

**THIRTY-SEVENTH DAY - MARCH 4, 2024****LEGISLATIVE JOURNAL****ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION****THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Monday, March 4, 2024

**PRAYER**

The prayer was offered by Reverend Nathaniel Norval, Mount Zion Missionary Baptist Church, Lincoln.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Colonel Gerald D. "Jerry" Meyer, 101st Airborne (Afghanistan), Army, Seward.

**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 Ballard who was excused; and Senators Bostar, Day, Hunt, Raybould, and Wayne who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

**MESSAGE(S) FROM THE GOVERNOR**

March 4, 2024

Mr. President, Mr. Speaker, and  
Members of the Legislature  
State Capitol  
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter, I am returning LB 307 without my approval and without my signature. I am vetoing LB 307 for the following reasons:

- Syringe Service Programs (SSPs) have been shown to increase drug deaths where they have been implemented.
- SSPs are not effective at decreasing drug usage and disease transmission when compared to other means.
- The bill as written, would allow for children of any age to participate in these programs. I do not think it is prudent to encourage minors to abuse dangerous drugs instead of seeking out the substance abuse treatment they need to overcome drug addiction.
- SSPs have the potential to expose citizens to unintended, yet equally concerning health and safety risks as a result of improperly disposed needles.

The studies the proponents of this bill have cited to demonstrate the effectiveness of SSPs in reducing the spread of HIV focus on programs that were stood up to combat the AIDS crisis in the 1980s and 1990s. Those programs differ substantially from the ongoing opioid crisis in terms of its geographic reach and lethality. Those studies also relied on small sample sizes and self-reported data regarding individuals' drug use, and typically did not consider the unintended consequences to individuals who are not receiving direct treatment.

In fact, recent studies on the effectiveness of SSPs have found these programs only contribute to a negligible reduction in HIV infections, and at the expense of greater opioid-related deaths. For example, a study published in the *Journal of Public Economics* in June 2022 found that although SSPs may decrease HIV diagnoses rates by up to 1.1%, research also indicates these programs increase opioid-related mortality rates by 2 to 3.5%, or about three more cases per county per year, due to an increase in the use of heroin and illicit fentanyl.<sup>1</sup>

Another study published by the National Bureau of Economic Research comparing the health outcomes of 79 counties from 2009 to 2016, found SSPs resulted in nearly two fewer cases of HIV per county per year, while resulting in four more drug-related deaths per county each year.<sup>2</sup> Additionally, research published in the *European Journal of Public Health* analyzing HIV prevention strategies and incidence rates in Denmark, Norway and Sweden suggest that a high level of HIV testing and counseling would be more effective in preventing HIV transmission than legal access to needles and syringes.<sup>3</sup>

Evidence has also shown that the costs and number of needles have ballooned in cities with established SSPs. In San Francisco, for example, health department records show the city handed out 3.3 million needles at a cost of \$400,397 in fiscal year 2013-14. Just two years later, the number of needled distributed increased to 4.45 million at a cost of \$523,363.<sup>4</sup>

San Francisco has also struggled with inadequate disposal of dirty needles, leaving vulnerable populations like children at risk of contracting deadly diseases. Of the 400,000 needles distributed monthly, the health department estimates that about 246,000 are returned through the city's syringe access and disposal sites, leaving more than 154,000 needles a month still unaccounted for. This has led to the city paying \$750,000 a year to hire people known as the "Syringe Pick Up Crew" to collect dirty needles on the streets and at area parks. All these costs add up and will lead to increased property taxes for residents of any municipality that chooses to institute a syringe service program.

In Santa Ana, California, city officials have pushed back on state implementation of a SSP, based on prior experience with a county program several years earlier.<sup>5</sup> At the time, county employees reported the removal of 14,000 needles potentially contaminated with infectious diseases, while clearing a four-mile stretch of public land. The police chief and city manager sent letters of opposition to the state last year, citing safety and health concerns associated with the program. The mayor also spoke out in opposition to the state adopted SSP.

Simply put, adoption of LB307 has the potential to expose our communities to the same issues that others have experienced, as described above. Those are but a few examples.

Additionally, Nebraskans do not think it is prudent to encourage minors to abuse dangerous drugs instead of seeking out the substance abuse treatment they need to overcome drug addiction. We should support less deadly ways of combating drug usage and the spreading of diseases. It is for these reasons that I urge you to sustain my veto of LB 307.

Sincerely,  
(Signed) Jim Pillen  
Governor

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<sup>1</sup> Packham, Analisa (2022). Syringe Exchange Programs and Harm Reduction: New Evidence in the Wake of the Opioid Epidemic. *Journal of Public Economics*.

<sup>2</sup> Packham, Analisa (2019). Are Syringe Exchange Programs Helpful or Harmful? New Evidence in the Wake of the Opioid Epidemic. *National Bureau of Economic Research*. <https://www.nber.org/papers/w26111>

<sup>3</sup> Amundsen, Ellen J.; Eskild, Anne; Stigum, Hein; Smith, Else; and Aalen, Odd O. (2003). *European Journal of Public Health*.

<sup>4</sup> Matier & Ross (2018, May 9). Those needles littering the streets? The city gave them out. *San Francisco Chronicle*.

<https://www.sfchronicle.com/bayarea/matier-ross/article/Those-needles-littering-the-streets-The-city-12898656.php>

<sup>5</sup> Chow, Vivian 2023, Aug. 15) State approves needle exchange program in Santa Ana despite city's objections. KTLA5. <https://ktla.com/news/local-news/state-approves-needle-exchange-program-in-santa-ana-despite-citys-objections/>

### RESOLUTION(S)

Pursuant to Rule 4, Sec. 5(b), LRs 307, 308, and 309 were adopted.

### PRESIDENT SIGNED

While the Legislature was in session and capable of transacting business, the President signed the following: LRs 307, 308, and 309.

### SELECT FILE

**LEGISLATIVE BILL 771A.** Advanced to Enrollment and Review for Engrossment.

### GENERAL FILE

**LEGISLATIVE BILL 1118.** Title read. Considered.

Advanced to Enrollment and Review Initial with 41 ayes, 0 nays, 2 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1143.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 1 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 877.** Title read. Considered.

Committee [AM2420](#), found on page 704, was offered.

The committee amendment was adopted with 36 ayes, 0 nays, 9 present and not voting, and 4 excused and not voting.

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

**LEGISLATIVE BILL 998.** Title read. Considered.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 1162.** Title read. Considered.

Committee [AM2500](#), found on page 737, was offered.

The committee amendment was adopted with 38 ayes, 0 nays, 7 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 36 ayes, 1 nay, 8 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 851.** Title read. Considered.

Committee [AM2207](#), found on page 680, was offered.

The committee amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 3 present and not voting, and 4 excused and not voting.

### SELECT FILE

**LEGISLATIVE BILL 43.** [ER44](#), found on page 541, was offered.

ER44 was adopted.

Senator Brewer asked unanimous consent to withdraw [AM2649](#), found on page 806, and replace it with substitute amendment, [AM2812](#). No objections. So ordered.

[AM2812](#)

(Amendments to Standing Committee amendments, AM2076)

1 1. Insert the following new section:

2 Sec. 21. Section 84-1412, Revised Statutes Cumulative Supplement,

3 2022, is amended to read:

4 84-1412 (1) Subject to the Open Meetings Act, the public has the

5 right to attend and the right to speak at meetings of public bodies, and

6 all or any part of a meeting of a public body, except for closed sessions

7 called pursuant to section 84-1410, may be videotaped, televised,

8 photographed, broadcast, or recorded by any person in attendance by means

9 of a tape recorder, a camera, video equipment, or any other means of

10 pictorial or sonic reproduction or in writing. Except for closed sessions

11 called pursuant to section 84-1410, a public body shall allow members of

12 the public an opportunity to speak at each meeting.

13 (2) It shall not be a violation of subsection (1) of this section

14 for any public body to make and enforce reasonable rules and regulations

15 regarding the conduct of persons attending, speaking at, videotaping,

16 televising, photographing, broadcasting, or recording its meetings,

17 including meetings held by virtual conferencing. ~~A body may not be~~

18 ~~required to allow citizens to speak at each meeting, but it may not~~

19 ~~forbid public participation at all meetings.~~

20 (3) No public body shall require members of the public to identify

21 themselves as a condition for admission to the meeting nor shall such

22 body require that the name of any member of the public be placed on the

23 agenda prior to such meeting in order to speak about items on the agenda.

