



Legislative Update Sine Die Edition 2015

Contents

Education/Early Childhood	4
Signed into Law	4
LB 81: Change provisions relating to eligibility for Child Care Assistance.....	4
LB 547: Change provisions regarding use of Federal Block Grant Funds for child care	4
Amended into Other Bills.....	5
LB 524: Change provisions relating to documenting eligibility for Free and Reduced School Meals	5
Pending Action	5
LB 281: Adopt the Child Support for College Savings Act.....	5
LB 380: Establish the Higher Education Affordability Commission	6
LB 572: Provide duties for the state school security director relating to cyberbullying.....	7
Safety – Child Welfare.....	7
Signed into Law.....	7
LB 15: Change provisions regarding guardians ad litem.....	7
LB 219: Change child custody provisions, adopt Uniform Deployed Parents Custody and Visitation Act	8
LB 243: Create a pilot project for family finding services	9
LB 296: Require DHHS to provide notification after removal of a child.....	9
LB 415: Change provisions relating to the Uniform Interstate Family Support Act	10
LB 566: Change provisions of the Indian Chld Welfare Act.....	10
Amended into Other Bills.....	11
LB 441: Change provisions relating to the Bridge to Independence program.....	11
Pending Action	12
LB 148: Provide medical assistance program coverage for former foster care youth	12
LB 302: Create the offense of rehoming a child	13

LB 303: Authorize schools to adopt a child sexual abuse policy	13
LB 485: State intent relating to appropriations for child welfare	13
LB 647: Prohibit discrimination relating to child placement.....	14
LB 648: Provide for adoption by two adult persons	14
Safety – Juvenile Justice	15
Signed into Law.....	15
LB 265: Change provisions relating to juveniles and child welfare	15
LB 294: Adopt the Human Trafficking Victims Civil Remedy Act	17
LB 347: Expand the jurisdiction of the Inspector General to juvenile justice	17
LB 422: Provide for reasonable fees and costs for proceeding involving a minor	18
LB 482: Change provisions relating to juveniles regarding adjudication, restraints, detainment	18
LB 500: Require a Medicaid state plan amendment for specified evidence-based programs	19
LB 598: Require reporting on mental illness and seclusion of inmates.....	20
Amended into Other Bills.....	20
LB 13: Change Community-Based Juvenile Services Aid Program provisions	20
LB 212: Eliminate indiscriminate shackling of juvenile in juvenile court	21
Pending Action	21
LB 25: Change court jurisdiction relating to young adults	21
LB 459: Change provisions relating to a deposition of a child victim or witness	22
LB 499: Provide duties for DHHS relating to behavioral and mental health services.....	23
Economic Stability	23
Signed into Law.....	23
LB 607: The Home Care Consumer Bill of Rights Act	23
Amended into Other Bills.....	24
LB 335: Create an Intergenerational Poverty Commission	24
Pending Action	24
LB 147: Change provisions relating to asset limitations for public assistance.....	24
LB 322: Increase the Child and Dependent Care Tax Credit.....	25
LB 411: Change provisions relating to the Supplemental Nutrition Assistance Program	25
LB 493: Adopt the Healthy and Safe Families and Workplaces Act.....	25
LB 495: Increase the Earned Income Tax Credit.....	26
LB 510: Provide an income tax credit to employers of public assistance recipients	26

LB 645: Adopt the Early Childhood Workforce Development Opportunity Act	27
Failed to Advance	28
LB 494: Increase the tipped minimum wage	28
LB 599: Decrease the minimum wage for youth	28
Vetoed by the Governor	29
LB 89: Change provisions relating to Aid to Dependent Children	29
Legislative Resolutions Adopted.....	29
LR 33: Appoints ACCESSNebraska Special Investigative Committee of the Legislature ...	29
Health	30
Signed into Law	30
LB 240: Expand behavioral health screening Pilot Program	30
LB 627: Employment protection for pregnant workers	30
Pending Action	31
LB 518: Provide for changes to the medical assistance program	31
Failed to Advance	31
LB 472: Medicaid redesign and expansion	31
Tax and Budget	32
Pending Action	32
LB 357: Change income tax rates	32
Other.....	33
Became Law Notwithstanding the Objection of the Governor	33
LB 623: Provide Drivers Licenses and State IDs to persons with lawful status	33

Education/Early Childhood

Signed Into Law

LB 81: Change Provisions Related to Eligibility for Child Care Assistance

As Introduced: LB 81 would allow families enrolled in the low-income child care subsidy program access to transitional child care assistance. Under current law, families transitioning off of the Aid to Dependent Children (ADC) program are eligible for up to two years of child care assistance at up to 185% of the federal poverty level (FPL). Under LB 81, all families in the child care subsidy program will now be eligible for this transitional assistance if their income rises above the current limits.

As Amended: LB 81 was amended to include data provisions to require a report to the legislature on the number of families in the transitional assistance program and the number of families no longer eligible due to income.

Introducing Senator(s): Cook (priority), Davis, Kolterman

Committee: Health and Human Services

Committee Hearing Date: February 26, 2015

Current Status: Approved by Governor on May 27, 2015

Estimated Fiscal Impact: For FY 2015-2016, the fiscal note is \$678,472, all from the General Fund for the Department of Health and Human Services. For FY 2016-2017, the fiscal note is \$816,167, all from the General Fund for the Department of Health and Human Services.

Voices for Children's Position: Support ([see our written testimony](#))

LB 547: Change Provisions Regarding the use of Federal Block Grant Funds for Child Care

As Introduced: LB 547 puts into state law federal provisions requiring an increased amount of Child Care and Development Block Grant (CCDBG) funding to be set aside for quality purposes. The CCDBG previously required states to spend a minimum of 4% of their federal CCDBG funds on efforts that improve the quality of licensed child care. Under federal provisions and LB 547, the state is required to increase the minimum from 4% to 7% in FY15-16 and 16-17, to 8% in FY17-18 and 18-19, and 9% in FY19-20 and subsequent years. Also included in CCDBG reauthorization was a new requirement that states spend a minimum of 3% of their federal CCDBG funds to improve the quality of care for infants and toddlers. LB 547 allocates the increased quality requirement (3% in FY15-16, 4% in FY17-18, and 5% in FY19-20) and the new 3% requirement for the improvement of infant/toddler care to the Early Childhood Education Endowment Cash Fund (Sixpence) for early childhood grants involving child care providers and partnerships with schools as envisioned in LB 489.

As Amended: LB 547 was amended to better align state and federal fiscal year requirements and allocate the eventual 5% increase in quality set-aside dollars to the Step Up to Quality Program (also known as the QRIS, established by LB 507 in 2013). The 3% set-aside for infants and toddlers is allocated to the Early Childhood Education Endowment Cash Fund (Sixpence) to fund LB 489. The bill was also amended to include LB 489 which allows child care providers voluntarily partnering with a school district to receive a Sixpence Early Learning Fund grants

and requires the child care provider to collaborate with the school district and enroll in the Step Up to Quality program.

