

**TWENTY-SEVENTH DAY - FEBRUARY 13, 2024**

**LEGISLATIVE JOURNAL**

**ONE HUNDRED EIGHTH LEGISLATURE  
SECOND SESSION**

**TWENTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Tuesday, February 13, 2024

**PRAYER**

The prayer was offered by Zeke Pipher, Heartland Evangelical Free Church, Central City.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was offered by Senator von Gillern.

**ROLL CALL**

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

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

**CORRECTIONS FOR THE JOURNAL**

The Journal for the twenty-sixth day was approved.

**COMMITTEE REPORT(S)**

Revenue

**LEGISLATIVE BILL 1197.** Placed on General File with amendment. [AM2419](#) is available in the Bill Room.

(Signed) Lou Ann Linehan, Chairperson

Business and Labor

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

**LEGISLATIVE BILL 851.** Placed on General File with amendment.AM2207

1 1. Strike the original sections and insert the following new  
2 sections:  
3 Section 1. Section 81-1210.02, Revised Statutes Cumulative  
4 Supplement, 2022, is amended to read:  
5 81-1210.02 (1) The intent of sections 81-1210.01 to 81-1210.03 is to  
6 provide students with valuable internship opportunities in order to  
7 retain such students in the State of Nebraska at institutions of higher  
8 education, convert students to full-time employment in Nebraska, and  
9 attract workers to Nebraska by assisting Nebraska businesses willing to  
10 provide paid internships.  
11 (2) A business may apply to the department for a grant to assist in  
12 providing a student an internship if:  
13 (a) The business certifies that the internship meets the definition  
14 of internship in section 81-1210.01;  
15 (b) The business will pay the student at least the state minimum  
16 hourly wage for the internship;  
17 (c) The internship will be completed within the State of Nebraska;  
18 (d) The internship will be completed within a period of no more than  
19 twenty-four months; and  
20 (e) The internship will be for a duration sufficient to allow the  
21 student to gain significant valuable work experience and knowledge.  
22 (3)(a) The department may provide grants for internships to  
23 reimburse the cost of wages paid to businesses with less than one hundred  
24 fifty full-time-equivalent employees.  
25 (b) The department may also provide grants for internships to any  
26 business to reimburse the costs for any of the following:  
27 (i) Tuition reimbursement for courses at institutions of higher  
1 education;  
2 (ii) Internship housing;  
3 (iii) Transportation expenses relating to internships; and  
4 (iv) Internship administrative or recruitment costs.  
5 (c) The maximum grant award per internship is seven thousand five  
6 hundred dollars.  
7 (4) A business may apply for no more than two grants for the same  
8 student and shall not be awarded more than one hundred grants total in  
9 any twelve-month period.  
10 (5) A business may allow a student to telecommute if the business is  
11 located ~~in Nebraska and more than thirty miles from~~ the college,  
12 university, or other institution of higher education in which the student  
13 is enrolled ~~and if the college, university, or other institution of~~  
14 ~~higher education~~ is in Nebraska.  
15 (6) The department shall, to the extent possible, assure that the  
16 distribution of grants under sections 81-1210.01 to 81-1210.03 provides  
17 equitable access to the grants by all geographic areas of the state.  
18 (7) The department shall, to the extent possible, assure that the  
19 grants awarded pursuant to sections 81-1210.01 to 81-1210.03 are for  
20 internships which provide valuable learning opportunities for students  
21 who will be seeking employment in a professional or technical field.  
22 (8) The department shall not allocate more than one million five  
23 hundred thousand dollars in any one fiscal year from the Job Training  
24 Cash Fund or its subaccounts for purposes of this section. The department  
25 may receive funds from public, private, or other sources for purposes of  
26 this section.  
27 (9) The department shall develop a qualified action plan by January  
28 1 of each even-numbered year. The plan shall, at a minimum, set forth the  
29 department's priorities and selection criteria for awarding grants for  
30 internships. In order to encourage students from across Nebraska to  
31 pursue internships, the plan shall also include strategies for  
1 affirmatively marketing internships to Nebraska students in high schools,  
2 colleges, universities, and other institutions of higher education in  
3 Nebraska. Such strategies shall place an emphasis on marketing to  
4 underserved student populations as defined by the department in the plan.

