

Transcript Prepared by Clerk of the Legislature Transcribers Office

Floor Debate February 14, 2024

Rough Draft

DORN: Welcome to the George W. Norris Legislative Chamber for the twenty-eighth day of the One Hundred Eighth legislative-- Legislature, Second Session. Our chaplain for today is Ar-- Arin Hess, Capitol Studies Offices of Lincoln, Nebraska, Senator Carolyn Bosn's district. Please rise.

ARIN HESS: Let's pause and come before God's throne of grace. Heavenly Father, we thank you again for the day that you've given to us. It's the day that you've said from Scripture that we should rejoice and be glad in it. We thank you for the salvation that has been brought for us through the Lamb of God, Jesus Christ. And we ask that, Lord, we might share that good news with all, and that they might embrace likewise, saving knowledge in him. Thank you, Heavenly Father, that we have the privilege to have this great group of people that you have brought to this building for service to the King of Kings and Lord of Lords, and for the good people and the great people of the state of Nebraska. Lord, they have sacrificed to be here. I ask that you will reward their efforts and their sacrifice, and that their loyalty might be known to you, oh God. I pray, Heavenly Father, that you might take even this moment to fortify and strengthen each of these in the tasks that you have give them at, at hand. Help this day to be a productive day. I pray for the senators, for their families, for their staff. I pray for this building and the Capitol community, from our Governor to the cleaning lady, that Lord, each might know your presence, and that they might experience the joy of knowing that they are serving you. I pray, Heavenly Father, that you might grant to them divine wisdom and decisions that must be made this day. That you will grant to them discernment. Help them, Father, to make even the hard choices. I pray that you will give them courage to vote and, and debate their convictions. I pray for perseverance, that you will enable them to continue on. I ask for humility, Lord, that pride not-- might not stand in the way of being able to effectively serve you. And then I pray for teachability, that we might learn of one another, that we might continue to grow. Pray for moral integrity and for self-control. All of these elements, Lord, may they be exemplified in the lives of these, your servants. And again, we thank you for this special Ash Wednesday that we can reflect upon the importance of having prayer and fasting as a part of our daily lives. And we pray especially for repentance of the sins that have beset our land, even our country, our state. And Lord, we pray for now your wisdom and your guidance, and we'll thank you and praise you for the supply of those needs and beyond, for we pray it in the good name, in the precious name of Jesus Christ, our Lord and Savior. Amen.

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DORN: I recognize Senator Aguilar to lead the Pledge of Allegiance.

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

DORN: Thank you. I call to order the twenty-eighth day of the One Hundred Eighth Legislative Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

DORN: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections this morning.

DORN: Thank you. Are there any messages or reports or announcements?

CLERK: There are. Mr. President, the Revenue Committee gives notice of public hearing. Additionally, the Business and Labor Committee has designated LB1170 as a committee priority for the session. Business and Labor Committee, priority designation of LB1170, as well as LB1017. Business and Labor Committee priority, LB1017. Notice, the Appropriations Committee will have an Executive Session in room 2022 at 10:00 a.m. Appropriations, Exec Session, 10 a.m. in room 2022. Additionally, the Government, Military and Veterans Affairs Committee will have a-- will have its hearing today, February 14, 2024, in room 1525. And the Natural Resources Committee will conduct its public hearing in room 1510, both occurring at 1:30 p.m. That's all I have at this time, Mr. President.

DORN: Thank you, Mr. Clerk. Speaker Arch, for an announcement.

ARCH: Thank you, Mr. President. Colleagues, just as a reminder, today, today is the deadline for senators to submit to me a request letter asking for my consideration of a bill as a Speaker priority bill. So all request letters need to be hand-delivered to my office prior to adjournment this morning. A senator may request more than one bill for consideration, but I ask you to submit 1 letter for each bill request. Additionally, tomorrow, prior to adjournment, is the deadline to designate all senator and committee priority bills. Thank you, Mr. President.

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DORN: Thank you, Speaker Arch. Mr. Clerk, we will now proceed to the first item on the agenda.

CLERK: Mr. President, first item on the agenda, General File, LB992A, introduced by Senator Dungan. It's a bill for an act relating to appropriations; decreases appropriations to aid in the carrying out of the provisions of LB992; and repeals the original section. The bill was read for the first time on Jan-- on February 13 of this year and placed directly on General File.

DORN: Senator Dungan, you're recognized to open.

DUNGAN: Thank you, Mr. President. Colleagues, this is just an A bill for a bill that we had up last week. You might remember, this was the conversation we had with regard to appraisers. LB992 is an update to our code as it pertains to appraisers, which we have to do. If we don't do that update, we are no longer in compliance with federal regulations, so it's a simple update that I brought on behalf of the Appraisal Board. This is the A bill component of that. And actually, I believe it reduces the total amount of money we're spending in fiscal year 2024-2025 by a very small amount, due to some small changes that we are not requiring appraisers to do anymore with regards to fingerprints and background checks. So I would encourage your green vote on LB992A.

DORN: See no, no other discussion. Senator Dungan, to close. Senator Dungan waives. Colleagues, the item before the body is a vote on LB992A, appropriation bill. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 27 ayes, 0 nays on advancement of the bill, Mr. President.

DORN: The Appropriations bill for LB992A is a-- advanced.

CLERK: Mr. President, the next item on the agenda, committee reports concerning a gube-- a committee report concerning the gubernatorial appointment from the Natural Resources Committee of Tracy Zink and Jan K. tenBensel to the Nebraska Ethanol Board.

DORN: Senator Bostelman, you're recognized to open.

BOSTELMAN: Thank you, Mr. President. Good morning, Nebraskans. Good morning, colleagues. Happy Valentine's Day, Nebraskans, colleagues, and your families. We have some spirit on the floor this morning. If you look around and watch TV, you'll see it, as we come along with

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ties or suits. It's a festive day. The Natural Resource Committee held a confirmation hearing on February 8, 2024 to consider a gubernatorial appointee, Tracy Zink. Ms. Zink is a new appointment to the Nebraska Ethanol Board to serve a term from November 20, 2023 until August 31, '27. She serves as a sorghum production member on the board. The Nebraska Ethanol Board's mission is to establish procedures and processes necessary to the manufacturing and marketing of ethanol fuel and its co-products. The Nebraska Ethanol Board's 7 members are appointed by the Governor. Each member represents a specific area or interest related to Nebraska's ethanol industry. The board also has a technical advisor from the University of Nebraska-Lincoln, who serves as a non-voting member on the board. Ms. Zink is in the production of agriculture and is the third generation to operate Sunny Heights Farms. She is from Indianola and has served in the-- on the Middle Republican NRD, chaired the Nebraska Rural Radio Association, been active in the Nebraska Sorghum Producers Association and the Red Willow County UNL Extension Board. She received her bachelor's degree in education science from the University of Alaska, as well as a master's degree from West Texas A&M University in sports administration. She appeared in person at the hearing, and the committee voted 8-0 to advance her confirmation. I ask for your green vote. The second person is-- that appeared on the same day was Mr. ten-- Jan tenBensel. He is a reappointment to the Nebraska Ethanol Board to serve a term from August 1, '23 through August of 2027. He serves as a wheat production member on the board. The Nebraska Ethanol Board's mission is to establish procedures and processes necessary to the manufacturing and marketing of ethanol fuel and its co-products. Mr. tenBensel is a farmer from Cambridge. He has been on the Nebraska Ethanol Board since 2015 and chairman since 2018. He has also served on the Governor's Council for International Relations, the Cambridge Board of Education and the Nebraska Corn Growers Association, the National Corn Growers Ethanol Action Team, the U.S. Grains Council Ethanol Action Team, and the Cambridge Chamber of Commerce. He has received several awards for his efforts in ethanol promotion and voluntary services. He attended the University of Nebraska at Kearney and received his associate's degree from the Mid-Plains Community College. He appeared in person at the hearing, and the committee-- at the committee-- voted 8-0 to advance his confirmation. And I ask for your green vote on the con-- confirmation of both Ms. Zink and Mr. tenBensel. Thank you, Mr. President.

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DORN: Seeing no one in the queue, the item before the body is the adoption of the Natural Resources Committee report. All those in favor of vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the committee report.

DORN: The report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, next item. Committee report from the Natural Resources Committee concerning the gubernatorial appointment of William F. Austin and David Liegl to the Nebraska Power Review Board.

DORN: Senator Riepe, you're recognized to open. Excuse me, Senator Bostelman.

BOSTELMAN: Thank you, Mr. President. The Natural Resource Committee held a confirmation hearing on February 7, 2024 to consider the gubernatorial appointee, William Austin. Mr. Austin is a new appointee to the Nebraska Power Review Board, to serve a term from December 13, '23 to January, 2027. He will serve as the attorney member of the board. The Nebraska Power Review Board is a state agency created in 1963 to regulate Nebraska's electric utility industry. Nebraska is unique in that it is the only state in the country served at retail-- entirely by consumer-owned electric utilities. These utilities include public power districts, cooperatives, and municipalities. The Power Review Board consists of 5 members appointed by the Governor and confirmed by the Legislature. Board members serve 4-year terms and cannot serve more than 2 consecutive terms. No more than three board members may belong to the same political party as, as the Governor. The board must include an engineer, an attorney, an accountant, and 2 lay-- laypersons with no geographic boundary restrictions. Mr. Austin is a private practice attorney from Lincoln. He received a degree from the University of Nebraska-Lincoln in political science. He then went on to earn his Juris Doctorate from the UNL School of Law. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation. I would ask for your green vote on Mr. Austin, as well. The committee heard on February 7, the same day, the-- consider the guber-- gubernatorial appointee, David Liegl. Mr. Liegl is a new appointment to the Nebraska Power Review Board to serve a term from December '22-23 until January '26. He will serve as the accountant member of the board. Nebraska Power Review Board is a state agency created in 1963 to regulate Nebraska's electrical utility industries. Mr. Liegl, Liegl is an attorney with a CPA from Lincoln. He graduated

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from UNL with a degree in business administration, before continuing on to a law school at University of Nebraska-Lincoln in-- for his Juris Doctorate. He appeared in person at the hearing, and the committee voted 8-0 to advance his confirmation. I would ask for your green vote on both Mr. Austin and Mr. Liegl to the Nebraska Power Review Board. Thank you, Mr. President.

DORN: Seeing no one else in the queue, Senator Bostelman, you're recognized to close. Senator Bostelman waives. Colleagues, the question before the body is the adoption of the Natural Resources Committee report. All those in favor of vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 29 ayes, 0 nays, Mr. President, on adoption of the committee report.

DORN: The committee report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, the next item, committee report from the Business and Labor Committee concerning gubernatorial appointment of Dallas Jones to the Commission of Industrial Relations.

DORN: Senator Riepe, you're recognized to open.

RIEPE: Thank you, Mr. President and colleagues. I, I wish to echo Senator Bostelman's good wishes of Happy Valentine's Day to all. Today, I come with the confirmation of Dallas Jones for the Commission on Industrial Relations. The Commission of Industrial Relations, also referred to as the CIR, is a state agency designed to solve public sector labor controversies, with jurisdiction over state and local government employees, including public utilities. The commission is made up of 5 part-time commissioners appointed by the Governor, with legislative approval, for a term of 6 years. This is a reappointment of Mr. Jones. He was appointed to the CIR by Governor Pete Ricketts and confirmed by the Legislature in 2017. Mr. Jones testified in person during the public hearing on Monday, January 22. Mr. Jones is an attorney and received his Juris Doctorate from the University of Nebraska. He is currently a partner in the Baylor Evnen Wolf and Tannehill law firm, and has been with that firm since 1985. Mr. Jones' law practice is primarily in the area of worker's compensation. Mr. Jones is active in the community and shared with the committee his interests in organizations that serve children. Mr. Jones is qualified to serve on the commission. The commission supported his confirmation with a 6 yes, 0 nos, and 1 present not voting. I would ask your

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approval for the reappointment or-- and the appointment at this new time, to the commission, of Mr. Dallas Jones. Thank you, Mr. President.