Introducing Senator(s): Campbell

Committee: Health and Human Services

Committee Hearing Date: February 26, 2015

Current Status: Approved by Governor on May 27, 2015

Estimated Fiscal Impact: No estimated fiscal impact.

Voices for Children’s Position: Neutral. Voices for Children was neutral on the bill as introduced. Some of the concerns were addressed by amendments to the bill ([see our written testimony](#)).

Amended Into Other Bills

LB 524: Change Provisions Relating to Documenting Eligibility for Free and Reduced School Meals

As Introduced: LB 524 makes changes to the use of free and reduced price lunch (FRL) data for the purposes of the state school funding formula (known as “TEEOSA”) and other state uses to allow for a new federal option known as “community eligibility” where high poverty schools can serve free meals to all students without requiring an application. It allows the voluntary use of data obtained via an alternate income form and uses identified student percentage (students enrolled in SNAP, ADC, or in foster care or homeless or runaway) as a proxy for “free” if not alternate income data is collected.

As Amended: N/A

Introducing Senator(s): Sullivan

Committee: Education

Committee Hearing Date: February 9, 2015

Current Status: Amended into LB 525 and approved by Governor on May 27, 2015

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children’s Position: Support, with reservation. We offered supportive testimony to highlight community eligibility as an opportunity for schools, but are concerned about the use of ISP as a proxy for free and will continue to monitor implementation ([see our written testimony](#)).

Pending Action

LB 281: Adopt the Child Support for College Savings Act

As Introduced: LB 281 would allow a noncustodial parent who is current on his or her child support payments but owes arrears to the state to open a college savings accounts for each of his or her children under the age of 18 and make payments to the account. The account owner would be the State of Nebraska and the beneficiary would be the child of the noncustodial parent. The noncustodial parent must continue to make full child support payments, and for every dollar

contributed to any of the college savings account, the department would forgive two dollars of the debt.

As Amended: The owner of the college savings account would be the Department of Health and Human Services and the department would forgive a portion of the arrears at least equivalent to the amount that the noncustodial parent contributes to the account.

Introducing Senator(s): Kolowski

Committee: Judiciary

Committee Hearing Date: March 12, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: The Department of Health and Human Services may need an additional child support worker, which would cost \$57,650 annually (\$28,825 in general funds and federal funds each). The CHARTS (Children Have a Right to Support) tracing system would need to be reprogrammed at a cost of \$135,000 in FY 2016 (\$45,900 in general funds and \$89,100 in federal funds)

Voices for Children's Position: Support ([see our written testimony](#))

[LB 380: Establish and create duties for Higher Education Affordability Commission](#)

As Introduced: LB 380 would create the Higher Education Affordability Commission with an executive committee consisting of the Speaker of the Legislature; one member each from the Education, Appropriations, and Revenue Committees of the Legislature; and two at-large members of the Legislature appointed by the Executive Board of the Legislative Council. These voting members would choose a chairperson and vice-chairperson from among the voting members.

Nonvoting ex officio members of the executive committee would include the President of the University of Nebraska or his or her designee, the Chancellor of the Nebraska State College System or his or her designee, a representative of the private, not for profit colleges and universities in Nebraska, and a representative of the Nebraska community colleges. The executive committee could appoint up to two additional nonvoting members.

Duties/responsibilities include:

1. Share, examine, and analyze data and information about the affordability of postsecondary education in Nebraska with a focus on ways to reduce costs.
2. Encourage input from academic experts, students, financial aid advisers, members of the banking community, and others in working to find solutions to increasing costs of higher education and the financial stress it places on families and students.
3. Research best practices in other states to address affordability, including loan forgiveness programs that give students postsecondary education at no cost.
4. Request and receive information related to costs (tuition and fees) of postsecondary education from any institution.
5. Submit a report of findings and recommendations electronically to the Executive Board of the Legislative Council, and the Education and Appropriations Committees that includes:

- a. A ten-year plan to address college affordability
- b. A legislative proposal to create a pilot program to address affordability from best practices in other states
- c. Other recommendations of the commission

Introducing Senator(s): Morfeld

Committee: Education

Committee Hearing Date: March 3, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: No fiscal impact

Voices for Children's Position: Support ([see our written testimony](#))

LB 572: Provide duties for state school security director relating to cyberbullying

As Introduced: LB 572 adds a responsibility for the state school security director of recommending curricular and extracurricular materials to help school districts prevent and respond to cases of cyberbullying and issues with digital citizenship.

Introducing Senator(s): Davis

Committee: Education

Committee Hearing Date: March 10, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: No fiscal impact

Voices for Children's Position: Support ([see our written testimony](#))

Safety – Child Welfare

Signed Into Law

LB 15: Changes provisions regarding Guardians ad Litem

As Introduced: LB 15 initially contained a comprehensive set of powers and duties for Guardians ad Litem (GALs), attorneys who represent children in welfare cases. Tasked with a dual role, both to represent the child's interests and to guard the child's best interests, GALs play an important role in juvenile court proceedings. The bill as drafted would have set detailed standards regarding visitation, oral and written reporting to the court, and billing practices. Some important provisions included:

- Mandating visitation within two weeks of appointment, and at least once every three months thereafter.
- Mandating visitation under other circumstances, including when the child asks, when the child's placement changes, when an emergency situation arises, etc.
- Setting an expectation that the GAL personally be present at all substantive hearings, and make every effort to have the child also be present.

- Permitting the judge to remove a GAL for cause, if the GAL does not meet requirements.

As Amended: Amendments to LB 15, the result of coordination between the legislative and judicial branches, gutted nearly all the substantive changes to the bill and instead require the Nebraska Supreme Court to implement standards for GALs into court rule by July of this year. The proposed court rule largely mirrors the statute, and includes, as requested by Voices for Children, a section in the reporting form for GALs to highlight the child’s expressed interest.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: February 26, 2015

Current Status: Approved by the Governor on April 29, 2015

Estimated Fiscal Impact: There is no estimated fiscal impact.

Voices for Children’s position: Support. [See our written testimony with suggestions.](#)

LB 219: Change and eliminate child custody provisions and adopt the Uniform Deployed Parents Custody and Visitation Act

As Introduced: LB 219 creates the Uniform Deployed Parents Custody and Visitation Act, which changes child custody provisions for the children of a deploying service member. The bill creates a framework for the custodial responsibilities of a deploying parent for the duration of their deployment, including the provision of court procedures for the delegation of caretaking authority or contact with a nonparental adult in lieu of the deployed parent’s presence.

As Amended: Under the Act, an “adult” is defined as an individual who has attained nineteen years of age or is an emancipated minor. Additionally, any changes to considerations of the “best interests of the child” would only apply in a proceeding under this Act and not in any other court action.