5 The department shall submit the plan to the Governor for approval.  
6 (10) The department shall execute a memorandum of understanding with  
7 the Department of Labor before December 31, 2022, to ensure the exchange  
8 of available Department of Labor data throughout the continuum from  
9 prekindergarten to postsecondary education to the workforce. The  
10 department may utilize data and agreements under sections 79-776, 85-110,  
11 85-309, and 85-1511.  
12 (11) The department shall submit an annual report to the Governor  
13 and the Legislature on or before July 1 of each year which includes, but  
14 is not limited to, a description of the demand for internship grants and  
15 programs under sections 81-1210.01 to 81-1210.03 from all geographic  
16 regions in Nebraska, a listing of the recipients and amounts of  
17 internship grants awarded in the previous fiscal year, the impact of the  
18 internship grants, and an evaluation of the internship grants and  
19 programs under sections 81-1210.01 to 81-1210.03 based on the documented  
20 goals of the recipients. The report submitted to the Legislature shall be  
21 submitted electronically. The department may require recipients to  
22 provide periodic performance reports to enable the department to fulfill  
23 the requirements of this subsection. The report shall contain no  
24 information that is protected by state or federal confidentiality laws.  
25 (12) The department may enter into a contract with a Nebraska-based  
26 nonprofit entity for the purposes of carrying out any or all of the  
27 provisions of sections 81-1210.01 to 81-1210.03.  
28 Sec. 2. This act becomes operative on July 1, 2024.  
29 Sec. 3. Original section 81-1210.02, Revised Statutes Cumulative  
30 Supplement, 2022, is repealed.  
31 Sec. 4. Since an emergency exists, this act takes effect when  
1 passed and approved according to law.

(Signed) Merv Riepe, Chairperson

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

Wednesday, February 21, 2024

LR282  
LR146  
LB869  
LB1037

Room 1507 1:30 PM

Thursday, February 22, 2024

LB1191 (reschedule)  
LB1243  
LB1404  
LB1076

Room 1507 1:30 PM

Friday, February 23, 2024

LR286CA  
LB1277  
LB1048

(Signed) Tom Brewer, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

Armendariz - LB1087

**RESOLUTION(S)**

Pursuant to Rule 4, Sec. 5(b), LR299 was adopted.

**PRESIDENT SIGNED**

While the Legislature was in session and capable of transacting business, the President signed the following: LR299.

**GENERAL FILE**

**LEGISLATIVE BILL 829A.** Title read. Considered.

Advanced to Enrollment and Review Initial with 31 ayes, 1 nay, 7 present and not voting, and 10 excused and not voting.

**LEGISLATIVE BILL 61.** Title read. Considered.

The Geist amendment, [AM905](#), found on page 835, First Session, 2023, was not considered.

The Geist amendment, [AM893](#), found on page 838, First Session, 2023, was not considered.

The Geist amendment, [AM896](#), found on page 838, First Session, 2023, was not considered.

The Geist amendment, [AM895](#), found on page 838, First Session, 2023, was not considered.

The Geist amendment, [AM894](#), found on page 839, First Session, 2023, was not considered.

The Geist amendment, [AM892](#), found on page 839, First Session, 2023, was not considered.

The Geist amendment, [AM781](#), found on page 839, First Session, 2023, was not considered.

Senator M. Cavanaugh asked unanimous consent to withdraw the following motions:

[MO215](#), found on page 928, First Session, 2023, to indefinitely postpone pursuant to Rule 6, Sec. 3(f).

[MO216](#), found on page 929, First Session, 2023, to recommit to committee.

[MO217](#), found on page 929, First Session, 2023, to bracket.

[MO218](#), found on page 929, First Session, 2023, to indefinitely postpone.

