

**EIGHTEENTH DAY - FEBRUARY 1, 2022****LEGISLATIVE JOURNAL****ONE HUNDRED SEVENTH LEGISLATURE  
SECOND SESSION****EIGHTEENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 1, 2022

**PRAYER**

The prayer was offered by Senator Arch.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator Halloran.

**ROLL CALL**

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

The roll was called and all members were present except Senators Bostar, Day, DeBoer, Flood, B. Hansen, Hilkemann, Hunt, Lathrop, Linehan, McCollister, Morfeld, Pansing Brooks, Walz, Wayne, and Wishart who were excused until they arrive.

**CORRECTIONS FOR THE JOURNAL**

The Journal for the seventeenth day was approved.

**COMMITTEE REPORT(S)**  
Health and Human Services

**LEGISLATIVE BILL 704.** Placed on General File.

**LEGISLATIVE BILL 855.** Placed on General File.

**LEGISLATIVE BILL 374.** Placed on General File with amendment.

**AM1504**

- 1 1. On page 2, strike beginning with "chief" in line 15 through
- 2 "Services" in line 16 and insert "Governor".
- 3 2. On page 3, strike beginning with "chief" in line 8 through
- 4 "Services" in line 9 and insert "Governor"; in line 12 strike "two" and
- 5 insert "four"; in line 13 strike "If there is no suitable successor who
- 6 meets the criteria, the" and insert "A"; in line 14 strike "can" and

7 insert "may", strike "an" and insert "one", and strike "two" and insert  
 8 "four"; in line 17 strike "two" and insert "four" and strike beginning  
 9 with "chief" in line 17 through "officer's" in line 19 and insert  
 10 "Director of Public Health or the director's"; and strike beginning with  
 11 the second "and" in line 28 through "Research" in line 29.

**LEGISLATIVE BILL 541.** Placed on General File with amendment.

AM1518

1 1. Strike the original sections and insert the following new  
 2 sections:  
 3 Section 1. Section 43-4215, Reissue Revised Statutes of Nebraska, is  
 4 amended to read:  
 5 43-4215 (1) On or before July 1, 2014, the Division of Children and  
 6 Family Services of the Department of Health and Human Services shall  
 7 implement the reimbursement rate recommendations of the Foster Care  
 8 Reimbursement Rate Committee as reported to the Legislature pursuant to  
 9 section 43-4212 as such section existed before June 5, 2013.  
 10 (2) It is the intent of the Legislature to create additional levels  
 11 of caregiving for youth in foster care and to create an implementation  
 12 plan for treatment family care services in order to expand the service  
 13 array for high-acuity youth in the foster care system.  
 14 (3) The Legislature finds that (a) there is a need for consistency  
 15 in the implementation of additional tiers of caregiving across the state,  
 16 (b) additional tiers of caregiving and reimbursement exist in the  
 17 continuum of foster care services available in Nebraska, however, there  
 18 is a variation in the rates, implementation and outcomes, (c) the use of  
 19 rates outside of the established rate structure can create barriers to  
 20 permanency for children entering adoption and guardianship and prohibits  
 21 the state from accessing federal foster care funds that would otherwise  
 22 be available under Title IV-E of the federal Social Security Act, and (d)  
 23 additional tiers of caregiving should be utilized to support the  
 24 exceptional caregiving needs of children.  
 25 (4) The Legislature further finds that (a) additional treatment  
 26 services are needed to support the behavioral and mental health needs of  
 27 youth who are at risk of entering, or who are stepping down from,  
 28 congregate treatment placement, and (b) treatment family care services  
 29 uses blended funding to support caregivers and prevent placement  
 30 disruption.  
 31 (5) On or before October 1, 2022, the Division of Children and  
 32 Family Services of the Department of Health and Human Services shall, in  
 33 collaboration with the Foster Care Reimbursement Rate Committee,  
 34 implement additional statewide tiers of foster care reimbursements for  
 35 specialized caregiving with standardized rates for foster parents and  
 36 child placing agencies.  
 37 (6)(a) ~~(2)(a)~~ On or before July 1, 2013, the Division of Children  
 38 and Family Services of the Department of Health and Human Services shall  
 39 develop a pilot project as provided in this subsection to implement the  
 40 standardized level of care assessment tools recommended by the Foster  
 41 Care Reimbursement Rate Committee as reported to the Legislature pursuant  
 42 to section 43-4212 as such section existed before June 5, 2013.  
 43 (b)(i) The pilot project shall comprise two groups: One in an urban  
 44 area and one in a rural area. The size of each group shall be determined  
 45 by the division to ensure an accurate estimate of the effectiveness and  
 46 cost of implementing such tools statewide.  
 47 (ii) The Nebraska Children's Commission shall review and provide a  
 48 progress report on the pilot project by October 1, 2013, to the  
 49 department and electronically to the Health and Human Services Committee  
 50 of the Legislature; shall provide to the department and electronically to  
 51 the committee by December 1, 2013, a report including recommendations and  
 52 any legislation necessary, including appropriations, to adopt the

