

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

KELLY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-third day of the One Hundred Ninth Legislature, First Session. Our chaplain for today is Pastor Daniel Potts, Christ Lincoln in Lincoln, Nebraska, a guest of Senator Jacobson. Please stand.

DANIEL POTTS: Join with me as we pray. Thank you, Heavenly Father, for the gift of this day. This is the day you have made, so let us rejoice and be glad in it. We give you thanks for the men and women here as they seek to lead our state. Lord, you've raised them up in various ways and from various places. Grant them your wisdom as they seek to care for our people. Where there's brokenness, bring healing. Where there's conflict, bring resolve. Where there's confusion, provide clarity. May this session of the Nebraska Legislature be an example to our nation of working together, leading in government, and accomplishing tasks. Lord, we live to serve you. May we do it all to your glory. We ask this all through Jesus Christ, your son, our Lord, who lives and reigns with you and the Holy Spirit. One God, now and forever. Amen.

KELLY: I recognize Senator Moser for the Pledge of Allegiance.

MOSER: Please join me in the Pledge. I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

KELLY: Thank you. I call to order the twenty-third day of the One Hundred Ninth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: There's a quorum present, Mr. President.

KELLY: Are there any corrections for the Journal?

CLERK: I have no corrections this morning, sir.

KELLY: Are there any messages, reports or announcements?

CLERK: There are, Mr. President. Your Committee on Judiciary, chaired by Senator Bosn, reports LB185 and LB195, LB341, all to General File with committee amendments. Additionally, the Judiciary Committee reports a gubernatorial appointee to the Nebraska Board of Parole. And a new LR, LR42, introduced by Senator Lonowski, that will be laid over. Additionally, your Committee on Agriculture, chaired by Senator

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

DeKay, reports LB7 and LB372 to General File, both having committee amendments. That's all I have at this time, Mr. President.

KELLY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR35, LR36, and LR37. Mr. Clerk, please proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, General File, LB196, introduced by Senator Storm. It's a bill for an act relating to motor vehicles; amends section 60-6,356; authorizes the operation of all-terrain vehicles and utility-type vehicles between the hours of sunset and sunrise if used for snow removal as prescribed; harmonizes provisions; and repeals the original section. The bill was read for the first time on January 14 of this year and referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File. I currently have nothing on the bill, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Storm, you're recognized to open.

STORM: Thank you, Mr. President. Good morning, colleagues. LB196 would provide cities and villages the opportunity to enact ordinances to allow for the use of all-terrain vehicles and utility-type vehicles to remove snow from the streets from sunset to sunrise. If a city or village decided to enact an ordinance allowing the use of ATVs or UTVs to remove snow at night, the operator would be required to have a valid "O" operator license or a farm permit, valid liability insurance, not exceed 30 miles per hour, use headlights and taillights. We have heard from cities and villages, Schuyler, Nebraska, for one example, that they have business owners that would like to utilize ATVs and UTVs to remove snow from sunset at night-- or from streets at night, but current statute only limits the use of ATVs and UTVs on roads to daytime operation. Currently, if someone wants to remove snow at night from multiple properties, they would have to load their ATVs or UTVs on a trailer to transport on city streets. In working with the League of Municipalities on this bill, they ensured us that the larger cities had, had participated in the discussions on this bill and have no plans of enacting ordinances to allow ATVs and UTVs on their roads. This bill was voted out of Transportation and Telecommunication Committee with an 8-0 vote. There was no opposition to this bill. I ask for a green vote on LB196 and advancement to Select File. Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

KELLY: Thank you, Senator Storm. Senator Brandt, you're recognized to speak.

BRANDT: Thank you, Mr. President, this came through our committee, Transportation Committee. This is a great bill. Would Senator Storm answer a question?

KELLY: Senator Storm, would you yield to some questions?

STORM: Certainly.

BRANDT: So Senator Storm, in our small communities-- well, not even small communities. First of all, would this apply to all communities in the state, including Omaha?

STORM: Yeah. They would have to pass an ordinance to allow this to take place.

BRANDT: So in other words, this is just the overriding authority. A city council would still have to pass an ordinance to allow ATVs or, or SUVs [SIC] to clear snow?

STORM: Absolutely. Yeah, they'd have to pass an ordinance.

BRANDT: Would they be able to use these on sidewalks? Could they use that ATV to scratch the snow off the sidewalk?

STORM: Yes. Yep.

BRANDT: OK. That's all I've got. Thank you.

STORM: Thank you.

KELLY: Thank you, Senators Brandt and Storm. Seeing no one else in the queue, Senator Storm, you are recognized to close, and waive closing. Members, the question is the advancement of LB196 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption-- or excuse me, advancement of the bill, Mr. President.

KELLY: LB196 advances to E&R Initial. Mr. Clerk, next item.

CLERK: Mr. President, General File, LB22, introduced by Senator Dungan. It's a bill for an act relating to medical-- to the Medical Assistance Act; amends Section 68-911 and 68-996; requires the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

Department of Health and Human Services to file a state plan amendment for evidence-based nurse home visiting services as prescribed; states intent relating to funding; and repeals the original section. The bill was read for the first time on January 9 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File. There are committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Dungan, you're recognized to open.

DUNGAN: Thank you, Mr. President. And good morning, colleagues. I'm here today to introduce to you on the floor, LB22. LB22 seeks to require Medicaid to allow to reimburse for at-home nurse visiting. Before I get into the details of this bill, I want to kind of take a second to talk about how we got to where we are today with this bill. For those who were in the body last year, you might remember that my priority legislation was a bill called Prenatal Plus. The whole thought and process behind Prenatal Plus is that one of the things we can all agree on in Nebraska is that we need healthy moms and healthy babies. Prenatal Plus sought to expand prenatal care to Medicaid moms with at-risk pregnancies in an effort to reduce adverse birth outcomes. The bill passed with broad bipartisan support, and I'm very happy to say it's finally going into effect here in Nebraska. LB22 seeks to expand the mission of continuing to make sure we have healthy moms and healthy babies here in Nebraska by allowing Medicaid to reimburse for at-home nurse visiting for that population. Nurse home visiting programs support the health and well-being of families and young children. The nurse home visiting model, contemplated by LB22, is called Family Connects, and is designed to connect mothers and newborns with a supportive resource for 3-4 visits upon discharge from the hospital. This is a voluntary program with remarkable outcomes for mother and baby. Some of the key areas covered in a visit include head-to-toe health assessment for baby, postpartum health assessment for mom, breastfeeding support, education and guidance about topics relevant to all newborns and maternal needs, assistance with connecting to a medical home and/or scheduling routine care visits, and connections to services and resources around our community as needed. Nurse home visitors have-- form trusting relationships with mothers and families to help them during an important time after their baby is born. The Family Connects program is only available currently in the Lincoln area, with a pilot program that's also been going into effect in Douglas County. LB22 seeks to get us a step closer to the goal of allowing this kind of resource to be available to Nebraskans across the entire state. Last year, we, as a Legislature, allocated \$500,000 annually for evidence-based nurse home visiting with the

unanimous inclusion of Senator Wishart's LB1125 in the budget. This appropriation will be utilized by the state to pilot nurse home visiting for new mothers and babies in the Omaha area. However, with the success that the Lincoln-Lancaster Family Connects program, we know what this impactful service needs is an ongoing funding source, such as Medicaid. Authorization from the Medicaid program to reimburse for evidence-based home visiting would allow the service to grow beyond just the Lincoln and Omaha area. The bill, as written, would utilize the targeted case management code that we opened up for pregnant women last year with LB857, my Prenatal Plus bill, and allow postpartum women to receive evidence-based nurse home visiting services to support a healthy transition to home from hospital for both mom and baby. Another positive consideration for offering this pro-- this service to postpartum mothers through Medicaid is that the extension of postpartum coverage for mothers in Nebraska last year allows the federal government to reimburse these services at a 90% match. Colleagues, the bill, as written, I understand, has a fiscal note that was a little bit bigger than we'd originally anticipated, and I want to clarify a couple things about the fiscal note before we start answering questions about this. This bill has a zero-dollar General Fund impact. Because it uses Medicaid, part of the funds come from the state and part of the funds come from a federal match from the federal government. The parts of the funds that come from the state come out of the Medicaid Excess Profit Fund, which we've heard a couple of people already talk about this year. That is a cash fund that was created specifically to ensure that we serve populations of individuals that Medicaid also seeks to serve. So the purpose of the cash fund that this is pulling from is to go for programs like this. Senator Hardin is going to be introducing the committee amendment on this. The committee amendment comes from work with stakeholders to ensure that we can both limit the population that this affects and thereby limit the fiscal note, as well. I anticipate that I will go through a little bit more about that fiscal note after the committee amendment has been introduced, but suffice to say, it drives the cost down considerably. As I'll get to in a minute, our estimates are that if this amendment is adopted, the annual cost to Nebraska coming out of the Medicaid Excess Profit Fund is \$112,500 a year. I want to repeat that again, colleagues. \$112,000 annually, in order to ensure that we can allow voluntary at-home nurse visiting for healthy moms and for healthy babies. I look forward to having a conversation about this. If anybody wants to ask any questions, I'm happy to answer. This did proceed or come out of the Health and Human Services Committee unanimously, and we had no opposition at the committee hearing. So

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

with that, I would encourage your green vote on both LB22 and the forthcoming committee amendment. Thank you, Mr. President.

KELLY: Thank you, Senator Dungan. As referenced by the Clerk, there is a committee amendment. Senator Hardin, you're recognized to open.