24 The body shall require any member of the public desiring to address the

25 body to identify himself or herself, including an address and the name of  
 26 any organization represented by such person unless the address  
 1 requirement is waived to protect the security of the individual.  
 2 (4) No public body shall, for the purpose of circumventing the Open  
 3 Meetings Act, hold a meeting in a place known by the body to be too small  
 4 to accommodate the anticipated audience.  
 5 (5) No public body shall be deemed in violation of this section if  
 6 it holds its meeting in its traditional meeting place which is located in  
 7 this state.  
 8 (6) No public body shall be deemed in violation of this section if  
 9 it holds a meeting outside of this state if, but only if:  
 10 (a) A member entity of the public body is located outside of this  
 11 state and the meeting is in that member's jurisdiction;  
 12 (b) All out-of-state locations identified in the notice are located  
 13 within public buildings used by members of the entity or at a place which  
 14 will accommodate the anticipated audience;  
 15 (c) Reasonable arrangements are made to accommodate the public's  
 16 right to attend, hear, and speak at the meeting, including making virtual  
 17 conferencing available at an in-state location to members, the public, or  
 18 the press, if requested twenty-four hours in advance;  
 19 (d) No more than twenty-five percent of the public body's meetings  
 20 in a calendar year are held out-of-state;  
 21 (e) Out-of-state meetings are not used to circumvent any of the  
 22 public government purposes established in the Open Meetings Act; and  
 23 (f) The public body publishes notice of the out-of-state meeting at  
 24 least twenty-one days before the date of the meeting in a legal newspaper  
 25 of statewide circulation.  
 26 (7) Each public body shall, upon request, make a reasonable effort  
 27 to accommodate the public's right to hear the discussion and testimony  
 28 presented at a meeting.  
 29 (8) Public bodies shall make available at the meeting or the in-state  
 30 location for virtual conferencing as required by subdivision (6)(c) of  
 31 this section, for examination and copying by members of the public, at  
 1 least one copy of all reproducible written material to be discussed at an  
 2 open meeting, either in paper or electronic form. Public bodies shall  
 3 make available at least one current copy of the Open Meetings Act posted  
 4 in the meeting room at a location accessible to members of the public. At  
 5 the beginning of the meeting, the public shall be informed about the  
 6 location of the posted information.  
 7 2. On page 8, strike the new matters in lines 12 to 14.  
 8 3. On page 17, line 17, after "subdivisions" insert "or any other  
 9 public entity subject to sections 84-712 to 84-712.09".  
 10 4. On page 18, strike beginning with "In" in line 1 through the  
 11 period in line 3; and strike beginning with "limits" in line 10 through  
 12 "liberty" in line 11 and insert "is consistent with an individual's  
 13 fundamental constitutional rights".  
 14 5. On page 22, line 1, strike "or"; in line 16 strike the period and  
 15 insert "; or"; and after line 16 insert the following new subdivision:  
 16 "(l) Subject to compliance with section 8-112, any request for, or  
 17 release of, information, a record, or a report, obtained by the  
 18 Department of Banking and Finance from a nonprofit organization."  
 19 6. On page 23, line 3, strike "and 84-920" and insert "84-920, and  
 20 84-1412".  
 21 7. Renumber the remaining sections and correct the operative date  
 22 section so that the section added by this amendment becomes operative  
 23 three calendar months after the adjournment of this legislative session.

The Brewer amendment was adopted with 41 ayes, 0 nays, 6 present and not voting, and 2 excused and not voting.

Senator J. Cavanaugh offered the following amendment:

[AM2701](#)

(Amendments to Standing Committee amendments, AM2076)

- 1 1. Strike section 5.
- 2 2. On page 1, line 3, strike "5" and insert "4".
- 3 3. Renumber the remaining sections, correct internal references, and
- 4 correct the operative date section accordingly.

The J. Cavanaugh amendment lost with 12 ayes, 30 nays, 5 present and not voting, and 2 excused and not voting.

The Brewer amendment [AM2740](#), found on page 842, was not considered.

Pending.

## COMMITTEE REPORT(S)

Health and Human Services

**LEGISLATIVE BILL 871.** Placed on General File.

**LEGISLATIVE BILL 1172.** Placed on General File.

**LEGISLATIVE BILL 1237.** Placed on General File.

**LEGISLATIVE BILL 927.** Placed on General File with amendment.

[AM2713](#)

- 1 1. Strike the original sections and insert the following new
- 2 sections:
- 3 Section 1. For purposes of providing training for individuals
- 4 involved in the child welfare system, the Department of Health and Human
- 5 Services shall develop a baseline of curriculum and training materials
- 6 related to suicide awareness and prevention in consultation with
- 7 statewide and national organizations and professionals with expertise in
- 8 behavioral and mental health and suicide prevention, including, but not
- 9 limited to, the Nebraska State Suicide Prevention Coalition and the
- 10 Behavioral Health Education Center of Nebraska. All such suicide
- 11 awareness and prevention training shall incorporate evidence-based
- 12 practices and may include, but not be limited to, (1) identification of
- 13 early warning signs and symptoms of behavioral and mental health issues
- 14 for youth in the child welfare system and (2) appropriate and effective
- 15 responses for behavioral and mental health issues and trauma-informed
- 16 care.
- 17 Sec. 2. All staff involved in the child welfare system of the
- 18 Department of Health and Human Services that provide direct services to
- 19 children or families or interact directly with children or families, and
- 20 any other appropriate personnel as determined by the Division of Children
- 21 and Family Services of the Department of Health and Human Services, shall
- 22 have training in suicide awareness and prevention. Such training shall
- 23 include at least ninety minutes of behavioral and mental health training
- 24 with a focus on suicide awareness and prevention prior to any independent
- 25 contact with youth and families and annually thereafter. Such training
- 26 shall be provided within the framework of existing training programs
- 27 offered by the department.
- 1 Sec. 3. Section 71-1904, Reissue Revised Statutes of Nebraska, is
- 2 amended to read:
- 3 71-1904 (1) The department shall adopt and promulgate rules and
- 4 regulations pursuant to sections 71-1901 to 71-1906.01 for (a) the proper

5 care and protection of children by licensees under such sections, (b) the  
6 issuance, suspension, and revocation of licenses to provide foster care,  
7 (c) the issuance, suspension, and revocation of probationary licenses to  
8 provide foster care, (d) the issuance, suspension, and revocation of  
9 provisional licenses to provide foster care, (e) the provision of  
10 training in foster care, which training shall be directly related to the  
11 skills necessary to care for children in need of out-of-home care,  
12 including, but not limited to, abused, neglected, dependent, and  
13 delinquent children, and (f) the proper administration of sections  
14 71-1901 to 71-1906.01.

15 (2) The department may issue a waiver for any licensing standard not  
16 related to children's safety for a relative home that is pursuing  
17 licensure. Such waivers shall be granted on a case-by-case basis upon  
18 assessment by the department based upon the best interests of the child.  
19 A relative home that receives a waiver pursuant to this subsection shall  
20 be considered fully licensed for purposes of federal reimbursement under  
21 the federal Fostering Connections to Success and Increasing Adoptions Act  
22 of 2008, Public Law 110-351.

23 (3) The department shall adopt and promulgate rules and regulations  
24 establishing new foster home licensing requirements that ensure  
25 children's safety, health, and well-being but minimize the use of  
26 licensing mandates for nonsafety issues. Such rules and regulations shall  
27 provide alternatives to address nonsafety issues regarding housing and  
28 provide assistance to families in overcoming licensing barriers,  
29 especially in child-specific relative and kinship placements, to maximize  
30 appropriate reimbursement under Title IV-E of the federal Social Security  
31 Act, as amended, including expanding the use of kinship guardianship  
32 assistance payments under 42 U.S.C. 673(d), as such act and section  
33 existed on January 1, 2013.

