

TWENTY-SIXTH DAY - FEBRUARY 12, 2024

LEGISLATIVE JOURNAL

**ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION**

TWENTY-SIXTH DAY

Legislative Chamber, Lincoln, Nebraska
Monday, February 12, 2024

PRAYER

The prayer was offered by Eddie Goff, New Hope Baptist Church, Hastings.

PRESENTATION OF COLORS

In recognition of the 215th anniversary of the birth of Abraham Lincoln, born February 12, 1809, the Colors are being posted by the Nebraska Department of the Sons of Union Veterans of the Civil War.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was offered by Senator Sanders.

ROLL CALL

Pursuant to adjournment, the Legislature met at 10:00 a.m., President Kelly presiding.

The roll was called and all members were present except Senator Raybould who was excused; and Senators Bostar, Conrad, Day, Hunt, and Wishart who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the twenty-fifth day was approved.

COMMITTEE REPORT(S)
Banking, Commerce and Insurance

LEGISLATIVE BILL 852. Placed on General File with amendment.

[AM2355](#)

- 1 I. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 44-3601, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:

5 44-3601 Sections 44-3601 to 44-3610 and sections 3 to 5 of this act
6 shall be known and may be cited as the Medicare Supplement Insurance
7 Minimum Standards Act.
8 Sec. 2. Section 44-3602, Reissue Revised Statutes of Nebraska, is
9 amended to read:
10 44-3602 For purposes of the Medicare Supplement Insurance Minimum
11 Standards Act:
12 (1) Applicant shall mean:
13 (a) In the case of an individual medicare supplement policy, the
14 person who seeks to contract for insurance benefits; and
15 (b) In the case of a group medicare supplement policy, the proposed
16 certificate holder;
17 (2) Certificate shall mean any certificate delivered or issued for
18 delivery in this state under a group medicare supplement policy;
19 (3) Certificate form shall mean the form on which the certificate is
20 delivered or issued for delivery by the issuer;
21 (4) Director shall mean the Director of Insurance;
22 (5) Issuer shall include insurance companies, fraternal benefit
23 societies, health care service plans, health maintenance organizations,
24 and any other entities delivering or issuing for delivery in this state
25 medicare supplement policies or certificates;
26 (6) Medicare shall mean the Health Insurance for the Aged Act, Title
27 XVIII of the Social Security Amendments of 1965, as then constituted or
1 later amended;
2 (7) Medicare-approved amount shall mean the current payment rate
3 listed in the applicable fee schedule established by the federal Centers
4 for Medicare and Medicaid Services;
5 (8) (7) Medicare supplement policy shall mean a group or individual
6 policy of sickness and accident insurance or a subscriber contract of
7 health maintenance organizations, other than a policy issued pursuant to
8 a contract under section 1876 of the federal Social Security Act, 42
9 U.S.C. 1395 et seq., or an issued policy under a demonstration project
10 specified in 42 U.S.C. 1395ss(g)(1), which is advertised, marketed, or
11 designed primarily as a supplement to reimbursements under medicare for
12 the hospital, medical, or surgical expenses of persons eligible for
13 medicare; and
14 (9) (8) Policy form shall mean the form on which the policy is
15 delivered or issued for delivery by the issuer; and -
16 (10) Supplier shall have the same meaning as defined in 42 C.F.R.
17 400.202, including an entity or individual that sells or rents Medicare
18 Part B covered durable medical equipment, prosthetics, orthotics, and
19 supplies to medicare beneficiaries.
20 Sec. 3. A supplier that is a nonparticipating supplier in the
21 medicare program and who does not accept medicare assignment shall not
22 charge a Nebraska medicare beneficiary an amount greater than one hundred
23 fifteen percent of the medicare-approved amount for durable medical
24 equipment, prosthetics, orthotics, and supplies. Nothing in this section
25 shall prohibit a supplier from charging a deductible or coinsurance
26 amount as required by medicare.
27 Sec. 4. An issuer of a medicare supplement policy or certificate
28 shall not be required to reimburse a supplier in an amount greater than
29 the amount provided in section 3 of this act. Nothing in this section
30 shall be construed to prevent an issuer from negotiating the level and
31 type of reimbursement with a supplier for covered durable medical
1 equipment, prosthetics, orthotics, or supplies.
2 Sec. 5. (1) An issuer that makes a medicare supplement policy or
3 certificate available to an individual who is sixty-five years of age and
4 eligible for medicare benefits as described in 42 U.S.C. 1395c(1), as
5 such section existed on January 1, 2024, shall make at least one medicare
6 supplement policy or certificate that meets the requirements of the

7 Medicare Supplement Insurance Minimum Standards Act available to an
8 individual who is under sixty-five years of age and eligible for and
9 enrolled in medicare by reason of disability as described in 42 U.S.C.
10 1395c(2), as such section existed on January 1, 2024.
11 (2) Premium rates for medicare supplement insurance policies or
12 certificates may differ between an individual who qualifies for medicare
13 who is sixty-five years of age or older and an individual who qualifies
14 for medicare by reason of disability and who is under sixty-five years of
15 age. Such differences in premiums shall not be excessive, inadequate, or
16 unfairly discriminatory and shall be based on sound actuarial principles
17 and be reasonable in relation to the benefits provided. The premium for
18 an individual who is under sixty-five years of age shall not exceed one
19 hundred fifty percent of the premium for a similarly situated individual
20 who is sixty-five years of age.
21 (3) An individual who is under sixty-five years of age and is
22 eligible for a medicare supplement policy or certificate by reason of
23 disability as described in subsection (1) of this section shall be
24 subject to the same open enrollment rules applicable to an individual who
25 is sixty-five years of age and eligible for a medicare supplement policy
26 or certificate as described in subsection (1) of this section beginning
27 on the first day of the first month that the individual turns sixty-five
28 years of age.
29 Sec. 6. Section 5 of this act becomes operative on January 1, 2025.
30 The other sections of this act become operative on their effective date.
31 Sec. 7. Original sections 44-3601 and 44-3602, Reissue Revised
1 Statutes of Nebraska, are repealed.