Introducing Senator(s): Crawford

Committee: Judiciary

Committee Hearing Date: January 23, 2015

Current Status: Approved by Governor on February 26, 2015

Estimated Fiscal Impact: No fiscal impact

Voices for Children’s Position: Support ([see our written testimony](#))

LB 243: Create a pilot project relating to family finding services

As Introduced: LB 243 would provide for the implementation of a family finding pilot project in each service area. Family finding refers to the process of identifying and engaging family members of children in state care for the creation of lifelong networks and achieving permanency goals. The Department of Health and Human Services (DHHS) shall refer a portion of all cases of children who are wards of the state or participating in the Bridge to Independence program to

family finding services through contracted providers. DHHS shall establish a data collection system and collect data from participating providers annually, and shall contract with an academic institution to complete an independent evaluation of the pilot project, to begin after the completion of the second and third years of the pilot project. The project shall terminate on June 30, 2019.

As Amended: The project is limited to two or more service areas instead of each service area. Additionally, “domestic partners” of relatives are stricken from the definition of “family member,” and the definition of kinship home is clarified.

The bill also includes provisions of LB 441, which makes changes to the Bridge to Independence program. The program is expanded to include youth who entered into a state-funded or kinship guardianship agreement at age 16, allowing for such youth to choose participation in the program in lieu of an extended guardianship subsidy. The bill also extends Medicaid coverage for a child under a subsidized guardianship or adoption agreement up to 21. An independence hearing is further created for all children exiting the foster care system aged sixteen or older to address the child’s future goals and plans, access to services and supports, and information about the Bridge to Independence program.

Introducing Senator(s): **Bolz** (priority), Campbell, Howard, Krist

Committee: Health and Human Services

Committee Hearing Date: February 19, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$978,656 (with \$902,143 from the General Fund and \$76,513 from federal funds) for the Department of Health and Human Services. For FY 2016-17, the fiscal note is \$991,426 (with \$908,488 from the General Fund and \$82,938 from federal funds) for the Department of Health and Human Services.

Voices for Children’s Position: Support ([see our written testimony](#))

LB 296: Require the Department of Health and Human Services to provide notification after removal of a child

As Introduced: LB 296 changes the notification requirements for the Department of Health and Human Services (DHHS) when a child is removed from their home to include all parents who have legal custody of a sibling of the child who was removed. This includes biological siblings where the legal sibling relationship has been otherwise severed by a termination of parental rights. These provisions bring Nebraska into compliance with federal IV-E regulations and ensure continued federal funding eligibility.

As Amended: N/A

Introducing Senator(s): **Kolterman**, Campbell, Coash, Ebke, Friesen, Kuehn, Morfeld

Committee: Health and Human Services

Committee Hearing Date: February 19, 2015

Current Status: Approved by the Governor on May 26, 2015

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children’s Position: Support ([see our written testimony](#))

LB 415: Change provisions relating to the Uniform Interstate Family Support Act

As Introduced: LB 415 amends the Uniform Interstate Family Support Act (UIFSA) in compliance with 2008 amendments to the Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance in order to continue receiving federal funds for state child support programs.

As Amended: AM 200 inserts a section that declares a state of emergency and that the act takes effect when passed and approved according to law.

Introducing Senator(s): Pansing Brooks, Schumacher

Committee: Judiciary

Committee Hearing Date: February 19, 2015

Current Status: Approved by Governor on April 29, 2015

Estimated Fiscal Impact: The penalty for non-compliance if the bill did not pass could have been a loss of federal funds of up to \$85 million annually.

Voices for Children’s Position: Support ([see our written testimony](#))

LB 566: Changes provisions related to the Nebraska Indian Child Welfare Act

As Introduced: LB 566 makes changes to the Nebraska Indian Child Welfare Act (NICWA), including clarifying definitions of terms and making substantive additions to Native children’s rights and the state’s obligations. These include:

- Defining “active efforts”: These are certain measures that the state must attempt to prevent the breakup of the Indian family. The bill contains a non-exhaustive list of services, etc., that may constitute “active efforts.”
- Defining the “best interests of the Indian child”: This includes practices in compliance with state and federal ICWA requirements, and that, whenever out-of-home placement is necessary, the state must attempt to place the child in a setting that reflects the unique values of that child’s tribal culture, and permits the child to maintain a relationship with the child’s tribe(s) and tribal community.
- Defining “qualified expert witness”: Prioritizing individuals that are familiar with particular tribal customs. A juvenile court may assess the credibility of any individual deemed to be a qualified expert.
- Defining the “Indian child’s tribe” and “primary tribe”: This section allows multiple tribes to participate in a case, and allows tribes to determine amongst themselves which tribe is the “primary” tribe.

- Adding “emergency foster care placements” and “voluntary foster care placements” to the definition of “child custody proceeding”: This provision adds procedures for non-court involved ICWA cases, including notice to tribes and permitting tribes to offer services to the family.
- Clarifying the requirements for a party seeking a foster care placement or termination of parental rights: Active efforts must be provided to putative fathers not currently a part of the family unit through no fault of their own. Codifies the established principle that futile efforts need not be made.
- Outlining a priority order for placement preferences: first with the child’s extended family, then with a tribal member, then with an Indian person of another tribe, finally with a non-Indian person who nonetheless supports maintaining the child’s connection to his or her cultural and tribal heritage.
- Adding certain procedural requirements.

Introducing Senator(s): Coash

Committee: Judiciary

Committee Hearing Date: February 26, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated Fiscal Impact: The bill appropriates \$65,889 from the General Fund in FY15-16 and \$71,666 from the General Fund in FY16-17. The cost is for an additional program specialist within the Department of Health and Human Services.

Voices for Children position: Support ([see our written testimony](#))

Amended Into Other Bills

[LB 441: Change provisions relating to the Bridge to Independence program](#)

As Introduced: LB 441 makes changes to the Bridge to Independence program. The program is expanded to include youth who entered into a state-funded or kinship guardianship agreement at age 16, allowing for such youth to choose participation in the program in lieu of an extended guardianship subsidy. The bill also extends Medicaid coverage for a child under a subsidized guardianship or adoption agreement up to 21. An independence hearing is further created for all children exiting the foster care system aged sixteen or older to address the child’s future goals and plans, access to services and supports, and information about the Bridge to Independence program.

As Amended: Provisions of LB 441 were amended into LB 243.

Introducing Senator(s): Bolz

Committee: Health and Human Services

Committee Hearing Date: February 19, 2015

Current Status: Provisions of LB 441 were amended into LB 243, which was approved by the Governor on May 27, 2015.

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$226,176 (with \$150,945 from the General Fund and \$75,231 from federal funds) for the Department of Health and Human Services. For FY 2016-17, the fiscal note is \$237,396 (with \$156,520 from the General Fund and \$80,876 from federal funds) for the Department of Health and Human Services.