34 (4) The department shall include suicide awareness and prevention  
training meeting the requirements of section 1 of this act for initial  
licensure and renewal of licensure pursuant to sections 71-1901 to  
71-1906.01.

35 Sec. 4. Section 71-1924, Revised Statutes Cumulative Supplement,  
36 2022, is amended to read:  
37 71-1924 Sections 71-1924 to 71-1951 and section 5 of this act shall  
38 be known and may be cited as the Children's Residential Facilities and  
39 Placing Licensure Act.

40 Sec. 5. The department shall establish standardized suicide  
awareness and prevention training requirements for all employees of a  
child-placing agency prior to any independent contact with youth and  
families. Such training shall incorporate a baseline of curriculum  
materials described in section 1 of this act while also allowing a child-  
placing agency to incorporate training elements that meet the specific  
needs of the individual agency. The department may approve the existing  
curriculum of a child-placing agency if such curriculum meets the  
baseline of curriculum pursuant to section 1 of this act.

41 Sec. 6. This act shall become operative on October 1, 2024.

42 Sec. 7. Original section 71-1904, Reissue Revised Statutes of  
43 Nebraska, and section 71-1924, Revised Statutes Cumulative Supplement,  
44 2022, are repealed.

**LEGISLATIVE BILL 1054.** Placed on General File with amendment.

[AM2748](#)

1 1. On page 4, strike beginning with "State" in line 13 through  
2 "Department" in line 14 and insert "Commissioner"; and in line 26 strike  
3 "department" and insert "State Department of Education".

(Signed) Ben Hansen, Chairperson



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

Senator M. Cavanaugh filed the following motion to LB1329:  
[MO1204](#)  
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh filed the following motion to LB1329:  
[MO1205](#)  
Recommit to the Education Committee.

Senator M. Cavanaugh filed the following motion to LB1329:  
[MO1206](#)  
Bracket until April 11, 2024.

Senator M. Cavanaugh filed the following motion to LB1329:  
[MO1207](#)  
Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to LB1329:  
[MO1208](#)  
Recommit to the Education Committee.

Senator Murman filed the following motion to LB1329:  
[MO1209](#)  
Bracket until April 18, 2024.

Senator Murman filed the following motion to LB1329:  
[MO1210](#)  
Indefinitely postpone.

Senator Murman filed the following motion to LB1329:  
[MO1211](#)  
Recommit to the Education Committee.

Senator M. Cavanaugh filed the following motion to LB1331:  
[MO1213](#)  
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh filed the following motion to LB1331:  
[MO1214](#)  
Recommit to the Education Committee.

Senator M. Cavanaugh filed the following motion to LB1331:  
[MO1215](#)  
Bracket until April 11, 2024.

Senator M. Cavanaugh filed the following motion to LB1331:  
[MO1216](#)  
Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to [LB1331](#):  
[MO1217](#)  
 Recommit to the Education Committee.

Senator Hunt filed the following motion to [LB307](#):  
[MO1212](#)  
 That LB307 becomes law notwithstanding the objections of the Governor.

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

Senator M. Cavanaugh filed the following amendment to [LB1329](#):  
[FA236](#)  
 Strike Section 1.

Senator M. Cavanaugh filed the following amendment to [LB1329](#):  
[FA237](#)  
 Strike Section 2.

Senator Murman filed the following amendment to [LB1329](#):  
[FA238](#)  
 Strike Section 1.

Senator Murman filed the following amendment to [LB1329](#):  
[FA239](#)  
 Strike Section 2.

Senator Murman filed the following amendment to [LB1329](#):  
[FA240](#)  
 Strike Section 3.

Senator Murman filed the following amendment to [LB1329](#):  
[FA241](#)  
 Strike Section 2.

Senator Murman filed the following amendment to [LB1329](#):  
[FA242](#)  
 Strike Section 3.

Senator Bosn filed the following amendment to [LB857](#):  
[AM2761](#)  
 (Amendments to Standing Committee amendments, AM2409)

- 1 1. Insert the following new sections:
- 2 Section 1. Section 68-901, Revised Statutes Supplement, 2023, is
- 3 amended to read:
- 4 68-901 Sections 68-901 to 68-9,104 and sections 2 to 7 of this act
- 5 shall be known and may be cited as the Medical Assistance Act.
- 6 Sec. 8. Section 68-911, Revised Statutes Supplement, 2023, is
- 7 amended to read:
- 8 68-911 (1) Medical assistance shall include coverage for health care
- 9 and related services as required under Title XIX of the federal Social
- 10 Security Act, including, but not limited to:

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

14 transportation services; mental health services; nursing services;  
 15 occupational therapy services; personal care services; physical therapy  
 16 services; rehabilitation services; speech therapy and other services for  
 17 individuals with speech, hearing, or language disorders; and vision-  
 18 related services.

19 ~~(5)(a)~~ (5) No later than January 1, 2023, the department shall  
 20 provide coverage for continuous glucose monitors under the medical  
 21 assistance program for all eligible recipients who have a prescription  
 22 for such device.

23 (b) Effective August 1, 2024, eligible recipients shall include all  
 24 individuals who meet local coverage determinations, as defined in section  
 25 1869(f)(2)(B) of the federal Social Security Act, as amended, as such act  
 26 existed on January 1, 2024, and shall include individuals with  
 27 gestational diabetes.

28 (c) It is the intent of the Legislature that no more than six  
 29 hundred thousand dollars be appropriated annually from the Medicaid  
 30 Managed Care Excess Profit Fund, as described in section 68-996, for the  
 31 purpose of implementing subdivision (5)(b) of this section. Any amount in  
 1 excess of six hundred thousand dollars shall be funded by the Medicaid  
 2 Managed Care Excess Profit Fund.

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

9 Sec. 9. Section 68-996, Revised Statutes Cumulative Supplement,  
 10 2022, is amended to read:

11 68-996 The Medicaid Managed Care Excess Profit Fund is created. The  
 12 fund shall contain money returned to the State Treasurer pursuant to  
 13 subdivision (3) of section 68-995. The fund shall first be used to offset  
 14 any losses under subdivision (2) of section 68-995 and then to provide  
 15 for services addressing the health needs of adults and children under the  
 16 Medical Assistance Act, including filling service gaps, providing system  
 17 improvements, providing coverage for continuous glucose monitors as  
 18 described in section 68-911, and sustaining access to care as determined  
 19 by the Legislature. The fund shall only be used for the purposes  
 20 described in this section. Any money in the fund available for investment  
 21 shall be invested by the state investment officer pursuant to the  
 22 Nebraska Capital Expansion Act and the Nebraska State Funds Investment  
 23 Act.

24 2. Renumber the remaining sections and correct the repealer  
 25 accordingly.

Senator Riepe filed the following amendment to LB204A:  
AM2844

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

3 Section 1. There is hereby appropriated (1) \$75,000 from the General  
 4 Fund for FY2024-25 and (2) \$-0- from the General Fund for FY2025-26 to  
 5 the Department of Health and Human Services, for Program 33, to aid in  
 6 carrying out the provisions of Legislative Bill 204, One Hundred Eighth  
 7 Legislature, Second Session, 2024.

8 No expenditures for permanent and temporary salaries and per diems  
 9 for state employees shall be made from funds appropriated in this  
 10 section.

11 Sec. 2. There is hereby appropriated (1) \$2,510,597 from the General  
 12 Fund and \$4,466,385 from federal funds for FY2024-25 and (2) \$2,510,597  
 13 from the General Fund and \$4,466,385 from federal funds for FY2025-26 to  
 14 the Department of Health and Human Services, for Program 348, to aid in

15 carrying out the provisions of Legislative Bill 204, One Hundred Eighth  
16 Legislature, Second Session, 2024.  
17 There is included in the appropriation to this program for FY2024-25  
18 \$2,510,597 General Funds and \$4,466,385 federal funds for state aid,  
19 which shall only be used for such purpose. There is included in the  
20 appropriation to this program for FY2025-26 \$2,510,597 General Funds and  
21 \$4,466,385 federal funds for state aid, which shall only be used for such  
22 purpose.  
23 No expenditures for permanent and temporary salaries and per diems  
24 for state employees shall be made from funds appropriated in this  
25 section.