(Signed) Julie Slama, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources
Room 1525 1:30 PM

Wednesday, February 21, 2024
Roger Helgoth - Nebraska Environmental Trust Board

(Signed) Bruce Bostelman, Chairperson

COMMITTEE REPORT(S)

Natural Resources

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

Tracy Zink - Nebraska Ethanol Board
Jan K. tenBensel - Nebraska Ethanol Board

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

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

William F. Austin - Nebraska Power Review Board
David Liegl - Nebraska Power Review Board

Aye: 8. Bostelman, Brandt, Cavanaugh, J., Fredrickson, Hughes, Jacobson, Moser, Slama. Nay: 0. Absent: 0. Present and not voting: 0.

(Signed) Bruce Bostelman, Chairperson

Business and Labor

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

Dallas Jones - Commission of Industrial Relations

Aye: 6. Blood, Halloran, Hansen, Hunt, Ibach, Riepe. Nay: 0. Absent: 0. Present and not voting: 1. McKinney.

(Signed) Merv Riepe, Chairperson

COMMUNICATION

Received communication to President Kelly, Speaker Arch, and Members of the Legislature from Vicki Kramer, Director, Department of Transportation, regarding the appointment of the following to the Aeronautics Division Director of the Nebraska Department of Transportation:

Jeremy S. Borrell

AMENDMENT(S) - Print in Journal

Senator Fredrickson filed the following amendment to [LB932](#):

[AM2401](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. Section 38-130, Reissue Revised Statutes of Nebraska, is
- 4 amended to read:
- 5 38-130 (1) An individual shall file an application for a credential
- 6 to practice a profession with the department accompanied by the fee set
- 7 pursuant to the Uniform Credentialing Act. The application may be
- 8 submitted up to ninety days prior to the date of the applicant's
- 9 graduation from the required course of study and shall contain:
- 10 (a) The legal name of the applicant;
- 11 (b) The date and place of birth of the applicant;
- 12 (c) The address of the applicant;
- 13 (d) The social security number of the applicant or the resident
- 14 identification number of the applicant if the applicant is not a citizen
- 15 of the United States and is otherwise eligible to be credentialed under
- 16 section 38-129; and
- 17 (e) Any other information required by the department.

18 (2) A business shall file an application for a credential with the
 19 department accompanied by the fee set pursuant to the Uniform
 20 Credentialing Act. The application shall contain:
 21 (a) The full name and address of the business;
 22 (b) The full name and address of the owner of the business;
 23 (c) The name of each person in control of the business;
 24 (d) The social security number of the business if the applicant is a
 25 sole proprietorship; and
 26 (e) Any other information required by the department.
 27 (3) The applicant shall sign the application. If the applicant is a
 1 business, the application shall be signed by:
 2 (a) The owner or owners if the applicant is a sole proprietorship, a
 3 partnership, or a limited liability company that has only one member;
 4 (b) Two of its members if the applicant is a limited liability
 5 company that has more than one member;
 6 (c) Two of its officers if the applicant is a corporation;
 7 (d) The head of the governmental unit having jurisdiction over the
 8 business if the applicant is a governmental unit; or
 9 (e) If the applicant is not an entity described in subdivisions (a)
 10 through (d) of this subsection, the owner or owners or, if there is no
 11 owner, the chief executive officer or comparable official.
 12 (4) Each credential holder under the Uniform Credentialing Act shall
 13 notify the department of any change to the address of record so that the
 14 department can update the record of the credential holder under section
 15 38-123.
 16 (5) Social security numbers obtained under this section shall not be
 17 public information but may be shared by the department for administrative
 18 purposes if necessary and only under appropriate circumstances to ensure
 19 against any unauthorized access to such information.
 20 Sec. 2. Original section 38-130, Reissue Revised Statutes of
 21 Nebraska, is repealed.

RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LR 291, 292, 293, 294, 295, 296, and 297 were adopted.

PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LR 291, 292, 293, 294, 295, 296, and 297.

MOTION(S) - Confirmation Report(s)

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 626:

State Highway Commission
 Greg Wolford

Voting in the affirmative, 34:

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

Voting in the negative, 0.

Present and not voting, 10:

Brewer	Dover	Hardin	McKinney	Walz
Clements	Erdman	Jacobson	Vargas	Wayne

Excused and not voting, 5:

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

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 626:

State Highway Commission
James Kindig

Voting in the affirmative, 37:

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

Voting in the negative, 0.