DORN: Seeing no one else in the queue, Senator Riepe, you're recognized to close. Senator Riepe waives. Colleagues, the item before the body is the adoption of the Business and Labor Committee report. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the committee report.

DORN: The Business and Labor Committee report is adopted. Mr. Clerk, next item.

CLERK: Mr. President, the next item, LB857, General File. The bill was introduced by Senator Dungan. It's a bill for an act relating to the Department of Health and Human Services; creates the Nebraska Prenatal Plus Program as prescribed. The bill was read for the first time on January 3 of this year and referred to the Health and Human Services Committee. That committee placed the bill on General File with committee amendments. There is an additional amendment, Mr. President.

DORN: Senator Dungan, you are recognized to open.

DUNGAN: Thank you, Mr. President. Good morning, colleagues. I am happy and excited to intro today for you, LB857, which is the creation of the Prenatal Plus Program here in Nebraska. It is also my personal priority. The Prenatal Plus Program, the purpose of LB857, is to increase the access to services available to at-risk, low-income mothers. Colleagues, before I get too deep into what exactly LB857 does, I want to walk you through a little bit of how I came to introduce this bill and how we got here. So when last year ended, I immediately started thinking about priorities and things that we could bring this year that would accomplish a couple of goals. One of the goals, obviously, that I wanted to accomplish, was find a bill that would have a major impact on Nebraskans, have a tangible, substantive effect on everyday people that we could actually say we're doing something that are helping Nebraskans. And in addition to that, I wanted to work hard to find a bill that I thought would be something that would be nonpartisan, bipartisan, something that we could all agree on. So almost immediately, once we left session last year, I started doing research and figuring out what issue would fit that

bill. And one of the things that I almost immediately landed on was one thing that we could all agree on is we need more healthy moms and more healthy babies. So with that goal in mind of having healthier moms, healthier babies, I began to do research on what we could do as a state and what other states have done to accomplish that goal. I very quickly found a couple of programs across the country, in particular, Colorado and Florida, which you're going to hear me talk a little bit about here today, that focused on prenatal services. The Colorado Prenatal Plus Program was started back in the late '90s or early 2000s. And what's great about that is it provides us with decades of data that Colorado has been able to look at to see whether or not these services work. The main thrust of the programs that are implemented is to address not just the medical side of things, but to ensure that when you have moms who have at-risk pregnancies, you're addressing the other factors that affect those pregnancies, as well. That's the "plus" portion. So we're not just talking about prenatal vitamins. We're talking about providing services like mental healthcare, substance use disorder treatment, ensuring they have nutrition counseling, and specifically targeted case management to make sure that moms have someone who can tell them what other services are available. The really incredible thing about this Colorado program is that they've done studies, in both 2001 and 2007, to analyze whether or not utilizing these services have an actual benefit to both moms and babies in the state and to the Medicaid program as a whole. I was very encouraged to find out that both of those things are true. One of the major points of the prenatal plus programs that we're trying to implement here is to increase the birth weight of babies. We know that all adverse birth outcomes have negative impacts on people moving forward, but low birth weight in particular, has documented decades of information that can show us that a low birth weight baby has any number of medical complications, and has further complications that lead into education and other adverse outcomes throughout their life. So one thing that is really, really important is ensuring that we can raise birth weights. When implementing the Prenatal Plus Program in Colorado, they were able to see almost immediately in 2001, an increase in birth weights amongst moms who utilized these programs to the fullest. In addition to that really substantive, actual tangible benefit of increased birth weight, they were also able to see, again, documented through, through years of data, Medicaid cost savings. The implementation of the Prenatal Plus Program in Colorado, according to a 2001 study, showed for every dollar that was invested into the program, there was a Medicaid savings of \$2.48. That's an incredible cost savings, because we know that if we invest in these

upstream investments, there's not the same downstream negative effects. So I immediately became really excited about the potential of a program like that. But upon doing research into the way the Colorado program is structured, it became evident to me that the way they do things there is not the Nebraska solution. And the reason for that is obviously, for those who know, we in Nebraska have a different way of doing Medicaid. So I began to work with a lot of stakeholders throughout the interim, talking with individuals who work in this world, doctors, advocates, but also stakeholders like DHHS and our MCOs here in Nebraska. And we had a number of meetings throughout the interim, both during the summer and the fall, trying to figure out what exactly we could do with a program like this that would work in Nebraska. Through those meetings and through, I think, the, the diligent efforts of DHHS and a number of other organizations, we were able to craft the bill, LB857, and the committee amendment, which I'll speak about here in amendment-- in a minute, which really does get to the heart of addressing these concerns here in Nebraska, but it does so in a way that provides flexibility for the MCOs and for the medical providers. Ultimately, what LB857 does is it allows for the reimbursement of certain services for prenatal care for at-risk mothers that are not currently allowed to have that reimbursement. Specifically, the 2 major things that we are trying to implement here to make sure they can be reimbursed would be nutrition counseling and targeted case management. Both the nutrition counseling and the targeted case management are major portions of prenatal programs that we've seen in other states that have had that tangible benefit. It's having that case management, that person who knows your background, knows your history, and knows what you need to work as sort of an air traffic controller, who can walk you through all of the services that you've had before, what's bothering you now, what the medical issues are now, and what factors may help fix a lot of those things, and where they can sort of direct you moving forward. So the nutrition counseling and the targeted case management are specifically 2 of the things here that we're ensuring can be offered or reimbursed in Nebraska. I was very encouraged to find in my research that in Nebraska right now, we do already have a fairly robust package of prenatal services. And in meeting with the MCOs, I was really excited to see a lot of what they're currently offering. But what we saw was a, a specific need to bring this Prenatal Plus Program to make sure that those services continue to be reimbursed and to allow for the additional reimbursement for that targeted case management and the nutrition counseling. After we brought the bill, we began to look at the fiscal note. I understand that fiscal notes are obviously one of

the major things that people look at here. If you pull up the fiscal note that is attached to LB857 right now, you're going to see a number that is no longer accurate. And the reason for that is, upon getting the fiscal note back, we realized there were certain tweaks to the bill that we needed to make to (a) further define certain things in LB857 that I think needed a little bit of clarification, and also to ensure that we were limiting the services to individuals who needed them the most and to make sure that we were capturing a population that was attainable. And so the committee amendment with which Chair Hansen is going to speak about here in a minute and get into a little bit more detail about, limits the access of LB857 to a-- to Medicaid patients, and it clarifies that it was always our intention to address prenatal concerns and not postpartum concerns. Obviously, postpartum concerns are very, very important and a number of my colleagues have brought fantastic bills this year to address those, but LB857 is specifically designed to address a very specific need, which is that prenatal care. Having done the amendment and done the math and talked to a number of ind-- number of individuals, it actually reduces that fiscal note down to about \$1.6 million out of Nebraska dollars. So it would be more than that still. But with the federal match, the amount of money that Nebraska would probably be, be spending is about \$1.6 million. In addition to that, we began looking to see whether or not there are, in fact, cash funds that would be available so that this wouldn't have any General Fund impact. There is a, a cash fund that exists where MCOs who make excess profit put that money back into a cash fund in an effort to make sure that that money can get reallocated or reappropriated by the Legislature, specifically to utilize for Medicaid needs. It's my understanding from speaking to individuals who helped create this fund, as well as other individuals in the Appropriations Committee and other colleagues here, that this is an appropriate use for that MCO Excess Profit Cash Fund. And so, we've additionally, in the amendment, added that. Colleagues, what that ultimately means is that the passage of LB857 will have a \$0 General Fund impact. I want to say that again. If you look at the fiscal note, it is not accurate. LB857, by virtue of the fact that we've narrowed down exactly who it's intended to work with and the MCO Excess Profit Cash Fund would be where that money's coming from, it has a \$0 General Fund impact. So I'm happy to answer any questions about this today. I'm very excited about it. I'm sure I could go on and on about what this program does, but long story short--

DORN: One minute.

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DUNGAN: --colleagues, the, the goal of LB857 is to ensure that we have more healthy moms and more healthy babies during their pregnancy. I think it's something we can all get along of-- about. I would also like to point out this did come out of HHS Committee, 7-0. We had, I believe, only proponents that came in and testified. And it was truly, I believe, a smattering of advocates from all across the political spectrum coming in and lending support to this. And so, happy to answer questions folks might have, but I would encourage your green vote on LB857. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. As the Clerk stated, there is a committee amendment. Senator Hansen, you're recognized to open.

HANSEN: Thank you, Mr. President. Yeah. I appreciate all the hard work Senator Dungan has done with LB857. And he did adequately describe the committee amendment, and I'll just kind of briefly go over it here again. They are tailoring it down and make-- being a little more specific on who is eligible under this bill. And as described by Senator Dungan, it is those Medicaid eligible. And this would then-- the, the amendment excludes those CHIP eligible, and pregnant and determined by a healthcare provider to be at risk of having negative maternal or infant in health outcomes. So really kind of tailors it down, which I think controls the fiscal note extensively, which I appreciate. And we did, in the amendment, define what a targeted case management means. Targeted case management has the same meaning as in federal regulations and may only be delivered in a clinical setting by a healthcare provider. And finally, one of the main things that this amendment does, as well, as, as described again, where the funds will be coming from would be the Medicaid Managed Care Excess Profit Fund, which is funds that are typically appropriated to cover any losses in the Medicaid program. And there's more than enough funds in there to help cover what Senator Dungan is trying to do with LB857. And he did also describe, yes, this is an appropriate use of those funds. So, in essence, that's what the committee amendment does. And I would appreciate your green vote on AM2409 and LB857. Thank you, Mr. President.

DORN: Thank you, Senator Hansen. Senator Clerk-- Mr. Clerk, for an announcement.

CLERK: Mr. President, Senator Clements, I have FA216 with a note he wishes to withdraw. Mr. President, Senator Clements would move to amend AM2409 with FA218.

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DORN: Senator Clements, you're recognized to open.

CLEMENTS: Thank you, Mr. President. Well, this is a bill that I'm going to support, but I want to point out that this is a new program. This is growing government somewhat. And when we have the new programs, I, I see them come in and not, not always be successful. And so in order to make sure it's being successful, I was glad to see in the bill that there is an annual report due on December 15, starting December 15 this year, of how well it's being received, how many people are being helped with this, this is for the pregnant mothers, helping them in their prenatal visits. And this amendment says this program shall terminate on June 30, 2028. So that's 4 years from this June, which is what we call a sunset date. So this would create a sunset date, that it would need to be reauthorized before June 30 of 2028 to keep going. And the reports that we're going to be hearing about each December will let us know if it's being-- if it's successful or not. And when a new program starts, I think it should be a, a pilot program. And this basically makes it a pilot program, but-- and it doesn't change any of the provisions. It just says it has a sunset of-- in 4 years. And after 4 years from this June, we should be able to have an idea if it's being successful. And if it is, Senator Dungan has said the other states think this saves them money in Medicaid by having more healthy babies, and I hope that is true. The comment that this has zero General Fund impact, I do want to clarify, the Medicaid Managed Care Excess Profit Fund comes back to the state if the managed care organizations are allowed to make a certain amount of profit. But if they make more than that, then the state gets the excess. There's currently \$68 million in the Medicare [SIC] excess profit fund, but we have other bills that are also wanting some money out of it. But if nobody took money out of the-- takes money out of the Medicare [SIC] excess profit fund, that goes into the General Fund. And so, this is really-- the million dollars or so are reducing the-- this fund is going to reduce the General Fund. So it's, in effect, an indirect cost to the General Fund. Having had a \$94 million increase in the TEEOSA obligation-- or calculation, that is going to reduce our budget by about \$94 million this-- next fiscal year, and the \$68 million in that profit fund would be helpful to offset that deficit. And there's not always a profit coming back to the state, and that makes this not guaranteed that there will be money in that excess profit fund. And if there is not money and this is obligated, it will be coming out of the General Fund. I just want to make that clear, and let you know that I do support the bill if we put a sunset date on it in 4 years, so that it is continued only if it's working and we can

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demonstrate its effectiveness. And that's, that's all it is for FA2018 [SIC] is to ask for this to be a pilot program within a, a sunset date, January-- June 30, 2028. Thank you, Mr. President.