Senator Lowe filed the following amendment to [LB685](#):  
[AM2753](#) is available in the Bill Room.

### **MOTION(S) - Recess**

Senator Aguilar moved to recess until 1:30 p.m.

The motion failed.

### **SELECT FILE**

**LEGISLATIVE BILL 43.** Advanced to Enrollment and Review for Engrossment.

### **VISITOR(S)**

Visitors to the Chamber were Eric and Alexis Norval; Mark Wickard, Bridgeport; Bobby Navarro, Atlanta, Georgia; members of Cause Collective; teachers and students from Norris Elementary, Millard; Nebraska School Counselors from across the state; Cami Oelsligle, Humphrey; Katie Meredith, Nebraska City; Kevin Field, Seward.

### **RECESS**

At 11:58 a.m., on a motion by Senator Aguilar, the Legislature recessed until 1:30 p.m.

### **AFTER RECESS**

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

### **ROLL CALL**

The roll was called and all members were present except Senator Ballard who was excused; and Senators Bostar, Day, Hansen, McKinney, Raybould, and Wayne who were excused until they arrive.

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

Senator M. Cavanaugh filed the following motion to [LB1170: MO1218](#)  
Bracket until April 11, 2024.

Senator M. Cavanaugh filed the following motion to [LB1170: MO1219](#)  
Recommit to the Business and Labor Committee.

Senator M. Cavanaugh filed the following motion to [LB1170: MO1220](#)  
Recommit to the Business and Labor Committee.

Senator M. Cavanaugh filed the following motion to [LB1170: MO1221](#)  
Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to [LB1170: MO1222](#)  
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

Senator M. Cavanaugh filed the following motion to [LB1017: MO1223](#)  
Bracket until April 11, 2024.

Senator M. Cavanaugh filed the following motion to [LB1017: MO1224](#)  
Recommit to the Business and Labor Committee.

Senator M. Cavanaugh filed the following motion to [LB1017: MO1225](#)  
Recommit to the Business and Labor Committee.

Senator M. Cavanaugh filed the following motion to [LB1017: MO1226](#)  
Indefinitely postpone.

Senator M. Cavanaugh filed the following motion to [LB1017: MO1227](#)  
Indefinitely postpone pursuant to Rule 6, Sec. 3(f).

**SELECT FILE**

**LEGISLATIVE BILL 1087.** [ER69](#), found on page 811, was offered.

ER69 was adopted.

Senator Jacobson offered [AM2760](#), found on page 871.

Senator Jacobson offered the following amendment to his amendment:

[FA243](#)

Strike Section 10.

The Jacobson amendment, to his amendment, was adopted with 36 ayes, 0 nays, 5 present and not voting, and 8 excused and not voting.

The Jacobson amendment, as amended, was adopted with 40 ayes, 0 nays, 2 present and not voting, and 7 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 905.** Senator Riepe offered [AM2766](#), found on page 847.

The Riepe amendment was adopted with 39 ayes, 0 nays, 4 present and not voting, and 6 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 61.** [ER70](#), found on page 827, was offered.

ER70 was adopted.

Senator Brandt withdrew [FA30](#), found on page 774, First Session, 2023.

Senator Bostelman offered [FA233](#), found on page 871.

The Bostelman amendment was adopted with 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 1104.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 204.** [ER56](#), found on page 668, was offered.

ER56 was adopted.

Senator Riepe offered the following amendment:

[FA235](#)

Insert "and all other pharmacies participating in the Medical Assistance Program" after "pharmacies" on page 2, line 6, of ER56.

The Riepe amendment was adopted with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

Senator Riepe offered the following amendment:

[FA244](#)

Add the emergency clause.

The Riepe amendment was adopted with 25 ayes, 0 nays, 20 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 198.** [ER64](#), found on page 703, was offered.

ER64 was adopted.

Senator McDonnell offered [AM2624](#), found on page 816.

The McDonnell amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Senator McDonnell offered [AM2694](#), found on page 815.

The McDonnell amendment was adopted with 28 ayes, 0 nays, 18 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 304.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 938.** Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 644.** [ER68](#), found on page 811, was offered.

ER68 was adopted.

Senator McDonnell offered [AM2738](#), found on page 842.

The McDonnell amendment was adopted with 32 ayes, 0 nays, 14 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review for Engrossment.

**LEGISLATIVE BILL 895.** Advanced to Enrollment and Review for Engrossment.

#### GENERAL FILE

**LEGISLATIVE BILL 894.** Committee [AM2370](#), found on page 730 and considered on page 869, was renewed.



Senator McKinney renewed [FA232](#), found and considered on page 870, to the committee amendment.

The McKinney amendment, to the committee amendment, lost with 10 ayes, 19 nays, 17 present and not voting, and 3 excused and not voting.

Senator Wayne offered [AM2764](#), found on page 875, to the committee amendment.

The Wayne amendment, to the committee amendment, was adopted with 36 ayes, 8 nays, 2 present and not voting, and 3 excused and not voting.

The committee amendment, as amended, was adopted with 39 ayes, 0 nays, 7 present and not voting, and 3 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 2 nays, 2 present and not voting, and 3 excused and not voting.

### COMMITTEE REPORT(S) Enrollment and Review

**LEGISLATIVE BILL 829A.** Placed on Final Reading.

**LEGISLATIVE BILL 1355.** Placed on Select File with amendment. [ER74](#) is available in the Bill Room.

**LEGISLATIVE BILL 137.** Placed on Select File with amendment. [ER72](#)

1 1. Strike the original sections and all amendments thereto and

2 insert the following new sections:

3 Section 1. Section 28-416, Revised Statutes Supplement, 2023, is

4 amended to read:

5 28-416 (1) Except as authorized by the Uniform Controlled Substances

6 Act, it shall be unlawful for any person knowingly or intentionally: (a)

7 To manufacture, distribute, deliver, dispense, or possess with intent to

8 manufacture, distribute, deliver, or dispense a controlled substance; or

9 (b) to create, distribute, or possess with intent to distribute a

10 counterfeit controlled substance.

11 (2) Except as provided in subsections (4), (5), (7), (8), (9), and

12 (10), and (16) of this section, any person who violates subsection (1) of

13 this section with respect to: (a) A controlled substance classified in

14 Schedule I, II, or III of section 28-405 which is an exceptionally

15 hazardous drug shall be guilty of a Class II felony; (b) any other

16 controlled substance classified in Schedule I, II, or III of section

17 28-405 shall be guilty of a Class IIA felony; or (c) a controlled

18 substance classified in Schedule IV or V of section 28-405 shall be

19 guilty of a Class IIIA felony.

20 (3) A person knowingly or intentionally possessing a controlled

21 substance, except marijuana or any substance containing a quantifiable

22 amount of the substances, chemicals, or compounds described, defined, or

23 delineated in subdivision (c)(27) of Schedule I of section 28-405, unless

24 such substance was obtained directly or pursuant to a medical order

25 issued by a practitioner authorized to prescribe while acting in the  
26 course of his or her professional practice, or except as otherwise  
27 authorized by the act, shall be guilty of a Class IV felony. A person  
1 shall not be in violation of this subsection if section 28-472 or 28-1701  
2 applies.

3 (4)(a) Except as authorized by the Uniform Controlled Substances  
4 Act, any person eighteen years of age or older who knowingly or  
5 intentionally manufactures, distributes, delivers, dispenses, or  
6 possesses with intent to manufacture, distribute, deliver, or dispense a  
7 controlled substance or a counterfeit controlled substance (i) to a  
8 person under the age of eighteen years, (ii) in, on, or within one  
9 thousand feet of the real property comprising a public or private  
10 elementary, vocational, or secondary school, a community college, a  
11 public or private college, junior college, or university, or a  
12 playground, or (iii) within one hundred feet of a public or private youth  
13 center, public swimming pool, or video arcade facility shall be punished  
14 by the next higher penalty classification than the penalty prescribed in  
15 subsection (2), (7), (8), (9), or (10) of this section, depending upon  
16 the controlled substance involved, for the first violation and for a  
17 second or subsequent violation shall be punished by the next higher  
18 penalty classification than that prescribed for a first violation of this  
19 subsection, but in no event shall such person be punished by a penalty  
20 greater than a Class IB felony.