Voices for Children's Position: Support ([see our written testimony](#))

Pending Action

[LB 148: Provide for medical assistance program coverage for certain youth formerly in foster care](#)

As Introduced: LB 148 would require the Department of Health and Human Services (DHHS) to submit a state plan amendment to the federal Centers for Medicare and Medicaid Services to provide coverage to former state wards from other states who reside in Nebraska. It would also require DHHS to provide continuous Medicaid coverage for state wards who age out in Nebraska without an interruption in coverage or requiring a new application unless otherwise declined. Finally, the bill requires DHHS to develop procedures for the identification and enrollment of former state wards who are not enrolled.

As Amended: N/A

Introducing Senator(s): Crawford

Committee: Health and Human Services

Committee Hearing Date: January 30, 2015

Current Status: In committee

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$153,146 (with \$75,098 from the General Fund and \$78,048 from federal funds) for the Department of Health and Human Services. For FY 2016-17, the fiscal note is \$182,247 (with \$89,773 from the General Fund and \$92,474 from federal funds) for the Department of Health and Human Services.

Voices for Children's Position: Support ([see our written testimony](#))

[LB 302: Create the offense of rehomng a child](#)

As Introduced: LB 302 would make changes to the Nebraska Criminal Code to include the rehomng of a child as a Class IV felony. Rehomng a child is defined as a transaction committed by a parent or custodian of a child with the intent to permanently avoid parental responsibility by placing the child with a nonrelative without court approval; the selling, transferring, or arranging for the sale or transfer of a child to another person or entity for money or anything of value; or assisting, aiding, abetting, or conspiring in the commission of such acts.

As Amended: N/A

Introducing Senator(s): Campbell

Committee: Judiciary

Committee Hearing Date: February 27, 2015

Current Status: In committee

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children's Position: Support ([see our written testimony](#))

LB 303: Authorize schools to adopt a child sexual abuse policy

As Introduced: LB 303 would require the Department of Education to develop a model child sexual abuse policy to create a better understanding of, awareness of, and response to child sexual abuse on or before July 1, 2016. If a school elects to adopt the model child sexual abuse policy, it shall be published in the written rules, procedures, or other policies of the school. The policy shall also be presented to students and appropriate staff shall receive training on the policy.

As Amended: N/A

Introducing Senator(s): Bloomfield

Committee: Education

Committee Hearing Date: January 27, 2015

Current Status: In committee

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children's Position: Support ([see our written testimony](#))

LB 485: State intent relating to appropriations for child welfare

As Introduced: LB 485 would appropriate an additional \$500,000 from the General Fund each year to the Department of Health and Human Services (DHHS) to develop and fund the operation of nine satellite offices for child advocacy centers in the state.

As Amended: N/A

Introducing Senator(s): Stinner, Krist, Coash, Morfeld

Committee: Appropriations

Committee Hearing Date: March 17, 2015

Current Status: In committee

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$500,000 from the General Fund for the Department of Health and Human Services. For FY 2016-17, the fiscal note is \$500,000 from the General Fund for the Department of Health and Human Services.

Voices for Children's Position: Support ([see our written testimony](#))

LB 647: Prohibit discrimination relating to child placement

As Introduced: LB 648 would prohibit the Department of Health and Human Services (DHHS) from discriminating on the basis of race, color, religion, sex, sexual orientation, gender identity, disability, marital status, or national origin in determining the suitability of any out-of-home placements or relative placements for a juvenile. It further maintains that out-of-home placement decisions should be made based upon the health, safety and well-being of the child, and shall take into consideration the requirements of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, the federal Multi Ethnic Placement Act, and the Nebraska Indian Child Welfare Act.

As Amended: N/A

Introducing Senator(s): Nordquist, Campbell, Howard, Morfeld, Pansing Brooks

Committee: Judiciary

Committee Hearing Date: February 4, 2015

Current Status: In committee

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children's Position: Support ([see our written testimony](#))

LB 648: Provide for adoption by two adult persons

As Introduced: LB 648 would allow or any minor child to be adopted by any two persons jointly, regardless of their marital status.

As Amended: N/A

Introducing Senator(s): Howard, Hansen, Morfeld, Nordquist, Pansing Brooks

Committee: Judiciary

Committee Hearing Date: February 4, 2015

Current Status: In committee

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children's Position: Support ([see our written testimony](#))

Safety – Juvenile Justice

Signed Into Law

LB 265: Expands duties and powers of the Foster Care Review Office, creates two data collection and analysis projects, and closes loopholes regarding original juvenile court jurisdiction and sealed records

As Introduced: LB 265 initially contained provisions affecting the powers and duties of Guardians ad Litem, the Office of the Inspector General for Child Welfare (OIG), the Foster Care Review Office (FCRO), and the Office of Probation Administration (Probation). Broadly,

the initial version of the bill expanded the purview of the OIG and FCRO to oversee Probation cases where a juvenile is removed from the home, and created an independent external oversight data warehouse and analysis pilot project within the FCRO.

As Amended: Amendments to LB 265 struck all language regarding GALs and most language regarding the OIG (which would have been redundant with provisions that passed instead in LB 347). In addition to retaining the provisions expanding the reach of the FCRO and creating the Out-of-Home data warehouse and analysis pilot, the final version of LB 265 included portions of two other bills. LB 13 was incorporated into LB 265, allocating funds from the Community-Based Juvenile Services Aid Fund toward data collection and assessment of grant-funded programming, to ensure funds are spent efficiently on programs that work. Additionally, a portion of LB 25 was brought in, closing a loophole in former legislation regarding the court of origin for seventeen-year olds. Beginning January 1, 2017, all seventeen-year olds charged with misdemeanors will see their cases originate in the juvenile court. Finally, the law permits judges to open previously sealed juvenile records for the purpose of determining whether to transfer a new case to or from juvenile court. A more detailed summary of the specifics of the final omnibus package can be found below.

Expanding powers and duties of the Foster Care Review Office:

- The FCRO shall review and report upon Probation cases in which a youth is placed out of the home.
- The FCRO shall review and report upon “trial home visits,” when a child goes home but remains a state ward or under Probation supervision for up to six months.
- FCRO reports need not be offered by any party to be made part of the record.
- The executive director or designees may visit foster care placements or facilities to ascertain whether a child’s individual needs are being met.
- Upon request by a state agency, the executive director or designees may conduct a case file review process or data analysis.
- FCRO board meetings are exempted from the Open Meetings Act, if confidential information regarding mental or behavioral health is under discussion.

Creating the Out-of-Home Data Warehouse Pilot:

- The goal is to bring together separate agency data systems under one umbrella in the FCRO regarding out-of-home placement of children.
- An advisory committee is created to oversee the Out-of-Home pilot and to consider whether a long-term, independent, external oversight data warehouse could be created, with membership from the OIG, the State Court Administrator, the Chief Information Office, the FCRO, Probation, Nebraska Department of Education, the Juvenile Justice Institute at U.N.O., and the Commission on Crime and Law Enforcement, as well as representatives from the DHHS Division of Children and Family Services, Division of Behavioral Health, Division of Developmental Disability, and Division of Medicaid and Long-Term Care.
- This advisory group shall submit a report by December 15, 2015, identifying challenges in data collection, barriers to data sharing, indicators for success, and identification of future needs to gather and analyze data on outcomes for children.