DORN: Thank you, Senator Clements. Senator Riepe, you're recognized to speak.

RIEPE: Thank you, Mr. President. I, I want to be respectful of Senator Clements' clarification I appreciated, on the implications for the General Fund, and I could certainly support the idea of having a sunset on it. I speak, at this moment, as a former hospital administrator, to the effect that LB857 and maternal and infant care for women is a good health promotion piece that I think that we need to be cognizant of, and that also, going forward with this type of legislation [INAUDIBLE] policy also narrows the gap that we currently experience, in the disparity between the underserved and those that are receiving healthcare. So with that, I am supportive, but I'm also very sensitive to the financial implications. Thank you very much, Mr. President.

DORN: Thank you, Senator Riepe. Senator Hardin, you're recognized to speak.

HARDIN: Mr. President, I stand in support of FA218, AM2409, LB857. Thank Senator Dungan for bringing this bill. I think it's a very significant step in supporting moms. One of the things that we sought to take care of this last year when we passed LB574, was not only to save 300 additional lives each year, but we wanted to take care of moms who needed help. And this is a bill that specifically does that. Again, as Senator Dungan pointed out, this came out with consensus. It was 7-0. I was one of those. Additionally, it's strongly supported by Right to Life as well as the Catholic Conference. So we deeply appreciate this bill for the holistic approach that it takes to support moms. And we really appreciate it. Thank you, Mr. President.

DORN: Thank you, Senator Hardin. Senator Hughes, you're recognized to speak.

HUGHES: Thank you, Mr. President. I also rise in support of LB857, with the amendment, AM2409 and the underlying bill. I also-- I'm opposed to FA218. I, I will say I do acknowledge I think looking at a sunset is maybe a good thing. I just feel like the 2028 date is a little too soon. I don't think that program will be up and running to really see the true effects of it at that point. Colleagues, LB857

creates the Nebraska Prenatal Plus Program to support mothers who are at risk for having low birth rates, preterm babies, and other adverse outcomes. This is designed to get expectant mothers who are low-income, on Medicaid or a Nebraska Children's Health Insurance Program, the help they need to hopefully avoid those adverse outcomes. I understand there's some concern with the fiscal note, but with Senator Dungan's explanation and the amendment will bring clarity and scope of the bill. That fiscal note is taken care of. There are, on average, according to DHHS, 2,600 preterm births in Nebraska every year. The cost to care for these 2,600 babies born prematurely is \$169 million, just the first year. Over half these births occur in families that would qualify for the assistance provided under LB857. I believe very much that this bill is a pro-life bill. We can spend a smaller amount of money now and prevent, prevent adverse outcomes that can have a lifetime of consequences to kids as they grow. Considering this, not only is LB857 a pro-life bill, it is a responsible budget bill. I urge you to oppose sunseting this too soon. Why would we only want to help mothers and babies at risk for a couple of years and then take it away? I urge your green vote to adopt AM2409 to LB857 and advance it to Select. Thank you, Mr. President.

DORN: Thank you, Senator Hughes. Senator Dungan, you're recognized to speak.

DUNGAN: Thank you, Mr. President. And I want to thank my colleagues who have spoken so far in favor of this. Like I said, I think this does enjoy some pretty universal support. Just to speak briefly to FA218. I want to just say that I, I completely appreciate the concerns that we've heard, with regards to ensuring that new programs operate correctly. You know, the last thing I think any of us want is money being spent in a place that it-- it's not making a difference and that it's not working. With that being said, I do respectfully disagree with FA218 and I will not be supporting it, just for a couple of reasons. One, as Senator Clements indicated, LB857 is already designed to require reports to come from Health and Human Services on a yearly basis to analyze the effect of the program. That was done with an intent to ensure that we're actually hitting the benchmarks and the targets that we need to, to make sure that we're actually making a difference and our money's being well spent. And in addition to that, when that money comes back-- or I'm sorry, when that information comes back, it allows us to tweak the program, if need be, to modify it in such a way that would benefit those moms or increase those birth weights even more significantly. My concern about a sunset, specifically in 2028, is (a) as Senator Hughes just indicated, I have

concerns that that's not going to give us ample time for this program to ramp up in such a way that we're actually going to fully be able to appreciate or understand the impact. I don't believe this would go into effect, obviously, until 2025. As we all know, births take 9 months, generally speaking. And so, by the time that we actually start to see the outcome of individuals who have fully participated in the program, I think it's going to take us a few years past 2028. In addition to that, there was testimony during the hearing of LB857, that when this kind of-- or a similar program was implemented in Florida, I think in the first year that it was implemented, there was only about 20% participation rates, and it increased from there. So I do believe that at a certain point of-- in time, once this has been ramped up, once we've seen a little more knowledge in the community about this, we're going to see full usage. But if we are going into just 2028 and, and waiting until then to get data, I don't think we're going to have a full breadth of the information available to us. So that's one of my major concerns. Also, colleagues, you know, we've seen what happens if a Legislature doesn't do its job or, or essentially breaks down. So my concern is that if this program is in place with a sunset and the future Legislature in 2028 fails to act, it's going to harm those moms and those babies who are benefiting from the program at that point in time. And I would hate to see individuals who are benefiting from this program have a negative impact, simply because a future Legislature, for whatever reason, fails to act. We have an opportunity right now to make sure those moms are protected, to make sure those babies are protected. And I think that the program has ample guardrails currently, with those DHHS reports that we're going to be getting in order to analyze whether or not the program is operating the way it should. So, completely respect and appreciate Senator Clements' concerns. None of us want to see government waste here, because we're all trying to ensure that we spend our money appropriately, but I do think that the sunset in 2028 might be a little bit too soon. In addition to that, colleagues, I do appreciate some of the conversation surrounding the cash fund. I would just like to note that that cash fund, the MCO Excess Profit Cash Fund, does have particular guidelines for what that money can and can't be used for. And so, that money specifically does have to go towards individuals on Medicaid. And so, this is a program that is eligible for that, certainly. This is the kind of program that was, in fact, designed for, and that's what that money is sitting in that cash fund to be utilized for. Again, I think we're getting this cost down to somewhere close to \$1.5, \$1.6 million per year out of Nebraska dollars. Currently sitting in that cash fund, I believe, is \$68

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million, and my understanding is that could potentially increase down the road. We obviously always want to ensure the health of our cash funds and, and not be spending willy-nilly. But I do believe this is a small amount of money in the grand scheme of things, with a large outcome. I'd like to highlight one more time, the dollars spent on the program saved--

DORN: One minute.

DUNGAN: Thank you, Mr. President-- \$2.48 down the road. So if you're looking at a dynamic forecasting of the actual net cost and the net savings of this program, we're going to be saving money. And we're going to see more money coming back in those Medicaid savings, given the fact there's not going to be NICU stays, there's not going to be other concerns if individuals are fully utilizing the access to the Prenatal Plus Program. So I do, again, encourage my colleagues to vote yes on LB857, yes on the committee amendment, AM2409. I am respectfully opposed to FA218. Thank you, Mr. President.

DORN: Thank you, Senator Dungan. Senator Hansen, you're recognized to speak. Oh, hold on. Mr. Clerk, for an announcement.

CLERK: Mr. President, the Urban Affairs Committee will have an Executive Session at 10:00 under the north balcony. Urban Affairs Exec Session, 10:00, under the north balcony.

DORN: Senator Hansen, you're recognized to speak.

HANSEN: Thank you, Mr. President. It's probably a good thing I didn't do my HHS Executive Session today at 10. We'd have nobody on the floor. I do want to speak just really briefly on the floor amendment from Senator Clements. I am in favor of having at least some kind of control over, maybe, the outcome of this bill, which I think is-- which, I'm in favor of the bill, actually. But I also-- I'm, I'm appreciative of where Senator Clements is coming from, with Appropriations and how we spend a lot of this money, especially since it's coming from the Medicaid excess fund, which we may actually-- may need to use if we draw those funds down too much. So I like his-- the [INAUDIBLE] his fiscal outlook with his floor amendment, so I am in favor of that. But I am also in favor of the amendment, AM2409 and the underlying bill, LB857, because I think what Senator Dungan has done here with this bill is, is noble. And I appreciate what he's trying to do here. So thank you, Mr. President.

DORN: Thank you, Senator Hansen. Senator Albrecht, you're recognized to speak.

ALBRECHT: Thank you, Mr. President. Good morning, colleagues. I would like to thank Senator Dungan for bringing this bill. We knew last year when we asked these mothers to have these babies and not do an elective abortion, that we were going to have to have a lot of different programs, whether it's on adoption or taking care of, of the mother. I do know with Senator Wishart's bill, we are making certain that she's got the insurance for a year after. I just want to talk a little bit about how-- I have 2 granddaughters, that, they were both firstborns with both of my daughters. One of them had a situation where I was not able to be with her as much. I'd moved away, and I couldn't be down there every day. But, but the county, Sarpy County, brought in a woman to be with my daughter and help her. Like, this gal came, like, 3 days a week and helped her understand how to, how to breastfeed, how to have good, strong nutrition. You know, taught her how to help the baby latch on. All those things were provided by the Sarpy County Health Department. And then, my other daughter had a, what could very well have been a fetal anomaly with our-- her first born. She had a heart condition. And-- but, but both girls obviously went to the pediatrician immediately, and the doctor was, was well on top of their situations with both, both situations. And they would, would refer different people to my daughters to help them through what they were going through. So number one, they are going to have a doctor take care of, of their needs. I do know that HHS was the one that came in with Greeley [PHONETIC] when it came to her heart issues, and that she was growing and, and putting on weight. And they would weigh her, you know, every time they came. And they would talk with my daughter about how she was feeling, how, you know, if she needed any help. So my question-- of course, I want to support the mothers and I want to make sure that low birth weight babies are taken care of, but that, that is the role of many people today. So my questions would be, and then I'll ask Senator Dungan to engage with me, but, but how much is HHS doing today? How many cases of low birth weight babies are they going in to take care of and/or help a mother through, you know, the baby blues or, or whatever she might be going through? But what is our state doing? What are the counties doing? Who-- I mean, this is a large undertaking. And I think everybody on the floor should be in asking questions about this, because if they have-- if we provide them the insurance, the Medicaid, you know, for a year after the baby's born and they're going to their doctors-- and the doctors today will refer them to to different people or different organizations or

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groups. There's a lot going on today. What is it today that we are missing? And why, why would-- I mean, to, to have HHS take this on, are-- how much of this are they already doing? And perhaps, we ease into this fiscal note, because what are we paying Health and Human Services Department today, to take care of some of these mothers and the, the infant babies? So, Senator Dungan, would you yield to a question?

DORN: Senator Dungan, would you yield to a question? And one minute.

ALBRECHT: So how much time, and I'll put my light on again. If nobody else wants to talk about this, but how much is HHS doing today, and where do you think they're lacking in taking care of these mothers and babies today?