Present and not voting, 7:

Clements	Erdman	McKinney	Wayne
Day	Lowe	Vargas	

Excused and not voting, 5:

Bostar Halloran Hunt Raybould Wishart

The appointment was confirmed with 37 ayes, 0 nays, 7 present and not voting, and 5 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 626:

State Highway Commission
David Cople

Voting in the affirmative, 30:

Aguilar	Bosn	DeKay	Kauth	Moser
Albrecht	Bostelman	Dorn	Linehan	Murman
Arch	Brandt	Dover	Lippincott	Sanders
Armendariz	Cavanaugh, J.	Fredrickson	Lowe	Slama
Ballard	Cavanaugh, M.	Hardin	McDonnell	von Gillern
Blood	DeBoer	Jacobson	Meyer	Walz

Voting in the negative, 0.

Present and not voting, 13:

Brewer	Day	Holdcroft	McKinney	Wayne
Clements	Dungan	Hughes	Riepe	
Conrad	Erdman	Ibach	Vargas	

Excused and not voting, 6:

Bostar	Hansen	Raybould
Halloran	Hunt	Wishart

The appointment was confirmed with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 627:

State Highway Commission
Richard W. Meginnis

Voting in the affirmative, 32:

Aguilar	Brandt	Dorn	Lippincott	Slama
Albrecht	Cavanaugh, J.	Dover	Lowe	Vargas
Arch	Cavanaugh, M.	Fredrickson	McDonnell	von Gillern
Armendariz	Clements	Hardin	Meyer	Walz
Ballard	Conrad	Jacobson	Moser	
Bosn	DeBoer	Kauth	Murman	
Bostelman	DeKay	Linehan	Sanders	

Voting in the negative, 0.

Present and not voting, 11:

Blood	Dungan	Hughes	Riepe
Brewer	Erdman	Ibach	Wayne
Day	Holdcroft	McKinney	

Excused and not voting, 6:

Bostar	Hansen	Raybould
Halloran	Hunt	Wishart

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

Senator Moser moved the adoption of the Transportation and Telecommunications Committee report for the confirmation of the following appointment(s) found on page 627:

State Highway Commission
Heath Mello

Voting in the affirmative, 29:

Aguilar	Cavanaugh, J.	Dover	Lippincott	Sanders
Arch	Cavanaugh, M.	Dungan	Lowe	Slama
Ballard	Clements	Fredrickson	McDonnell	Vargas
Bosn	Conrad	Hardin	Meyer	von Gillern
Bostelman	DeBoer	Jacobson	Moser	Walz
Brandt	Dorn	Kauth	Murman	

Voting in the negative, 0.

Present and not voting, 14:

Albrecht	Brewer	Erdman	Ibach	Riepe
Armendariz	Day	Holdcroft	Linehan	Wayne
Blood	DeKay	Hughes	McKinney	

Excused and not voting, 6:

Bostar Hansen Raybould
Halloran Hunt Wishart

The appointment was confirmed with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

GENERAL FILE

LEGISLATIVE BILL 685. Title read. Considered.

The Briese amendment, [AM242](#), found on page 479, First Session, 2023, was not considered.

Committee [AM2382](#), found on page 654, was offered.

The committee amendment was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Senator Lowe withdrew [AM2035](#), found on page 352.

Advanced to Enrollment and Review Initial with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

BILL ON FIRST READING

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

LEGISLATIVE BILL 829A. Introduced by Blood, 3.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 829, One Hundred Eighth Legislature, Second Session, 2024.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 605. Placed on Select File with amendment.

[ER55](#)

- 1 1. On page 1, line 3, strike "and sections 38-121," and insert
- 2 "sections"; and in line 5 after "2022" insert ", and section 38-121,
- 3 Revised Statutes Supplement, 2023".
- 4 2. On page 18, line 23, strike "and sections 38-121," and insert
- 5 "sections"; and in line 25 after the second comma insert "and section
- 6 38-121, Revised Statutes Supplement, 2023,".

LEGISLATIVE BILL 303. Placed on Select File.

LEGISLATIVE BILL 317. Placed on Select File.

LEGISLATIVE BILL 235. Placed on Select File with amendment.

[ER57](#)

1 1. Strike original section 1 and insert the following new section:
 2 Section 1. Section 77-6801, Revised Statutes Supplement, 2023, is
 3 amended to read:
 4 77-6801 Sections 77-6801 to 77-6846 and section 3 of this act shall
 5 be known and may be cited as the ImagiNE Nebraska Act.
 6 2. On page 1, line 2, strike "77-6801,"; and in line 3 after "2022"
 7 insert ", and section 77-6801, Revised Statutes Supplement, 2023".
 8 3. On page 21, line 31, strike "77-6801,".
 9 4. On page 22, line 1, after "2022" insert ", and section 77-6801,
 10 Revised Statutes Supplement, 2023".

LEGISLATIVE BILL 190. Placed on Select File.

LEGISLATIVE BILL 358. Placed on Select File with amendment.

[ER54](#)

1 1. Strike original section 1 and insert the following new section:
 2 68-901, attached as marked.
 3 Section 1. Section 68-901, Revised Statutes Supplement, 2023, is
 4 amended to read:
 5 68-901 Sections 68-901 to 68-9,104 and section 2 of this act shall
 6 be known and may be cited as the Medical Assistance Act.
 7 2. On page 1, line 2, strike "Revised Statutes Cumulative
 8 Supplement, 2022" and insert "Revised Statutes Supplement, 2023".
 9 3. On page 2, line 8, strike "Cumulative"; and in line 9 strike
 10 "2022" and insert "2023".

LEGISLATIVE BILL 130. Placed on Select File with amendment.