[MO219](#), found on page 929, First Session, 2023, to recommit to committee.

[MO220](#), found on page 929, First Session, 2023, to bracket.

[MO221](#), found on page 929, First Session, 2023, to recommit to committee.

No objections. So ordered.

Senator Brandt offered [AM2296](#), found on page 579.

Senator DeBoer offered the following amendment to the Brandt amendment:

[AM2471](#) is available in the Bill Room.

Pending.

### **BILL ON FIRST READING**

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

**LEGISLATIVE BILL 992A.** Introduced by Dungan, 26.

A BILL FOR AN ACT relating to appropriations; to amend Laws 2023, LB814, section 203; to decrease appropriations to aid in carrying out the provisions of Legislative Bill 992, One Hundred Eighth Legislature, Second Session, 2024; and to repeal the original section.

### **COMMITTEE REPORT(S)**

Business and Labor

**LEGISLATIVE BILL 1170.** Placed on General File.

**LEGISLATIVE BILL 993.** Placed on General File with amendment.

[AM2373](#)

1 1. Insert the following new section:

2 Sec. 7. The Apprenticeship Grant Act terminates on June 30, 2030.

3 The State Treasurer shall transfer any unobligated money remaining in the

4 Apprenticeship Nebraska Cash Fund on such date to the General Fund.

5 2. On page 2, line 1, strike "6" and insert "7".

6 3. On page 3, line 16, strike "one hundred" and insert "five".

(Signed) Merv Riepe, Chairperson

## Health and Human Services

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

**LEGISLATIVE BILL 1035.** Placed on General File.

**LEGISLATIVE BILL 1143.** Placed on General File.

**LEGISLATIVE BILL 1214.** Placed on General File.

**LEGISLATIVE BILL 1087.** Placed on General File with amendment.

[AM2404](#)

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

2 sections:

3 Section 1. Sections 1 to 9 of this act shall be known and may be

4 cited as the Hospital Quality Assurance and Access Assessment Act.

5 Sec. 2. For purposes of the Hospital Quality Assurance and Access

6 Assessment Act:

7 (1) Assessment means a quality assurance and access assessment

8 imposed on hospitals pursuant to section 3 of this act;

9 (2) Department means the Division of Medicaid and Long-Term Care

10 Services of the Department of Health and Human Services;

11 (3) Hospital means a hospital as defined in section 71-419 or a

12 rural emergency hospital as defined in section 71-477;

13 (4) Medical assistance program means the medical assistance program

14 established pursuant to the Medical Assistance Act; and

15 (5) Net patient revenue means the revenue paid to a hospital for  
 16 patient care, room, board, and services less contractual adjustments, bad  
 17 debt, and revenue from sources other than operations, including, but not  
 18 limited to, interest, guest meals, gifts, and grants.

19 Sec. 3. (1) The department shall amend the medicaid state plan or  
 20 file other federal authorizing documents to establish assessments and  
 21 directed-payment programs for hospital inpatient and outpatient services.

22 (2) Upon approval by the federal Centers for Medicare and Medicaid  
 23 Services of a hospital assessment and a directed-payment program, the  
 24 department shall impose an assessment on hospitals to assure quality and  
 25 access in the medical assistance program.

26 (3) The department may establish different assessment rates based on  
 27 categories of hospital or hospital services as allowed by federal law.

1 (4) The department shall consult with a statewide association  
 2 representing a majority of hospitals and health systems in Nebraska  
 3 regarding the development, implementation, and annual renewal of the  
 4 assessments and the directed-payment programs.

5 (5) The department shall partner with a statewide association  
 6 representing a majority of hospitals and health systems in Nebraska to  
 7 aggregate inpatient, outpatient, and clinic claims data in order to  
 8 establish medicaid quality improvement metrics and track progress on  
 9 identified metrics.

10 (6) The department shall adopt and promulgate rules and regulations  
 11 that are necessary and proper to implement the Hospital Quality Assurance  
 12 and Access Assessment Act.