DUNGAN: So that's a really good question, and one that we actually tried to dive into in writing this bill. So kind of like I said during the opening, the way that Medicaid works, obviously, is we go through these MCOs and they're the ones that provide those services, and then they get paid from us for Medicaid. It's very complicated. But in talking with the MCOs, they do currently offer, I think, a fairly robust package of prenatal care. And so a lot of the things that the original Colorado program sought to implement, which is why it was much larger and more top down, we actually already have here in Nebraska. And so that's really positive and I felt very good about that. The 2 things that they've shown a huge impact from I can talk more about this, too, down the road, that we're not currently able to be reimbursed by the MCOs or by Medicaid for in Nebraska, was the nutrition counseling--

ARCH: Time, Senator.

DUNGAN: --targeted-- thank you, Mr. President.

ARCH: Mr. Clerk, for an announcement.

CLERK: Mr. President, the previously announced Appropriations Exec Session will be held in 2102. Appropriations Exec Session, 2102.

ARCH: Senator Ballard, you are recognized to speak.

BALLARD: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Would Senator Dungan yield for a question?

ARCH: Senator Dungan, will you yield to a question?

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DUNGAN: Yes.

BALLARD: Thank you, Senator, Senator Dungan. And thank you for bringing this to the Health and Human Service Committee and making this your priority. In committee, we talked about the, the program in Colorado. Can you kind of outline the successes of that program?

DUNGAN: Absolutely. And I can actually dovetail that with finishing answering Senator Albrecht's question. So in Colorado, what was, I think, some of the major goals were to increase those birth weights and generally address adverse birth outcomes. And in doing so, they noted that there were a number of programs that could have been put in place to help with those things. And to Senator Albrecht's question, the things that they did there that we were not currently offering for the MCOs here in Nebraska was nutrition counseling and targeted case management. So the targeted case management is really that number one thing that, in Colorado, I think we saw some major effects from. And that tar-- targeted case management or TCM, so I don't have to keep saying that, what that essentially is, is that's an individual from an in-house provider who can help that mom connect them with additional services throughout the pendency of their pregnancy. And the reason that's beneficial, and they documented this in Colorado, was when you have a person who is able to get to know you, get to understand your particular issues, get to understand the kind of things that are going to help you, and you have those consistent contacts with them repeatedly, that's where you really start to see a major benefit from that program. So, to Senator Albrecht's point, it was that targeted case management and nutrition counseling that we're specifically implementing here, which are very important. In Colorado, again, one of the largest outcomes they were able to see when they did these objective studies was an increase in birth weight. Specifically, the study published by that state said prenatal plus is significantly associated with lower risk of having a baby that is small for his or her gestational age. This appears to be a result of greater weight gain on the part of prenatal plus participants. Adequate weight gain is the primary goal of the program, a goal that is apparently being achieved. And so they have a bivariate statistical analysis that shows a statistically significant increase in birth weights, which resulted in a huge cost savings down the road. They reiterate, yet again, that a savings of \$2.48 was realized, which ultimately ended up saving the state of Colorado a massive amount of money over the span of a couple of decades.

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BALLARD: Thank you, Senator Dungan. And I would agree with, with your statement that increasing birth weights result in, in long-term health costs-- savings. So with that, I am skeptical of FA218. I think it needs a little more of a sunset date, but I am supportive of AM2409 and LB857, and thank Senator Dungan for his work on this issue.

ARCH: Senator Conrad, you are recognized to speak.

CONRAD: Thank you so much, Mr. President. Good morning, colleagues. Happy Valentine's Day, Nebraska. I want to thank my friend, Senator Dungan, for bringing forward this very important piece of legislation. And I also wanted to thank him and reaffirm some of the commentary that he had in his introductory statement, looking in good faith for measures to build relationships to deliver for Nebraskans, to soar above any sort of partisan or personal differences, and to try and be solution oriented, even on tough issues like reproductive justice, where, in fact, there is and always has been and always will be common ground. Even though we have sincerely held and strongly held different sets of beliefs about certain issues involving family planning or abortion to acc-- or access to abortion care, we do have significant common ground when it comes to ensuring healthy moms, healthy babies, healthy families, and all of the benefits that flow therefrom, to ensure a stronger society and a stronger Nebraska. So I think that this is in line with the Nebraska Legislature's proud tradition of focusing on those common ground areas, grasping that common ground to advance good policy forward, and knowing that not only will this deliver for Nebraska families, but it will also help us to carry forward goodwill, when we come to those points in future debates that we may find ourselves in a policy disagreement on. So there is no question when it comes to ensuring access to healthcare, access to prenatal care, access to postpartum care, there is rightly a chorus of diverse voices rising in support of these measures. I think that this makes good sense from a fiscal perspective, from a moral perspective. And I want to thank the colleagues who have moved this measure forward, who have added important and thoughtful commentary and support in their floor debate this morning, for their assistance in supporting an important measure like this. I do believe that Senator Clements is working hard, in good faith, always with his eye on the bottom line, as we would expect from our Appropriations Committee Chairs. But I do just want to remind the body that this floor amendment regarding the sunset date is probably not necessary. Of course, no Legislature can bind a future Legislature. So, if at any point in the future it appears that this program is,--does not meet the effectiveness goals that, that Senator Dungan has extolled, that

we have clear documentation on from our sister states, of course, future Legislatures will have an opportunity to reexamine the program, as they always do. So I think it's important that we just add that process piece in. And I urge you to vote against the floor amendment, for the health amendment, and for Senator Dungan's priority bill, which is good policy for, for Nebraska. Thank you, Mr. President.

ARCH: Senator Albrecht, you are recognized to speak.

ALBRECHT: Thank you, Mr. President. I want to continue the dialogue, if you will, with Senator Dungan. Can he yield to a couple quick questions?

ARCH: Senator Dungan, will you yield to a question?

DUNGAN: Yes.

ALBRECHT: OK. So leaving off where we were before, we'll have a little bit more time here. OK, so in the fiscal note, I haven't delved into too much of it-- we were out pretty late last night in Education-- but how many more caseworkers would you think there would be on, on this particular bill? I mean--

DUNGAN: So--

ALBRECHT: --because I need a number-- this is my concern. I need a number today, how many, how many caseworkers are going to these homes today helping these mothers? Because most of them, like I say, go to their pediatrician and figure out what they need to do. But how many caseworkers are, right now, going to talk to the parents and help them out with the baby?

DUNGAN: So a couple of things that I want to clarify about that. So the, the targeted case management that we're talking about in here is different than like the at-home providers that we're taught-- that you might be referencing. So it's in-- it's kind of complicated because case management is a term of art. And case management means different things in different contexts. So as you know, like developmental disability services, if you have a case manager, that might be somebody who comes to your home and does hands-on case management. That's obviously much more expensive, and it's something that I think is a little bit more complicated. That's not what this is. And so, the reason in the committee amendment that we included the definition of that CFR, that federal regulation of what targeted case management is, is to clarify that what we're talking about is an in-house provider,

like a person. When I say in-house, that's probably what-- why it's getting confusing. A provider in a medical setting, somebody where you can go and talk to and have that case manager who can direct you to other services. So this is not an in-home provider. It's not a case manager in that sense. It's somebody who is sort of like your touch point that you can go to, and say, hey, here's my issues. Where can I go to get access to additional services?

ALBRECHT: OK. So, so wouldn't the insurance that is provided for the mother while she's taking care of that child? She's going to be going to a doctor anyway, right? So are you saying that someone would be assigned to her, but not through her insurance, but just from the state, that they would have somebody go see that child, as my daughter did, 2-3 times a week, and weigh the baby and check on the baby. And how long would they be connected to that case? Is it for a year? Is it for the first year? Is it-- is there a cutoff date?

DUNGAN: So, what we are specifically getting at here, first of all, is just prenatal services. So there's-- this is not addressing postpartum at all. Those are other bills that have been worked on. And as-- last year, we all, as a, as a Legislature, addressed a lot of those postpartum issues. So this is just for the prenatal period. So it's just the 6 months generally prior to birth. In addition to that, we're not talking about state workers. Right. So these are not individuals from like the state that are going to be the case manager. These are private providers who currently maybe offer this service, but the issue that we're trying to address is they cannot bill Medicaid for it. So Medicaid right now, or MCOs, are not allowed to reimburse these services. So these are people who are in the community who right now may want to offer these services, but are not maybe offering those targeted case management or nutrition counseling services, because if they do that and then bill Medicaid, it's not a building code that they're currently able to do. So this alleviates that problem. And to your prior concern about are we throwing too much at this? Already, a lot of other services can be reimbursed. And that's why we don't have to reinvent the wheel. That's why we're not kind of coming in and--

ARCH: One minute.

DUNGAN: Thank you, Mr. President-- implementing this top down Colorado program. We're just saying that these specific couple of things like targeted case management, nutrition counseling, if this passes, then can be reimbursed by Medicaid. So we're not talking about increasing a bunch of state workers or people going into people's houses. We're

just allowing access for those private providers to get paid for the work they want to do.

ALBRECHT: OK. Very good. Again, I-- my concern would be that we, we look at this on a yearly basis. I think it's important that we don't just say this is the new program for the state of Nebraska without putting a pilot program out there and making certain that we're, we're touching those that need to be touched and we're providing what needs to be provided for. So thank you.

ARCH: Senator Vargas, you're recognized to speak.

VARGAS: Thank you very, very much. And I stand in support of LB857. Thank Senator Dungan for bringing this bill. I stand in opposition to the floor amendment. Tons of respect for Senator Clements. Look, we, we typically should be looking at evidence-based programs that deliver results, and this is one of them. And this is personal to me. You-- you'll be getting cookies here soon on behalf of my daughter, Ava, because it's her birthday today. Thank you. Thumbs up, Senator Lippincott. She turns 5. And for those people that remember from when she was first born, my daughter was, was born early, was preterm, and it was a very difficult pregnancy, and difficult for me and my family, and difficult for, for my wife. And so when-- this is one of the reasons why I've worked on a lot of maternal and child health work since then, because I've seen what happens when there are mothers across Nebraska that are in need and we're not providing them with the best possible services and programs that are the most evidence-based. And this is an example. When you see the results in Colorado, you can see this clearly helps to address those health gaps that are needed at the prenatal level, for both mothers and little ones. And so that's the reason why I stand in support. So they'll be cookies passed out shortly here on behalf of my daughter Ava's birthday, turning 5. But this is personal to me and-- as, as many different pieces of legislation are. And I want to thank Senator Dungan and the committee for their work on this bill. And I appreciate everybody for their help and support. Thank you.

ARCH: Senator Jacobson, you are recognized to speak.

JACOBSON: Thank you, Mr. President. I'll try to be really brief here. I just thought I'd weigh in since it has gone on for a while. It looks like I'm last in the queue. So I was beginning to wonder if Senator Dungan was filibustering his own bill here for a while. But hopefully we can get to a vote and move on. Well, I rise in support of LB857 and

AM2409. I'm not convinced that we need a sunset. I do think this is a, this is a program that is not all that expensive, but an incredible piece, important piece of what we need to do. I think I'm very clearly on the record. I think everybody understands my position on pro-life, and I will continue to have that strongly held belief throughout my time here in the Legislature. But I think as we've talked before, and I would agree with Senator Conrad, that one of the things we can all agree on, I think, on this pro-life issue, is pro-life isn't just a matter of saving that child. It's a matter of saving that child while-- from a prenatal standpoint and a postnatal standpoint. And we have that responsibility, as well. And so that's what I like about the bill. I, I, I supported the bill when Senator Dungan first introduced it. I think, as a pro-life Republican, we ought to all be behind this bill for that reason. So I'm going to vote no on, on FA218. I'm going to vote yes on AM2409 and LB854 [SIC]. I hope my colleagues join me. And hopefully if nobody else jumps in the queue, we can move to a vote. So thank you, Mr. President.