[ER53](#)

1 1. On page 1, strike beginning with "Department" in line 1 through
 2 line 2 and insert "Medical Assistance Act; to amend section 68-949,
 3 Reissue Revised Statutes of Nebraska; to state intent regarding medicaid
 4 nursing facility rates; to provide for reports; and to repeal the
 5 original section.".

LEGISLATIVE BILL 204. Placed on Select File with amendment.

[ER56](#)

1 1. Strike the original sections and all amendments thereto and
 2 insert the following new sections:
 3 Section 1. Section 68-901, Revised Statutes Supplement, 2023, is
 4 amended to read:
 5 68-901 Sections 68-901 to 68-9,104 and section 2 of this act shall
 6 be known and may be cited as the Medical Assistance Act.
 7 Sec. 2. (1)(a) Beginning with fiscal year 2024-25, contingent upon
 8 implementation of the contractual agreements with medicaid managed care
 9 organizations as described in subsection (2) of this section, the
 10 department shall establish a fee-for-service pharmacy dispensing fee
 11 reimbursement of ten dollars and thirty-eight cents per prescription for
 12 any independent pharmacy until a cost-of-dispensing survey is completed.
 13 The actual dispensing fee shall be determined by a cost-of-dispensing
 14 survey administered by the department and completed by all medical
 15 assistance program participating independent pharmacies every two years.
 16 The change in the dispensing fee shall become effective following federal
 17 approval of the medicaid state plan.
 18 (b) For purposes of this section, independent pharmacy means any
 19 pharmacy as defined in section 71-425 that owns six or fewer pharmacies.
 20 (2) The department shall amend all medicaid managed care
 21 organization contracts to authorize establishment of a managed care

22 pharmacy dispensing fee reimbursement in accordance with the established
 23 fee-for-service pharmacy dispensing fee reimbursement per prescription
 24 for independent pharmacies pursuant to subsection (1) of this section.
 25 (3) Any dispensing fee cost information submitted to the department
 26 as part of the cost-of-dispensing survey described in subsection (1) of
 27 this section that specifically identifies individual costs of a pharmacy
 1 or provider shall remain confidential.
 2 (4) No later than December 15, 2024, the department shall
 3 electronically submit a report to the Clerk of the Legislature providing
 4 recommendations for adjusting pharmacy dispensing fees between completion
 5 of surveys to ensure fair and adequate reimbursement for independent
 6 pharmacies.
 7 Sec. 3. Original section 68-901, Revised Statutes Supplement, 2023,
 8 is repealed.
 9 2. On page 1, line 2, strike "Cumulative Supplement, 2022" and
 10 insert "Supplement, 2023".

(Signed) Beau Ballard, Chairperson

Health and Human Services

LEGISLATIVE BILL 233. Placed on General File with amendment.

[AM2064](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 43-512, Reissue Revised Statutes of Nebraska, is
 4 amended to read:
 5 43-512 (1) Any dependent child as defined in section 43-504 or any
 6 relative or eligible caretaker of such a dependent child may file with
 7 the Department of Health and Human Services a written application for
 8 financial assistance for such child on forms furnished by the department.
 9 (2) The department, through its agents and employees, shall make
 10 such investigation pursuant to the application as it deems necessary or
 11 as may be required by the county attorney or authorized attorney. If the
 12 investigation or the application for financial assistance discloses that
 13 such child has a parent or stepparent who is able to contribute to the
 14 support of such child and has failed to do so, a copy of the finding of
 15 such investigation and a copy of the application shall immediately be
 16 filed with the county attorney or authorized attorney.
 17 (3) The department shall make a finding as to whether the
 18 application referred to in subsection (1) of this section should be
 19 allowed or denied. If the department finds that the application should be
 20 allowed, the department shall further find the amount of monthly
 21 assistance which should be paid with reference to such dependent child.
 22 Except as may be otherwise provided, payments shall be made by unit size
 23 and shall be consistent with subdivisions (1)(p), (1)(q), (1)(t), and (1)
 24 (u), and (1)(v) of section 68-1713. Beginning on August 30, 2015, the
 25 maximum payment level for monthly assistance shall be fifty-five percent
 26 of the standard of need described in section 43-513.
 27 No payments shall be made for amounts totaling less than ten dollars
 1 per month except in the recovery of overpayments.
 2 (4) The amount which shall be paid as assistance with respect to a
 3 dependent child shall be based in each case upon the conditions disclosed
 4 by the investigation made by the department. An appeal shall lie from the
 5 finding made in each case to the chief executive officer of the
 6 department or his or her designated representative. Such appeal may be
 7 taken by any taxpayer or by any relative of such child. Proceedings for
 8 and upon appeal shall be conducted in the same manner as provided for in
 9 section 68-1016.
 10 (5)(a) For the purpose of preventing dependency, the department
 11 shall adopt and promulgate rules and regulations providing for services

12 to former and potential recipients of aid to dependent children and
13 medical assistance benefits. The department shall adopt and promulgate
14 rules and regulations establishing programs and cooperating with programs
15 of work incentive, work experience, job training, and education. The
16 provisions of this section with regard to determination of need, amount
17 of payment, maximum payment, and method of payment shall not be
18 applicable to families or children included in such programs. Income and
19 assets described in section 68-1201 shall not be included in
20 determination of need under this section.