21 (b) For purposes of this subsection:

22 (i) Playground means any outdoor facility, including any parking lot  
23 appurtenant to the facility, intended for recreation, open to the public,  
24 and with any portion containing three or more apparatus intended for the  
25 recreation of children, including sliding boards, swingsets, and  
26 teeterboards;

27 (ii) Video arcade facility means any facility legally accessible to  
28 persons under eighteen years of age, intended primarily for the use of  
29 pinball and video machines for amusement, and containing a minimum of ten  
30 pinball or video machines; and

31 (iii) Youth center means any recreational facility or gymnasium,  
1 including any parking lot appurtenant to the facility or gymnasium,  
2 intended primarily for use by persons under eighteen years of age which  
3 regularly provides athletic, civic, or cultural activities.

4 (5)(a) Except as authorized by the Uniform Controlled Substances  
5 Act, it shall be unlawful for any person eighteen years of age or older  
6 to knowingly and intentionally employ, hire, use, cause, persuade, coax,  
7 induce, entice, seduce, or coerce any person under the age of eighteen  
8 years to manufacture, transport, distribute, carry, deliver, dispense,  
9 prepare for delivery, offer for delivery, or possess with intent to do  
10 the same a controlled substance or a counterfeit controlled substance.

11 (b) Except as authorized by the Uniform Controlled Substances Act,  
12 it shall be unlawful for any person eighteen years of age or older to  
13 knowingly and intentionally employ, hire, use, cause, persuade, coax,  
14 induce, entice, seduce, or coerce any person under the age of eighteen  
15 years to aid and abet any person in the manufacture, transportation,  
16 distribution, carrying, delivery, dispensing, preparation for delivery,  
17 offering for delivery, or possession with intent to do the same of a  
18 controlled substance or a counterfeit controlled substance.

19 (c) Any person who violates subdivision (a) or (b) of this  
20 subsection shall be punished by the next higher penalty classification  
21 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
22 this section, depending upon the controlled substance involved, for the  
23 first violation and for a second or subsequent violation shall be  
24 punished by the next higher penalty classification than that prescribed  
25 for a first violation of this subsection, but in no event shall such  
26 person be punished by a penalty greater than a Class IB felony.

27 (6) It shall not be a defense to prosecution for violation of  
28 subsection (4) or (5) of this section that the defendant did not know the  
29 age of the person through whom the defendant violated such subsection.  
30 (7) Any person who violates subsection (1) of this section with  
31 respect to cocaine or any mixture or substance containing a detectable  
1 amount of cocaine in a quantity of:  
2 (a) One hundred forty grams or more shall be guilty of a Class IB  
3 felony;  
4 (b) At least twenty-eight grams but less than one hundred forty  
5 grams shall be guilty of a Class IC felony; or  
6 (c) At least ten grams but less than twenty-eight grams shall be  
7 guilty of a Class ID felony.  
8 (8) Any person who violates subsection (1) of this section with  
9 respect to base cocaine (crack) or any mixture or substance containing a  
10 detectable amount of base cocaine in a quantity of:  
11 (a) One hundred forty grams or more shall be guilty of a Class IB  
12 felony;  
13 (b) At least twenty-eight grams but less than one hundred forty  
14 grams shall be guilty of a Class IC felony; or  
15 (c) At least ten grams but less than twenty-eight grams shall be  
16 guilty of a Class ID felony.  
17 (9) Any person who violates subsection (1) of this section with  
18 respect to heroin or any mixture or substance containing a detectable  
19 amount of heroin in a quantity of:  
20 (a) One hundred forty grams or more shall be guilty of a Class IB  
21 felony;  
22 (b) At least twenty-eight grams but less than one hundred forty  
23 grams shall be guilty of a Class IC felony; or  
24 (c) At least ten grams but less than twenty-eight grams shall be  
25 guilty of a Class ID felony.  
26 (10) Any person who violates subsection (1) of this section with  
27 respect to amphetamine, its salts, optical isomers, and salts of its  
28 isomers, or with respect to methamphetamine, its salts, optical isomers,  
29 and salts of its isomers, in a quantity of:  
30 (a) One hundred forty grams or more shall be guilty of a Class IB  
31 felony;  
1 (b) At least twenty-eight grams but less than one hundred forty  
2 grams shall be guilty of a Class IC felony; or  
3 (c) At least ten grams but less than twenty-eight grams shall be  
4 guilty of a Class ID felony.  
5 (11) Any person knowingly or intentionally possessing marijuana  
6 weighing more than one ounce but not more than one pound shall be guilty  
7 of a Class III misdemeanor.  
8 (12) Any person knowingly or intentionally possessing marijuana  
9 weighing more than one pound shall be guilty of a Class IV felony.  
10 (13) Except as provided in section 28-1701, any person knowingly or  
11 intentionally possessing marijuana weighing one ounce or less or any  
12 substance containing a quantifiable amount of the substances, chemicals,  
13 or compounds described, defined, or delineated in subdivision (c)(27) of  
14 Schedule I of section 28-405 shall:  
15 (a) For the first offense, be guilty of an infraction, receive a  
16 citation, be fined three hundred dollars, and be assigned to attend a  
17 course as prescribed in section 29-433 if the judge determines that  
18 attending such course is in the best interest of the individual  
19 defendant;  
20 (b) For the second offense, be guilty of a Class IV misdemeanor,  
21 receive a citation, and be fined four hundred dollars and may be  
22 imprisoned not to exceed five days; and  
23 (c) For the third and all subsequent offenses, be guilty of a Class  
24 IIIA misdemeanor, receive a citation, be fined five hundred dollars, and

25 be imprisoned not to exceed seven days.

26 (14) Any person convicted of violating this section, if placed on  
27 probation, shall, as a condition of probation, satisfactorily attend and  
28 complete appropriate treatment and counseling on drug abuse provided by a  
29 program authorized under the Nebraska Behavioral Health Services Act or  
30 other licensed drug treatment facility.

31 (15) Any person convicted of violating this section, if sentenced to  
1 the Department of Correctional Services, shall attend appropriate  
2 treatment and counseling on drug abuse.

3 (16)(a) Any person convicted of a violation of subsection (1) of  
4 this section shall be punished by the next higher penalty classification  
5 than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of  
6 this section if:

7 (i) ~~The (16)~~ Any person knowingly or intentionally possessed  
8 possessing a firearm while in violation of subsection (1) of this  
9 section; or

10 (ii) Such violation resulted in the use of the controlled substance  
11 and directly and proximately caused the death of, or serious bodily  
12 injury to, another person.

13 (b) ~~A penalty enhanced under this subsection shall in no event~~  
14 ~~result in shall be punished by the next higher penalty classification~~  
15 ~~than the penalty prescribed in subsection (2), (7), (8), (9), or (10) of~~  
16 ~~this section, but in no event shall such person be punished by a penalty~~  
17 ~~greater than a Class IC ~~IB~~ felony.~~

18 (17) A person knowingly or intentionally in possession of money used  
19 or intended to be used to facilitate a violation of subsection (1) of  
20 this section shall be guilty of a Class IV felony.

21 (18) In addition to the existing penalties available for a violation  
22 of subsection (1) of this section, including any criminal attempt or  
23 conspiracy to violate subsection (1) of this section, a sentencing court  
24 may order that any money, securities, negotiable instruments, firearms,  
25 conveyances, or electronic communication devices as defined in section  
26 28-833 or any equipment, components, peripherals, software, hardware, or  
27 accessories related to electronic communication devices be forfeited as a  
28 part of the sentence imposed if it finds by clear and convincing evidence  
29 adduced at a separate hearing in the same prosecution, following  
30 conviction for a violation of subsection (1) of this section, and  
31 conducted pursuant to section 28-1601, that any or all such property was  
1 derived from, used, or intended to be used to facilitate a violation of  
2 subsection (1) of this section.