13 Sec. 4. The department shall collect assessments from hospitals and  
 14 remit the assessments to the State Treasurer for credit to the Hospital  
 15 Quality Assurance and Access Assessment Fund. It is the intent of the  
 16 Legislature that no proceeds from the fund, including the federal match,  
 17 shall be placed in the General Fund.

18 Sec. 5. (1) Each hospital shall pay an assessment based on net  
 19 patient revenue for the purpose of improving the quality of, and access  
 20 to, hospital care in the state. The statewide aggregate assessment shall  
 21 equal (a) the state share of the payments authorized by the federal

22 Centers for Medicare and Medicaid Services and (b) an administrative fee  
23 retained by the department that shall be no more than two percent of the  
24 statewide aggregate assessment required to fund the directed-payment  
25 program. The statewide aggregate assessment total shall not exceed six  
26 percent of the net patient revenue of all assessed hospitals.  
27 (2)(a) A hospital shall pay its quarterly assessment within thirty  
28 days after receipt of its quarterly directed payments. Failure of a  
29 hospital to remit the assessments may result in penalties, interest, or  
30 legal action.  
31 (b) A new hospital shall begin paying an assessment and receiving  
1 directed payments at the start of the first full fiscal year after the  
2 hospital is eligible for medicaid reimbursement for inpatient or  
3 outpatient services. A hospital that has merged with another hospital  
4 shall have its assessment and directed payments revised at the start of  
5 the first full fiscal year after the merger is recognized by the  
6 department. A closed hospital shall be retroactively responsible for  
7 assessments owed and shall receive directed payments for services  
8 provided.  
9 (3) If the department determines that a hospital has underpaid or  
10 overpaid assessments, the department shall notify the hospital of the  
11 unpaid assessments or of any refund due. Such payment or refund shall be  
12 due or refunded within thirty days after the date of the notice.  
13 Sec. 6. (1) The Hospital Quality Assurance and Access Assessment  
14 Fund is created. Interest earned on the fund shall be credited to the  
15 fund. Any money in the fund available for investment shall be invested by  
16 the state investment officer pursuant to the Nebraska Capital Expansion  
17 Act and the Nebraska State Funds Investment Act.  
18 (2) The department shall use the Hospital Quality Assurance and  
19 Access Assessment Fund, including the matching federal financial  
20 participation, for the purpose of enhancing rates paid to hospitals under  
21 the medical assistance program. Money in the fund shall not be used to  
22 replace or offset existing state funds paid to hospitals for providing  
23 services under the medical assistance program.  
24 (3) The Hospital Quality Assurance and Access Assessment Fund shall  
25 also be used to pay the department the administrative fee described in  
26 section 5 of this act, to collect assessments and administer directed-  
27 payment programs established by the Hospital Quality Assurance and Access  
28 Assessment Act.  
29 (4) In calculating rates, the proceeds from assessments and federal  
30 match not utilized under subsection (3) of this section shall be used to  
31 enhance rates for hospital inpatient and outpatient services in addition  
1 to any funds appropriated by the Legislature.  
2 (5) The department shall collect data for revenue, discharge, and  
3 inpatient days from a hospital that does not file an annual medicare cost  
4 report. At the request of the department, a hospital that does not file  
5 an annual medicare cost report shall submit such requested data to the  
6 department.  
7 (6) The department shall prohibit a medicaid managed care  
8 organization from (a) setting, establishing, or negotiating reimbursement  
9 rates with a hospital in a manner that takes into account, directly or  
10 indirectly, a directed payment that a hospital receives under the  
11 Hospital Quality Assurance and Access Assessment Act, (b) unnecessarily  
12 delaying a directed payment to a hospital, or (c) recouping or offsetting  
13 a directed payment for any reason.  
14 (7) A hospital shall not directly pass on the cost of an assessment  
15 to patients or non-medicare payors, including as a fee or rate increase.  
16 A hospital that violates this subsection shall not receive a directed  
17 payment for the remainder of the rate year. This subsection shall not be  
18 construed to prohibit a hospital from negotiating with a non-medicare  
19 payor for a rate increase.