21 (b) If a recipient of aid to dependent children becomes ineligible
22 for aid to dependent children as a result of increased hours of
23 employment or increased income from employment after having participated
24 in any of the programs established pursuant to subdivision (a) of this
25 subsection, the recipient may be eligible for the following benefits, as
26 provided in rules and regulations of the department in accordance with
27 sections 402, 417, and 1925 of the federal Social Security Act, as
28 amended, Public Law 100-485, in order to help the family during the
29 transition from public assistance to independence:

30 (i) An ongoing transitional payment that is intended to meet the
31 family's ongoing basic needs which may include food, clothing, shelter,
1 utilities, household goods, personal care items, and general incidental
2 expenses during the five months following the time the family becomes
3 ineligible for assistance under the aid to dependent children program, if
4 the family's earned income is at or below one hundred eighty-five percent
5 of the federal poverty level at the time the family becomes ineligible
6 for the aid to dependent children program. Payments shall be made in five
7 monthly payments, each equal to one-fifth of the aid to dependent
8 children payment standard for the family's size at the time the family
9 becomes ineligible for the aid to dependent children program. If during
10 the five-month period, (A) the family's earnings exceed one hundred
11 eighty-five percent of the federal poverty level, (B) the family members
12 are no longer working, (C) the family ceases to be Nebraska residents,
13 (D) there is no longer a minor child in the family's household, or (E)
14 the family again becomes eligible for the aid to dependent children
15 program, the family shall become ineligible for any remaining
16 transitional benefits under this subdivision;

17 (ii) Child care as provided in subdivision (1)(c) of section
18 68-1724; and

19 (iii) Except as may be provided in accordance with subsection (2) of
20 section 68-1713 and subdivision (1)(c) of section 68-1724, medical
21 assistance for up to twelve months after the month the recipient becomes
22 employed and is no longer eligible for aid to dependent children.

23 (6) For purposes of sections 43-512 to 43-512.18:

24 (a) Authorized attorney shall mean an attorney, employed by the
25 county subject to the approval of the county board, employed by the
26 department, or appointed by the court, who is authorized to investigate
27 and prosecute child, spousal, and medical support cases. An authorized
28 attorney shall represent the state as provided in section 43-512.03;

29 (b) Child support shall be defined as provided in section 43-1705;

30 (c) Medical support shall include all expenses associated with the
31 birth of a child, cash medical support as defined in section 42-369,
1 health care coverage as defined in section 44-3,144, and medical and
2 hospital insurance coverage or membership in a health maintenance
3 organization or preferred provider organization;

4 (d) Spousal support shall be defined as provided in section 43-1715;

5 (e) State Disbursement Unit shall be defined as provided in section
6 43-3341; and

7 (f) Support shall be defined as provided in section 43-3313.

8 Sec. 2. Section 43-512.07, Reissue Revised Statutes of Nebraska, is
9 amended to read:

10 43-512.07 (1) Any action, payment, aid, or assistance listed in this
11 subsection shall constitute an assignment by operation of law to the
12 Department of Health and Human Services of any right to spousal or
13 medical support, when ordered by the court, and to child support, whether

14 or not ordered by the court, which a person may have in his or her own
15 behalf or on behalf of any other person for whom such person receives
16 such payments, aid, or assistance:

17 (a) Application for and acceptance of one or more aid to dependent
18 children payments by a parent, another relative, or a custodian;

19 (b) Receipt of aid by or on behalf of any dependent child as defined
20 in section 43-504; or

21 (c) Receipt of aid from child welfare funds.

22 The assignment under this section is the right to support payments
23 that become due while the person is receiving payments, aid, or
24 assistance listed in this subsection. The department shall be entitled to
25 retain such child, spousal, or other support up to the amount of
26 payments, aid, or assistance provided to a recipient. For purposes of
27 this section, the right to receive child support shall belong to the
28 child and the assignment shall be effective as to any such support even
29 if the recipient of the payments, aid, or assistance is not the same as
30 the payee of court-ordered support.

31 (2) After notification of the State Disbursement Unit receiving the
1 child, spousal, or other support payments made pursuant to a court order
2 that the person for whom such support is ordered is a recipient of
3 payments, aid, or assistance listed in subsection (1) of this section,
4 the department shall also give notice to the payee named in the court
5 order at his or her last-known address.

6 (3) Upon written or other notification from the department or from
7 another state of such assignment of child, spousal, or other support
8 payments, the State Disbursement Unit shall transmit the support payments
9 received to the department or the other state without the requirement of
10 a subsequent order by the court. The State Disbursement Unit shall
11 continue to transmit the support payments for as long as the payments,
12 aid, or assistance listed in subsection (1) of this section continues.

13 (4) Any court-ordered child, spousal, or other support remaining
14 unpaid for the months during which such payments, aid, or assistance was
15 made shall constitute a debt and a continuing assignment at the
16 termination of payments, aid, or assistance listed in subsection (1) of
17 this section, collectible by the department or other state as
18 reimbursement for such payments, aid, or assistance. The continuing
19 assignment shall only apply to support payments made during a calendar
20 period which exceed the specific amount of support ordered for that
21 period. When payments, aid, or assistance listed in subsection (1) of
22 this section have ceased and upon notice by the department or the other
23 state, the State Disbursement Unit shall continue to transmit to the
24 department or the other state any support payments received in excess of
25 the amount of support ordered for that specific calendar period until
26 notified by the department or the other state that the debt has been paid
27 in full.

28 (5) Beginning January 1, 2025, the department shall pay to the
29 recipient of any payments, aid, or assistance listed in subdivision (1)
30 (a) of this section, the current child support collected pursuant to the
31 assignment. Such payments shall not be considered income for purposes of
1 calculating a recipient's eligibility for assistance. The department
2 shall disregard the amount of child support paid to the recipient in
3 calculating the amount of the recipient's monthly assistance payment.