3 (19) In addition to the penalties provided in this section:

4 (a) If the person convicted or adjudicated of violating this section  
5 is eighteen years of age or younger and has one or more licenses or  
6 permits issued under the Motor Vehicle Operator's License Act:

7 (i) For the first offense, the court may, as a part of the judgment  
8 of conviction or adjudication, (A) impound any such licenses or permits  
9 for thirty days and (B) require such person to attend a drug education  
10 class;

11 (ii) For a second offense, the court may, as a part of the judgment  
12 of conviction or adjudication, (A) impound any such licenses or permits  
13 for ninety days and (B) require such person to complete no fewer than  
14 twenty and no more than forty hours of community service and to attend a  
15 drug education class; and

16 (iii) For a third or subsequent offense, the court may, as a part of  
17 the judgment of conviction or adjudication, (A) impound any such licenses  
18 or permits for twelve months and (B) require such person to complete no  
19 fewer than sixty hours of community service, to attend a drug education  
20 class, and to submit to a drug assessment by a licensed alcohol and drug  
21 counselor; and

22 (b) If the person convicted or adjudicated of violating this section

23 is eighteen years of age or younger and does not have a permit or license  
 24 issued under the Motor Vehicle Operator's License Act:  
 25 (i) For the first offense, the court may, as part of the judgment of  
 26 conviction or adjudication, (A) prohibit such person from obtaining any  
 27 permit or any license pursuant to the act for which such person would  
 28 otherwise be eligible until thirty days after the date of such order and  
 29 (B) require such person to attend a drug education class;  
 30 (ii) For a second offense, the court may, as part of the judgment of  
 31 conviction or adjudication, (A) prohibit such person from obtaining any  
 1 permit or any license pursuant to the act for which such person would  
 2 otherwise be eligible until ninety days after the date of such order and  
 3 (B) require such person to complete no fewer than twenty hours and no  
 4 more than forty hours of community service and to attend a drug education  
 5 class; and  
 6 (iii) For a third or subsequent offense, the court may, as part of  
 7 the judgment of conviction or adjudication, (A) prohibit such person from  
 8 obtaining any permit or any license pursuant to the act for which such  
 9 person would otherwise be eligible until twelve months after the date of  
 10 such order and (B) require such person to complete no fewer than sixty  
 11 hours of community service, to attend a drug education class, and to  
 12 submit to a drug assessment by a licensed alcohol and drug counselor.  
 13 A copy of an abstract of the court's conviction or adjudication  
 14 shall be transmitted to the Director of Motor Vehicles pursuant to  
 15 sections 60-497.01 to 60-497.04 if a license or permit is impounded or a  
 16 juvenile is prohibited from obtaining a license or permit under this  
 17 subsection.  
 18 Sec. 2. Original section 28-416, Revised Statutes Supplement, 2023,  
 19 is repealed.  
 20 2. On page 1, line 2, strike "Cumulative Supplement, 2022" and  
 21 insert "Supplement, 2023"; and in line 4 after the semicolon insert "to  
 22 change provisions relating to penalty enhancement for certain  
 23 violations;".

**LEGISLATIVE BILL 204A.** Placed on Select File.

**LEGISLATIVE BILL 358A.** Placed on Select File.

**LEGISLATIVE BILL 905A.** Placed on Select File.

(Signed) Beau Ballard, Chairperson

Education

**LEGISLATIVE BILL 962.** Placed on General File.

**LEGISLATIVE BILL 1014.** Placed on General File.

**LEGISLATIVE BILL 1273.** Placed on General File.

(Signed) Dave Murman, Chairperson

### **RESOLUTION(S)**

**LEGISLATIVE RESOLUTION 315.** Introduced by Wishart, 27.

WHEREAS, during the week of March 4 through March 8, Beyond School Bells, the Nebraska Department of Education, and Nebraska 4-H Extension are hosting two hundred fifty attendees from across the state and nation at Nebraska's ELO Innovation Invitational, at the University of

Nebraska-Lincoln's Innovation Campus Conference Center in Lincoln, Nebraska, to help design new and expand existing high-quality expanded learning opportunity programs; and

WHEREAS, expanded learning opportunity programs, which are high-quality afterschool and summer programs for school-age youth powered by collaboration between schools and communities, create vital learning opportunities for youth to gain the skills necessary for careers and citizenship; and

WHEREAS, the people of Nebraska stand firmly committed to developing and supporting partnerships between schools and community-based organizations to provide high-quality, sustainable expanded learning opportunities beyond the traditional school day and academic year; and

WHEREAS, expanded learning opportunity programs provide school-age youth with safe, challenging, and enriching learning experiences and opportunities to develop their social, emotional, cultural, physical, and academic skills; and

WHEREAS, expanded learning opportunity programs engage school-age youth in hands-on science, technology, engineering, and math learning opportunities that inspire habits of mind, which, as has been demonstrated by research, motivate young people to prepare for the science, technology, engineering, and math careers that will power the future prosperity of Nebraska; and

WHEREAS, expanded learning opportunity programs support working families by ensuring that children are in safe, stimulating, nurturing environments both before and after the regular school day and traditional academic year; and

WHEREAS, expanded learning opportunity programs allow parents and families to become involved in year-round learning activities that encourage their children's educational, social, and emotional development; and

WHEREAS, expanded learning opportunity programs encourage families, schools, and diverse community organizations to work together to expand learning opportunities that create rich learning environments that benefit all children.

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

1. That the Legislature recognizes the week of March 4 through March 8, 2024, as Expanded Learning Opportunities Week in Nebraska.

2. That the Legislature encourages all people to take time this week to consider how school and community partnerships can be formed and existing partnerships can be strengthened to help expand learning opportunities for all youth.

Laid over.

#### **GENERAL FILE**

**LEGISLATIVE BILL 906.** Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 6 present and not voting, and 3 excused and not voting.

**LEGISLATIVE BILL 607.** Title read. Considered.

Senator McDonnell offered [AM2264](#), found on page 705.

The McDonnell amendment was adopted with 33 ayes, 1 nay, 11 present and not voting, and 4 excused and not voting.

Advanced to Enrollment and Review Initial with 31 ayes, 2 nays, 12 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 839.** Title read. Considered.

Advanced to Enrollment and Review Initial with 39 ayes, 0 nays, 6 present and not voting, and 4 excused and not voting.

**LEGISLATIVE BILL 834.** Title read. Considered.

Committee [AM2428](#), found on page 674, was offered.

The committee amendment was adopted with 30 ayes, 0 nays, 13 present and not voting, and 6 excused and not voting.

Senator Blood withdrew [AM2141](#), found on page 499.

Advanced to Enrollment and Review Initial with 32 ayes, 0 nays, 11 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1313.** Title read. Considered.

Advanced to Enrollment and Review Initial with 33 ayes, 0 nays, 10 present and not voting, and 6 excused and not voting.

**LEGISLATIVE BILL 1215.** Title read. Considered.

Committee [AM2549](#), found on page 786, was offered.

The committee amendment was adopted with 37 ayes, 0 nays, 6 present and not voting, and 6 excused and not voting.

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

**LEGISLATIVE BILL 1200.** Title read. Considered.

Committee [AM2508](#), found on page 810, was offered.

The committee amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

Advanced to Enrollment and Review Initial with 42 ayes, 0 nays, 2 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 904.** Title read. Considered.

Committee [AM2734](#), found on page 837, was offered.

Senator Wishart offered the following amendment to the committee amendment:

[AM2775](#)

(Amendments to Standing Committee amendments, AM2734)

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

2 Sec. 2. (1) The Intergenerational Care Facility Incentive Grant

3 Program is created. It is the intent of the Legislature to appropriate

4 three hundred thousand dollars from the Medicaid Managed Care Excess

5 Profit Fund for fiscal year 2024-25 to the Department of Health and Human

6 Services to provide grants pursuant to this section.

7 (2) The Department of Health and Human Services shall develop

8 requirements for eligibility, application, and audits for grants in

9 collaboration with statewide associations representing nursing homes as

10 defined in section 38-2414 and other stakeholders. The department shall

11 meet with such associations prior to October 1, 2024, to identify any

12 statutes, rules, regulations, or other regulatory barriers that impede

13 the development of an intergenerational care facility in which nursing

14 services and child care are provided and develop recommendations to

15 remediate such barriers that do not impact the safety of the staff or

16 recipients of the nursing services and child care or the quality of

17 nursing services and child care.