HARDIN: Thank you, Mr. President. AM102 to LB22 strikes language of, quote, children younger than 3 years old and replaces it with children less than 6 months of age. Also, AM102 strikes the services through the Children's Health Insurance Program and limits it to those postpartum mothers and children 6 months and younger enrolled in Medicaid. The HHS committee advanced LB22 with AM102 by a 7-0 vote. I would appreciate your green vote on AM102 to LB22. Thank you, Mr.--

KELLY: Thank you, Senator Hardin. Turning to the queue, Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, again, Mr. President. So I just wanted to speak briefly about the committee amendment and go into a little bit more detail about the reworked fiscal note. I also want to clarify a question that was just asked to me off the mic, which is who this applies to. This does apply only to those individuals who are covered by Medicaid, so this is not going to every individual. We recently, as a Legislature, had an extended Medicaid population, where we extended that postpartum coverage. But again, this would only apply to those Medicaid mothers, and that's part of the plan here. So with the committee amendment, we did 2 things. One, we reduced the age range for these visitations from 3 years all the way down to 6 months. And we did that in an effort to, again, limit the amount of time that somebody would be eligible for this, in order to ensure a responsible cost to the state. The other reason we did that is the Family Connects model, which I've spoken about being the evidence-based practice that this contemplates using, only goes up to those 6 months of coverage. So the, the evidence-based practice that is being utilized here is what the bill contemplates. In addition to reducing it from 3 years to 6 months, we also eliminated the CHIP population from this bill. The reason we did that is because if you eliminate that CHIP population and you only have it be the extended Medicaid postpartum coverage, DHHS would essentially have to bill, at that point, to the mother, not to the child. Why that's important is if you bill to that extended Medicaid population, it forces a 90% federal matching rate with only 10% coming from the state. So the fiscal note that you're provided on the underlying bill contemplates more of this blended 55% match from the, the, the feds or 56% match. The bill, as amended, would be 90% funded by the feds and only 10% from the state. So that's part of what

we were trying to do here. Looking at the fiscal note that was provided on LB22 and also looking at the fiscal note from my Prenatal Plus last year, I was working with other stakeholders, including First Five Nebraska, in an effort to come up with some estimates. What we're estimating based on some of those fiscal notes, is that the, the number of mothers covered by Medicaid per year is about 7,500. The fiscal note for LB22 estimates a utilization rate of about 25%, which we don't have any reason to dispute. I actually think that's probably high, especially for the first couple years. So the, the fiscal note we come up with here is probably even a little bit higher than it will be for the first years of uptake. But if it's 25% uptake of service, that would be 1,875 individuals using this. The fiscal note further estimates the cost of service to be about \$100 per month. No reason to dispute that. So that means the number of eligible months from the first 6 months of infancy covered by Medicaid would be about \$11,250. That places the total base cost of the program at about \$1.1 million annually. If you then contemplate that 90% federal matching rate, which would happen now that we are ensuring that's what's going to bill, that means that 90% of the funding would be \$1,012,500, leaving only a 10% cash fund from the state at \$112,500. So, we really do believe that this is a program that is not only going to help people, but is fiscally viable. In addition to that, these funds are going to be coming from that Medicaid Excess Profit Fund. The intention of this bill is to never have those dollars come from the General Fund. And I think there's been some questions. I've been asked by Senator Clements and other colleagues who are obviously concerned about the fiscal health of our state. I am happy to have conversations about that. And I have already committed to Senator Clements that we're willing to bring an amendment on Select clarifying that these funds would never come from general files [SIC]. It would only come from this cash fund. So I'm very happy to continue talking about this with folks. One last thing I wanted to point out that I didn't say during my opening. In different jurisdictions that have utilized this Family Connects model, there have been studies that have been done about the cost savings. One of the things we always have to keep in mind with these programs is what is our return on investment? My understanding is that in areas that have used Family Connects, they have seen a 480%, I believe, return on investment from these dollars. So for every \$1 spent on Family Connects, you see a \$4.80 return. That is a huge cost savings to the state of Nebraska and continues to ensure that we'll have healthy moms and healthy babies while still being financially responsible. With that, again, I would encourage your vote on AM102 and your green vote on LB22. Thank you, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

KELLY: Thank you, Senator Dungan. Senator Clements, you're recognized to speak.

CLEMENTS: Thank you, Mr. President. Would Senator Dungan yield to a question?

KELLY: Senator Dungan, would you yield to questions?

DUNGAN: Yes.

CLEMENTS: Thank you. I heard you used the term evidence-based. Could you clarify what evidence-based means for giving benefits to these people?

DUNGAN: Yeah. So there are certain models of programs that are used that are, I guess, pilot programs or, or don't have these evidence-based models, where they're a little bit less based in best practices and there's less understanding of the benefits they return. With these evidence-based practices, what that essentially means to my understanding is that these programs are using best practices that have been agreed to by stakeholders in the various arenas with which they work, and there is demonstrated benefits from the program itself. So again, this Family Connects model that we're talking about here has been implemented in other jurisdictions. I think there was maybe one in North Carolina. I'd have to talk to a couple of the people who are experts in Family Connects. But yeah--

CLEMENTS: Could, could it--

DUNGAN: It is, it is based on evidence-based practices.

CLEMENTS: Which might mean there's somebody who's identified to be at-risk, needing care. Is that right?

DUNGAN: That, that is correct. Yes.

CLEMENTS: OK. Thank you. Then I see on page 7, the intent to use Managed Care Excess Profit Funds. But do you commit to not using any general funds with this program?

DUNGAN: Yes. And I'm happy to bring an amendment that clarifies any funding for this billing only would come from the Medicaid Excess Profit Fund and not the General Fund.

CLEMENTS: Do you have any idea what the Managed Care Excess Profit Fund balance is currently?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

DUNGAN: My understanding is it's currently between \$40-45 million, but I don't have an actual number in front of me.

CLEMENTS: That's roughly what I have heard also. So it does look unlikely, but I, I would appreciate an amendment on Select. I'll be willing to support this on General File and would look forward to an amendment on Select to prohibit general funds. And so, I think that's it. Oh, well, then the fiscal note looks like a 50/50 cost was state and federal funds. How does it switch to 90/10?

DUNGAN: So my understanding is the billing depends on who DHHS decides to bill. And so if they bill to that postpartum mother on paper, it makes it that 90/10 match. If they bill to the child, that's what makes it the 55/45. And so, we're just-- we're happy to also bring an amendment if we need to that would clarify the billing has to go to the mother to ensure that 90/10% match. But my understanding is as written, that is who the billing would go to to make sure it's 90% federal funds.

CLEMENTS: And that's-- was that one reason for deleting the Children's Health Insurance Plan?

DUNGAN: That is correct. We were concerned there would be confusion about who it would be billed to. So by removing the CHIP language from that, it ensures the billing would be to the mother.

CLEMENTS: Thank you, Senator Dungan. Thank you, Mr. President.

KELLY: Thank you, Senators Clements and Dungan. Senator Dorn, you're recognized to speak.

DORN: Thank you, Lieutenant Governor. Thank you for the discussion. Some of my questions were going to be the same as Senator Clements had here. The excess profit fund, the only reason I, I guess I'm kind of interested in that-- and I'm very glad that Senator Clements and Senator Dungan have worked out a, a, a so-called amendment that-- on Select File that it would not run into any, I call it general funds. So that at some point in time in the future, if the excess profit fund does not have a funds that-- to, I call it take care of this appropriations, that then it would go into general funds. So-- but I, I, I, I do have some questions for Senator Dungan yet, I guess, if he would. Most of my questions were answered. I plan on supporting this bill and, and looking more into this when, when we get to Select File or whatever. I just looked at this bill on Friday, so didn't have a

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

chance to talk to our Fiscal Office. But would Senator Dungan yield to a question?

KELLY: Senator Dungan, would you yield to questions?

DUNGAN: Yes.

DORN: Thank, thank you. I've been, been listening to some of the explanations, the explanations and some of the discussion here, especially between you and Senator Clements. Could you, I call it for some of our new senators, could you tell us exactly what, I call it the Managed Excess Profit Fund, how that comes about at all? Do you have a little bit of-- you could add a little bit to discussion of that. If not, on Select File, we, we will have more, too, and we will talk more about it.

DUNGAN: Yeah, I mean, I can give you the very broad strokes. I, I wasn't here when that cash fund was created. My understanding is that now Speaker Arch and I think Senator Howard, who was the chair of the, of the HHS committee, worked to create a cash fund where essentially, over a certain percentage of the profits made by the managed care organizations, the MCOs, which are what we utilize here in Nebraska to operate Medicaid, goes back into a cash fund with the stated purpose of utilizing that money in an effort to help the populations that Medicaid serves and to ensure the mission of Medicaid is upheld. So my understanding is that fund is continuously replenished on an annual basis, depending on those profits. As I said before, I think we have anywhere between \$40-45 million in there right now. My understanding is at the end of this year, another \$35 million are going to go into that cash fund. So I think it's pretty healthy for the time being. And, and I think that this serves the purpose of what the cash fund was created for.

DORN: Thank, thank you. Thank you for that explanation. I, I would call that a good explanation or whatever, and stuff for-- yeah. It, it-- and part of the reason I, I-- when you sit on Appropriations, you get familiar with a little bit of these funds. But part of the reasons I'm a little bit familiar with this fund is I know-- I have had bills over the past several years that I have attempted to, I call it use some of the funding from this excess profit fund. And we need to be very careful with how we do that or our-- or what we let, I call it these funds being used for. Certain-- first off, they can only be used by certain things. So we can't, we can't use them for, I don't know, to build a prison or something like that. We can't do that. So there are only certain things. But at the same time, this is one of those

funds that yes, it is replenished quite often or with a good source of income. But we also are having things that I call it are allocated out of it. So we need to make sure that this fund is solid, sound, in very good financial shape. I do plan on supporting this bill. We'll look into more things on Select File. Very, very thankful when I visited with Senator Clements this morning that he said him and Senator Dungan had agreed to that there wouldn't-- an amendment that there would not be any general funds used for this in the future, just in case some of these other funding things don't line up. So thank you for the discussion this morning. I'll yield the rest of my time.