20 Sec. 7. It is the intent of the Legislature that medicaid rates  
 21 paid for hospital inpatient and outpatient services and the General Fund  
 22 appropriations for hospital inpatient and outpatient services in the  
 23 medical assistance program shall not be reduced to an amount below the  
 24 rates paid and General Fund appropriations for these services in fiscal  
 25 year 2023-24.

26 Sec. 8. Assessments and directed-payment programs shall be treated  
 27 as a separate component in developing rates paid to hospitals and shall  
 28 not be included with existing rate components. The assessments and  
 29 directed-payment programs shall be retroactive to July 1, 2024, or the  
 30 effective date approved by the federal Centers for Medicare and Medicaid  
 31 Services.

1 Sec. 9. (1) The department shall discontinue the collection of  
 2 assessments when federal matching funds are unavailable. In such case,  
 3 the department shall terminate the collection of the assessments  
 4 beginning on the date such federal matching funds become unavailable.

5 (2) If collection of assessments is discontinued as provided in this  
 6 section, the money in the Hospital Quality Assurance and Access  
 7 Assessment Fund shall be returned to the hospitals from which the  
 8 assessments were collected on the same proportional basis as the  
 9 assessments were assessed.

10 Sec. 10. Since an emergency exists, this act takes effect when  
 11 passed and approved according to law.

(Signed) Ben Hansen, Chairperson

### AMENDMENT(S) - Print in Journal

Senator Arch filed the following amendment to [LB307](#):  
[AM2380](#)

(Amendments to Standing Committee amendments, AM381)

1 1. Strike sections 1 to 3 and insert the following new sections:

2 Section 1. (1) The governing body of a municipality or county may  
 3 authorize by ordinance or resolution a syringe services program to  
 4 operate within the bounds of such municipality or county. A county  
 5 ordinance or resolution shall not be effective within the corporate  
 6 boundaries of any incorporated municipality located in whole or in part  
 7 within the county.

8 (2) A syringe services program authorized by this section shall, at  
 9 a minimum, offer or arrange for the provision of the following:

10 (a) A needs assessment for program participants;

11 (b) Access to sterile syringes, needles, and other items or  
 12 equipment used to reduce the risk of disease transmission or other harm;

13 (c) Safe disposal of used syringes, needles, and other items or  
 14 equipment;

15 (d) Referral information and educational materials regarding  
 16 substance use disorder prevention and treatment;

17 (e) Information to reduce injection and overdose risks;

18 (f) Naloxone or information about where naloxone can be obtained at  
 19 low or no cost; and

20 (g) Referral information and educational materials regarding social  
 21 services, mental health care, and other health care services.

22 (3) A syringe services program authorized by this section shall not  
 23 be located within five hundred feet of any:

24 (a) Public or private: Childcare facility; elementary, vocational,  
 25 or secondary school; or youth center; or

26 (b) Public: Community recreation center, library, or swimming pool.

1 Sec. 2. Section 28-441, Revised Statutes Cumulative Supplement,  
 2 2022, is amended to read:



3 28-441 (1) It shall be unlawful for any person to use, or to possess  
4 with intent to use, drug paraphernalia to manufacture, inject, ingest,  
5 inhale, or otherwise introduce into the human body a controlled substance  
6 in violation of sections 28-101, 28-431, and 28-439 to 28-444.

7 (2) Any person who violates this section shall be guilty of an  
8 infraction.

9 (3) A person shall not be in violation of this section if section  
10 28-472 or 28-1701 applies.

11 (4) This section does not apply to:

12 (a) The staff of a syringe services program authorized by section 1  
13 of this act when such staff are engaged in the provision, retrieval, or  
14 disposal of syringes, needles, or other items or equipment in connection  
15 with the program; or

16 (b) A participant of such a program when the participant is engaged  
17 in the retrieval or disposal of syringes, needles, or other items or  
18 equipment at or within the immediate vicinity of the program site or  
19 facility.