ARCH: Seeing no one left in the queue, Senator Clements, you are welcome to close on FA218.

CLEMENTS: Thank you, Mr. President. I do support LB857 and AM2409. And-- but I do believe it's proper to have a 4-year sunset date. And this is my eighth year. I don't recall a program actually being terminated with a sunset date. We've had several sunset dates that come and get extended. I think the-- let's see-- Deb Fischer's \$0.25 sales tax was just extended about a year ago, millions of dollars for roads. And we extended that for another period of time, and because it's building roads. And this-- if it's successful, I'm sure that a, a senator in 2028 will introduce a, a bill to extend this sunset date or eliminate it, so that it becomes permanent. And that would be all right with me if it's a successful program, but this is growing government, and a new program should be scrutinized. The Medicaid Managed Care Excess Profit Fund is money that would go to the General Fund if it wasn't spent from here. This is a worthy cause. But if that fund goes to zero, then, it would be a General Fund expense. And there are uses for the \$68 million. There's-- right now, we're doing what we're calling a Medicaid unwind, unwinding Medicaid, which means we have to contact every Medicaid recipient over the next-- over a 14-month period and make them-- make sure they're eligible to continue on Medicaid. During COVID, there was just an automatic continuance of Medicaid benefits, and it's going to take extra money to review all of those cases. And that's what HHS is using a lot of that money for. So that is-- I just ask for your yes-- green votes on all 3 of the things

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on the board. And I would like a vote on this, but I'd like a call of the house first.

ARCH: There has been a request to place the house under call. The question is shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 22 ayes, 3 nays to place the house under call.

ARCH: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. Senator DeKay, Senator McKinney, Senator Brewer, Senator Wayne, please return to the Chamber. The house is under call. Senator Brewer, please return to the Chamber. The house is under call. Senator Clements, Senator Brewer is, is absent. Would you like to wait or proceed?

CLEMENTS: We may proceed.

ARCH: Thank you. The question before the body is the adoption of FA218. All those in favor, vote aye; all those opposed vote nay. Has everyone voted who wishes to vote? Mr. Clerk, please record.

CLERK: 25 ayes, 15 nays on adoption of the amendment, Mr. President.

ARCH: FA218 is adopted. Seeing no one in the queue, Senator Dungan, you're welcome to close. Excuse me. Senator Hansen, you're welcome to close on AM2409. Senator Hansen waives close. The question before the body is the adoption of AM2409, as amended. All those in favor, vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 45 ayes, 0 nays on adoption of the amendment, Mr. President.

ARCH: AM2409 is adopted. I raise the call. Senator Cav-- Machaela Cavanaugh, you are recognized to speak.

M. CAVANAUGH: Thank you, Mr. President. I was actually going to talk about that we needed to raise the call, because that limits the ability of the body to do another call of the house on the next action. And when we don't have the full body here, because the person who did the call of the house waived waiting for the person, you limit the ability of the next person to have the full call of the house if they so chose. So thank you for raising the call. I stand in support of LB857. I am disappointed that 25 people in this body decided that

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we can only care about prenatal care for babies until 2028. That's ridiculous. You either care about it or you don't care about it, but I hope to see you all voting green now. Thank you.

ARCH: Seeing no one left in the queue, Senator Dungan, you are welcome to close on LB857.

DUNGAN: Thank you, Mr. President. And colleagues, thank you all for your green votes on the committee amendment. I'm not going to take too much time so we can move on to other bills today that are also important, but I do want to take a second to thank everyone that's worked incredibly hard on this. DHHS, a lot of the other stakeholders and other folks out in the world have worked with me on this. I'm not an expert in this issue, but I've certainly spent most of the interim trying to learn as much about it as I possibly can. And what I know is that if we offer more of these services, yes, we're going to save money for the state of Nebraska, which is very important. But I think the most important thing is that we're going to help moms and we're going to help babies. And I'm very encouraged by the bipartisan support that we've seen on this. I think this is a nonpartisan issue, and I think it's really encouraging that we are able to come together and support the things that really matter. So I would encourage your green vote on LB857. Thank you.

ARCH: Colleagues, the question before the body is the advancement to E&R Initial of LB857. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 45 ayes, 0 nays on advancement of the bill, Mr. President.

ARCH: LB857 advances to E&R Initial. Mr. Clerk, for items.

CLERK: Thank you, Mr. President. Communication from the Governor: Engrossed Legislative bills, LB1, LB78, LB94, LB140, LB140A, LB146, LB151, LB247, LB252, LB279, LB299e, LB308, LB461, LB628 and LB664 were received in my office on February 8, 2024 and signed on February 13, 2020-- February 13, 2024. Additionally, Mr. President, your Committee on Agriculture, chaired by Senator Halloran, reports LB844 to General File with committee amendments. Amendments to be printed, Senator Albrecht to LB605. Your Committee on Health and Human Services, chaired by Senator Hansen, reports LB1196 to General File. Communication from Senator Erdman, designating LB1169 as his personal priority for the session. Senator Erdman, LB1169 as his personal priority. Communication from Senator Moser, as Chair of the

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Transportation and Telecommunications Committee. The Transportation and Telecommunications Committee has designated LB1200 and LB1031, LB1200 and LB1031 as the committee priorities for the session. Senator Moser has selected LB1335 as his personal priority for the session. LB1335, Senator Moser, personal priority. Senator Slama has designated, as Chair of the Banking Committee-- the Banking Committee has designated LB1073 and LB1074 as the Banking, Commerce and Insurance Committee priority bills. Banking, Commerce and Insurance, LB1073 and LB1074 as, as committee priorities. Senator Wishart has designated LB905 as his-- as her personal priority for the session. Senator Wishart, LB905. Senator Vargas has designated LB1355 as his personal priority for the session. Senator Vargas, LB1355. The Retirement Systems Committee has designated LB196 and LB686 as the 2 committee priority bills for the session. Retirement, LB196, LB686 as committee priority bills. The Executive Board has selected LB1104 as a committee priority bill for the session. Executive Board, LB1104. Mr. President, notice that the Appropriations Committee will be having an Exec Session in room 2102 now. Appropriations, Exec Session, 2102, now. That's all I have at this time.

ARCH: Mr. Clerk, next item on the agenda.

CLERK: Mr. President, the next item on the agenda, LB1035, LB1035, introduced by Senator Hughes. It's a bill for an act relating to public health and welfare; adopts the Prescription Drug Donation Program Act. The bill was read for the first time on January 5 of this year in front of the Health and Human Services Committee. The bill was placed on General File. I have no committee amendments. There are additional amendments, Mr. President.

ARCH: Senator Hughes, you are welcome to open on LB1035.

HUGHES: Thank you, Mr. President. Colleagues, I thank you for the opportunity to bring forward LB1035. I'd like to thank the members of the Health and Human Services Committee for taking the time to listen to the testimony in support of this bill last month, and in reporting it out of the committee unanimously, 7-0. LB1035 has a fiscal note that is a bit tough to discern, which is why I have offered FA-- FA217 and AM240-- AM2442, to clarify a few things for the next fisc-- fiscal note. And I will speak more on that in a few minutes when I open on those. Ten-- LB1035 is the result of an idea brought to me by a constituent. I also found out, after introducing this bill, that former Senator Vicki McDonald, who represented Senator Lippincott's district in the early 2000s, had introduced similar legislation years

ago. The constituent I mentioned sent me an email after she struggled to find a home for her father's prescriptions after he had passed away. Starting with that email, we began to look into what other states were doing with unused prescriptions. That led us to Iowa and SafeNetRx. We reached out to them and were graciously invited over to visit their facility in Grimes. Senator Riepe joined us on the visit, and Senator Walz's staff joined via Zoom. We returned from their visit impressed by the amount of medication in SafeNetRx' advanced inventory system, their safety inspections, their staff, and their facility. We also learned that the Iowa Legislature had asked SafeNetRx to join forces with other states to better utilize Iowa's growing inventory of donated prescription meds, something of which already-- some of which are already being donated from Nebraska. Nebraska does not have a donation program, but we run a prescription drug take back program and have done this for many years. The take back program is an important program that needs to continue. However, we are currently spending around half a million dollars a year to collect and dispose of an average of 30,000 pounds of prescriptions annually. These could otherwise be donated if our laws allowed. And instead, we ship them off to Texas where they're incinerated. Think for a minute how many millions of doses that represents, considering the tiny weight of an individual pill or tablet. The current take back program does not include the many tons of prescriptions currently destroyed in-house by long-term care facilities. We don't really have an accounting for those as the total number across the state, but it is not a small number. If we can divert some of the medication entering into our take back program to be destroyed and put that into the drug donation program and incent more pharmacies to donate prescriptions that would qualify for the program, it would be a win-win for Nebraskans. Our neighbors in Iowa have run a prescription drug chronic drug donation program successfully and safely since 2007, providing over 141,000 low-income Iowans with more than 116 million in much needed prescriptions they could not-- otherwise not afford. LB1035 in a nutshell, will work with Iowa. We don't have to reinvent the wheel here, and we can do more with less to enable low-income Nebraskans the ability to obtain the prescriptions they need. Colleagues, I now-- that I have the opportunity to speak to-- I have had the opportunity to speak to nearly all of you about this bill, and I appreciate that 41 of you have been able to support LB1035 as a co-sponsor. I know most of you heard all of this in person from me or during the hearing, but for the benefit of the public and for the record, I want to share some additional facts about the bill. LB1035 will allow the Department of Development and-- Department of Health and Human Services to

designate a nonprofit to establish and administer the prescription drug donation program. The donated prescription drugs can be prescribed then to uninsured and underinsured Nebraskans who are at or below 200% of the federal poverty limit. The program will also allow donation of unopened and sealed prescription drugs that are in tamper evident packaging, are unexpired nonrefrigerated, and noncontrolled substances. The program will also allow the donation of similar over-the-counter medication and medical supplies. All donations are inspected by the administering entity and distributed to licensed pharmacists in the state of Nebraska who voluntarily participate in the program. This program does not compete with the private marketplace. One goal of LB1035 is to reduce the incidence of emergency care for serious but preventable medical conditions; greater access to prescriptions for low-income Nebraskans to treat chronic and acute conditions like diabetes, heart disease, mental illness, asthma, COPD, and many others. Across the border in Iowa, this has resulted in a reported \$33 million of savings to their health systems. We cannot-- we can expect similar savings here with your green vote to advance LB1035 to Select. I'd like to note that this does not include savings generated by reducing work days lost for illness, which impacts both low-income individuals and their employees. Colleagues, we can also use LB1035 to reduce recidivism of incarcerated individuals by providing them access to needed medicines as they move from the care of the justice system into the private sector. Iowa's Prescription Donation Program partnered with their attorney general to provide free behavioral health prescriptions for up to 6 months for justice-involved individuals. This is important, as over half of Iowa's prison population has received a serious or chronic mental health diagnosis. Nebraska is no different. Our justice system and our prisons are our main mental health facilities, if you think about it. Nebraska passed legislation in 2022 to get inmates nearing release enrolled into Medicare. However, not everyone qualifies for this due to a number of factors. LB1035 can help those who presently fall through the cracks in accessing their prescriptions. Colleagues, LB1035 has the full support of the Nebraska Pharmacies-- Pharmacists Association, the Nebraska Healthcare Association, the Nebraska Hospital Association, the Nebraska Medical Association, the Nebraska Oncology Society, the Association for Clinical Oncology, the Nebraska Psychology Association, Nebraska Appleseed, LeadingAge Nebraska, and the Nebraska nursing homes and assisted living communities. I urge your support in advancing LB1035 to Select File. Thank you.