Reallocating Funds for Evaluation of the Community-Based Juvenile Services Aid Program:

- Ten percent of the annual appropriation for the Program is set aside to develop a common data set and evaluation for effectiveness of the Program.
- The data set shall be developed and maintained by the Commission on Crime and Law Enforcement, with assistance and independent evaluation by the Juvenile Justice Institute at U.N.O.
- Any program funded through the Program shall report data on the individual youth served, or on program level data if the program does not directly serve youth. U.N.O.'s Juvenile Justice Institute will provide assistance in reporting the data.
- Evaluation will gauge program effectiveness on two measures:
 - 1) Rates of recidivism (as defined by the commission) and program outcomes.
 - 2) Whether juveniles are sent to staff secure or secure detention after participating in a funded program.

Introducing Senator(s): Campbell

Committee: Judiciary

Committee Hearing Date: February 27, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated Fiscal Impact: The bill appropriates \$351,643 to the Foster Care Review Office in FY2015-2016, and \$345,643 in FY2016-2017. The reallocation of funds already appropriated for the Community-Based Juvenile Services Aid Fund will be distributed as follows:

Item	FY16	FY17	FY18 & Thereafter
Total Program Funds	\$7,000,000	\$7,000,000	\$7,000,000
Total Data Allocation	10% or \$700,000	10% or \$700,000	10% or \$700,000
→ Crime Commission	7% or \$490,000	6% or \$420,000	5% or \$350,000
→ UNO-JJI	3% or \$210,000	4% or \$280,000	5% or \$350,000
Program Aid Amount	\$6,300,000	\$6,300,000	\$6,300,000

Voices for Children's position: Support ([see our written testimony](#))

LB 294: Adopts the Human Trafficking Victims Civil Remedy Act

As Introduced: LB 294 contains provisions both increasing the availability of civil remedies for victims of human trafficking, creating a Victims' Fund for survivors to draw upon, and heightening criminal and civil penalties for traffickers and consumers of trafficking. As initially drafted, it also contained a provision walking back full immunity for juvenile victims of trafficking, instead permitting them to be charged and held in staff-secure detention facilities by the juvenile court.

As Amended: An amendment bringing the bill out of the Judiciary Committee eliminated the provision permitting charging and detention of juvenile victims, and removing two criminal penalty provisions that would have conflicted with the Nebraska Constitution. It also expanded avenues of funding for the Victims' Fund, allowing the fund to accept federal money and charitable donations.

Introducing Senator(s): Scheer, Watermeier, Garrett, Pansing Brooks

Committee: Judiciary

Committee Hearing Date: March 4, 2015

Current Status: Approved by the Governor on May 19, 2015

Estimated fiscal impact: There is currently no estimated fiscal impact.

Voices for Children's position: Neutral as initially drafted (see our [testimony](#) before the Judiciary Committee), but we fully support the final version of the bill.

[LB 347: Expand the jurisdiction of the Inspector General for Child Welfare to juvenile justice services, and allow access to certain records and information](#)

As Introduced: LB 347 expands the jurisdiction of the Office of the Inspector General for Child Welfare (OIG) to cases where a juvenile is placed out of the home on a delinquency or status offense. It permits the OIG to obtain records and information from the juvenile Probation Administration, and clarifies that otherwise confidential medical records and other materials are available to the office in all its investigations.

As Amended: The Judiciary Committee amendment added videotaped investigations to the list of materials available for inspection by the OIG. A further amendment on select file ameliorated concerns from the Nebraska Supreme Court regarding the dissemination of confidential information, adding a proviso that the Court will rule on approving such requests. If approved, information will be provided within five days.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: February 26, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated fiscal impact: The bill appropriates \$71,000 for FY15-16 and FY16-17, to add an additional Ombudsman to the OIG.

Voices for Children's position: Support ([see our written testimony](#))

[LB 422: Provide for reasonable fees and costs for proceedings involving a minor under the Probate Code](#)

As Introduced: LB 422 would require reasonable fees and costs of an attorney, a guardian ad litem, a physician, and a visitor appointed by the court for a minor to be allowed, disallowed, or adjusted by the court. Fees and costs may be paid from the estate of the minor, or if the minor

does not possess an estate, by the county in which the proceedings are brought or by the petitioner as costs of the action.

Introducing Senator(s): Howard

Committee: Judiciary

Committee Hearing Date: March 18, 2015

Current Status: Approved by Governor on May 26, 2015

Estimated Fiscal Impact: Estimated minimal fiscal impact

Voices for Children’s Position: Support ([see our written testimony](#))

LB 482: Institutes requirements regarding adjudication, removal, and detention of status offenders, and eliminates indiscriminate use of restraints in the juvenile court

As Introduced: LB 482 eliminates the indiscriminate shackling of youth in the juvenile court, and contains a package of provisions regarding status offenders: youth charged with non-criminal behavior under *Nebraska Revised Statute* §43-247(3)(b). These include provisions regarding:

- Arrest and detention:
 - Peace officers may refer youth and families in crisis to credentialed providers capable of providing crisis intervention and respite care.
 - Fingerprinting of status offenders is prohibited.
 - Status offenders may not be placed in detention facilities, including in staff secure wings, unless ingress and egress to the facility are restricted solely through staff supervision and not physical construction.
- Charging and adjudication:
 - Prior to filing a status petition, the county attorney must make reasonable efforts to refer the juvenile and family to community-based services.
 - Failure to describe these efforts is a defense to adjudication.
- Disposition:
 - A status offender shall not be placed out of the home as a dispositional order, unless:
 - 1) Community-based resources to assist the child and family have been exhausted, and
 - 2) Leaving the juvenile in the home presents a significant risk of harm to the juvenile or community.

As Amended: The sole substantive amendment replaced the bill’s original language regarding the use of shackles in the juvenile court with the more specific wording of LB 212. Restraints such as handcuffs and leg irons may not be used in the juvenile court, unless the judge in a particular case makes a written probable cause finding that they are necessary:

- 1) To prevent physical harm to the juvenile or others
- 2) Because the juvenile
 - a. Has a history of disruptive courtroom behavior that has placed others in potentially harmful situations

- b. Presents a substantial risk of inflicting physical harm to self or others as evidenced by recent behavior or
 - c. Presents a substantial risk of flight from the courtroom, AND
- 3) There is no less restrictive alternative that would prevent flight or physical harm.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: February 25, 2015

Current Status: Approved by the Governor on April 29, 2015

Estimated Fiscal Impact: There is no estimated fiscal impact.