26 recommendations, regarding the adaptation or continuation of the  
27 implementation of a statewide standardized level of care assessment; and  
28 shall provide to the department and electronically to the committee by  
29 February 1, 2014, a final report and final recommendations of the  
30 commission.

31 Sec. 2. Section 68-1210, Reissue Revised Statutes of Nebraska, is  
1 amended to read:

2 68-1210 (1) Notwithstanding any other provision of law, the  
3 Department of Health and Human Services shall have the authority through  
4 rule or regulation to establish payment rates for children with special  
5 needs who are in foster care and in the custody of the department.

6 (2)(a) On or before October 1, 2022, the Division of Medicaid and  
7 Long-Term Care and the Division of Children and Family Services of the  
8 Department of Health and Human Services shall develop a plan to implement  
9 treatment family care services. The plan shall be submitted to the Health  
10 and Human Services Committee of the Legislature and the Nebraska  
11 Children's Commission.

12 (b) On or before October 1, 2023, the Division of Medicaid and Long-  
13 Term Care shall implement treatment family care services as allowed by  
14 federal law. The department shall seek to maximize federal funding for  
15 such program prior to utilizing state medicaid funds for eligible  
16 children.

17 Sec. 3. Original sections 43-4215 and 68-1210, Reissue Revised  
18 Statutes of Nebraska, are repealed.

19 Sec. 4. Since an emergency exists, this act takes effect when  
20 passed and approved according to law.

**LEGISLATIVE BILL 697.** Placed on General File with amendment.

[AM1613](#)

1 1. On page 2, line 22, after "Act" insert "and any other transfer  
2 agreement necessary for patient care".

**LEGISLATIVE BILL 705.** Placed on General File with amendment.

[AM1653](#)

1 1. Insert the following new section:

2 Sec. 6. Since an emergency exists, this act takes effect when passed  
3 and approved according to law.

**LEGISLATIVE BILL 741.** Placed on General File with amendment.

[AM1683](#) is available in the Bill Room.

**LEGISLATIVE BILL 824.** Placed on General File with amendment.

[AM1604](#)

1 1. Strike original section 1.

2 2. Renumber the remaining sections and correct the repealer  
3 accordingly.

**LEGISLATIVE BILL 905.** Placed on General File with amendment.

[AM1609](#)

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

3 Section 1. Section 38-201, Reissue Revised Statutes of Nebraska, is  
4 amended to read:

5 38-201 Sections 38-201 to 38-212 and sections 3 to 7 of this act  
6 shall be known and may be cited as the Advanced Practice Registered Nurse  
7 Practice Act.

8 Sec. 2. Section 38-203, Reissue Revised Statutes of Nebraska, is

9 amended to read:

10 38-203 For purposes of the Advanced Practice Registered Nurse  
11 Practice Act and elsewhere in the Uniform Credentialing Act, unless the  
12 context otherwise requires, the definitions ~~definition~~ found in section  
13 38-204 and sections 3 to 6 of this act ~~apply~~ applies.

14 Sec. 3. Perinatal mental health disorder means a mental health  
15 condition that occurs during pregnancy or during the postpartum period,  
16 including depression, anxiety, or postpartum psychosis.

17 Sec. 4. Post-natal care means an office visit to an advanced  
18 practice registered nurse occurring after birth, with reference to the  
19 infant or mother.

20 Sec. 5. Prenatal care means an office visit to an advanced practice  
21 registered nurse for pregnancy-related care occurring before birth.

22 Sec. 6. Questionnaire means a screening tool administered by an  
23 advanced practice registered nurse to detect perinatal mental health  
24 disorders, such as the Edinburgh Postnatal Depression Scale, the  
25 Postpartum Depression Screening Scale, the Beck Depression Inventory, the  
26 Patient Health Questionnaire, or other validated screening methods.