18 (3) The grants shall be awarded to facilities that are nursing homes

19 as defined in section 38-2414 or assisted-living facilities as defined in

20 section 71-5903 and that have been certified for participation in

21 medicare or medicaid. The grants shall be used for one-time startup costs

22 to provide for child care in such facilities. A facility may be awarded

23 one grant under this section of up to one hundred thousand dollars. The

24 grants shall be awarded for modification of structures, modification of

25 outside campus space of the nursing facilities, purchase of child care

26 equipment and supplies, or any combination of such purposes. A facility

1 that is applying for or awarded a grant is not required to own or operate

2 the child care services for which the grant is awarded.

3 (4) The department shall award the grants on the basis of date of

4 application with priority given to rural communities, as defined in

5 section 81-1228, for applications filed on the same date. A facility that

6 was cited for substandard quality of care during its most recent survey

7 is not eligible for a grant under this section. Each grant recipient

8 shall establish a plan to participate in the quality rating and

9 improvement system described in section 71-1956 within three years after

10 the date the grant is awarded.

11 Sec. 3. Section 68-996, Revised Statutes Cumulative Supplement,

12 2022, is amended to read:

13 68-996 The Medicaid Managed Care Excess Profit Fund is created. The

14 fund shall contain money returned to the State Treasurer pursuant to

15 subdivision (3) of section 68-995. The fund shall first be used to offset

16 any losses under subdivision (2) of section 68-995 and then to provide

17 for services addressing the health needs of adults and children under the



18 Medical Assistance Act, including filling service gaps, providing system  
 19 improvements, ~~and~~ sustaining access to care, and providing grants  
 20 pursuant to the Intergenerational Care Facility Incentive Grant Program  
 21 as determined by the Legislature. The fund shall only be used for the  
 22 purposes described in this section. Any money in the fund available for  
 23 investment shall be invested by the state investment officer pursuant to  
 24 the Nebraska Capital Expansion Act and the Nebraska State Funds  
 25 Investment Act.  
 26 2. Renumber the remaining sections and correct the repealer  
 27 accordingly.

The Wishart amendment, to the committee amendment, was adopted with  
 40 ayes, 0 nays, 4 present and not voting, and 5 excused and not voting.

Senator Bostar offered the following amendment to the committee  
 amendment:

[AM2858](#)

(Amendments to Standing Committee amendments, AM2734)

1 1. Insert the following new sections:  
 2 Section 1. Sections 1 to 13 of this act shall be known and may be  
 3 cited as the Child Care Capacity Building and Workforce Act.  
 4 Sec. 2. The Legislature finds that:  
 5 (1) There is a lack of licensed child care programs in Nebraska;  
 6 (2) Providing incentives and support to the child care workforce  
 7 will help maintain and increase the child care capacity in Nebraska;  
 8 (3) An increased child care capacity will bolster Nebraska's economy  
 9 by providing parents and guardians the ability to enter, re-enter, and  
 10 remain in the workforce; and  
 11 (4) The benefits of quality child care and early childhood education  
 12 are indisputable and a connection exists between a child's learning  
 13 experiences before entering kindergarten and success in school.  
 14 Sec. 3. For purposes of the Child Care Capacity Building and  
 15 Workforce Act:  
 16 (1) Capacity means the number of children receiving care or services  
 17 through an approved program;  
 18 (2) Community foundation means a tax-exempt, nonprofit, autonomous,  
 19 nonsectarian, philanthropic institution supported by the public with the  
 20 long-term goals of:  
 21 (a) Building permanent, component funds established by many separate  
 22 donors to carry out charitable interests; and  
 23 (b) Supporting the broad-based charitable interests and benefiting  
 24 the residents of a defined geographic area;  
 25 (3) Department means the Department of Economic Development;  
 26 (4) Eligible recipient means:  
 1 (a) Any city of the metropolitan class, city of the primary class,  
 2 city of the first class, city of the second class, village, or county;  
 3 (b) Any nonprofit organization, including any community foundation;  
 4 or  
 5 (c) Any other entity determined appropriate in rules and regulations  
 6 adopted and promulgated by the department;  
 7 (5) License-exempt provider means any approved license-exempt  
 8 provider enrolled in the child care subsidy program pursuant to sections  
 9 68-1202 and 68-1206;  
 10 (6) Licensed child care program means a program described in section  
 11 71-1911; and  
 12 (7) Regional facilitator hub means any entity that provides  
 13 administrative and technical support to any licensed child care program,  
 14 including any:  
 15 (a) Nonprofit organization; or

16 (b) Community foundation.

17 Sec. 4. (1) The Child Care Capacity Building and Workforce Grant  
18 Program is created.

19 (2) The department shall contract with a statewide organization that  
20 supports children and families to administer the program, which may  
21 include providing technical assistance to any grant recipient. Up to five  
22 percent of the money appropriated to the department each fiscal year for  
23 purposes of the Child Care Capacity Building and Workforce Act may be  
24 reserved for such contract with a statewide organization.

25 (3) Under the guidance of the department, the statewide organization  
26 shall be responsible for the following under the program:

27 (a) Prescribing the form on which an eligible recipient may apply to  
28 receive a grant under the program;

29 (b) Reviewing applications and identifying potential grant  
30 recipients;

31 (c) Providing technical assistance to grant recipients; and

1 (d) Coordinating with the Department of Health and Human Services  
2 and the State Department of Education to determine if the grant request  
3 will help meet the child care needs of the eligible recipient.

4 (4) The Department of Economic Development shall:

5 (a) Award grants to eligible recipients across the state and in  
6 urban and rural areas to the fullest extent possible;

7 (b) Award a grant to an eligible recipient based upon a list of the  
8 potential grant recipients that are identified by the statewide  
9 organization; and

10 (c) Prioritize applicants that are requesting a grant to:

11 (i) Increase child care capacity for children three years of age or  
12 younger by creating a new licensed child care program or license-exempt  
13 child care program serving children enrolled in child care subsidy or  
14 expanding an existing licensed-child care or license-exempt child care  
15 program serving children enrolled in child care subsidy;

16 (ii) Support the child care workforce; or

17 (iii) Create a child care program in a county that is not served by  
18 any licensed or license-exempt child care program that offers full-day  
19 full-year care.

20 Sec. 5. To be eligible to receive a grant under the Child Care  
21 Capacity Building and Workforce Grant Program, an eligible recipient  
22 shall complete the application form prescribed by the statewide  
23 organization and provide for a one-to-one match for the amount of the  
24 grant. The eligible recipient shall include the following required  
25 information in its grant application:

26 (1) A needs assessment showing the child care capacity and the needs  
27 of the eligible recipient at the time of application;

28 (2) How the eligible recipient plans to use the grant;

29 (3) How the eligible recipient plans to provide a one-to-one match  
30 for the amount of any grant received. Such match shall be in the form of:

31 (a) Money or other collateral;

1 (b) An in-kind donation, including a donation of facilities,  
2 maintenance, or equipment; or

3 (c) Any combination of money, collateral, or in-kind donation that  
4 is approved by the department; and

5 (4) Any other information required by the department.