4 Sec. 3, Section 68-1201, Revised Statutes Cumulative Supplement,
5 2022, is amended to read:

6 68-1201 (1) In determining eligibility for the program for aid to
7 dependent children pursuant to section 43-512 as administered by the
8 State of Nebraska pursuant to the federal Temporary Assistance for Needy
9 Families program, 42 U.S.C. 601 et seq., for the low-income home energy
10 assistance program administered by the State of Nebraska pursuant to the
11 federal Energy Policy Act of 2005, 42 U.S.C. 8621 to 8630, for the
12 Supplemental Nutrition Assistance Program administered by the State of
13 Nebraska pursuant to the federal Food and Nutrition Act of 2008, 7 U.S.C.
14 2011 et seq., and for the child care subsidy program established pursuant
15 to section 68-1202, the following shall not be included in determining

16 assets or income:

17 (a) (1) Assets in or income from an educational savings account, a
18 Coverdell educational savings account described in 26 U.S.C. 530, a
19 qualified tuition program established pursuant to 26 U.S.C. 529, or any
20 similar savings account or plan established to save for qualified higher
21 education expenses as defined in section 85-1802;

22 (b) (2) Income from scholarships or grants related to postsecondary
23 education, whether merit-based, need-based, or a combination thereof;
24 (c) (3) Income from postsecondary educational work-study programs,
25 whether federally funded, funded by a postsecondary educational
26 institution, or funded from any other source;

27 (d) (4) Assets in or income from an account under a qualified
28 program as provided in section 77-1402;

29 (e) (5) Income received for participation in grant-funded research
30 on the impact that income has on the development of children in low-
31 income families, except that such exclusion of income must not exceed
1 four thousand dollars per year for a maximum of eight years and such
2 exclusion shall only be made if the exclusion is permissible under
3 federal law for each program referenced in this section. No such
4 exclusion shall be made for such income on or after December 31, 2026;
5 and

6 (f) (6) Income from any tax credits received pursuant to the School
7 Readiness Tax Credit Act.

8 (2) In determining eligibility for the program for aid to dependent
9 children pursuant to section 43-512 as administered by the State of
10 Nebraska pursuant to the federal Temporary Assistance for Needy Families
11 program, 42 U.S.C. 601 et seq., income from child support as described in
12 section 43-512.07 shall not be included in determining assets or income.
13 Sec. 4. Section 68-1713, Reissue Revised Statutes of Nebraska, is
14 amended to read:

15 68-1713 (1) The Department of Health and Human Services shall
16 implement the following policies:

17 (a) Permit Work Experience in Private for-Profit Enterprises;

18 (b) Permit Job Search;

19 (c) Permit Employment to be Considered a Program Component;

20 (d) Make Sanctions More Stringent to Emphasize Participant
21 Obligations;

22 (e) Alternative Hearing Process;

23 (f) Permit Adults in Two-Parent Households to Participate in

24 Activities Based on Their Self-Sufficiency Needs;

25 (g) Eliminate Exemptions for Individuals with Children Between the

26 Ages of 12 Weeks and Age Six;

27 (h) Providing Poor Working Families with Transitional Child Care to

28 Ease the Transition from Welfare to Self-Sufficiency;

29 (i) Provide Transitional Health Care for 12 Months After Termination

30 of ADC if funding for such transitional medical assistance is available

31 under Title XIX of the federal Social Security Act, as amended, as

1 described in section 68-906;

2 (j) Require Adults to Ensure that Children in the Family Unit Attend

3 School;

4 (k) Encourage Minor Parents to Live with Their Parents;

5 (l) Establish a Resource Limit of \$4,000 for a single individual and

6 \$6,000 for two or more individuals for ADC;

7 (m) Exclude the Value of One Vehicle Per Family When Determining ADC

8 Eligibility;

9 (n) Exclude the Cash Value of Life Insurance Policies in Calculating

10 Resources for ADC;

11 (o) Establish the Supplemental Nutrition Assistance Program as a

12 Continuous Benefit with Eligibility Reevaluated with Yearly

13 Redeterminations;

14 (p) Establish a Budget the Gap Methodology Whereby Countable Earned

15 Income is Subtracted from the Standard of the Need and Payment is Based

16 on the Difference or Maximum Payment Level, Whichever is Less. That this

17 Gap be Established at a Level that Encourages Work but at Least at a

18 Level that Ensures that Those Currently Eligible for ADC do not Lose
 19 Eligibility Because of the Adoption of this Methodology;
 20 (q) Adopt an Earned Income Disregard described in section 68-1726 in
 21 the ADC Program, One Hundred Dollars in the Related Medical Assistance
 22 Program, and Income and Assets Described in section 68-1201;
 23 (r) Disregard Financial Assistance Described in section 68-1201 and
 24 Other Financial Assistance Intended for Books, Tuition, or Other Self-
 25 Sufficiency Related Use;
 26 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of Work
 27 Requirement, and The 30-Day Unemployed/Underemployed Period for ADC-UP
 28 Eligibility;
 29 (t) Make ADC a Time-Limited Program;~~and~~
 30 (u) Adopt an Unearned Income Disregard described in section 68-1201
 31 in the ADC Program, the Supplemental Nutrition Assistance Program, and
 1 the Child Care Subsidy Program established pursuant to section 68-1202;
 2 ~~and~~ -
 3 (v) Adopt a child support disregard described pursuant to section
 4 43-512.07.
 5 (2) The Department of Health and Human Services shall (a) apply for
 6 a waiver to allow for a sliding-fee schedule for the population served by
 7 the caretaker relative program or (b) pursue other public or private
 8 mechanisms, to provide for transitional health care benefits to
 9 individuals and families who do not qualify for cash assistance. It is
 10 the intent of the Legislature that transitional health care coverage be
 11 made available on a sliding-scale basis to individuals and families with
 12 incomes up to one hundred eighty-five percent of the federal poverty
 13 level if other health care coverage is not available.
 14 Sec. 5. Original sections 43-512, 43-512.07, and 68-1713, Reissue
 15 Revised Statutes of Nebraska, and section 68-1201, Revised Statutes
 16 Cumulative Supplement, 2022, are repealed.