27 Sec. 7. The board may work with accredited hospitals, advanced  
1 practice registered nurses, and licensed health care professionals and  
2 may create a referral network in Nebraska to develop policies,  
3 procedures, information, and educational materials to meet each of the  
4 following requirements concerning perinatal mental health disorders:

5 (1) An advanced practice registered nurse providing prenatal care  
6 may:

7 (a) Provide education to a pregnant patient and, if possible and  
8 with permission, to the patient's family about perinatal mental health  
9 disorders in accordance with the formal opinions and recommendations of  
10 the American College of Obstetricians and Gynecologists; and

11 (b) Invite each pregnant patient to complete a questionnaire in  
12 accordance with the formal opinions and recommendations of the American  
13 College of Obstetricians and Gynecologists. Screening for perinatal  
14 mental health disorders may be repeated when, in the professional  
15 judgment of the advanced practice registered nurse, the patient is at  
16 increased risk for developing a perinatal mental health disorder;

17 (2) An advanced practice registered nurse providing postnatal care  
18 may invite each postpartum patient to complete a questionnaire and if  
19 completed, shall review the questionnaire in accordance with the formal  
20 opinions and recommendations of the American College of Obstetricians and  
21 Gynecologists; and

22 (3) An advanced practice registered nurse providing pediatric care  
23 to an infant may invite the infant's mother to complete a questionnaire  
24 at any well-child checkup occurring during the first year of life at  
25 which the mother is present, and if completed, shall review the  
26 questionnaire in accordance with the formal opinions and recommendations  
27 of the American Academy of Pediatrics, in order to ensure that the health  
28 and well-being of the infant are not compromised by an undiagnosed  
29 perinatal mental health disorder in the mother.

30 Sec. 8. Section 38-2001, Revised Statutes Cumulative Supplement,  
31 2020, is amended to read:

1 38-2001 Sections 38-2001 to 38-2062 and sections 10 to 15 of this  
2 act shall be known and may be cited as the Medicine and Surgery Practice  
3 Act.

4 Sec. 9. Section 38-2002, Revised Statutes Cumulative Supplement,  
5 2020, is amended to read:

6 38-2002 For the purposes of the Medicine and Surgery Practice Act  
7 and elsewhere in the Uniform Credentialing Act, unless the context  
8 otherwise requires, the definitions found in sections 38-2003 to 38-2022  
9 and sections 10 to 14 of this act apply.

10 Sec. 10. Licensed health care professional means a physician, an

11 osteopathic physician, or a physician assistant licensed pursuant to the  
 12 Uniform Credentialing Act.  
 13 Sec. 11. Perinatal mental health disorder means a mental health  
 14 condition that occurs during pregnancy or during the postpartum period,  
 15 including depression, anxiety, or postpartum psychosis.  
 16 Sec. 12. Post-natal care means an office visit to a licensed health  
 17 care professional occurring after birth, with reference to the infant or  
 18 mother.  
 19 Sec. 13. Prenatal care means an office visit to a licensed health  
 20 care professional for pregnancy-related care occurring before birth.  
 21 Sec. 14. Questionnaire means a screening tool administered by a  
 22 licensed health care professional to detect perinatal mental health  
 23 disorders, such as the Edinburgh Postnatal Depression Scale, the  
 24 Postpartum Depression Screening Scale, the Beck Depression Inventory, the  
 25 Patient Health Questionnaire, or other validated screening methods.  
 26 Sec. 15. The board may work with accredited hospitals and licensed  
 27 health care professionals and may create a referral network in Nebraska  
 28 to develop policies, procedures, information, and educational materials  
 29 to meet each of the following requirements concerning perinatal mental  
 30 health disorders:  
 31 (1) A licensed health care professional providing prenatal care may:  
 1 (a) Provide education to a pregnant patient and, if possible and  
 2 with permission, to the patient's family about perinatal mental health  
 3 disorders in accordance with the formal opinions and recommendations of  
 4 the American College of Obstetricians and Gynecologists; and  
 5 (b) Invite each pregnant patient to complete a questionnaire in  
 6 accordance with the formal opinions and recommendations of the American  
 7 College of Obstetricians and Gynecologists. Screening for perinatal  
 8 mental health disorders may be repeated when, in the professional  
 9 judgment of the licensed health care professional, the patient is at  
 10 increased risk for developing a perinatal mental health disorder;  
 11 (2) A licensed health care professional providing postnatal care may  
 12 invite each postpartum patient to complete a questionnaire and if  
 13 completed, shall review the questionnaire in accordance with the formal  
 14 opinions and recommendations of the American College of Obstetricians and  
 15 Gynecologists; and  
 16 (3) A licensed health care professional providing pediatric care to  
 17 an infant may invite the infant's mother to complete a questionnaire at  
 18 any well-child checkup occurring during the first year of life at which  
 19 the mother is present, and if completed, shall review the questionnaire  
 20 in accordance with the formal opinions and recommendations of the  
 21 American Academy of Pediatrics, in order to ensure that the health and  
 22 well-being of the infant are not compromised by an undiagnosed perinatal  
 23 mental health disorder in the mother.  
 24 Sec. 16. Original sections 38-201 and 38-203, Reissue Revised  
 25 Statutes of Nebraska, and sections 38-2001 and 38-2002, Revised Statutes  
 26 Cumulative Supplement, 2020, are repealed.