Voices for Children position: We support LB 482, including the amendment bringing in LB 212. See our written testimony [here](#) and [here](#).

LB 500: Require a Medicaid state plan amendment for specified evidence-based programs

As Introduced: LB 500 would have required the Department of Health and Human Services to apply for a state plan amendment to achieve Medicaid coverage for two highly-effective, evidence-based behavioral health programs: Multi-Systemic Therapy (MST) and Functional Family Therapy (FFT).

As Amended: On Select File, an amendment added the Boys Town In-Home Family Service Model. However, due to a high fiscal note, by Final Reading this amendment was struck, and FFT was removed, leaving only MST.

Introducing Senator(s): Howard

Committee: Health and Human Services

Committee Hearing Date: March 4, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated fiscal impact: The bill appropriates \$23,500 for FY15-16, and \$1,007,845 for FY16-17.

Voices for Children’s position: Support ([see our written testimony](#))

LB 598: Institutes requirements regarding treatment and segregation of inmates with mental illness

As Introduced: LB 598 as drafted required the Department of Corrections to establish policies ensuring the reduction of the use of administrative seclusion (a.k.a. solitary confinement), creating a program for up-to-date electronic records for each person committed to the Department, including, but not limited to, programming recommendations and time spent in seclusion. The bill also required quarterly reports to the Legislature, and created a work group to advise the Department on long-term policy changes to mental health programming and use of seclusion.

As Amended: A Judiciary Committee amendment created the position of the Office of the Inspector General of the Nebraska Correctional System, to investigate death or serious injury in facilities and allegations of possible misconduct by Departmental staff. It also introduced language requiring full mental health screenings for all incarcerated persons within two weeks of intake, and clarifying procedures for evaluations prior to release for persons who may be determined to be mentally ill and dangerous. Further amendments made small changes to definitions, required annual rather than quarterly reporting, and updated the membership of the work group.

Introducing Senator(s): Schumacher

Committee: Judiciary

Committee Hearing Date: February 20, 2015

Current Status: Approved by the Governor on May 27, 2015

Estimated fiscal impact: The bill appropriates \$1,032,555 for FY15-16, and \$1,114,900 for FY16-17. Most of the money goes to the Department of Corrections and the Parole Board.

Voices for Children’s position: Support ([see our written testimony](#))

Amended Into Other Bills

[LB 13: Change Community-Based Juvenile Services Aid Program Provisions](#)

As Introduced: LB 13 reallocated 10% of funds already appropriated by the Legislature for the Community-Based Juvenile Services Aid program, to create a data collection and evaluation center. The goal of the center is to assess program outcomes, ensuring the money is spent on evidence-based, successful practices.

As Amended: LB 13 was combined with LB 265, with small changes to where and how the allocated funds would be used. For more detailed information, see analysis in LB 265, above.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: February 26, 2015

Current Status: Amended into LB 265, which was approved by the Governor on May 27, 2015.

Estimated fiscal impact: See analysis in LB 265, above.

Voices for Children’s position: Support ([see our written testimony](#))

[LB 212: Eliminates the indiscriminate shackling of juveniles in juvenile court](#)

As Introduced: LB 212 mandates that restraints such as handcuffs and leg irons may not be used in the juvenile court, unless the judge in a particular case makes a written probable cause finding that they are necessary:

- 1) To prevent physical harm to the juvenile or others
- 2) Because the juvenile

- a. Has a history of disruptive courtroom behavior that has placed others in potentially harmful situations
 - b. Presents a substantial risk of inflicting physical harm to self or others as evidenced by recent behavior or
 - c. Presents a substantial risk of flight from the courtroom, AND
- 3) There is no less restrictive alternative that would prevent flight or physical harm.

As Amended: LB 212's language was amended into LB 482 coming out of the Judiciary Committee.

Introducing Senator(s): Chambers

Committee: Judiciary

Committee Hearing Date: February 25, 2015

Current Status: Amended into LB 482, which was approved by the Governor on May 27, 2015

Estimated fiscal impact: There is no estimated fiscal impact at this time.

Voices for Children's position: Support ([see our written testimony](#))

Pending Action

LB 25: Expands juvenile court jurisdiction for certain youth up to the age of 21 on a voluntary, incremental basis

As Introduced: LB 25 would have permitted extended jurisdiction for youth coming before the court on a delinquency or status offense charge up to the age of 21 voluntarily, incrementally, and for the purpose of continuing a specified course of treatment or services related to an offense committed by the youth prior to the age of 18.

- Voluntarily: All parties, including the child, must agree to extending jurisdiction
- Incrementally: The extensions may be no longer than six months in length, and all parties must agree to further extensions
- Purpose: The parties must agree on specified services and treatment that the court will order during the extension. This does not include detention or YRTC placement.

The initial version of the bill also contained a provision closing a loophole in current law, requiring that the juvenile court will have exclusive original jurisdiction of all seventeen year olds charged with misdemeanors beginning January 1, 2017.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: February 25, 2015

Current Status: LB 25 was amended into LB 265, then later struck out due to an unexpectedly high fiscal impact note. The provision regarding original jurisdiction for seventeen year olds remains in LB 265, which was approved by the Governor on May 27, 2015. The rest of the bill remains on General File for next year's legislative session.

Estimated fiscal impact: The estimated fiscal impact was \$673,967 for FY15-16, and \$778,761 for FY16-17.

Voices for Children’s position: We support LB 25, and hope that it is heard and passed quickly during next year’s legislative session. ([See our written testimony](#))

LB 459: Change provisions relating to a deposition of a child victim or child witness

As Introduced: LB 459 would prohibit the deposition of a child under the age of sixteen at the time of request if they have been interviewed at a child advocacy center or police department and the interview was video recorded, unless parties involved agree to or the court approves. The court shall not approve a deposition unless they find that the testimony of the child is essential in preparing for trial, that the evidence is not available by other method, and that the value of the testimony outweighs any negative effects the deposition might have on the child’s well-being. If a deposition request is granted, the court must make any protective order required to protect the child from emotional harm, harassment, undue influence, or intimidation by

1. Specifying terms and conditions including time, place, and manner of taking the deposition
2. Limiting the deposition to certain matters designated by the court
3. Allowing a victim advocate or support person to be present (not a witness to proceedings)
4. Excluding the defendant from the deposition
5. Including any other provision the court deems justified and appropriate.

In determining the appropriate protective order, the court may consider the child’s age, health, level of intellectual functioning, emotional condition, whether the child has knowledge essential to any element of the crime, whether there is a full written, taped, or written account of the child’s testimony, or whether the testimony relates only to a peripheral issue in the case.

As Amended: AM 364 eliminates being interviewed by the police department as a reason to prohibit deposition.