KELLY: Thank you, Senators Dorn and Dungan. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. And good morning, colleagues and folks that are watching. I am in support of this bill and just wanted to bring a little bit of awareness around the issue as we're talking this morning, as I lead an organization that specifically supports and looks at people that choose to be pregnant and parent, and especially that postpartum period. And so, most deaths in our state and nationally happen that first year of life, so when that baby is 1 years or younger or when that parent has just given birth. And we know that those deaths are preventable. And so the work that we're talking about in investing in access to care, having that support for that parent and that newborn is vitally important. I just want to name, as we think about implementation-- and again, I'm a support of this bill-- is that outside of the pilot that's happening in Lancaster County, there's also a pilot happening in Douglas County. And what we are seeing and as we think about our role and how we legislate and make sure that in theory, the policy matches implementation, is that in communities of color, when you are looking at home visiting pilots, they are not always as successful. And that is because the folks that are doing the home visiting do not match the identities and have that lived experience of the people that they are going to serve. There's already a lack of medical mistrust, giving the outcomes that we have seen, especially around maternal care for black women and birthing people. And so as you are sending someone into their home to provide support, there's those questions that arise from those experiences, and also around is this person coming to judge me? What does it look like in my home? Are they going to remove my kids? Because we know that kids of color are removed at higher rates from their homes and put into child welfare than our counterparts. And so as we think about how this program can operationalize, because it is vitally important, I would just encourage the body to continue to learn about what does this look like in implementation. I also am bringing a bill around

doula reimbursement, which has seen to be an effective collaboration around home visiting programs and nursing programs, to be able to serve pregnant people and birthing folks, as well. Doulas spend a lot more time with that pregnant person or that person that has just given birth, so they have a more intimate relationship. They are, they are not as a medical practitioner, but as a policy advocate-- as a, as a advocate for them, whether it's honoring their birthing plan or if that doctor is not listening, or what is it that they need in their home. And so when we think about reimbursement rates through Medicaid, the bill that I am bringing will look at that, creating a state plan amendment for doulas to be reimbursed so they can be a part of the care team and come and partner with organizations or programs like a home visiting nurse program, to be able to better serve and support that parent and that child. And so, again, I, I appreciate Senator Dungan bringing this. Again, I'm in support of this bill. And I think that there is just more context around implementation, around how we can show up to really support moms, birthing people, and babies. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Concerning LB22, I think originally when this bill came through, just due to the fiscal note, I had a hard time with accepting the bill and, and wanting to vote for it. But I appreciate the work that Senator Dungan has done with AM102 and showing some fiscal restraint and tightening the belt there a little bit and lowering the fiscal note extensively. And I think, echoing a little bit what Senator Spivey said, is yes, I think it is important that, that we also look and see new mothers, where some might need help from the government. I think this is an important bill that we can do to help those mothers who have their child and what we can do to make sure that both get a healthy start to, to life there. So I appreciate the, the bill that he brought. I'm in favor of AM102 and LB22. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen. Senator Bosn, you're recognized to speak.

BOSN: Thank you, Mr. President. I also rise in support of LB22 with the amendment and the-- also in support of the amendment that I think is forthcoming on Select File. I worked last session with Senator Dungan on some legislation in this space. I think we've seen some positive results there and we will continue to see positive results. This bill is an expansion of that, providing additional services. I

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

can tell you every time a mother comes home from the hospital with a newborn, there's a lot of unanswered questions. Having someone who's willing to come to your home, provide that support is-- it really does make a difference for those families and the success of the, the children that are growing in those homes. I think the return on investment here is probably even more than, than what's even in the handout that Senator Dungan provided. In supporting families to be set up for success, and even if it's just having someone who's willing to answer those questions that go with being a new parent, I, I think there's real value in that and, and as Nebraskans, that we want to support that and support those families. Certainly, I think the benefits of the amendment and also the clarifying language on the forthcoming amendment will really solidify some of the concerns as a fiscal conservative that some of us may have had, to really tighten this up and make sure that we're passing good legislation to help support families. Thank you, Mr. President.

KELLY: Thank you, Senator Bosn. And Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President, and good morning. Senator Dungan, would you yield to a couple of questions?

KELLY: Senator Dungan, would you yield to questions?

DUNGAN: Yes.

STORER: So I, on the, on the face of this, I, too, am supportive. Obviously, those first few months for new moms can, can be very delicate, and postpartum is a very real problem. With that being said, I do have a-- just a couple of things that I need to understand a little bit better if you, if you could. And, and perhaps, it would be just all explained under the, the meaning of what evidence-based nurse home visits are. To, to be more specific, I presume that these visits are focused primarily on mom, not baby, so we're really sort of screening for postpartum depression?

DUNGAN: Well, it's, it's a little bit broader than that. I do think that it could be-- the nurse at home visiting is for both mom and baby. And so the whole concept, I think, is a little bit broader than just postpartum depression. It's more the idea that the nurses can have 3-4-- again, if asked for, it's all voluntary-- 3-4 at-home visits, where-- address any of the concerns. They can do that head-to-toe examination of the baby, make sure there's no medical problems. They can talk to mom, connecting her with additional

services in the community from nonprofits or other organizations that might be helping her, and then also, yes, to your point, addressing issues like postpartum depression or other physical side effects that the mother may be having postpartum, for those 6-month period, right after they return home.

STORER: OK. Thank you. And the fiscal note that, that has been attached, which I understand will not affect general funds, but I presume that is just for the cost of the visits, not any follow-up care that might be needed?

DUNGAN: Yeah. So the fiscal note that's attached online, again, is going to be changed once we get this amendment on there. And we don't get an updated fiscal note until it moves to Select. And so that's why the one on the Internet is still the original fiscal note, but it would be the state and federal cost for those. It wouldn't be any follow-up cost to the mother. Like let's say they connect her with a service and she has to pay some additional money. It doesn't contemplate that. It just contemplates the state and the federal funding that would be necessary for the program to be implemented.

STORER: So really, just for the, the actual visits and the time that a nurse is in the home?

DUNGAN: That's my understanding, yes, for the reimbursement portion.

STORER: OK. So I guess my last question to that, just making sure that I have a, a comprehensive picture of what the, what the cost could be and not suggesting that doesn't-- this question is not to suggest this is a bad idea, but presumably we're going to have these visits. There's going to be-- we, we wouldn't be doing this if we didn't think some things were being missed, right, with moms and babies. So what would be the criteria then to trigger follow-up care, and has there been any estimation of that cost?

DUNGAN: So I'm, I'm going to be honest with you. I don't, I don't know the ins and outs of what triggers that follow-up care. What I will say, and this is from my conversations with the Lincoln-Lancaster County Health Department, who currently utilize this Family Connects model, is the goal of this is to reduce the follow-up care. So in the event that they go into the home and they see mom and they see baby and they identify an issue early on, the hope is that this at-home nurse visiting can address that problem, instead of mom or baby then having to go back into the hospital. And that's where you see the cost savings. And so in the other places where this has been implemented--

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

like I said, for every \$1 spent, they see that \$4.80 reduction in cost. That's because there's not the additional billing to Medicaid in the future because you're going to the hospital, you know, at 9 months, at 12 months, and those kind of things.

STORER: Gotcha. That makes sense. Thank you. Last question--

DUNGAN: Yes.

STORER: --is, this is a pilot program that would start here in Lincoln. Is that right?

DUNGAN: No. So there already is-- it already exists in Lincoln. But my understanding is it's currently all coming from Lincoln-Lancaster County funds. We, in the Legislature, last year appropriated \$500,000 for a pilot program in Douglas County. What this does is allow for that at-home nurse visiting to bill Medicaid, which gives it a more sustainable fund, which allows it to expand. And so, obviously, it would be dependent on staffing and things like that, but the concept we brought up in the hearing was we want this to extend to rural areas and not just be available in Lincoln and Omaha.

STORER: So there's nothing in the bill that limits its ability to be utilized by all Department of Healths across the state.

DUNGAN: Correct. In fact, that's the goal. We want to get it out further than just here.

STORER: OK. Thank you so much.

DUNGAN: Yep.

KELLY: Thank you, Senator Storer and Dungan. Senator Kauth, you're recognized to speak.

KAUTH: Thank you, Mr. President. And I'm so sorry, Senator Dungan. I did not give you a heads up. Can I ask you a question, please?

KELLY: Senator Dungan, would you yield to a question?

DUNGAN: I will.

KAUTH: To one of the questions-- sorry. I'm directly behind you. One of the, the concerns was that this would at some point, if those Medicaid funds goes away, be expected to come from the General Fund.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

And can we do a floor amendment right now that just says this shall not come from the General Fund?

DUNGAN: I think we could. I mean, that, that is the amendment that I've committed to doing on Select. And so it's-- honestly, it's a logistics issue. I want to make sure that we write it correctly. When you're having funding mechanisms like this, I want to make sure I work with Bill Drafters to get at language that actually works. Because what I would hate to do is write a sort of haphazard floor amendment and then have to change it again on Select. But that is the intention. We will ensure that this does-- this funding never comes from the general funds.

KAUTH: OK. Thank you.

KELLY: Thank you. Senator Kauth. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. Will Senator Dungan yield for a couple questions?

KELLY: Senator Dungan, would you yield to questions?

DUNGAN: I will.

ANDERSEN: Thank you. Kind of piggybacking off what Senator Kauth said about if the Medicaid funds go away, you say it will not come from general funds. Do we know what the order of magnitude is for planning purposes, of how-- if the Medicaid went away, what would the financial obligation be of the state?

DUNGAN: Under the current language of the bill, if the Medicaid Excess Profit Fund was depleted, what would then happen?

ANDERSEN: Yeah.

DUNGAN: As of right now, my understanding is if that Medicaid Excess Profit Fund, which this statutorily pulls the money from, ultimately hits zero, which I don't think would happen, but if that did happen, I think it would revert to the general funds. And so that's what we're talking about, is implementing an amendment that says in the event that that cash fund is depleted at some point in time, then the billings just wouldn't happen. It wouldn't come from the general funds. So if the cash fund that this is pulling from finally hits zero, which I don't think will happen again, but if that did happen, an amendment that we're going to bring would say that's it. It

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

wouldn't affect general funds after that point. So that way, there's no unintended effect on general funds down the road.

ANDERSEN: So we're just not providing the services to the people at that point.

DUNGAN: I think the services-- I mean, it depends on how individual providers would do it. I mean, that's my concern, obviously, is I don't want to stop providing services.

ANDERSEN: Sure.

DUNGAN: But it would just make it so any billing would not be able to come from that. So they--hopefully, local departments could find other ways to pay for it, whether that's from local funds or things like that. Again, I, I think it's not going to be a problem. That excess profit fund has the \$45 million in it right now. It's getting another \$35 million at the end of this year. We're talking \$112,000 out of this. And so I think it would be hard to imagine a scenario where that's completely depleted. But if it does, we'll figure out how to address the individuals at that point.