**LEGISLATIVE BILL 906.** Placed on General File with amendment.

[AM1729](#)

1 1. Strike the original sections and all amendments thereto and  
 2 insert the following new sections:  
 3 Section 1. (1) For purposes of this section:  
 4 (a) COVID-19 means the novel coronavirus identified as SARS-CoV-2;  
 5 any disease caused by SARS-CoV-2, its viral fragments, or a virus  
 6 mutation therefrom; and all conditions associated with the disease which  
 7 are caused by SARS-CoV-2, its viral fragments, or a virus mutation  
 8 therefrom;  
 9 (b) Department means the Department of Health and Human Services;  
 10 (c)(i) Employer means a person engaged in an industry who has one or

11 more employees;  
 12 (ii) Employer also includes any party whose business is financed in  
 13 whole or in part under the Nebraska Investment Finance Authority Act  
 14 regardless of the number of employees and includes the State of Nebraska,  
 15 governmental agencies, and political subdivisions; and  
 16 (iii) Employer does not include (A) the United States, a corporation  
 17 wholly owned by the government of the United States, or an Indian tribe  
 18 or (B) a bona fide private membership club, other than a labor  
 19 organization, which is exempt from taxation under section 501(c) of the  
 20 Internal Revenue Code;  
 21 (d) Health care practitioner means a person licensed under (i) the  
 22 Medicine and Surgery Practice Act to practice medicine and surgery or  
 23 osteopathic medicine and surgery, (ii) the Medicine and Surgery Practice  
 24 Act to practice as a physician assistant, or (iii) the Advanced Practice  
 25 Registered Nurse Practice Act to practice as an advanced practice  
 26 registered nurse; and  
 27 (e) Vaccine exemption form means the form created by the department  
 1 under subsection (2) of this section.  
 2 (2)(a) The department shall develop a vaccine exemption form for an  
 3 individual to claim an exemption from receiving a COVID-19 vaccine as  
 4 provided in this section. The department shall make the form available on  
 5 the department's website.  
 6 (b) The form shall include a declaration by the individual seeking  
 7 an exemption that:  
 8 (i) A health care practitioner has provided the individual with a  
 9 signed written statement that, in the health care practitioner's opinion,  
 10 (A) receiving a COVID-19 vaccine is medically contraindicated for the  
 11 individual or (B) medical necessity requires the individual to delay  
 12 receiving such vaccine; or  
 13 (ii) Receiving a COVID-19 vaccine would conflict with the  
 14 individual's sincerely held religious belief, practice, or observance.  
 15 (3) An employer that requires applicants or employees to be  
 16 vaccinated against COVID-19 shall allow for an exemption to such  
 17 requirement for an individual who provides the employer with:  
 18 (a) A completed vaccine exemption form; and  
 19 (b) For an individual claiming an exemption based on the statement  
 20 of a health care practitioner, a copy of such signed written statement.  
 21 (4) An employer may require an employee granted an exemption under  
 22 this section to:  
 23 (a) Be periodically tested for COVID-19 at the employer's expense;  
 24 and  
 25 (b) Wear or use personal protective equipment provided by the  
 26 employer.  
 27 Sec. 2. Since an emergency exists, this act takes effect when  
 28 passed and approved according to law.

(Signed) John Arch, Chairperson

### ANNOUNCEMENT(S)

Priority designation(s) received:

McCullister - LB709

**NOTICE OF COMMITTEE HEARING(S)**

Natural Resources  
Room 1525 1:30 PM

Wednesday, February 9, 2022

LB1015  
LB1099

Thursday, February 10, 2022

Scott B. McPheeters - Nebraska Ethanol Board  
Taylor D. Nelson - Nebraska Ethanol Board  
LB1023  
LB1185

(Signed) Bruce Bostelman, Chairperson

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

Senator Brewer filed the following motion to [LB1056](#):

[MO137](#)

Withdraw LB1056.

**ANNOUNCEMENT**

Senator Bostelman announced the Natural Resources Committee will hold an executive session Wednesday, February 2, 2022, following the hearing in Room 1525.