(Signed) Ben Hansen, Chairperson

AMENDMENT(S) - Print in Journal

Senator McDonnell filed the following amendment to [LB686](#):
[AM2285](#) is available in the Bill Room.

NOTICE OF COMMITTEE HEARING(S) Nebraska Retirement Systems Room 1525 12:00 PM

Tuesday, February 20, 2024
 AM2285 Amending LB686

(Signed) Mike McDonnell, Chairperson

GENERAL FILE

LEGISLATIVE BILL 644. Senator Slama offered the following
 amendment:
[AM1476](#) is available in the Bill Room.

Senator Slama moved for a call of the house. The motion prevailed with 24
 ayes, 0 nays, and 25 not voting.

The Slama amendment was adopted with 30 ayes, 0 nays, 17 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Pending.

COMMITTEE REPORT(S)

Government, Military and Veterans Affairs

LEGISLATIVE BILL 1070. Placed on General File.

LEGISLATIVE BILL 1152. Placed on General File.

(Signed) Tom Brewer, Chairperson

Health and Human Services

LEGISLATIVE BILL 834. Placed on General File with amendment.

[AM2428](#)

1 1. Strike the original sections and insert the following new
 2 sections:
 3 Section 1. Section 38-129.01, Revised Statutes Cumulative
 4 Supplement, 2022, is amended to read:
 5 38-129.01 (1) The department, with the recommendation of the
 6 appropriate board, shall issue a temporary credential to a military
 7 spouse who complies with and meets the requirements of this section
 8 pending issuance of the applicable credential under the Uniform
 9 Credentialing Act. This section shall not apply to a license to practice
 10 dentistry, including a ~~resident temporary~~ license under section 38-1123.
 11 (2) A military spouse shall submit the following with his or her
 12 application for the applicable credential:
 13 (a) A copy of his or her military dependent identification card
 14 which identifies him or her as the spouse of an active duty member of the
 15 United States Armed Forces;
 16 (b) A copy of his or her spouse's military orders reflecting an
 17 active-duty assignment in Nebraska;
 18 (c) A copy of his or her credential from another jurisdiction and
 19 the applicable statutes, rules, and regulations governing the credential;
 20 and
 21 (d) A copy of his or her fingerprints for a criminal background
 22 check if required under section 38-131.
 23 (3) If the department, with the recommendation of the appropriate
 24 board, determines that the applicant is the spouse of an active duty
 25 member of the United States Armed Forces who is assigned to a duty
 26 station in Nebraska, holds a valid credential in another jurisdiction
 27 which has similar standards for the profession to the Uniform
 1 Credentialing Act and the rules and regulations adopted and promulgated
 2 under the act, and has submitted fingerprints for a criminal background
 3 check if required under section 38-131, the department shall issue a
 4 temporary credential to the applicant. The applicant shall not be
 5 required to pay any fees pursuant to the Uniform Credentialing Act for
 6 the temporary credential or the initial regular credential except the
 7 actual cost of the fingerprinting and criminal background check for an
 8 initial license under section 38-131.
 9 (4) A temporary credential issued under this section shall be valid
 10 until the application for the regular credential is approved or rejected,

11 not to exceed one year.

12 Sec. 2. Section 38-1123, Reissue Revised Statutes of Nebraska, is

13 amended to read:

14 38-1123 (1) The department, with the recommendation of the board,

15 shall issue a ~~resident temporary~~ license to any person who (a)(i)

16 ~~presents proof of graduation with a doctorate degree in dental surgery or~~

17 ~~dental medicine from an accredited school or college of dentistry (a) has~~

18 ~~met the requirements for a license to practice dentistry as set forth in~~

19 ~~section 38-1117, (ii) (b) is enrolled in an accredited school or college~~

20 of dentistry for the purpose of completing a postgraduate or residency

21 program in dentistry, (iii) passes an examination approved by the board,

22 which shall consist of the National Board Dental Examination, Parts I and

23 II, or the Integrated National Board Dental Examination, as constructed

24 and administered by the American Dental Association Joint Commission on

25 National Dental Examinations, (iv) passes the practical examination

26 administered by the Central Regional Dental Testing Service, ADEX, or any

27 other regional or state practical examination approved by the board, and

28 (v) passes a jurisprudence examination based on Nebraska law and

29 administrative rules and regulations governing the practice of dentistry

30 and dental hygiene, or (b)(i) and (e) is licensed in another jurisdiction

31 under conditions which the board finds equivalent to the requirements of

1 the State of Nebraska for obtaining a license to practice dentistry and

2 (ii) passes a jurisprudence examination based on Nebraska law and

3 administrative rules and regulations governing the practice of dentistry

4 and dental hygiene.