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ARCH: Senator Hunt would like to recognize a guest, Cleo Zagurski, public health major at Creighton University, seated under the south balcony. Welcome to your Nebraska Legislature. Mr. Clerk, for an amendment.

CLERK: Mr. President, Senator Hughes would move to amend the bill with AM2442.

ARCH: Senator Hughes, you are recognized.

HUGHES: Thank you, Mr. President. So, as I mentioned, I've got 2 amendments coming on this, and it's just small word changes. AM2442 is a white copy amendment, but you will find the only changes are on page 1, in Section 3, on line 21, "individual" was replaced with "nonprofit organization." This is to clarify that LB1035 is intended that Nebraska would be partnering with Iowa's SafeNetRx, which is a nonprofit tasked with running their successful prescription drug program since 27-- 2007. We don't want to reinvent the wheel here. We can partner with Iowa and help many Nebraskans, and in the process, reduce the amount of perfectly good prescriptions that we are currently destroying. I believe that LB1035, as amended by AM2442, will give greater clarity to DHHS and the Legislative Fiscal Office in providing a more accurate fiscal note after LB1035 is moved-- or is advanced to Select File. I urge your green vote on LB2442. Thank you, Mr. President.

ARCH: Mr. Clerk, for the next amendment.

CLERK: Mr. President, Senator Hughes would move to amend with FA217.

ARCH: Senator Hughes, you are welcome to introduce FA217.

HUGHES: Thank you, Mr. President. I thank you, again, for your time on this. FA217 simply, simply strikes 3 words out of my white copy amendment to further tighten up the fiscal note. It strikes the word "may" and the words "or a point" on page 1, in Section 3, on line 21. And the sum total of the floor amendments and the white copy amendment is to strike 4 words and replace them with 2. Thank you, Mr. President.

von GILLERN: Thank you, Senator Hughes. Senator Riepe, you're recognized.

RIEPE: Thank you, Mr. President. I speak with great enthusiasm and support of FA217, AM2442, and the base bill, LB1035, the Prescription

Drug Donation Act. Thank you, Senator Hughes, for bringing this to us. I, along with Senator Hughes visit-- visited the operation in Des Moines and found it to be a legitimate, clean operation. The collection and verification of unused medication benefits low-income patients and does not become part of our landfill. We feel we, the taxpayers, are best served to partner with Iowa in the interest of being cost effective. We have no interest, none at all, in needless duplication, and we not-- need not be a separate program for-- with all of its associated costs. Thank you, Mr. President.

von GILLERN: Thank you, Senator Riepe. Announcement, the cookies that are being handed out are courtesy of Senator Vargas. Thank you, Senator Vargas. And Senator Dungan, you're recognized.

DUNGAN: Thank you, Mr. President. I'm not sure if it's customary or not to clap for cookies, but I did start that clap. So I apologize if that was uncouth, Mr. Clerk. Colleagues, I do rise today in favor of LB1035 and both of Senator Hughes's amendments. I don't want to take too much time, but I do want to thank Senator Hughes for bringing this bill for a couple of reasons. One, it continues to, I think, address the ongoing concern of waste, which is something that I've heard from a number of individuals in the medical field. It's something that I think we don't talk about enough, but there really is a massive amount of waste that we see in that entire arena, and this specifically seeks to address that problem. In addition to that, it seeks to do so in a way that saves taxpayers dollars. And so I think this is a continuation of the overall theme and intent, this legislative session, on finding pieces of legislation that genuinely help large amounts of people while simultaneously ensure that we're saving taxpayers money. I know that Senator Hughes, both on this bill and on a number of other bills, I think has sought to find what issues are affecting Nebraskans here today. She's, I think, gone out and met with a number of people during the interim about this. Senator Riepe just alluded to the fact they toured the facility, I think, in Iowa. So she's traveled at least that far to go deal with this. And so I think it is indicative of the efforts that she's gone through to find what problems are affecting everyday Nebraskans and figure out what solutions we can come to. I think LB1035 also represents the culmination of a lot of work with stakeholders, and so I really appreciate the fact that multiple voices have been heard. And I think that, given the fact that it's taking into account a lot of varying concerns, we've reached a, a place here where it addresses those concerns appropriately and ensures that we're not having that same

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waste. So, I would encourage my colleagues to vote green on all of these amendments and the underlying bill. Thank you, Mr. President.

VON GILLERN: Thank you, Senator Dungan. Seeing no one, no one else in the queue, Senator Hughes, you're recognized to waive-- or to close on FA217.

HUGHES: Thank you, Mr. President. I'm just going to reiterate, I thank, thank you for my colleagues that spoke in support of this. I think it is just the right thing to do for Nebraska. So I urge your vote on the 2 amendments going in, and then the vote to move forward LB1035 to Select. Thank you.

VON GILLERN: Thank you, Senator Hughes. The issue before the body is a vote on FA217. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the floor amendment.

VON GILLERN: FA217 passes. Back to consideration of AM2442. Seeing no one in the queue, Senator Hughes, you're recognized to close.

HUGHES: I was thinking I did that. I waive.

VON GILLERN: Senator Hughes waives closing. The issue before the body is a vote on AM2442. All those in favor of vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 34 ayes, 0 nays, Mr. President, on adoption of the amendment.

VON GILLERN: AM2442 advances. Senator Hughes, you're recognized to close on LB1035. Senator Hughes waives closing. The issue before the body is a vote on LB1035. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 34 ayes, 0 nays, Mr. President, on advancement of the bill.

VON GILLERN: LB1035 advances to E&R. Mr. Clerk, next item.

CLERK: Mr. President, if I could, an announcement. Senator Riepe has designated LB1109 as his personal priority bill for the session. Senator Riepe, LB1109, personal priority bill.

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VON GILLERN: Moving to Select File, first bill up is LB184. Senator Cavanaugh is recognized to open.

CLERK: Mr. President, Select File, LB1184. I have no-- I have nothing on the bill, Senator.

VON GILLERN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB184 [SIC] be advanced to E&R for engrossing.

VON GILLERN: Colleagues you've heard the motion. All those in favor say aye. Any opposed, nay. It is advanced.

CLERK: Mr. President, next item. Select File, LB307. First of all, Senator, I have E&R amendments.

VON GILLERN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB307 be adopted.

VON GILLERN: Question before the body is the adoption of the E&R amendments. All those in favor say aye. All opposed say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, an amendment. Senator Arch would move to amend LB307 with AM2380.

VON GILLERN: Senator Arch, to open.

ARCH: Thank you, Mr. President. Well, I want to start, before I get into the details of the amendment, first of all, by kind of going back and, and, and explaining why I stand in favor of this bill, as, as the amendment we'll read here in a second. First of all, this is not a, a mandate. That was important to me. And I think that the CDC evidence is pretty clear. We're certainly not the first state to do something like this. My understanding is there's 45 other states that have adopted this kind of a program in their state. So we're certainly not the first state to do this. There has been plenty of evidence out there now on the benefit of the SSP program, and so that gives me some comfort, as well. There is no evidence that this increases drug use, and it is 5 times more likely to enter drug treatment as-- if you are participating in a program like this, and it is shown evidence of 50% reduction in any communicable disease. So I understand the intent, which I supported, but I had some concerns. So during discussion

during General File, I asked Senator Hunt if she would be amenable, amenable to an amendment to address my concerns. She said yes. And I want to thank her for her willingness to work on this, which, which we did, together. The Nebraska Medical Association also identified some areas in the bill that they wanted to tighten. So we worked with NMA, including Doctor Alena Balasanova, a psychiatrist and addiction medicine expert at UNMC, which resulted in the draft, AM2380. So this amendment establishes minimum parameters for syringe services programs while still allowing, not requiring, still allowing local governing bodies to structure a program to fit its community's needs, if it so chooses. So clearly, intent, reducing communicable disease, however, there are some benefits that I wanted to make sure that the program that is, that is being offered has certain minimum requirements. So first, I wanted to make sure that only a governing body made up of elected officials could have the option to approve the establishment of an SSP program. In other words, I, I wanted to make sure that it was elected officials that did this, not an unelected official with independent action. So Section 1, subsection (1) of the AM2380 specifies that the governing body of a, a municipality or county could authorize by ordinance or resolution an SSP program within its boundaries. There's also a, a provision within that first section that indicates that counties can't opt in cities, simply because the cities is part of the county. If, if a county decides to do that, the, the cities have to also decide to do that. Second, I wanted to make sure that any such program has to offer services that provides a path for program participants to seek treatment. This was very important to me, because the benefit of doing this is not only the reduction of communicable disease, but having that individual that is struggling with addiction stand in front of a program that can help them with other issues. So, subsection (2) of the amendment specifies that a minimum-- at, at a minimum, an SSP must, number 1, conduct a needs assessment of the participant; provide access to sterile syringes, needles, and other objects to reduce the risk of disease transmission or other harm; provide for the safe disposal of syringes, needles and other equipment; provide referral information and educational materials regarding substance use disorder prevention and treatment. Again, 5 times more likely to seek treatment if they are a participant in this program. We got to make sure that the referral information and education is available to them to benefit from that. Next, provide information for participants to reduce injection and overdose risks. Next, provide naloxone or information on where to obtain-- this is Narcan-- which is available over the counter, where to obtain that. And last, provide referral information and education materials

regarding social, mental and other healthcare services. So not simply drug addiction treatment, but sometimes these individuals are struggling with other issues. We want to make sure that that information is available to them, as well. As you can see, what, what I wanted to make sure and what was clear was that the SSP program had essential components that would, that would bring the benefit to all these other issues that the CDC has, has researched and provide us evidence of. Finally, I wanted to make-- I wanted to limit where the SSPs could be located. So subsection (3) lists the places where SSPs can't be located, close proximity to-- which includes schools, community recreation centers, libraries, and public pools. The local governing bodies can also be more restrictive in something like this if they choose to do, but this is, again, the minimum. Additionally, language was added to the criminal statutes prohibiting the possession and delivery of drug paraphernalia to clarify that SSP program staff and participants are not subject to these provisions while working in the program or actually participating in the program within the facility and immediate vicinity. So as currently written, there was concern that a staff person or participant in a program, for instance, in Omaha, could be in possession of drug paraphernalia in Lincoln and technically not be in violation of these provisions. So this-- the exception here applies to that program at that location. So with that, I would encourage a green vote on AM2380. Thank you, Mr. President.

von GILLERN: Thank you Senator Arch. Senator Hunt's recognized.

HUNT: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I want to thank Speaker Arch for his collaboration on this amendment. And what I really need to do is thank our staff, honestly. You know, we're all working on so many different bills and so many different issues on the floor in, in the work that we do. And our staff really rose up and communicated and, and worked with Speaker Arch and I, and also stakeholders, as Speaker Arch mentioned in his introduction, to make sure that we have an amendment that basically codifies best practices for SSPs. This is a bill that my constituents have told me, since I got elected, since I was campaigning, honestly, mattered to them so much and touched on an issue that is touching all of your districts, that is affecting all of your constituents. As opioid abuse has increased in Nebraska, we have been leaders in our state in cutting back on addiction, on treatment, on making sure that people are getting resources that they need in all of our communities, even in, you know, the most rural parts of the state. And Nebraska has been a leader nationally on that, thanks in no small part to Senator John Kuehn, especially Senator Sara Howard, who,

you know, really kind of made the blueprint for us to do that when a lot of this was rising up in the last decade, around this country. And this bill, LB307 as amended by AM2380, is going to just take us even further along as leaders in the country on this issue. I've got no problem with this amendment. It codifies best practices. It basically makes the bill do what I always intended it to do. It's a great thing. It was informed by the director of addictions education at UNMC, who is also an assistant professor in psychiatry at UNMC. And, you know, we've spoken a lot in the past about wanting policy to be informed by experts. And what we have here is a solid bill. It's a solid amendment. I again want to thank our staff. I want to thank Senator Erdman for his enthusiasm around this issue, thank Speaker Arch for being willing to compromise, and appreciate the green vote today. Thank you, colleagues.

von GILLERN: Thank you, Senator Hunt. Seeing no one else in the queue, the question before the body is the-- Senator Arch, to close.