6 Sec. 6. A grant recipient under the Child Care Capacity Building  
7 and Workforce Grant Program may use the grant to provide financial or  
8 other support to:

9 (1) The operation of a licensed child care program;

10 (2) The operation of a license-exempt provider serving children  
11 enrolled in child care subsidy;

12 (3) The child care workforce;

13 (4) Parents or guardians with children in child care programs;

14 (5) A federal Head Start program or Early Head Start program;  
15 (6) Start or expand any existing licensed child care program or  
16 license-exempt program serving any child on a child care subsidy;  
17 (7) An entity other than the statewide organization contracted to  
18 administer the Child Care Capacity Building and Workforce Program that  
19 provides administrative or technical support to a child care program;  
20 (8) Build or remodel an existing building for child care purposes;  
21 (9) Any purpose specified in rules and regulations adopted and  
22 promulgated by the department; or  
23 (10) Any combination of such purposes.  
24 Sec. 7. (1) Each grant recipient under the Child Care Capacity  
25 Building and Workforce Grant Program shall provide the one-to-one match  
26 prior to receiving any disbursement of grant proceeds under the program.  
27 (2) The department shall specify how a grant recipient may provide  
28 proof of a one-to-one match for a grant.  
29 (3) The department shall disburse the grant proceeds to any grant  
30 recipient that provides satisfactory proof of a one-to-one match. The  
31 grant may be disbursed in increments as determined by the department.  
1 Sec. 8. (1)(a) If the department determines that a grant recipient  
2 used the grant other than as provided in section 6 of this act, the  
3 department may request the grant recipient to repay such grant and any  
4 remaining portion of the grant in the possession of the grant recipient  
5 to the department.  
6 (b) If the department determines that a grant recipient falsified  
7 any information provided in the application process, the department may  
8 request the grant recipient to repay any or all of the grant disbursed to  
9 the grant recipient.  
10 (2) A grant recipient that receives a request to repay a grant  
11 pursuant to subsection (1) of this section may appeal the decision, and  
12 the appeal shall be in accordance with the Administrative Procedure Act.  
13 (3) Any money received under this section shall be remitted to the  
14 State Treasurer for credit to the Child Care Capacity Building and  
15 Workforce Cash Fund.  
16 Sec. 9. The department shall submit a report to the Legislature  
17 electronically on July 1, 2025, and each July 1 thereafter. Each report  
18 shall include the following:  
19 (1) For each grant awarded under the Child Care Capacity Building  
20 and Workforce Grant Program since the effective date of this act for the  
21 first such report and since the most recent report under this section for  
22 each subsequent report:  
23 (a) The name of the grant recipient;  
24 (b) The amount of the grant;  
25 (c) The reason the grant was requested; and  
26 (d) The number, age, and county location of any children served  
27 through a valid use of a grant described under section 6 of this act;  
28 (2) The total amount of money awarded as grants and the total number  
29 of children served under subdivision (1) of this section;  
30 (3) A compilation of ages and county locations of all children  
31 served through a valid use of a grant described under section 6 of this  
1 act;  
2 (4) Administrative costs of the department to administer the Child  
3 Care Capacity Building and Workforce Grant Program; and  
4 (5) Any other information the department deems relevant to the Child  
5 Care Capacity Building and Workforce Grant Program.  
6 Sec. 10. (1) The Family Child Care Home Grant Program is created  
7 and shall be administered by the department.  
8 (2) The department shall provide grants for new and existing  
9 licensed family child care home programs in residential and  
10 nonresidential facilities and to create regional facilitator hubs in  
11 order to provide administrative and technical support to new and existing  
12 licensed family child care home programs in residential and

13 nonresidential facilities.  
 14 (3) Any licensed child care provider, nonprofit organization, for-  
 15 profit organization, community foundation, school, or regional  
 16 facilitator hub or any other entity specified in rules and regulations  
 17 adopted and promulgated by the department may apply for a grant under the  
 18 Family Child Care Home Grant Program.  
 19 (4) A grant recipient under the Family Child Care Home Grant Program  
 20 shall only use the grant to provide financial or other support to:  
 21 (a) An existing licensed family child care program in a residential  
 22 or nonresidential building that is licensed to serve up to twelve  
 23 children of mixed ages;  
 24 (b) Create a new licensed family child care home program in a  
 25 residential or nonresidential building that is licensed to serve up to  
 26 twelve children of mixed ages; or  
 27 (c) Regional facilitator hubs that will provide administrative and  
 28 technical support to family child care home programs.  
 29 Sec. 11. The department shall submit a report to the Legislature  
 30 electronically on July 1, 2025, and each July 1 thereafter. Each report  
 31 shall include the following:  
 1 (1) For each grant awarded under the Family Child Care Home Grant  
 2 Program since the effective date of this act for the first such report  
 3 and since the most recent report under this section for each subsequent  
 4 report:  
 5 (a) The name of the grant recipient;  
 6 (b) The amount of the grant;  
 7 (c) The reason the grant was requested and how the money was used by  
 8 the grant recipient; and  
 9 (d) The number, age, and county location of any children served  
 10 through a valid use of a grant described under section 10 of this act;  
 11 (2) The total amount of money awarded as grants and the total number  
 12 of children served under subdivision (1) of this section;  
 13 (3) A compilation of ages and county locations of all children  
 14 served through a valid use of a grant described under section 10 of this  
 15 act;  
 16 (4) Administrative costs of the department to administer the Family  
 17 Child Care Home Grant Program; and  
 18 (5) Any other information the department deems relevant to the  
 19 Family Child Care Home Grant Program.  
 20 Sec. 12. (1) The Child Care Capacity Building and Workforce Cash  
 21 Fund is created. The department shall administer the fund for purposes of  
 22 the Child Care Capacity Building and Workforce Act. The fund may consist  
 23 of transfers authorized by the Legislature and any gifts, grants,  
 24 bequests, or donations to the fund.  
 25 (2) Any money in the fund available for investment shall be invested  
 26 by the state investment officer pursuant to the Nebraska Capital  
 27 Expansion Act and the Nebraska State Funds Investment Act.  
 28 (3) The State Treasurer shall transfer five million dollars from the  
 29 General Fund to the Child Care Capacity Building and Workforce Cash Fund  
 30 as soon as administratively possible after the effective date of this  
 31 act, on such dates and in such amounts as directed by the budget  
 1 administrator of the budget division of the Department of Administrative  
 2 Services.  
 3 Sec. 13. The department may adopt and promulgate rules and  
 4 regulations to administer the Child Care Capacity Building and Workforce  
 5 Act.  
 6 2. Renumber the remaining sections accordingly.

Speaker Arch requested to pass over LB904.

Pending.

**LEGISLATIVE BILL 1204.** Title read. Considered.

Committee [AM2640](#), found on page 827, was offered.

The committee amendment was adopted with 41 ayes, 0 nays, 3 present and not voting, and 5 excused and not voting.

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

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

Senator M. Cavanaugh filed the following motion to [LB137](#):  
[MO1228](#)  
Recommit to the Judiciary Committee.

Senator M. Cavanaugh filed the following motion to [LB137](#):  
[MO1229](#)  
Recommit to the Judiciary Committee.

Senator M. Cavanaugh filed the following motion to [LB137](#):  
[MO1230](#)  
Bracket until April 11, 2024.

Senator J. Cavanaugh filed the following motion to [LB399](#):  
[MO1231](#)  
Recommit to the Natural Resources Committee.

#### **BILLS ON FIRST READING**

The following bills were read for the first time by title:

**LEGISLATIVE BILL 1035A.** Introduced by Hughes, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 1035, One Hundred Eighth Legislature, Second Session, 2024.

**LEGISLATIVE BILL 856A.** Introduced by Fredrickson, 20.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 856, One Hundred Eighth Legislature, Second Session, 2024.

**LEGISLATIVE BILL 857A.** Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 857, One Hundred Eighth Legislature, Second Session, 2024.

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

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

Senator Hunt name added to LB145.  
Senator Conrad name added to LB145.  
Senator Vargas name added to LB196.  
Senator Conrad name added to LB196.  
Senator Conrad name added to LB318.  
Senator Hunt name added to LB318.  
Senator Conrad name added to LB319.  
Senator Hunt name added to LB319.  
Senator Hunt name added to LB382.  
Senator Conrad name added to LB383.  
Senator Conrad name added to LB447.  
Senator Jacobson name added to LB606.  
Senator Conrad name added to LB627.  
Senator Hunt name added to LB627.  
Senator Conrad name added to LB776.  
Senator Hunt name added to LB776.  
Senator Hunt name added to LB779.  
Senator Conrad name added to LB779.  
Senator Aguilar name added to LB869.  
Senator Lippincott name added to LB869.  
Senator Conrad name added to LB882.  
Senator Sanders name added to LB937.  
Senator Day name added to LB937.  
Senator Blood name added to LB991.  
Senator Conrad name added to LB1025.  
Senator Blood name added to LB1025.  
Senator Dover name added to LB1114.  
Senator Conrad name added to LB1182.  
Senator Blood name added to LB1184.

**VISITOR(S)**

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

**ADJOURNMENT**

At 4:38 p.m., on a motion by Senator Wishart, the Legislature adjourned until 9:00 a.m., Tuesday, March 5, 2024.

Brandon Metzler  
Clerk of the Legislature