**GENERAL FILE**

**LEGISLATIVE BILL 767.** Committee [AM1643](#), found on page 432 and considered on page 478, was renewed.

The committee amendment was adopted with 41 ayes, 0 nays, 1 present and not voting, and 7 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.

**SELECT FILE**

**LEGISLATIVE BILL 376.** Senator M. Cavanaugh withdrew her amendment, [AM1453](#), found on page 1487, First Session, 2021.

Senator Slama withdrew her amendment, [FA55](#), found on page 1514, First Session, 2021.

Senator Arch withdrew his amendment, [AM1646](#), found on page 429.

Senator Arch offered his amendment, [AM1707](#), found on page 468.

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

Advanced to Enrollment and Review for Engrossment.

**NOTICE OF COMMITTEE HEARING(S)**  
Government, Military and Veterans Affairs  
Room 1507 1:30 PM

Wednesday, February 9, 2022

LB787  
LB742  
LB743  
LB691  
LB1178

Thursday, February 10, 2022

LB1096  
LB1165  
LB1037  
LB1064

Friday, February 11, 2022

LB1122  
LB1008  
LB1146  
LB983

(Signed) Tom Brewer, Chairperson

Education  
Room 1525 1:30 PM

Tuesday, February 8, 2022

LB1001  
LB1057  
LB997  
LB1219  
LB1170

Room 1525 2:00 PM

Monday, February 14, 2022

LB887  
LB902  
LB1050



Room 1525 1:30 PM

Tuesday, February 15, 2022

LB888  
LB1112  
LB1158  
LB768

(Signed) Lynne Walz, Chairperson

Urban Affairs  
Room 1510 1:30 PM

Tuesday, February 8, 2022

AM1708 to LB798

(Signed) Justin Wayne, Chairperson

Agriculture  
Room 1003 1:30 PM

Tuesday, February 15, 2022

LB744  
LR284

(Signed) Steve Halloran, Chairperson

Executive Board  
Room 1525 12:00 PM

Tuesday, February 8, 2022

LB777

(Signed) Dan Hughes, Chairperson

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

Senator M. Hansen filed the following amendment to LB446:

[AM1737](#)

(Amendments to Standing Committee amendments, AM86)

- 1 1. Strike the original sections and all amendments thereto and
- 2 insert the following new section:
- 3 Section 1. The Governor shall apply for all federal funds available
- 4 to this state for emergency rental and mortgage assistance and shall
- 5 disburse any funds received under this section. The Governor may
- 6 coordinate with other governmental entities to establish eligibility
- 7 guidelines for recipients of such funds.

**GENERAL FILE**

**LEGISLATIVE BILL 986.** Title read. Considered.

Committee [AM1702](#), found on page 465, was offered.

Senator Briese withdrew his amendment, [FA69](#), found on page 469.

Senator M. Hansen offered the following amendment to the committee amendment:

[AM1716](#)

(Amendments to Standing Committee amendments, AM1702)

- 1 1. Strike section 3.
- 2 2. Renumber the remaining sections and correct internal references
- 3 3 accordingly.

**SPEAKER HILGERS PRESIDING**

Pending.

**COMMITTEE REPORT(S)**

Banking, Commerce and Insurance

**LEGISLATIVE BILL 795.** Placed on General File.

**LEGISLATIVE BILL 811.** Placed on General File.

**LEGISLATIVE BILL 892.** Placed on General File.

(Signed) Matt Williams, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Nebraska Retirement Systems - LB700

Hilgers - LB933

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

Senator M. Hansen filed the following amendment to [LB986](#):

[AM1715](#)

(Amendments to Standing Committee amendments, AM1702)

- 1 1. On page 3, strike lines 12 through 15.

**ANNOUNCEMENT**

Senator Brewer announced the Government, Military and Veterans Affairs Committee will hold an executive session Wednesday, February 2, 2022, following the hearing in Room 1507.

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

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

Senator Murman name added to LB774.

Senator Morfeld name added to LB783.

Senator Geist name added to LB933.

Senator Murman name added to LB933.

Senator Hughes name added to LB933.

Senator B. Hansen name added to LB933.

Senator Hunt name added to LB1070.

Senator Hunt name added to LB1071.

Senator M. Hansen name added to LB1205.

Senator Clements name added to LB1213.

**VISITOR(S)**

Visitors to the Chamber were Travis and Karen Petersen, Bayard.

The Doctor of the Day was Dr. Marlon Weiss of Lincoln.

**ADJOURNMENT**

At 11:59 a.m., on a motion by Senator Day, the Legislature adjourned until 9:00 a.m., Wednesday, February 2, 2022.

Patrick J. O'Donnell  
Clerk of the Legislature