Introducing Senator(s): Crawford

Committee: Judiciary

Committee Hearing Date: March 4, 2015

Current Status: On General File

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children’s Position: Support ([see our written testimony](#))

LB 499: Provide duties for DHHS relating to behavioral and mental health services

As Introduced: LB 499 requires the Department of Health and Human Services to reestablish behavioral and mental health services throughout the state. DHHS is required to collaborate with the Department of Correctional Services, the Office of Probation Administration, and the Office of Juvenile Services.

Introducing Senator(s): Krist

Committee: Health and Human Services

Committee Hearing Date: March 4, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children's Position: Support ([see our written testimony here](#))

Economic Stability

Signed Into Law

LB 607: The Home Care Consumer Bill of Rights Act

As Introduced: LB 607 would create the Home Care Consumer Bill of Rights and would seek to protect the rights of individuals who receive in home care services. The bill would ensure the consumer's right to participate in the approval of services and any changes to service, the right to refuse service, information on rights and responsibilities in the agreement between the consumer and the provider of services, freedom of choice of service providers, and freedom from exploitation. Companies found not providing the information required by LB 607 to consumers receiving in home services would be in violation of the Home Care Consumer Bill of Rights, and would be subject to a Class V misdemeanor.

As Amended: All of the original provisions of LB 607 were removed. The bill was amended to incorporate an alternate version of LB 89 which increases the monthly payment rate in the Aid to Dependent Children (ADC) program. The payment rate is determined by two factors: standard of need and maximum payment. The standard of need increases every two years by a percentage based upon the cost of living, but the maximum payment rate does not. LB 607 would raise the maximum payment to 55% of the standard of need. LB 607 would also change the amount of gross earned income that is disregarded for ADC applicants. Currently eligibility for assistance is determined after disregarding 20% of earned income. Under LB 89, the amount would be 20% during the application process; once eligibility is established, the amount would be 50%. The bill was also amended to include LB 335 to create the intergenerational poverty commission.

Introducing Senator(s): Mello, Bolz, Campbell, Crawford, Davis, Hilkeman

Committee: Health and Human Services

Committee Hearing Date: February 18, 2015

Current Status: Approved by Governor on May 27, 2015

Estimated Fiscal Impact: For FY 2015-2016, the fiscal note is \$4,400,000 in federal funds from the TANF cash reserve. For FY 2016-2017, the fiscal note is \$5,400,000 in federal funds from the TANF cash reserve.

Voices for Children's Position: Support ([see our testimony on LB 89](#))

Amended Into Other Bills

LB 335: Create an Intergenerational Poverty Commission

As Introduced: LB 335 would create a legislative task force to identify and study where intergenerational poverty is occurring in Nebraska, evaluate the efficacy and efficiency current anti-poverty activities, and make policy recommendations to update efforts in helping Nebraska's children escape the cycle of poverty.

As Amended: N/A

Introducing Senator(s): Mello, Campbell, Cook, Howard, Krist, McCollister, Nordquist

Committee: Health and Human Services

Committee Hearing Date: February 18, 2015

Current Status: Amended into LB 607 which was approved by Governor on May 27, 2015

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children's Position: Support ([see our written testimony](#))

Pending Action

LB 147: Change provisions relating to asset limitations for public assistance

As Introduced: LB 147 would streamline the administration of public assistance programs by eliminating the liquid asset test for eligibility for both the Aid to Dependent Children (ADC) program and Supplemental Nutrition Assistance Program (SNAP). Liquid assets of applicants include funds in hand, personal checking and savings accounts, money market accounts, and share accounts. Income and work requirements still apply in determining eligibility for ADC.

Introducing Senator(s): Crawford, Campbell, Cook, Howard, Kolowski

Committee: Health and Human Services

Committee Hearing Date: February 6, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$1,590,702 with \$147,342 in general funds and \$1,443,630 in federal funds. For FY 2016-17, the fiscal note is \$1,590,972 with \$148,958 in general funds and \$1,442,014 in federal funds.

Voices for Children's Position: Support ([see our written testimony](#))

LB 322: Increase the Child and Dependent Care Tax Credit

As Introduced: LB 322 would adjust the Child Care Tax Credit to account for inflation by raising the dollar amount of income where individuals are eligible for a 100% refundable credit, from \$22,000 to \$32,000 and adjust the refundability to 30% of the credit for those earning \$32,000 to \$52,000. It also raises the non-refundable dollar amounts from \$29,000 to \$52,000. In addition, the bill raises the percentage available for those earning above the refundability threshold from 25% of the federal credit to 30%.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Revenue

Committee Hearing Date: February 11, 2015

Current Status: On General File

Estimated Fiscal Impact: For FY 2015-2016, there is no fiscal impact. For FY 2016-2017, the fiscal note is \$2,780,000 in lost revenue.

Voices for Children's Position: Support ([see our written testimony](#))

LB 411: Change provisions relating to SNAP eligibility

As Introduced: LB 411 would increase the gross income eligibility limit of the Supplemental Nutrition Assistance Program (SNAP) to 185% of the federal poverty level.

Introducing Senator(s): Cook

Committee: Health and Human Services

Committee Hearing Date: March 11, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: The fiscal note is \$902,616 for FY 16 and 17 with \$451,308 in general funds and 451,308 in federal funds.

Voices for Children's Position: Support ([see our written testimony](#))

LB 493: Adopt the Healthy and Safe Families and Workplaces Act

As Introduced: LB 493 would adopt the Health and Safe Families and Workplaces Act. This Act allows employees to accrue a minimum of one hour of paid sick and safe time for every thirty hours they work up to a maximum of forty hours per calendar year. Accrued time carries over to the following year except that it cannot exceed 40 hours. Employers offering a comparable paid time off policy are not required to offer additional paid sick and safe time and an employer may loan paid sick and safe time to employees in advance of accrual. Employers are not required to provide financial or other reimbursement to an employee upon his or her termination, resignation, or retirement for the accrued sick and safe time not yet used.

Paid sick and safe time may be used for:

1. An employee's mental or physical illness, injury, or health condition; a need for medical diagnosis, care, preventative care, or treatment.
2. Care of a family member with a mental or physical illness, injury or health condition; the family member's need for medical diagnosis, care, preventative care, or treatment
3. A necessary absence due to domestic or sexual assault, or stalking if the leave is needed for the employee or the employee's family member

Introducing Senator(s): Nordquist, Crawford, Haar, Hansen, Howard, Kolowski, Morfeld, Pansing Brooks

Committee: Business & Labor

Committee Hearing Date: February 9, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: The fiscal note for FY 2015-16 is \$145,599 in general funds and for FY 2016-17 is \$145,538 in general funds.

Voices for Children's Position: Support ([see our written testimony here](#))

LB 495: Increase the Earned Income Tax Credit

As Introduced: LB 495 would increase the Earned Income Tax Credit from ten percent of the federal credit to thirteen percent beginning in 2016 and to fifteen percent beginning in 2017.