20 Sec. 3. Section 28-442, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22 28-442 (1) It shall be unlawful for any person to deliver, possess  
23 with intent to deliver, or manufacture with intent to deliver, drug  
24 paraphernalia, knowing, or under circumstances in which one reasonably  
25 should know, that it will be used to manufacture, inject, ingest, or  
26 inhale or otherwise be used to introduce into the human body a controlled  
27 substance in violation of sections 28-101, 28-431, and 28-439 to 28-444.

28 (2) This section shall not apply to:

29 (a) Pharmacies, pharmacists, pharmacist interns, pharmacy  
30 technicians, and pharmacy clerks who sell hypodermic syringes or needles  
31 for the prevention of the spread of infectious diseases; -

1 (b) The staff of a syringe services program authorized by section 1  
2 of this act when such staff are engaged in the provision, retrieval, or  
3 disposal of syringes, needles, or other items or equipment in connection  
4 with the program; or

5 (c) A participant of such a program when the participant is engaged  
6 in the retrieval or disposal of syringes, needles, or other items or  
7 equipment at or within the immediate vicinity of the program site or  
8 facility.

9 (3) Any person who violates this section shall be guilty of a Class  
10 II misdemeanor.

11 Sec. 4. Original sections 28-441 and 28-442, Revised Statutes  
12 Cumulative Supplement, 2022, are repealed.

Senator Arch filed the following amendment to [LB1321](#):  
[AM2438](#) is available in the Bill Room.

Senator Clements filed the following amendment to [LB857](#):  
[FA216](#)

Amend AM2409 on page 1, line 16, after "." insert "This program shall terminate on June 30,  
2027."

Senator Walz filed the following amendment to [LB358](#):  
[AM2410](#)

1 1. On page 2, line 6, after "percent" insert "for fiscal year  
2 2024-25".

Senator Aguilar filed the following amendment to [LB909](#):  
[AM2413](#)

1 1. Insert the following new section:

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

Senator Bostelman filed the following amendment to LB61:

FA215

Amend AM2296 on page 11, line 7, strike "underserved" and replace with "unserved"; on page 11, strike lines 20 through 31; on page 12, strike line 1; on page 12, line 25, strike "underserved" and replace with "unserved," and strike the word "or"; on page 12, line 26, strike the words "unserved locations"; on page 13, line 10, strike "underserved"; and on page 13, line 11, strike "locations or."

**NOTICE OF COMMITTEE HEARING(S)**

Education  
Room 1525 1:30 PM

Tuesday, February 20, 2024

LB1371  
LB962  
LB1231  
LB1291  
LB862  
LB987  
LB1271  
LB1272  
LB1348

(Signed) Dave Murman, Chairperson

Health and Human Services  
Room 1510 1:30 PM

Wednesday, February 21, 2024

LB920  
LB946  
LB1350  
LB1100

Room 1510 1:30 PM

Thursday, February 22, 2024

LB1106  
LB1373  
LB823  
LB1107

Room 1510 1:30 PM

Friday, February 23, 2024

LB882  
LB927

LB1194  
LB1221

(Signed) Ben Hansen, Chairperson

**ANNOUNCEMENT(S)**

Priority designation(s) received:

General Affairs - LB1204  
Hughes - LB1035  
State-Tribal Relations - LB1288

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

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

Senator Vargas name added to LB947.  
Senator J. Cavanaugh name added to LB1050.  
Senator Hughes name added to LB1373.

**VISITOR(S)**

Visitors to the Chamber were Ben and Archer Schwartz with Blue Valley Community Action, Fairbury; members and staff from Eastern Nebraska Community Action Partnership in North Omaha; members from Children and Family Coalition of Nebraska, Family Focused Treatment Association; Nebraska Association of Homes and Services for Children, The Alliance.

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

**ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Albrecht, the Legislature adjourned until 9:00 a.m., Wednesday, February 14, 2024.

Brandon Metzler  
Clerk of the Legislature