ANDERSEN: OK. Thanks. One last question, is you talked about the pilot program. Do you know what the original projected cost was and what the cost ended up being in reality?

DUNGAN: I, I don't. I mean, again, there's people from the Lincoln-Lancaster County Health Department here today out in the Rotunda, so I can go chat with them and try to get you that information for what the cost is here. For Douglas County, the pilot program, we allocated \$500,000. That's just now going into effect, it sounds like, speaking with Senator Spivey and some other folks who have a little bit more information. But I can look and see what they estimate those costs to be, but it hasn't been running long enough to see whether or not that \$500,000 is depleted.

ANDERSEN: OK. Thank you. Thank you, Mr. President.

KELLY: Thank you, Senators Andersen and Dungan. Senator Spivey, you're recognized to speak.

SPIVEY: Can you hear me now? Good. Thank you. Thank you, Mr. President. And I appreciate the, the questions just around budget and, and the implications. And I think Senator Dungan, too, did a great job explaining. And there's also an opportunity, as you look at these types of pilot programs that are being implemented, that it can become

a part of the scope of work that is just billable through Medicaid. So there's also always other revenue streams around how do you support essential services that are needed? And I just want to like underscore, exclamation mark, bold, the importance of these types of programs for families. So I, personally, I have a 2-year-old, and I personally had severe postpartum depression and anxiety. And I specifically have done a lot of communication and awareness around this, because my experience did not allow me to leave my home. I could not leave to go drive my son to his checkups. I could not leave to go get the support that I needed. And so because I had an amazing provider through Nebraska Medicine, she went over and above to ensure that I went and got the care that I needed so I can be present, supportive, and well, like truly well parents, and that my son also was not missing. And it also impacted the rest of my family. I have a ten-year-old, I have a husband. And so when you talk about having someone come in and the cost of being able to provide essential services that really ensure that the people that we say that we care about are, are actually cared for, I think we can figure this out. And so, again, I think the questions are very prudent and I appreciate the, the questions around the, the fiscal management. But this type of program, the true fiscal note that Senator Dungan named and where the revenue can come from, should absolutely be a priority and not from a scarcity place of we have to navigate and so we don't want it to impact general funds. If we are in a state that is having people make decisions to choose to be pregnant and parent, because we know that some of our reproductive rights have been scaled back and continue to be chipped away, then we have to make sure that we have the safety nets to allow them to be successful as parents. And I truly believe that these types of programs, as we think about the implementation, are those types of programs that we need to have in place and prioritize as a body and a state. Thank you, Mr. President.

KELLY: Thank you, Senator Spivey. Seeing no one else in the queue, Senator Hardin, you are recognized to close on the committee amendment, and waive. Members, the question is the adoption of AM102. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM102 is adopted. Seeing no one else in the queue, Senator Dungan, you're recognized to close.

DUNGAN: Thank you, Mr. President. And colleagues, thank you for the conversation here this morning. I think this has been really helpful and enlightening. Just to answer, I guess, one more of the questions that's come up a couple times, and I, I apologize if I, I didn't have this answer for you right on the fly. I got a couple questions about "evidence-based" and what that means. If I were to oversimplify it, essentially the, the evidence-based language comes from federal standards, with regards to whether or not something is going to be able to receive funding from the Maternal and Infant Early Childhood Home Visiting bill, federally and other programs like that. They essentially defined that, that evidence-based practices means that they have been rigorously evaluated and have demonstrated evidence of effectiveness in outcome domains such as parenting, maternal and child health, child development, school readiness, reductions in child malnour-- or maltreatment and family economic self-sufficiently-- sufficiency. Essentially, an evidence-based practice differentiates from something that's an emerging model or like a pilot program like we've already talked about. So to say this is an evidence-based practice or an evidence-based model simply shows that there have been demonstrative benefits to both mom and to baby in this at-home nurse visiting. So I, I appreciate everybody's support for this. It's very rare, colleagues, that we have issues that we all agree on when it comes to some of these things. But I really do think that when we're talking about having healthy moms and healthy babies, it's something we can all support. So I would encourage your green vote on LB22.

KELLY: Thank you, Senator Dungan. Members, the question is the advancement of LB22 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 40-- 43 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB22 advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, the next bill, General File, LB41, introduced by Senator Riepe. It's a bill for an act relating to communicable diseases; amends section 71-502.03; changes requirements relating to blood tests for pregnant women; and repeals the original section. The bill was read for the first time on January 9 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Riepe, you're recognized to open.

RIEPE: Thank you, Mr. President. Good morning, colleagues. I rise today to present LB41, a bill aimed at addressing the alarming rise in congenital syphilis cases in Nebraska by strengthening prenatal screening requirements. Over the past several years, our state has experienced a sharp increase in syphilis infections, particularly among women and newborns. Since 2017, Nebraska has seen a near 400% overall increase in syphilis cases, a 1,100% increase among females and a 1,100% increase in congenital syphilis cases. These numbers represent real families impacted by a very preventable disease. Congenital syphilis can lead to devastating outcomes, including miscarriage, stillborn, premature births, and lifelong complications for infants who survive. However, this condition is entirely preventable when pregnant women receive timely screening and treatment. The standard treatment, penicillin, can prevent transmission of administered-- if administered at the right time during pregnancy. Current Nebraska law mandates just one syphilis screening during pregnancy, at the first prenatal visit. While this is an important step, it does not account for individuals who may contract syphilis later in pregnancy. To better protect newborns, LB41 updates Nebraska's screening requirements to align with national best practices, as recommended by the American College of Obstetrics and Gynecology. The bill adds two additional screenings: one during the third trimester and one at delivery, to ensure timely detection and treatment. By and large, these tests already occur, but we are adding them to assure that they are offered in accordance to best practices. According-- accordingly, these additional screenings are already covered under Medicaid's bundled prenatal care payments, meaning this change does not impose a new financial burden on the state. Instead, it takes a proactive approach to preventing tragic and costly health complications for Nebraska families. LB41 was advanced from the Health and Human Services Committee with a unanimous 7-0 vote and includes a committee amendment, AM62. This amendment clarifies that a woman retains the ability to opt out-- I repeat, retains the ability to opt out of testing if she so chooses. That-- this ensures that while we strengthen public health protections, we also respect personal autonomy in medical decision-making. I urge your support for LB41 and the committee amendment, and I welcome questions. Thank you, Mr. President.

KELLY: Thank you, Senator Riepe. As mentioned, there is in a-- committee amendment. Senator Hardin, you're recognized to open on the committee amendment.

HARDIN: Thank you, Mr. President. AM62 to LB41 provides clarification to both the medical provider and the patient that the tests for

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

syphilis and human immunodeficiency virus are voluntary and may be declined by the patient verbally or in writing. The HHS committee advanced LB41 with AM62 by a 7-0 vote. I would appreciate your green vote on AM62 to LB41. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. Senator Spivey, you're recognized to speak.

SPIVEY: Thank you, Mr. President. Would Senator Riepe please yield to a few questions?

KELLY: Senator Riepe, would you yield to questions?

RIEPE: Yes. Yes. Yes, I will.

SPIVEY: Thank you, Senator Riepe. So I am support-- again, I work for an organization that does a ton of maternal and child health. And so, as you stated, cases of syphilis have risen for pregnant folks across our state. And so just a couple of questions around clarity. Will-- and with the amendment, will the testing information be given to that patient so that it's written versus verbally saying this is this test, do you want to decline it or not-- to make sure that there is full understanding of the implications of the tests that they are being offered?

RIEPE: I'm sorry. Would you be kind enough-- I, I had to, to counsel here.

SPIVEY: Yeah, absolutely. So I know with the amendment it said that this could be verbally declined or not, and it's an opt-out. Is there an opportunity to look at that amendment to say that the testing information is giving written, not just verbally by their practitioner to say, here's a test that we are saying that we would like you to take because of these reasons that you can opt in or not. And I asked that question because sometimes as you are pregnant and navigating the doctor's appointments and all of the tests, it's not really clear what test you're getting and why. And so I just want to make sure that it's not lost in communication and like verbal communication that's happening, but that patient has something written that they can review and then sign or not, to say, I want to opt into this test or no.

RIEPE: Are you asking that they have some kind of a handout so that they verbally see it and can, can make that-- in making that decision that they can be more--

SPIVEY: More so to the amendment. Like would you be open to saying that it's not just a verbal declination that the-- like I'm-- you're, you're pregnant, I'm your doctor. And I say, hey, we would like you to take this syphilis and HIV test. And you say, no, I'm not interested, that sometimes that can get lost in transition, that the amendment can have that it's also written, that the provider is giving that patient a written document that says, here's the testing and you can opt out, so that it's written down, versus sometimes when it's communicated verbally, that can be more difficult.

RIEPE: Thank you. I thank you for repeating that. I appreciate that very much. We can look-- take a look at that. I don't think it does any good that they write it in the medical record. It has to be some communication directly with the, the patient--

SPIVEY: For sure.

RIEPE: --that says-- it's probably 1 or 2 lines or very short paragraphs that says, we're required to offer this to you, but you are eligible to renege-- or say no?

SPIVEY: Yep. I think that would be great if that could be considered as an amendment to that verbal declination piece, just again, for clarity of information with folks.

RIEPE: Assuming it makes it out of General File, we will take a look at that on Select as we go in.

SPIVEY: OK.

RIEPE: OK. Yes.

SPIVEY: And then my other, my other question is just around specifically the HIV portion of the testing. And so actually, across Nebraska, black cisgendered women have the highest new cases of HIV. And there has been lots of conversation with folks in the field around the criminalization of HIV and what we have seen. And so as you offer this test to folks that are pregnant, they have the option to opt in for the HIV portion as well as the syphilis. Has there been any conversation with the people that testified in support or colleagues on the ground of how they can ensure accurate care and support that does not criminalize people for now having this HIV status that it-- that carries a stigma?

RIEPE: We really have not had that expanded conversation on the HIV. And at the hearing, we didn't hear much, if anything, on the HIV

portion of it. We only heard about the syphilis. So I would hope that in the communication, if it's an opt-out, that that would apply to the HIV, as well, and that maybe would be in that same communication.