ARCH: Thank you, Mr. President. So with this amendment, I, I have, I have, I have reached a place where I, where I do support this. I think this is dealing with reality, as I said, with the-- when the bill came to the floor for the General File, I said, this is reality. We, we all would like to see drug abuse go away. It's a scourge. It is, it is very difficult, for the individual who is struggling with it, for the society who is, who is trying to deal with it, as well, it is, it is something we would like to see go away. It is not going to go away. It is something we have to deal with and recognize. And I believe that this program can reduce communicable disease. It can also provide a place where someone can go and receive this referral information that is very necessary. With these guardrails in place, I fully support AM2380 and LB307. Thank you, Mr. President.

von GILLERN: Thank you, Senator Arch. The question before the body is the adoption of AM2380. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 31 ayes, 3 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment is adopted.

CLERK: I have nothing further on the bill, Mr. President.

von GILLERN: Senator Ballard, for a motion.

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BALLARD: Mr. President, I move that LB307 be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed say nay. Motion advances.

CLERK: Mr. President, next bill, Select File, LB829. First of all, there are E&R amendments, Senator.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move the E&R amendments to LB829 be adopted.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, nay. The motion is adopted. Mr. Clerk.

CLERK: Mr. President, Senator Blood would move to amend LB829 with AM2384.

von GILLERN: Senator Blood, you're welcome to open.

BLOOD: Thank you, Mr. President. This was on the advisement of the E&R review, and they asked to change the language, but it requires an amendment. It does not change the overall intent, but makes the phrasing to read much more clearer. We did run the new phrasing past Rob Bell and Nebraska Federation of Insurance, and they were a-OK with it. So all this does is better clarify the bill and make it easier for the consumer to understand.

von GILLERN: Thank you, Senator Blood. Seeing no one in the queue, you are welcome to close. Senator Blood waives closing. Question for the body is the adoption of AM2384. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 25 ayes, 4 nays on adoption of the amendment, Mr. President.

von GILLERN: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

von GILLERN: Senator Ballard, for--

BALLARD: Mr. Pres-- Mr. President, I move that LB829 be advanced to E&R for engrossing.

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von GILLERN: You've heard the motion. All those in favor vote aye-- say aye. All opposed say nay. The bill is advanced.

CLERK: Mr. President, next item. Select File, LB102. First of all, Senator, there are E&R amendments.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move the E&R amendments to LB102, LB102 be adopted.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed say nay. They are adopted. Mr. Clerk.

CLERK: Mr. President, Senator Erdman would move to amend LB102 with AM2258.

von GILLERN: Senator Erdman, to open on your amendment.

ERDMAN: Thank you, Mr. President, and good morning. Very similar to the requirement or the request that Senator Blood made, E&R had spoken to me about some of the amendments that needed to be made by them, but it was more than they felt comfortable with. And so I'm going to highlight a few of the things that, that they wanted to change. And so they asked, asked me to adopt this amendment, and so I did. And so I'll just highlight those. But this is a bill to update the land surveyor statute that had not been updated since 1987, so that's where we started. The bill was brought to me by land surveyors and especially the state land surveyor, and it was his thought how to change this statute so it more fits with our current language. And so what the amendment does, it changes the word "registration" to "license." It also amends and harmonizes the title of land surveyor profession throughout the bill using the definition, professional land surveyor. The amendment changes the word "registration number" to "license number." And there was a question about how much it costs to start or initiate a license, and we cleared that up. The initial cost is \$300, renewal is \$200. And then, last but not least, it changes the beginning date from '24 to '25. And that's what the amendment does. Thank you.

von GILLERN: Thank you, Senator Erdman. Senator Fredrickson would like to recognize 35 members of the League of Women Voters in the north balcony. Please stand and be recognized. Seeing no one in the queue, Senator Erdman, you're recognized to close on your amendment. Senator Erdman waives closing. Question before the body is the adoption of

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AM2285. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of AM2258.

von GILLERN: The amendment is adopted. Senator Erdman, you're recognized to open on LB--

CLERK: I apologize, Mr. President. There's nothing further on the bill, Senator.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move the-- I move that LB102 be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All in favor, say aye. All opposed, say nay. The bill is advanced.

CLERK: Mr. President, Select File, LB102A. Senator, I do have E&R amendments.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move the E&R amendments to LB102A be adopted.

von GILLERN: You've heard the motion. All in favor, say aye. All opposed, say nay. The amendments are adopted.

CLERK: I have nothing further on the bill, Senator.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move it that LB102A be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, say nay. The bill is advanced.

CLERK: Mr. President, Select File, LB83. I have no E&R amendments, Senator. Senator DeBoer would move to amend with AM2279.

von GILLERN: Senator DeBoer, you're recognized open on your amendment.

DeBOER: Thank you, Mr. President. Good morning, colleagues. You may remember our extended debate on LB83 on General File, and I am very hopeful that today is quite a bit shorter. But as a brief refresher, LB83 is the Uniform Community Property Disposition at Death Act. The act provides guidance to Nebraska trustees, judges, and estate administrators on how to deal with the distribution of community property at death. Nebraska is not a community property-- when-- but when individuals-- state, but when individuals who have property originating in community property states passed away in Nebraska, it's important that we have procedures in place for how to handle that community property. AM2279 came as a result of the E&R Initial review process. E&R identified a conflict which needed to be addressed and is outside of the purview of an E&R amendment. The issue is that Section 16, which makes a change to 24-517, provides for concurrent original jurisdiction between county court and district court for matters arising under this act. However, subdivision (1) of 24-517 provides for the county court to have exclusive original jurisdiction on all matters relating to decedents' estates. So after consultation with experts in the field, we came to the language provided at AM2279. All AM2279 does is clarify if original jurisdiction is-- exists, as defined by 24-517(1), then original jurisdiction stays there-- stays with the way the law already is. However, if 24-517(1) does not apply, then the concurrent original jurisdiction can exist. I'm happy to answer any questions and respectfully request your vote green on AM2279.

von GILLERN: Thank you, Senator DeBoer. Seeing no one else in the queue, you're recognized to close on your amendment. Senator DeBoer waives closing. Question before the body is the adoption of AM2279. All those in favor vote aye; all opposed vote nay. Mr. Clerk, record.

CLERK: 33 ayes, 0 nays, Mr. President, on adoption of the amendment.

von GILLERN: The amendment is adopted.

CLERK: I have nothing further on the bill, Senator.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move that LB83 be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, say nay. The bill, the bill is advanced.

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CLERK: Mr. President, Select File, LB152. Senator, I have nothing on the bill.

von GILLERN: Senator Ballard.

BALLARD: President-- Mr. President, I move that LB152 be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All those opposed, say nay. The bill is advanced.

CLERK: LB731, Senator, I have nothing on the bill.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move that LB731 be advanced E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, say nay. The bill is advanced.

CLERK: Mr. President, Select File, LB771. First of all, Senator, I have E&R amendments.

von GILLERN: Senator Ballard.

BALLARD: Mr., Mr. President, I move the E&R amendments to LB771 be adopted.

von GILLERN: You read the motion. All those in favor say aye. All opposed, say nay. They are adopted.

CLERK: Senator, I have noth-- I have nothing further on the bill.

von GILLERN: Senator Ballard.

BALLARD: Mr. President, I move that LB771 be advanced to E&R for engrossing.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, say nay. The bill is advanced.

CLERK: Mr. President, LB147, Select File. I have E&R amendments, first of all, Senator.

von GILLERN: Senator Ballard.

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BALLARD: Mr. President, I move the E&R amendments to LB147 be adopted.

von GILLERN: You've heard the motion. All those in favor say aye. All opposed, say nay. They are adopted.

CLERK: Senator, I have nothing further on the bill.

DORN: Senator Ballard, for a motion.

BALLARD: Mr., Mr. President, I move that LB147 be advanced to E&R for engrossing.

DORN: You've heard the motion. All those in favor say aye. Opposed, nay. It is advanced.

CLERK: Mr. President, Select File, LB218. I have nothing on the bill, Senator.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB218 be advanced to E&R for engrossing.

DORN: You've heard the motion. All those in favor, say aye. Opposed, nay, It is advanced. Mr. Clerk.

CLERK: Mr. President, next bill, LB218A-- Mr. President, LB218A, I have no E&R amendments. Senator Ibach would move to amend with AM2505.

DORN: Senate Ibach, you're recognized to open.

IBACH: Thank you very much, Mr. President. What the-- what this amendment will do is reduce the amount of the-- the requested amount from the \$6 million to the \$3 million. It's in consideration for our budgetary restraints right now. And so, I would just ask for everyone's vote to reduce the amount to \$3 million.

DORN: Seeing no one else in the queue-- record-- Senator Ibach, you're recognized to close. Senator Ibach waives. The question before the bo-- the, the body is the adoption of AM2505. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, record.

CLERK: 28 ayes, 0 nays on adoption of the amendment, Mr. President.

DORN: The amendment is adopted.

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CLERK: I have nothing further on the bill, Senator.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB218A be advanced to E&R for engrossing.

DORN: All those in favor, say aye. All those opposed, aye-- nay. It is advanced.

CLERK: Mr. President, LB303. I have nothing on the bill, Senator.

DORN: Mr. Ballard, for a motion.

BALLARD: Mr. President, I move that LB303 be advanced to E&R for engrossing.

DORN: Colleagues, you've all heard the motion. All those in favor say aye. Opposed-- oh, all those in favor, say aye. Opposed, nay. It has advanced.

CLERK: Mr. President, the next bill, LB303. I have nothing on the bill, Senator.

DORN: Senator Ballard, for a motion.

CLERK: Excuse, excuse me, Senator. LB317, I have nothing on the bill.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB317 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. It is advanced.

CLERK: Mr. President, Select File, LB190. I have nothing on the bill, Senator.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB190 be advanced to E&R for engrossing.

DORN: Colleagues. You've all heard the motion. All those in favor say aye. Opposed, nay. It is advanced, Mr. Clerk.

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CLERK: Mr. President, Select File, LB358. First of all, I have E&R amendments, Senator.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB358 be adopted.

DORN: You've all heard the motion. All those in favor say aye. Opposed, nay. It is advanced.

CLERK: Mr. President. Senator Walz would move to amend with AM2410.

DORN: Senator Walz, you're recognized to open.

WALZ: Thank you. AM2410 is an amendment that was brought to my attention by Bill Drafters, and simply clarifies that this is a 25% increase next fiscal year into the future. Once this amendment is adopted, we'll be able to-- or will be ready for an A bill to be introduced. I would like to ask for your green, green vote on AM2410 and LB358. Thank you.

DORN: Senator Walz, you're recognized to close. Senator Walz waives. The, the question before the body is the adoption of AM2410. All those in favor vote aye; all those opposed vote nay. Mr. Clerk, please record.

CLERK: 28 ayes, 0 nays, Mr. President, on adoption of the amendment.

DORN: Seeing no one in the queue-- oh, oh. Amendment is adopted.

CLERK: Mr. President, I have-- excuse me. Senator, I have nothing further on the bill.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB358 be advanced to E&R for engrossing.

DORN: You've heard the motion. All those in favor say aye. All those opposed, nay. It is advanced.