5 (2) An accredited school or college of dentistry shall provide input

6 to the board annually for purposes of approving regional or state

7 practical examinations.

8 (3) ~~(2)~~ Any person who desires a ~~resident temporary~~ license shall

9 make application to the department. Such application shall be accompanied

10 by the required fee.

11 ~~(4)~~ ~~(3)~~ The ~~resident temporary~~ license shall be issued for a period

12 of one year and, upon application to the department, renewed annually

13 without the licensee having to pay a renewal fee.

14 (5) ~~(4)~~ The ~~resident temporary~~ licensee shall be entitled to

15 practice dentistry, including prescribing legend drugs and controlled

16 substances, only under the auspices of the postgraduate or residency

17 program in which he or she is enrolled.

18 (6) An applicant who is licensed pursuant to this section and has

19 completed a postgraduate or residency program in dentistry at an

20 accredited school or college of dentistry shall have demonstrated the

21 applicant's skill in clinical dentistry for purposes of section 38-1117.

22 Sec. 3. Original section 38-1123, Reissue Revised Statutes of

23 Nebraska, and section 38-129.01, Revised Statutes Cumulative Supplement,

24 2022, are repealed.

LEGISLATIVE BILL 857. Placed on General File with amendment.

[AM2409](#)

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. For purposes of sections 1 to 6 of this act:

4 (1) At-risk mother means a woman who is (a) eligible for medicaid,

5 (b) pregnant, and (c) determined by her health care provider to be at

6 risk of having a negative maternal or infant health outcome; and

7 (2) Targeted case management has the same meaning as defined in 42

8 C.F.R. 440.169, as such regulation existed on January 1, 2024, and may

9 only be delivered in a clinical setting by a health care provider

10 licensed pursuant to the Uniform Credentialing Act.

11 Sec. 2. The Nebraska Prenatal Plus Program is created within the

12 Department of Health and Human Services. The purpose of the Nebraska

13 Prenatal Plus Program is to reduce the incidence of low birth weight,
 14 pre-term birth, and adverse birth outcomes while also addressing other
 15 lifestyle, behavioral, and nonmedical aspects of an at-risk mother's life
 16 that may affect the health and well-being of the mother or the child.
 17 Sec. 3. Services eligible for reimbursement for at-risk mothers
 18 under the Nebraska Prenatal Plus Program include, but are not limited to:
 19 (1) Six or fewer sessions of nutrition counseling; (2) psychosocial
 20 counseling and support; (3) general client education and health
 21 promotion; (4) breastfeeding support; and (5) targeted case management.
 22 Sec. 4. The Department of Health and Human Services may reimburse
 23 eligible services for the Nebraska Prenatal Plus Program for at-risk
 24 mothers at an enhanced rate and shall file a state plan amendment or
 25 waiver, as necessary, no later than October 1, 2024, to implement the
 26 program.
 27 Sec. 5. The Department of Health and Human Services shall
 1 electronically submit a report to the Legislature on or before December
 2 15 of each year beginning December 15, 2024, on the Nebraska Prenatal
 3 Plus Program which includes (1) the number of mothers served, (2) the
 4 services offered, and (3) the birth outcomes for each mother served.
 5 Sec. 6. It is the intent of the Legislature to use the Medicaid
 6 Managed Care Excess Profit Fund established in section 68-996 to fund the
 7 services provided under the Nebraska Prenatal Plus Program.
 8 Sec. 7. Section 68-996, Revised Statutes Cumulative Supplement,
 9 2022, is amended to read:
 10 68-996 The Medicaid Managed Care Excess Profit Fund is created. The
 11 fund shall contain money returned to the State Treasurer pursuant to
 12 subdivision (3) of section 68-995. The fund shall first be used to offset
 13 any losses under subdivision (2) of section 68-995 and then to provide
 14 for services addressing the health needs of adults and children under the
 15 Medical Assistance Act, including filling service gaps, providing system
 16 improvements, and sustaining access to care, and the Nebraska Prenatal
 17 Plus Program as determined by the Legislature. The fund shall only be
 18 used for the purposes described in this section. Any money in the fund
 19 available for investment shall be invested by the state investment
 20 officer pursuant to the Nebraska Capital Expansion Act and the Nebraska
 21 State Funds Investment Act.
 22 Sec. 8. Original section 68-996, Revised Statutes Cumulative
 23 Supplement, 2022, is repealed.

(Signed) Ben Hansen, Chairperson

UNANIMOUS CONSENT - Add Cointroducer(s)

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

Senator Bosn name added to LB20.
 Senator Hughes name added to LB844.
 Senator DeKay name added to LB1001.
 Senator Murman name added to LB1047.
 Senator Conrad name added to LB1071.
 Senator Vargas name added to LB1225.
 Senator Erdman name added to LB1301.
 Senator Erdman name added to LB1396.

ANNOUNCEMENT

Senator Hansen announced the Health and Human Services Committee will hold an executive session Tuesday, February 13, 2024, at 10:00 a.m., in Room 2102.

VISITOR(S)

Visitors to the Chamber were Steven Dillman, Harvard; Josh Glore and Mike Sidho, Hastings; OutNebraska.

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

ADJOURNMENT

At 11:54 a.m., on a motion by Senator Slama, the Legislature adjourned until 9:00 a.m., Tuesday, February 13, 2024.

Brandon Metzler
Clerk of the Legislature