SPIVEY: Yeah, absolutely. And I just think as we think about the implementation of this and, and what it looks like as it continues to move is that we see federally, HIV funding is getting cut. We know that we have cases rising. And so as we have more tests that can help detect people that are contracting HIV-- and it, and it does carry a negative stigma and people are criminalized that we think about the-- just the implementation of this and how would it-- it would impact everyday folks now, not just from knowing their status, but then the type of care that they receive. And so, just something for the body to continue to think about as this has ripples outside of just that testing component.

KELLY: That's your time, Senator.

RIEPE: OK.

SPIVEY: Thank you, Mr. President. Thank you, Senator Riepe.

RIEPE: Thank you, Senator.

KELLY: Thank you, Senators Spivey and Riepe. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. I just want to go over the fiscal note real quick with Senator Riepe, if he'd be willing to yield to a question.

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, I will.

HANSEN: Yeah, from my understanding this would still be included, you know, as part of the FMAP and Medicaid paying for most of it. But I was hoping you could just like briefly go over the fiscal note with me, because I know it looks like a total fund of \$216,000, if I'm correct, but 92 of it is just state responsibility?

RIEPE: Yes. And we're currently in negotiation with the Fiscal Office regarding that, because if it's, if it's not mandatory, then we think that that will-- that particular fiscal note will go away.

HANSEN: And I, and I agree. Thank you, Senator Riepe. I agree with them, too, that I think this-- I wouldn't be surprised as it moves along, the fiscal note will also drop if not be gone completely. So I appreciate the idea that there is an opt-out provision with this. I think it's important, like what Senator Spivey was also saying, and, and Senator Riepe, is maintaining body autonomy. And I just wanted to, to reiterate that there is, there is only one test that we have in the state of Nebraska that is mandatory, a medical procedure, and it has to do with newborn screening. It's a bill that I introduced earlier this year. I introduced it 2 years ago, as well. This is that little heel prick test that you have on your heel for the baby when they're born. Right now in the state of Nebraska, that is mandatory, the only medical procedure we have that is mandatory. And from my understanding, if you do not get it as a parent, which there are some parents in Nebraska who don't want to get it for various reasons, whether it's-- they don't want somebody having genetic information or there might be religious reasons. If you don't get it, then you will not get your birth certificate. And in some cases, they will actually forcefully take your child away from you to get this medic-- medical procedure done. So I appreciate the fact that philosophically, as a state, we have always given the option for parents and mothers, especially, the ability to opt out of certain tests if they do not want it, which I appreciate is in this bill. I would like to see us also move further with newborn screening, even though it is a very valuable test and I encourage all the parents to get it, similar to what we're doing here with this bill. But when we start mandating medical procedures, we're going down a pretty dangerous road. And so, hopefully I can get the-- get that bill on the floor and we can discuss it some more. Thank you, Mr. President.

KELLY: Thank you, Senators Hansen and Riepe. Seeing no one else in the queue, Senator Hardin, you're recognized to close on the amendment, and waive. Members, the question is the adoption of AM62. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM62 is adopted. Seeing no one else in the queue, Senator Riepe, you're recognized to close on LB41, and waive. Members, the question is the advancement of LB41 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 46 ayes, 0 nays on advancement of the bill, Mr. President.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

KELLY: LB41 advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB160, introduced by Senator Riepe. It's a bill for an act relating to the practice of barbering; amends section 71-216.01; changes requirements for applicants taking the barber examination; and repeals the original section. The bill was read for the first time on January 13 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Riepe, you're recognized to open.

RIEPE: Thank you, Mr. President. Good morning, colleagues. I rise again today to present LB160, which makes commonsense updates to Nebraska's barber examination process to ensure fairness while maintaining professional standards. Under current law, individuals who fail the barber licensing exam twice must complete an additional 500 hours of coursework before they may attempt the exam a third time. LB160 refines the process by allowing applicants, after completing 250 of the required 500 hours, to demonstrate proficiency and potentially waive the remaining coursework, provided they meet the approval of the Board of Barbers Examiners. This change gives applicants a reasonable opportunity to advance, while maintaining necessary oversight. LB160 advanced from the Health and Human Services Committee with a unanimous 7-0 vote. There is a committee amendment. However, I have proposed a white copy amendment that further clarifies the language. Senator Hardin will likely stand to explain the committee's amendment, and then I will explain my white copy amendment. And the amendment before us makes further refinements to the bill's language. The amendment clarifies the process for applications who seek to test out early and ensure the examination requirements remain consistent and fair. This legislation strikes an important balance. It upholds the integrity of barber licensing in Nebraska, while ensuring that qualified individuals are not unnecessarily delayed in entering the workforce. I urge your support for LB160 and the committee amendment. I am happy to answer questions. Thank you.

KELLY: Thank you, Senator Riepe. As the Clerk stated, there is a committee amendment. Senator Hardin, you are recognized to open on AM124.

HARDIN: Thank you, Mr. President. Committee amendment AM124 makes a technical change by clarifying that the applicant is taking the exam for the fourth time. Senator Riepe's AM189 to the committee amendment provides more clarification, which I support. The HHS Committee

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

advanced LB160 with AM124 by a 7-0 vote. I would appreciate your green vote on AM124 to LB160 and your green vote on AM189. Thank you, Mr. President.

KELLY: Thank you, Senator Hardin. As stated-- Mr. Clerk.

CLERK: Mr. President, Senator Riepe would move to amend the committee amendments with AM189.

KELLY: Senator Riepe, you're recognized to open on AM189.

RIEPE: Again, thank you, Mr. President. I rise to introduce AM189, which is a white copy amendment that replaces LB160 for the purpose of adding more popular-- or more proper legal language and remove colloquialisms maintained in the original bill. AM189 namely addresses the use of the phrase, testing or test out. This issue was brought to me-- to my attention by the Speaker's Office and my trusty staff opening their legal catharsis to correct this issue. The original bill includes 2 references to testing out: the first reference to students being allowed to receive a waiver for the partial completion of their remedial casework, which would allow them to take the exam for a third time. The second instance referred to, if said candidate successfully passes the actual barber exam after receiving the waiver and if not, what requirements they would need to fulfill to take the exam a fourth time. This amendment ensures clarity by explicitly stating that applicants may be given an opportunity to receive a waiver to take the exam after 250 hours with board approval, and, if unsuccessful, must complete the remaining hours before attempting the exam again. By refining both references to this process, the amendment removes any uncertainty while maintaining the intent of the bill. I ask for your green vote on AM189 and the-- well-- thank you, Mr. President.

KELLY: Thank you, Senator Riepe. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you, Mr. President. Would Senator Riepe yield to a question or two?

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, Senator. I will.

McKINNEY: Thank you, Senator Riepe, I'm kind of trying to understand why if somebody fails a test that they would have to go complete 500 or 250 hours, just thinking about the cost of that. Why, why couldn't they just go retake the test or keep testing?

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

RIEPE: Well, this is a-- an expectation of the Barber's Board. So I guess we would have to overrule that board if we were to say that they don't have to go back and take the 250. I personally felt that the going back and taking the 250 was-- has been and, and would continue to be at least reasonable.

McKINNEY: I just-- I'm just thinking about cost and time. If somebody spent all their time going through barber school, and then failing a test and then having to go back and re-- and take another 250 hours. That's a lot. That's a huge burden. Why could they just retake the-- like, keep taking the test?

RIEPE: Well, that would be a change we-- that would have to be an amendment, if you will, to the existing bill. And the, the body would be able to vote on that and sort of dictate back to this-- the Barber's Board that we want to have them be able to be eligible to take the exam. I think that's a reasonable request. And then if they don't pass it on the second time, I don't know whether you would be in agreement that then after that, they would take the 250 hours of training? I mean, you would only get so many shots at it.

McKINNEY: Fair. I understand you only get so many shots. It's just the 2-- going through a course, which takes a lot of time, and then failing it and having to go back and take that many hours is a, is a huge burden, especially because most of these people are working, probably have kids, and those type of things. And I just think it's a huge lift for somebody who fails a test. A lot of people aren't good test takers, so giving them an opportunity to retake the test multiple times seems fair.

RIEPE: I think that's a reasonable consideration. And quite frankly, the bill is directed to try to increase workforce in the barbering business. So I, I would not oppose that kind of an amendment that, that would allow them to take the second exam prior to the 250 hours.

McKINNEY: OK. I-- well, we could work that on Select, if you--

RIEPE: Could we?

McKINNEY: --bring it on Select.

RIEPE: I would be-- very, very much like to do that.

McKINNEY: All right. Thank you.

RIEPE: Thank you.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

KELLY: Thank you, Senator McKinney and Riepe. Seeing no one else in the queue, Senator Riepe, you're recognized to close on AM189, and waive. Members, the question is the adoption of AM189. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 43 ayes, 0 nays on adoption of the amendment, Mr. President.

KELLY: AM189 is adopted. Senator Hardin, you're recognized to close on AM124, and waive. Members, the question is the adoption of AM124. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on adoption of the committee amendment, Mr. President.

KELLY: AM124 is adopted. Senator McKinney, you're recognized to speak.

McKINNEY: Thank you. Would Senator Riepe yield to another question?

KELLY: Senator Riepe, would you yield to some questions?

RIEPE: Yes, I will.

McKINNEY: All right. So I looked at AM189 and I saw that it said they could fail twice. I think if anything, it should be 3 strikes, you're out. But then I was thinking about it again. How many times could you fail the bar?

RIEPE: As many times as you can probably afford to pay the filing fee, but I don't know. I'm not an attorney, so I don't know how many times you're eligible to take the bar. I'm quite confident you can take it at least 3 times. Some of the-- I see-- I-- one of our senators who is a legal-- and I'm assuming you passed it every time, but he does seem to know how many times you could take it.

McKINNEY: Well, just kind of thinking about-- I think Senator Sorrentino just said you could fail it 3 times. I just think in fairness, people should be able to fail that test 3 times before having to go back and take extra coursework. So-- but we could talk about it over Select.

RIEPE: May-- maybe we could put the two things together in terms of the not having to take the 250 on the second exam, and on that issue of moving that one less try, if you will, at bat, to go to 3 instead

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

of 4. I think that's reasonable, too. I don't think anything you've asked is unreasonable.

