the
2 assessments were collected on the same proportional basis as the
3 assessments were assessed for the quarter in which the assessment was
4 terminated.
5 Sec. 10. The Hospital Quality Assurance and Access Assessment Act
6 shall terminate effective January 1, 2027.
7 Sec. 11. Section 71-1798, Revised Statutes Supplement, 2023, is
8 amended to read:
9 71-1798 (1) The Nebraska Center for Nursing is established. The
10 center shall address issues of supply and demand for nurses, including
11 issues of recruitment, retention, and utilization of nurses. The
12 Legislature finds that the center will repay the state's investment by
13 providing an ongoing strategy for the allocation of the state's resources
14 directed towards nursing.
15 (2) The primary goals for the center are:
16 (a) To develop a strategic statewide plan to alleviate the nursing
17 shortage in Nebraska by:
18 (i) Establishing and maintaining a database on nursing supply and
19 demand in Nebraska, including current supply and demand and future
20 projections; and
21 (ii) Selecting priorities from the plan to be addressed;
22 (b) To convene various groups representative of nurses, other health
23 care providers, business and industry, consumers, legislators, and
24 educators to:
25 (i) Review and comment on data analysis prepared for the center;
26 (ii) Recommend systemic changes, including strategies for
27 implementation of recommended changes; and
28 (iii) Evaluate and report the results of these efforts to the
29 Legislature and the public; and
30 (c) To enhance and promote recognition, reward, and renewal
31 activities for nurses by:
1 (i) Proposing and creating recognition, reward, and renewal
2 activities; and
3 (ii) Promoting media and positive image-building efforts for
4 nursing.
5 (3) After consultation with a statewide association representing

6 hospitals and health systems that provide clinical nursing opportunities,
 7 the Nebraska Center for Nursing Board shall provide for the expansion of
 8 clinical training sites for nurses throughout the state, giving
 9 preference to areas that have lower numbers of registered nurses per
 10 capita compared to the state average, and shall provide for the
 11 development of programs that:
 12 (a) Incentivize clinical nurses to become clinical nurse faculty;
 13 (b) Incentivize nurse faculty to partner with staff nurses in the
 14 development of clinical nurse faculty;
 15 (c) Expand simulation training for nurse clinical education; and
 16 (d) Incentivize hospital facilities to support the center in
 17 carrying out this subsection.
 18 (4) The Nebraska Center for Nursing shall partner with a statewide
 19 association representing a majority of hospitals and health systems in
 20 Nebraska to increase the workforce development of nurses and other health
 21 professionals by providing at least fifty million dollars per year in
 22 private investments for statewide health care workforce development.
 23 Sec. 12. Original section 71-1798, Revised Statutes Supplement,
 24 2023, is repealed.
 25 Sec. 13. Since an emergency exists, this act takes effect when
 26 passed and approved according to law.

Senator McDonnell filed the following amendment to [LB1017](#):
[AM2769](#)

(Amendments to Standing Committee amendments, AM2683)

1 1. Strike amendment 1 and insert the following new amendment:
 2 1. On page 5, strike the new matter in lines 8 through 14 and insert
 3 "Loss or loss of use of multiple parts of the same arm, including the
 4 hand and fingers, or loss or loss of use of multiple parts of the same
 5 leg, including the foot and toes, resulting from the same accident or
 6 illness shall entitle the employee, upon request, to an evaluation to
 7 determine the employee's loss of earning capacity consistent with the
 8 process for such determination under subdivision (1) or (2) of this
 9 section, and in such cases when the employee's loss of use results in at
 10 least a fifty percent loss of earning capacity, the compensation court
 11 shall determine the employee's loss of earning accordingly."

Senator Wayne filed the following amendment to [LB894](#):
[AM2764](#) is available in the Bill Room.

EXPLANATION(S) OF VOTE(S)

Had I been present, I would have voted "aye" on final passage of LBs 16,
 16A, 51, 83, 102, 102A, 147, 152, 184, 190, 303, 307, 317, and 731.

(Signed) Anna Wishart

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Hunt name added to LB2.
 Senator Wayne name added to LB16.
 Senator Wayne name added to LB51.

Senator Wayne name added to LB52.
Senator Wayne name added to LB83.
Senator Wayne name added to LB102.
Senator Wayne name added to LB130.
Senator Wayne name added to LB147.
Senator Wayne name added to LB152.
Senator Wayne name added to LB184.
Senator Dungan name added to LB184.
Senator Bosn name added to LB184.
Senator Wayne name added to LB190.
Senator Wayne name added to LB218.
Senator Wayne name added to LB303.
Senator Wayne name added to LB307.
Senator Wayne name added to LB317.
Senator Wayne name added to LB358.
Senator Wayne name added to LB600.
Senator Wayne name added to LB829.
Senator Conrad name added to LB1166.

VISITOR(S)

Visitors to the Chamber were students from George Stone School, Lincoln; students from Sunset Hills and Rockbrook Elementaries, Omaha; members of the Jewish Community Relations Council, Omaha; students from Pershing Elementary, Lexington.

The Doctor of the Day was Dr. Dave Hoelting of Pender.

ADJOURNMENT

At 11:56 a.m., on a motion by Senator Armendariz, the Legislature adjourned until 10:00 a.m., Monday, March 4, 2024.

Brandon Metzler
Clerk of the Legislature