CLERK: Mr. President, Select File, LB130. I have E&R amendments, first of all, Senator.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move the E&R amendments to LB130 be adopted.

DORN: Colleagues, you've heard the motion. All those in favor say aye. Opposed, nay. It is advanced-- is adopted.

CLERK: Mr.-- Senator, I have nothing further on the bill.

DORN: Senator Ballard, for a motion.

BALLARD: Mr. President, I move that LB130 be advanced to E&R for engrossing.

DORN: Colleagues, you've heard the motion. All those in favor, say aye. Opposed, nay. It is advanced. At it-- wanted to recognize-- Senator John Arch would like to recognize a group in the north balcony, the Nebraska Youth Justice Policy Fellowship group from Boys Town. Please stand and be recognized by your Nebraska State [INAUDIBLE]. Mr. Clerk.

CLERK: Mr. President, some items, if I could, quickly. Senator McKinney has selected LB53 as his personal priority for the session. Senator McKinney, LB53 as his personal priority. Senator Dorn designates LB1108 as his personal priority. LB1108, Senator Dorn, personal priority. And notice of committee hearing from the Judiciary Committee. That's all I have for this time. Excuse me, Mr. President, pursuant to the last announcement, LB53 was a request for a Speaker priority bill, not a personal priority bill. LB53, Senator McKinney, Senator-- Speaker priority bill. Mr. President, General File, turning to the agenda. LB644, introduced by Senator McDonnell. It's bill for an act relating to the Site and Building Development Fund; provides for transfer of funds; changes provisions related to the use of the Site and Building Development Fund; provides powers and duties for the Department of Economic Development for certain projects; repeals the original section; and declares an emergency. The bill was read for the first time on January 18 of last year, and referred to the Banking, Commerce and Insurance Committee. When the Legislature left the bill last, Mr. President, adopted was an amendment from Senator Slama, AM1476. The bill itself was pending.

DORN: Senator McDonnell, you are recognized to give a refresher.

McDONNELL: Thank you, Mr. President. Good morning, colleagues. During the process of introducing LB644, and as was just mentioned, Senator Slama's amendment of AM1476 became the bill. And in the discussion about mega sites, a lot of good feedback. The support of, I believe,

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mega sites are there. Of course, it's coming down to the dollars. And right now, we're looking at a fiscal note of \$80 million over 2 years, for a total of \$60 million-- \$160 million. Excuse me. So working with Senator Clements, Senator Slama, Senator Jacobson, trying to make sure that we still move forward, that we put our state in a position to be competitive per around the country, is what would be something that we could agree upon. And working with the Chamber, having discussions with them, can we have a study on where those mega sites and all sites potentially, could be in the state of Nebraska? Following the amendment of AM1476 from Senator Slama, and can we do that for less than a half \$1 million?

DORN: Time.

McDONNELL: And can we get that--

DORN: That was your time for the refresher.

McDONNELL: Oh.

DORN: Senator Slama, you're recognized to speak.

SLAMA: Thank you, Mr. President. I think Senator McDonnell was in the middle of a thought, so I will yield him the remainder of my time.

DORN: Senator McDonnell, you're yielded, you're yielded 4:51.

McDONNELL: Thank, thank you, Mr. President. So, back to where I stopped. So the, the, the compromise we're looking at-- and we have this language at-- in, in, in Bill Drafters. We're, we're waiting for it, and I'm going to give it a few more minutes here. But what we'd like to try to do is move this to Select, knowing that we have a compromise with Senator Clements, Senator Slama and Senator Jacobson and myself, to say that we would not spend more than a half a million, \$500,000, on a study that would have to be completed by December of 2024, and that that would list the number of mega sites that potentially could be put in the-- in throughout our state, east, west, north, south, and the dollar amount that would be needed to develop those mega sites and then, potentially, the dollar amount that would be needed from the state of Nebraska. So that's where we are at this point. Again, waiting for the amendment. If not, I'm asking to move on to Select File, knowing that the amendment is something that I fully support, and the maximum the fiscal note would be is \$500,000. Thank you, Mr. President.

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DORN: Thank you, Senator Slama and Senator McDonnell. Senator McDonnell, you're next in the queue. He-- Senator McDonnell waives. Senator Jacobson, you are next in the queue to speak.

JACOBSON: Thank you, Mr. President. I just want to reiterate to everyone that I think this is a good compromise to try to figure out exactly how to make this program work. We think this is a good bill, that it would be a good program. I appreciate Senator Clements' concerns about funding. It's a big fiscal note, but I think being able to come back now, do a study, fund it with enough money to be able to do an appropriate study. I want to remind everyone that these dollars would be distributed across the entire state. This would not be limited to just Omaha or Lincoln. And so that was part of my priority bill last year. That was a reason for my priority designation. I think that Senator McDonnell and Senator Slama have worked in good faith to be able to make this a, a great bill and a good program. I, I think it does make sense that we do a study, determine exactly what we want to accomplish, be able to come back next year and be able to see what we've got available for funding. So, again, let's don't kill this because of the fiscal note. We can move the fiscal note down to the right number, but let's move this program forward. So with that, I would encourage you a green vote to get it to Select File. Thank you, Mr. President.

DORN: Thank you, Senator Jacobson. Senator Erdman, you're recognized to speak.

ERDMAN: Thank you, Mr. President. I appreciate Senator McDonnell. He never, never gives up. He continues to try to make a compromise and try to get to something that works, and I do appreciate that. One thing I do appreciate about him, he's always told me the exact truth, never changes his mind or backed up on me. And so, I appreciate working with Senator McDonnell. But I want to recognize several young people who are traveling-- have traveled to Omaha for the state wrestling from Bayard High School: Carlie McKibbin, Coy Armstrong, Luke Wetherington, Nate Barker, Brock Burry, Nolan Duke-- Duke-- Duker-- Duker-- Dueker, excuse me, and Kolby Houchin. And their coaches are Randy McKibbin, KaDee Armstrong, Coy-- Cory Barker, and Garrett Schukei. We wish them the best there at the State Wrestling, even though they had to drive 450 miles to get to Lincoln. Thank you.

DORN: Thank you, Senator Erdman. Senator McDonnell, you're recognized to close.

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McDONNELL: Thank you, Mr. President. Again, committed to the amendment. And it's not here, but it will definitely be on Select. Maximum we would spend on this study would be \$500,000. I appreciate Senator Clements, Senator Jacobson, and Senator Slama, working together on this to, again, get a-- language put together in, in a mega site bill that-- for our state going forward, that is going to help us, I believe, tremendously with our growth of our state. Thank you, Mr. President.

DORN: Thank you, Senator McDonnell. Seeing no one else in the queue, the question before the body is a vote on LB666-- LB644. Excuse me, LB644. All those in favor vote aye; all those opposed vote nay. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 23 ayes, 1 nay to place the house under call, Mr. President.

DORN: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. All unauthorized personnel, please leave the floor. The house is under call. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber, please return to the Chamber and record your presence. Senator McKinney, Senator Bostar, Senator Hughes, Senator Dungan, the house is under call. Please return to the Chamber and record your presence. Senator Hughes, Senator Aguilar, please return to the Chamber. The house is under call. Senator Hughes, Senator Aguilar, please return to the Chamber. The house is under call. All members are now present. Senator McDonnell, there was a vote open. Will you accept call-ins? We are now accepting call-ins.

CLERK: Senator Bostelman voting yes. Senator Dungan voting yes. Senator Armendariz voting yes. Senator Bostar voting yes. Senator Dover voting yes. Senator Lowe voting yes. Senator John Cavanaugh voting yes. Senator Wishart voting yes. Senator Conrad voting yes. Senator Blood voting yes. Senator Aguilar voting yes. Senator Moser voting yes. Senator DeBoer voting yes. Senator Ibach voting yes. Senator Hughes voting yes. Senator Murman voting yes. Senator Fredrickson voting yes. Senator Arch voting yes. Senator von Gillern voting yes. Senator Hunt voting yes.

DORN: Record.

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CLERK: Mr. President, the vote is 41 ayes, 1 nay on advancement of the bill.

DORN: The bill is advanced. Raise the call. Mr. Clerk, next item.

CLERK: Mr. President, the next item, General File, LB895, introduced by Senator Sanders. It's a bill relating to the Nebraska National Guard; changes incentive payment provisions relating to recruitment and retention; and repeals the original section. The bill was read for the first time on January 3 of this, of this year, and referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File. There are no committee amendments, Mr. President.

DORN: Senator Sanders, you're recognized to open.

SANDERS: Thank you. Good morning, Mr. President. I am introducing LB895, which will update existing law authorizing the Adjunct [SIC]General to allow payments for enlistment and re-enlistment into the Nebraska National Guard. Nebraska has consistently ranked as one of the top states for retaining military personnel. However, they lack success in recruitment. This bill merely updates an existing statute. Nebraska Revised Statute 55-157.03 that has existed to-- since 1978. LB895 is designed to allow greater flexibility to the adjunct general to design a recruiting program for Nebraska. It does not create any program or mandate or any program. The federal government has a number of programs that provide for enlistment and retention bonuses. Likewise, there have been off-- officer bonuses available for those choosing to go through Officer Candidate School or a Reserve Officer Training Corps, the ROTC program. Unfortunately, these program-- programs often have not been successful in Nebraska, nor in multiple other states. In response, multiple states have created state-level recruiting programs, which vary depending on each state. For example, Minnesota offers a state-level \$20,000 bonus for joining its National Guard. Indiana offers referral payments to individuals such as existing service members, teachers, coaches, and others, for referring individuals who sign up and ship to basic training. Such programs are new and rapidly developing. The efforts in these 2 states have proven successful. LB895 does not have a cost associated with it at this time. This bill just expands on existing statutory authority to allow the Adjunct General to study what is being done in other states. Yet, if the Adjunct General sees fit to initiate a program in Nebraska, he has the authority to do so. The passing of this bill would be needed

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to step in improving the recruiting environment across the state. I urge you to vote green on LB895. Thank you, Mr. President.

DORN: Thank you, Senator Sanders. Seeing no one in the queue, Senator Sanders, you're recognized to close. Senator Sanders waives. Colleagues, the question before the body is the advancement of LB895. All those in favor vote aye; all those opposed vote nay. Have all of you voted that care to? Mr. Clerk, record.

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

DORN: Mr. Clerk, next item. Excuse me. The bill ad-- the bill advances, LB895.

CLERK: Mr. President, some items. Your Committee on Enrollment and Review reports LB198, LB908, LB909, LB989, LB992, LB16A, LB257, LB144, LB716, LB304, LB569, LB624, LB139, LB854, LB847, LB848, LB936, and LB940, and LB1102, reports them to Select File, some having E&R amendments. Your Committee on Health and Human Services, chaired by Senator Hansen, reports LB62 to General File with committee amendments. Your Committee on Revenue, chaired by Senator Linehan, reports LB165, LB901, LB1088, LB1177, and LB877 to General File, LB877 having committee amendments. Your Committee on Transportation and Telecommunications, chaired by Senator Moser, reports LB1030 to General File. Amendment to be printed, Senator McDonnell to LB607. Communication from Senator McKinney, designating LB631 as his personal priority for the session. Senator McKinney, LB631, personal priority. Name adds: Senator Vargas to LB857, Senator Conrad, LB953. Notice that the Health and Human Services Committee will have an Executive Session tomorrow, February 14, following the hearing in room 1510, Health and Human Services, Exec Session, tomorrow following-- excuse me-- today, February 14, following the hearing in room 1510. Finally, Mr. President, a priority motion. Senator Erdman would move to adjourn the body until Thursday, February 15, 2024 at 9:00 a.m.

DORN: You've heard the motion to adjourn. All those in favor say aye. Opposed, nay. Motion's carried. We are adjourned.