McKINNEY: All right. Thank you.

RIEPE: Thank you.

KELLY: Thank you, Senators McKinney and Riepe. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I don't know if necessarily this is the exact measure to do a little bit of a, a deeper dive on this broader issue on, but it definitely touches upon it. So I do want to at least raise the issue for the body and see if it might be something that we could work on together as the Legislature continues to address removing barriers to workforce participation, and particularly, looking at how occupational licensing can provide unnecessary restrictive barriers to people entering or staying in the workforce. This Legislature has looked at these issues over many years, starting with Senator Ebke, Senator McCollister, Senator Briese. We worked together on my priority bill in the last biennium, LB16, to do kind of a, a comprehensive revision to occupational licensure, and, and this is one small but important piece therein, in continuing the work on occupational licensure reform. And Nebraska has really led the way in regards to its treatment of this issue. It helps to provide second chance employment for Nebraskans. It helps to ensure consumer health and welfare is appropriately protected, but it also helps to advance our shared challenges in workforce development. One thing that I was really doing a deeper dive and learning more about during the interim period, if you look at other states that have taken a leadership role on occupational licensure reform, there are some very innovative concepts out there. And I can't remember right off the top of my head if it emanates from Utah or Montana or Idaho, but by way of example, what they're doing with their occupational licensure reform at this stage of the game is saying, if other states have least restrictive means or lower educational requirements, it essentially creates a presumption against states making more stringent requirements moving forward, if those other requirements have indeed helped to achieve the, the overall policy goal. So I, I understand what Senator Riepe is doing here, to try and provide more opportunities for people who struggled with some of the occupational requirements that are, are in this act. But I do just want to lift that up because even though we've done great work on occupational licensure reform, we, we still have more work to do. And it might be worth doing a deeper dive into that emerging approach to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

see how creating a presumption against additional requirements in Nebraska may, may be beneficial to all Nebraskans, from an economic liberty perspective. Thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. I think what Senator Conrad was saying was relevant, and it kind of made me think of a couple things, so I was wondering if she could yield to a question, please?

KELLY: Senator Conrad, would you yield to some questions?

CONRAD: Yes. Yes, of course.

HANSEN: Thank you. I was hoping to get your opinion. I, I kind of feel like we're both free-market capitalists.

CONRAD: Yes.

HANSEN: So why don't, why don't we just-- why do we put any kind of regulation on how many times somebody can take an exam for their-- for, for their job? Why don't we just say they can fail it as many times as they want, but the fees go to the General Fund of the state of Nebraska, which would increase our revenue. And then online, we put publicly how many times somebody has failed the test, and let the buyer then decide who they want to go to.

CONRAD: No, I, I think that you're exactly right, Senator Hansen, as we're looking at these very issues, if indeed the goal of most occupational licensure is to protect consumer safety, right. And if at any point the person who is seeking said license meets the minimum standards to carry out that profession and, and not injure consumer safety, I-- personally, I don't see what it matters how many times they take it, if they can, you know, go back to the drawing board and hone their skills, improve their education, that-- that's a good thing. And I also think that, you know, it's really important to recognize that different Nebraskans have different test-taking abilities, and that might not at-- that might trans-- that might not translate into their skill or position or ability to actually do the job on the front lines, if they struggle with a reading component or, or otherwise, for example. And I'm just kind of brainstorming off the top of my head, but I, I, I think you're right. I think there's probably a broader issue here.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

HANSEN: Thank you. I think we got a few head nods here on the floor, so I think we're on to something here. So I appreciate the banter. So, thank you, Mr. President.

KELLY: Thank you, Senators Hansen and Conrad. Senator Machaela Cavanaugh, you're recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. Good morning, colleagues. Senator Hansen, you just said the magic words: fees for general funds. So, colleagues, we have a lot of fees in this state, like a exorbitant amount of fees. And fees are not really much different than taxes. They're something that we pay and it funds government. But generally speaking, fees are created to fund a specific thing. Like your driver's license fee, it is to fund the production of your driver's license. And that is not just like printing out the plastic card, but it's, you know, the computerizing for the test and the employees and all of that. So we have these fees for your driver's license. But at some point, some legislature decided that it would be a good idea to increase that fee by \$10 over what was necessary to put into the general funds. So every time a person buys their driver's license, they are paying \$10 into the General Fund. Now, we've shifted that over the last several years because there's different things that the DMV needed money for, like an updated computer system. So we took a couple of extra dollars here and there and put it back to the DMV for those projects, but then it goes back to the General Fund. So now when you have to have an ID to vote, you are funding the General Fund. Isn't that fun? That's fun. In addition to just being a poll tax, it's a tax tax. So there's those fees. Now recently, I found out that the Historical Society of Nebraska charges a fee that you-- when you submit an application. You submit an application to have your building designated as a historical site, and you pay a fee for that application to be processed. But guess what? We've had a lot of turnover there, so not all of those applications have been processed. Actually, a substantial number of them have not been processed. But the governor's budget takes that money and appropriates it into the General Fund. So now, we are charging fees for a service that we are not giving. Isn't that fun? That's fun. Anyways, I support Senator Riepe's bill. I think that we should in-- possibly consider increasing the number of times you can fail the test. I do not think that fees should go into the General Fund. I think if the fees are greater than the service being provided that we should reduce them. Thank you, Mr. President.

KELLY: Thank you, Senator Cavanaugh. Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. I just thought I might comment on this whole fee discussion. And from my standpoint today, the General Fund, what we're finding is all of our political subdivisions are relying heavily on property taxes. And they're taxing only the people that own property, OK, that may not be utilizing any of the services to speak of, other than roads and a couple other minor things, police. But when it comes to fees, we're not talking about-- let's say, for example, a marriage license. Well, how much does it cost to issue the license? Well, that's not the, the, the total cost. How much does it take to hire all the employees, pay their salaries, pay their benefits, pay for the housing of it? I mean, right now, if you look at property taxes in the counties, they're having to raise property taxes to support the county courthouses, all the people that work there. If you were to charge a fee for each of the services that get provided and have the user pay the fee, these fees would be many, many, many times higher than they are today, because the taxpayer-- property taxpayer is paying all the other costs to support it. So when we-- you know, I'm fine on limiting the fees to actual costs, but let's figure the actual cost, not the incremental cost to issue one more license. We got to look at all the overhead. That's how a business would do it. So I'm a big believer that we need to be doing more in terms of having people pay fees for what they themselves use, to be able to reduce the cost of people who aren't using those services are paying through their property taxes. I think we've got to continue to focus on that. And the same thing with the state general funds. If we're not collecting fees for it, it's coming out of the General Fund. So I think we need to keep that in mind when we start looking at some of these fees, in that many of them probably aren't high enough. Now we've, we've got to be in line-- somewhat in line with neighboring states, which we're trying to do, but nobody's gotten too concerned about property taxes when it comes to how do we line up with neighboring states. We're way out of line with our neighboring states in terms of property tax levels, and we seem to keep missing that and seem to fail to do what we need to do to get those taxes down. Let's not lose sight of that through this session. Thank you.

KELLY: Thank you, Senator Jacobson. Seeing no one else in the queue, Senator Riepe, you're recognized to close on LB160, and waive. Members, the question is the advancement of LB160 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB160 advances to E&R Initial. Mr. Clerk.

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

CLERK: Mr. President, next bill, General File, LB296, introduced by Senator Arch. It's a bill for an act relating to education; requires the State Department of Education to create a centralized education record system for students under the jurisdiction of the juvenile court and employ registrars as prescribed; provides powers and duties to the Commissioner of Education related to issuing high school diplomas to students under the jurisdiction of the juvenile court as prescribed; changes provisions related to graduation requirements; changes provisions relating to the improvement grant program established by the State Board of Education and the authorized use of the State Department of Education Improvement Grant Fund; and repeals the original section. The bill was read for the first time on January 15 of this year and referred to the Education Committee. That committee placed the bill on General File. I have nothing currently on the bill, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Arch, you're recognized to open.

ARCH: Thank you, Mr. President. Good morning, colleagues. It's my pleasure today to introduce LB296, which is a bill that deals with the educational records of systems-involved youth. A public hearing on LB296 was held before the Legislature's Education Committee on January 28, and was advanced unanimously. Testimony in support of the bill included Kari Rumbaugh, deputy administrator for the Courts and Probation overseeing the Juvenile Probation Services Division, Dr. Alyssa Bish, director of the Children and Family Services Division at DHHS, and Brian Halstead, deputy commissioner at the Nebraska Department of Education. I mention these supporters to call your attention to the fact that this is a bill that has had the support and involvement of all 3 branches of government since its very beginning. To me, LB296 represents what I would call good government, and exemplifies the sensible policies as a state-- can't-- that the state can accomplish when all 3 branches of government work together. In the case of LB296, we all have the same objective, and that is to improve the educational outcomes for, for students who, for whatever reason, have come under the jurisdiction of a juvenile court. This bill attempts to address the barriers to communication and information-sharing that tend to impede this group of youths' ability to succeed academically. And let me just tell you exactly what this bill accomplishes. So the bill establishes a centralized database for more efficient data sharing, provides for the awarding of academic credits, provides for the registrars of the Department of Education to ensure the proper transfer of records and credits, and allows for the granting of a state-issued high school diploma. There is no General Fund impact. You're going to see an A bill, but what the A bill does--

on another day, what the A bill does is it authorizes the Department of Education to use these grant funds. There is no General Fund impact. The provisions of the bill will be covered by existing cash funds from the Nebraska Improvement Grant program that have already been appropriated to the Department of Education. That grant fund program is, is funded in part-- in large by lottery funds. It is also important to point out that the State Board of Education has identified this bill as one of its priorities for the biennium. LB296 has literally been years in the making. 5, almost 6 years, to be exact. As I explained to the members of the Education Committee, a multi-system breakdown in 2019 at the former girls YRTC set the wheels in motion for this legislation. The Geneva incident became a catalyst for many investigations and studies by the Legislature of our programs, including educational programs for our young people involved in the youth justice system. One such study was LR438, introduced in 2022 by the Health and Human Services Committee. I served as the chair for that committee at that time. LR438 involved a series of roundtable discussions which included members of the Legislature, the former education commissioner and representatives of the Department of Education, the former CEO of DHHS and representatives from that agency, and current State Court Administrator Corey Steel, and representatives from the courts and probations. From those discussions came LB708, introduced by myself in 2023. Under that bill, which was eventually amended into LB705 and passed, the Department of Education, DHHS, Office of Probation Administration, and the State Court Administrator were required to enter into a memorandum of understanding for the sharing of data relevant to students who are under the jurisdiction of a juvenile court, which includes those in foster care and those in our YRTC system. Included in the MOU was a directive for the Department of Education to contract with an outside consultant with expertise in the education of court-involved students. The Department of Education contracted with Bellwether, which, as the consultant, which, as the consultant, I think did an amazingly thorough job visiting facilities, conducting interviews with students and families, bringing the participating agencies together to form working groups, and finally, issuing a report that provided recommendations on policy issues as defined in the enabling legislation. Some of Bellwether's recommendations did not require legislation, but the centralized education records system called for in LB296 is key to ensure educational records for students under the jurisdiction of a juvenile court are properly and timely transferred while adhering to strict confidentiality standards. Many students who fall under the jurisdiction of a juvenile court move between multiple school districts and education systems. And unsurprising, the

Bellwether group found that some student failure can be attributed to a lag in record transfers or in the loss of records altogether. Missing credit hours necessitates students retaking all or portions of classes, causing them to become frustrated, disillusioned, and eventually unmotivated to succeed academically. LB296 aims to change that by making sure these students who are already facing plenty of challenges are not put at an additional disadvantage by inaccurate and inaccessible education records. The proposals put forth in LB296 have been a lengthy and collaborative effort by all 3 branches of government and by multiple individuals within those branches, and with the common goal of giving every Nebraska student the opportunity to succeed. I ask that the Legislature take the next step forward in this process and advance LB296 to Select File. And I want to talk just a little bit more about the problem that, that we're facing. Interesting statistics. So-- and these are statistics from the Nebraska Department of Education. 4-year graduation rates for all students, K-12-- or I should say what, 9-12. 4-year graduation rates of all students is 87% in the general population compared to-- what would you guess-- 15.6% for system-involved youth. 87% compared to 15.6% for system-involved youth. The dropout rate: all students, 1.4%; systems-involved youth, 8%. Chronic absenteeism rate: All students, 28.6%; systems-involved students, 68.5%. So you can see the big disparity. We have kids-- youth in our system who are discouraged. They-- the transferring and moving between high schools is an impediment. The credits aren't following them. We don't know exactly-- there's a lot of good people trying very hard to address this issue, but we realize that technology, I think, probably has a better solution to this. And so we've turned to that, embraced by all-- really all of the, all of the branches of government. And I will, and I will tell you, from the Bellwether report, they, they indicated that if Nebraska is able to pull this off, that we will be the leader in the United States for addressing this. We have-- it, it requires really, all branches of government working together to address this and we have highly motivated people right now to do that. So with that, I'll stop and I'd be happy to answer any questions.

KELLY: Thank you. Speaker Arch. Senator Conrad, you're recognized to speak.

CONRAD: Thank you, Mr. President, and good morning, friends. I would like to rise in support of LB296, and I voted to advance it out of committee. I really appreciate Speaker Arch's leadership on this critical issue that he's been involved in for many, many years. And this issue really first appeared on my radar screen over the last biennial, as we had some legislation move through the Education

Committee on, on these very topics. And this is a long, long overdue resolution to an issue that has been identified in Nebraska for many, many years. And without the Speaker's leadership, I shudder to think about whether or not we would find a constructive path, path forward. So I, I truly commend his effort here and am definitely supportive of the legislation. However, something occurred to me as I was listening to the testimony from the different governmental entities at the committee level that I wanted to make sure to put in the record. So I do have some concerns generally, about the timeline and about existing resources and about whether or not taxpayers are getting a good value from their government. So when you look at system-impacted youth and this impacts some kids in foster care, some kids in the juvenile justice system, we're talking about a relatively small group of kids, kids with high needs, nevertheless. But according to March 2024 statistics, in Nebraska, we have about roughly 4,000 kids in the foster care system. According to statistics from the Nebraska judicial branch-- the most recent I could find was 2021-- we had about 6,800 kids that were arrested and in the juvenile justice system, and we had about 3,000 kids that were, were part of youth probation. Now, the vast majority of those kids that were arrested were for misdemeanors or for status offenses and there's a, a much smaller group of kids involved in, in more serious activity. So think about it. We've got about 4,000 kids in foster care. We have, you know, a few thousand kids in the juvenile justice system. And this issue has been on our radar screen since the significant breakdown at the YRTC Geneva in 2019. But at the committee level, the Department of Education actually indicated that they had been working on this issue since 2009, to various degrees. So we've got a small amount of system-impacted kids. And then we've got the health-- Department of Health and Human Services with a \$5 billion budget and 4,800 FTEs. We've got the Department of Ed with a \$2.3 billion budget and 557 FTEs. We've got the Supreme Court with a \$250 million budget and 1,500 FTEs. We have some of the largest entities of state government that are significantly resourced, we have a small, finite amount of kids that are facing these issues with the transfer of their educational record, and this issue has been on our radar screen for either 6 years or 16 years, depending upon how you calculate it. And so, rather than being able to find a solution within all of those smart and caring people being paid for by taxpayer resources, then we have to hire a consultant and expend more taxpayer resources to figure out how to address this issue. I, I find that pretty frustrating and an indictment on the lack of resourcefulness for these large governmental entities to figure out a way to address this issue for a small amount of kids over the course of many years. So, again, but for the

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

Speaker's leadership in bringing this group together and figuring out a path forward, we would still be mired in uncertainty and it would impact Nebraska's most vulnerable youth. But we should think very, very, very carefully about the amount of funds being expended on the taxpayers' dime to hire outside consultants to fix issues that should squarely be within the purview and resource of our existing largest state agencies that should have been able to figure this out a long time ago. So thank you, Mr. President.

KELLY: Thank you, Senator Conrad. Senator Andersen, you're recognized to speak.

ANDERSEN: Thank you, Mr. President. Would the Speaker be willing to entertain a couple questions?

KELLY: Speaker Arch, would you yield to some questions?

ARCH: Yes.

ANDERSEN: Sir, the first question, is there a provision for the security of the juveniles' records, a way to keep them proprietary, confidential? I didn't see it in the bill.

ARCH: Yes. So, so what-- the database is actually created. The database already exists. It's called ADVISER, and it is within the Department of Education. Currently, right now, public schools are reporting all of this information into this comprehensive database. And it is a database primarily developed for the reporting to federal government on, on the outcomes and results, so forth. And so, that is already secured. That is, that is-- the database is already in place, and so my response to you is yes. What isn't there is the identification of these, of these youth that are in the court systems.

ANDERSEN: Thank you. And one last question is on page 7, it talks about if a-- about the State Board of Education can actually issue a state high school diploma. Is that a standard practice? I've never heard of it, so.

ARCH: No, it is not. And this gives them the authority to do that. So what, what happens right now is youth may move between various districts.

ANDERSEN: Sure.

ARCH: And, and they-- maybe they end up at a-- in a school district in the, in the last half of their senior year. And, and that school

district has requirements for graduation. Those-- that school district may actually exceed the requirements for graduation that the state has, so the minimum threshold, but they can go beyond that. If that's the case, sometimes these youth do not meet the qualifications for having that issued by that particular public school. They-- at the, at the request of the student or the family may request the state to issue a state diploma, which is different than a GED. And so now, they have a high school diploma. If-- and, and this is really what is behind it all here, there are registrars now that will, that will track-- within NDE, there are registrars. Once they're, once they're notified that this individual is now in the court system, these individuals are flagged and these registrars will start tracking credits to make sure that if they get to that point and that particular high school is not able to issue a diploma to that youth, that based upon the credits that they see in their system and what the-- what that has been throughout their career in school that the state would be able to do that, based upon minimum standards that the state has, has issued. So it is not automatic if you ask for it, you get a diploma. You still have to meet those minimum standards, but the registrars within NDE will know if that has been met.

ANDERSEN: Thank you. And that will be accepted by any accredited 2- or 4-year college/institution?

ARCH: My understanding is it is a, it is a high school diploma. And so again, the college will have to review what courses did you take--

ANDERSEN: Sure.

ARCH: --but they will be the minimum required by the state.

ANDERSEN: Thank you.

KELLY: Thank you, Senators Andersen and Arch. Senator DeKay, you're recognized to speak.

DeKAY: Thank you, Mr. President. Would Senator Arch yield to a question?

KELLY: Senator Arch, would you yield?

ARCH: Yes.

DeKAY: Yes. There are 4,000 students presently in the foster care system. And we talked a little bit about how those numbers will accumulate going forward. Could you expand on that a little bit?

ARCH: Sure. So, so as this system becomes live, the courts will identify who is in that system. Those, those, those individuals will be flagged. Once they are indicated in the system, then, then they will be tracked. Interesting what has happened in the past is, for instance, OPS. Omaha Public School system, which, which has a large number of kids in, in, you know-- I mean just their population is, is much larger than most school districts. They have a large number of kids in the, in the system. They had an individual embedded within the-- within OPS that was individually then, calling other school districts and saying hey, this, this, this youth is coming to you. You see, when, when a, when a youth is transferred within the foster care system, the school system doesn't even know that the youth is coming. They found a placement for the youth. They then are notified. The youth shows up the next morning for school. It's at that point, they go, well, what have been the credits? How many courses has issued-- what, what courses should this youth be enrolled in? Now they're going to be able to go and, and get that information immediately and not depend upon a very well-intentioned individual in the, in the school system to fax them the information, to scan the records, to, to-- you know. And if that child has moved into, into various school districts over their career, it becomes increasingly complex. And so this is what it will do. So, you're correct. Once the child is identified within that system, that child will be tracked, even though, for instance, that child may, may move from out-of-home placement back to home. They're still going to be tracked, so that at the end of their, at the end of their high school time, we will know, can we-- can a diploma be issued. That diploma is so important to that youth and, and so different than even a GED, which is of value, but the diploma itself is, is of a higher standard and a higher value for that youth.

DeKAY: Thank you. Thank you, Mr. President.

KELLY: Thank you, Senators DeKay and Arch. Senator Storer, you're recognized to speak.

STORER: Thank you, Mr. President. I will be brief, but I just want to speak-- I'm, I'm encouraged to see Senator Arch bring this. I just want to speak to it from a little different face and perspective. I actually was, for 2 years, a teacher in a shelter classroom, and so I was the teacher receiving these students. Maybe show up that morning, and there was 1 or 2 kids you didn't know were even going to be there, so scrambling to find their school records, trying to get a hold of teachers, taking, you know-- that was never an easy process. Those kiddos might, might have been in my classroom for 2 days. They might have been there for 2 weeks or 2 months. And so the, the ability to

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

have a centralized database that you can just go in, identify what classes they're already in, where they're at, to get them started, and then, and then pass along their academic results from, from that, that classroom that may be very temporary for them, I think would be huge. These are obviously kids that are, that are at risk, and trying to get them the value of a diploma at the end of the day is, is monumental, so just wanted to put some very personal comments to it. So thank you, Speaker Arch.

KELLY: Thank you, Senator Storer. Seeing no one else in the queue, Speaker Arch, you're recognized to close.

ARCH: Thank you, Mr. President. I, I appreciate the support. I think this is a very important bill. It's going to affect a number of students. And these are the, these are the youth that we want to make sure they don't get lost, lost in the system, lost in our society, unable to get a good job. We, we need to help these students. I want to respond to a couple things that Senator Conrad said, because I think she's absolutely spot-on, on, on a couple of things here. One has to do with the use of consultants in our, in our process here. The hiring of Bellwether was a \$400,000 bill. And, and in, in-- I've had experience with the hiring of consultants. A lot of times, we will pass bills that will say, and they are required to go find a consultant. And then the A bill shows up and it says \$400,000. The A bill is \$400,000 is available to hire a consultant. And so the agency, the department, whoever it is, goes out and searches for a consultant. Well, the A bill is public information. All right. And so, and so there aren't 10 different consultants that can be hired to do this type of work on education that have the experience that are specified within there. And so, and so it is-- we-- you know, they go out and they search for the consultant. And, and the consultant says, well, that'll cost you \$500,000. I'm just being, I'm just being arbitrary here, with a number. But the consult-- you-- \$500,000. And you say, well we only have \$400,000 budgeted. And the response is, well, I can do it for \$400,000. Or I've had the experience where it was actually like, well, that'll cost \$500,000, and it was like, well, we only have \$250,000 budgeted. Oh, I can do it for \$250,000. Remarkable. You know, this process that we have in the hiring of consultants when you have public information, it is what it is. Now, I will tell you that we did receive a comment, and it was a, it was a quote. Here, I'll read you the quote from a leadership team member. Why did-- why, why did it take this to get, to get a, a good outcome? Here's what it says: It often takes an outside organization or entity to, quote, force everyone into the same room to come to conclusions to solve problems. While each MOU partner supports students in their own ways, it wasn't

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

until we were tasked with finding solutions to a complex problem that results came to fruition. Having access to evidence-based options, seeing how other states have responded to similar issues, and analyzing Nebraska-based examples, grounding us in the quote, why, led to a strong end product. One of the advantages of hiring consultants, as well, has to do with just the reality of all the agencies, everybody involved in this process have full-time jobs, and this outside agency or this outside consultant helps you stay on task. We're going to have a meeting next Tuesday, and we all need to be in the room to get that done. And it helps you stay on task while the other employees are continuing to do their full-time job and trying to get this large project done. So I, I just-- I mean, I, I understand that if there is a way that we can improve the process on the hiring of consultants, recognizing that there's, there's value in the hiring of consultants but how we can improve that process, that's a very worthwhile discussion to be had. So with that, I will, I will stop and ask for your green vote, if you're willing, on LB296. Thank you very much, Mr. President.

KELLY: Thank you, Senator Arch. Members, the question is the advancement of LB296 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Record, Mr. Clerk.

CLERK: 43 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB296 advances to E&R Initial. Mr. Clerk.

CLERK: Mr. President, General File, LB335, introduced by Senator Conrad. It's a bill for an act relating to the In the Line of Duty Dependent Education Act; amends section 85-2303; redefines a term; and repeals the original section. The bill was read for the first time on January 16 of this year and referred to the Education Committee. That committee placed the bill on General File. I have nothing currently on the bill, Mr. President.

KELLY: Thank you, Mr. Clerk. Senator Conrad, you're recognized to open.

CONRAD: Thank you, Mr. President. Good morning, colleagues. I would ask for your favorable consideration of LB335. This is a measure that I brought forward to the Education Committee. It was voted out unanimously and has a \$0 fiscal note. What this measure does is it makes a small change, a small expansion to the existing program that we've had on the books in Nebraska since 2009, to provide an

educational benefit to the family members, the kids of cops and firefighters who are killed in the line of duty. So during my first turn in the Legislature in 2009, I actually introduced and made it my personal priority bill to establish this program into law. It has worked well during that time. But over the interim period, I had a constituent reach out to me and flagged the fact that the existing educational benefit only is afforded to quote unquote, natural children of the firefighters or first responders or law enforcement family or adopted children, but it did not include an eligibility and application for stepchildren. And of course, we know that in the modern world, families come in all different shapes and sizes. And I don't think that there was ever by any means an intent to exclude those family members from getting a little bit of help with their college tuition if, in fact, they lose a parent giving the ultimate sacrifice in the line of duty, protecting our communities and our public safety. So I would be happy to answer any questions about the measure before you, and would appreciate your favorable consideration to make this slight adjustment and change. Thank you.

KELLY: Thank, thank you, Senator Conrad. Senator Kauth, you're recognized to speak.

KAUTH: Thank you. May I ask Senator Conrad a question?

KELLY: Senator Conrad, would you yield to some questions?

CONRAD: Yes, absolutely.

KAUTH: So, Senator Conrad, in the bill, stepchild is not defined in the bill. Is there a legal definition for it?

CONRAD: Yes. And thank you, Senator Kauth. And thank, thank you for flagging this for me prior to the debate. I'll try and get through it as quickly as possible. But you know, just a-- kind of a common canon of construction is that if there's not a specific definition within legislation, the common and ordinary usage of the term will apply. So the, the kind of common and ordinary meaning regarding the establishment of the stepparent/stepchild relationship really is dependent upon the marriage of the parents. So typically, a stepchild will be the product or be born of another relationship, either for the, the dad or the mom. And then later, as they start a new family, those, those children from the prior relationship then would be known, generally speaking, as the stepchildren of, of that marriage. In some instances, stepchildren become adopted children in the new relationship, but not all, for a variety of different reasons. But

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

typically, if that then subsequent marriage were to dissolve, so does the legal status for the stepparent relationship. Now, of course, the emotional bonds may continue beyond the dissolution of, of the, of the marriage, but common-- commonly understood for-- to be defined by the-- through the course of the marriage. I'm also happy to look today or in between General and Select to see if we have any other definitions in the probate code, or family law or otherwise, that if need be, we can bring some clarity here.

KAUTH: OK. Thank you very much.

KELLY: Thank you, Senators Kauth and Conrad. Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. Just briefly here, I wasn't ex-- I wasn't planning to speak. I just wanted to ask Senator Conrad a quick question, if she would be willing to yield.

KELLY: Senator Conrad, you have 4 minutes, 50 seconds.

HANSEN: No, yield to a question.

KELLY: Will you yield to a question? Senator Conrad.

CONRAD: Yes.

HANSEN: So just for clarification's sake, when it comes to the fiscal note, there's no fiscal impact.

CONRAD: That's right.

HANSEN: We're just adding this definition to the definition of those who are eligible for this tuition waiver. Correct?

CONRAD: That's correct, Senator Hansen. And I know we've got just a minute before lunch, but I think here's why, and they did a nice job of delineating this on the fiscal note. So our state program for the educational benefit established in the In the Line of Duty Education Act really acts as the-- a, a program and a payer of, of last resort, so to speak. So number one, there's a, a pretty small group. And I know Senator Armendariz and I were just talking about this off the record, as well. There's a very small amount of kids who would lose a parent in, in the line of duty for, for first responders. And then those kids aren't all going to go to Nebraska colleges. Right. And then they-- this program also works as the, the payer of last resort. So they're going to apply for their other scholarships, their other

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate February 10, 2025

financial aid, and if there's anything left when that small group of kids goes to a Nebraska college, then the state colleges and the university would essentially assume the difference.

HANSEN: All right. Thank you for that clarification. Thank you. Thank you, Mr. President.

KELLY: Thank you, Senator Hansen and Senator Conrad. Seeing no one else in the queue, Senator Conrad, you're recognized to close, and waive. Members, the question is the advancement of LB335 to E&R Initial. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays on advancement of the bill, Mr. President.

KELLY: LB335 advances to E&R Initial. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Your committee on Enrollment and Review reports LB42 and LB10 to Select File, LB10 having E&R amendments. Additionally, your Committee on Health and Human Services, chaired by Senator Hardin, reports LB248, LB312, and, and LB312 to General File. Your Committee on Nebraska Retirement Systems, chaired by Senator Ballard, reports LB179. Amendments to be printed from Senator Ballard to LB420. Notice of committee hearings from the Health and Human Services Committee, as well as the Education Committee. New A bills, Senator Arch, LB296A, a bill for an act relating to appropriations; to appropriate funds to aid in the carrying out of the provisions of LB296. A committee report concerning gubernatorial appointments from the Nebraska Retirement Systems Commission [SIC]. Name adds: Senator Cavanaugh, name added to LB296. Notice that the Agriculture Committee will meet in room 1524 on Tuesday, February 11, instead of room 2102. Referencing Committee will meet in room 2102 upon adjournment today; Referencing, 2102, upon adjournment. Finally, Mr. President, a priority motion. Senator Machaela Cavanaugh would move to adjourn the body until Tuesday, February 11, at 9:00 a.m.

KELLY: Members, you have heard the motion to adjourn. All those in favor, say aye. Those opposed, say nay. The Legislature is adjourned.