Introducing Senator(s): Pansing Brooks, Campbell, Crawford, Davis, Hansen, Howard, Mello, Nordquist

Committee: Revenue

Committee Hearing Date: March 4, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2016-17 the fiscal note is \$10,330,000 in general funds. For FY 2017-18 the fiscal note is \$17,860,000 in general funds. For FY 2018-19 the fiscal note is \$18,528,000 in general funds.

Voices for Children's Position: Support ([see our written testimony here](#))

LB 510: Provide an income tax credit to employers of public assistance recipients

As Introduced: LB 510 would create a non-refundable business tax credit to employers of public assistance recipients. Employers can claim a credit (for no more than two years) of 20% of their annual expenditures made to provide tuition at a Nebraska public institution of postsecondary education, child care services, and transportation to and from work for eligible employees. The tax credit cannot exceed the employer's actual tax liability for the taxable year. The Department of Revenue must submit an electronic report with the number of employers claiming the credit and the number of employees receiving services for which the credit is claimed. The Department must also develop a process to verify that employers qualify for the tax credit and may adopt rules as necessary to carry out this section.

As Amended: AM 732 adds the payment of the costs associated with a high school equivalency program as a service provided to employees by employers for which the employer can claim the tax credit.

Introducing Senator(s): Cook

Committee: Revenue

Committee Hearing Date: February 25, 2015

Current Status: On General File

Estimated Fiscal Impact: For FY 2015-16 expenditures total \$219,102 with \$190,535 from general funds and \$28,567 from federal funds. For FY 2016-17 expenditures total \$66,160 (\$33,080 from general funds and \$33,080 from federal funds) with a revenue loss of \$231,000.

Voices for Children’s Position: Support ([see our written testimony here](#))

LB 645: Adopt the Early Childhood Workforce Development Opportunity Act, provide tax credits

As Introduced: LB 645 adopts the Early Childhood Workforce Development Opportunity Act, which allows early childhood education centers to apply with the State Department of Education for certification as a qualified granting organization. Applicants must apply before providing early childhood education and provide information to the department to show that the applicant:

1. Is exempt from federal income taxation
2. Is nationally licensed to provide early childhood education and incentives to increase retention of teachers and professionals in the program
3. Is able to provide statistical annual report on the impact and outcomes of early childhood education and retention incentive grants
4. Will offer one or more grants to eligible recipients
5. Will allocate at least ninety-five percent of funding to the grant program as opposed to administrative costs
6. Will provide grants in an equitable statewide manner and does not discriminate based on any characteristic prohibited by law

An individual taxpayer, corporate tax payer, an estate or trust, and certain partnerships, limited liability companies, or corporation would be eligible to receive a nonrefundable and nontransferable credit against income tax due for making one or more cash contributions to one or more qualified granting organizations. The credit amount would be equal to 20% of the total contributions given during the tax year.

Introducing Senator(s): Nordquist, Campbell, Cook, Howard, Kolowski, Mello

Committee: Revenue

Committee Hearing Date: March 11, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2015-16, the fiscal note is \$118,918 in general funds and \$16,501 in costs to NDE. For FY 2016-17, the fiscal note is \$25,143 in general funds and for FY 2017-18, the fiscal note is \$25,746 in general funds.

Voices for Children’s Position: Support ([see our written testimony here](#))

Failed to Advance

LB 494: Increase the Tipped Minimum Wags

As Introduced: LB 494 would increase the tipped minimum wage incrementally from \$2.13 per hour until it is equal to 50 percent of the minimum wage rate—or \$4.50 per hour by 2018.

As Amended: LB 494 would increase the tipped minimum wage from \$2.13 per hour to \$2.64 per hour by 2016.

Introducing Senator(s): Nordquist, Crawford, Harr, Hansen (priority), Howard, Kolowski, Morefeld, Mello, Pansing Brooks

Committee: Business and Labor

Committee Hearing Date: February 2, 2015

Current Status: Failed to advance from General File

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children's Position: Support ([see our written testimony](#))

LB 599: Decrease the Minimum Wage for Youth

As Introduced: LB 599 would allow students age 18 and under attending high school to be paid a minimum wage of \$7.25 an hour and not allowed more than one-fourth of an employer's total employees to be paid at this wage rate.

As Amended: LB 599 would allow the lower minimum wage to be \$8.00 per hour and apply to students without a high school diploma who do not have a dependent child.

Introducing Senator(s): Ebke, Bloomfield, Brasch, Coash, Davis, Garrett, Groene, Kitner, Krist, Kuehn (priority), Larson, Lindstrom, Riepe, Schnoor, Stinner, Watermeier

Committee: Business and Labor

Committee Hearing Date: February 2, 2015

Current Status: Failed to advance from Final Reading

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children's Position: Oppose ([see our blog](#))

Vetoed by the Governor

LB 89: Change Provisions Relating to Aid to Dependent Children

As Introduced: LB 89 would increase the monthly payment rate in the Aid to Dependent Children (ADC) program. The payment rate is determined by two factors: standard of need and maximum payment. The standard of need increases every two years by a percentage based upon the cost of living, but the maximum payment rate does not. LB 89 would raise the maximum payment every two years until it is 70% of the standard of need. LB 89 would also change the amount of gross earned income that is disregarded for ADC applicants. Currently eligibility for assistance is determined after disregarding 20% of earned income. Under LB 89, the amount

would be 20% during the application process; once eligibility is established, the amount would be 50%.

As Amended: LB 89 was amended to include LB 335, which creates an intergenerational poverty commission.

Introducing Senator(s): Campbell (priority), Pansing Brooks

Committee: Health and Human Services

Committee Hearing Date: February 6, 2015

Current Status: Vetoed by Governor on April 29, 2015; Similar provisions incorporated into LB 607.

Estimated Fiscal Impact: For FY 2015-2016, the fiscal note is \$8,322,800 in federal funds currently held in the TANF cash reserve fund. For FY 2016-2017, the fiscal note is \$8,322,800 in federal funds from the TANF cash reserve.

Voices for Children's Position: Support ([see our written testimony](#))

Legislative Resolutions Adopted

[LR 33: Appoint ACCESSNebraska Special Investigative Committee of the Legislature](#)

As Introduced: LR 33 continues the ACCESSNebraska Special Legislative Committee of the Legislature consisting of seven members appointed by the Executive Board and authorizes their oversight of the ACCESSNebraska system.

Introducing Senator(s): Krist

Committee: Executive Board

Committee Hearing Date: February 6, 2015

Current Status: Signed by President/Speaker on March 2, 2015

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children's Position: Support

Health

Signed Into Law

[LB 240: Expand Behavioral Health Screening Pilot Program](#)

As Introduced: LB 240 would eliminate the sunset provision for the Behavioral Health Screening and Referral Pilot Program, currently scheduled to end in September of 2015. The bill would also change the number of sites selected as a part of the program. The program was originally established in 2013 by LB 556 to integrate behavioral health screening into primary care medical offices.

As Amended: The pilot project would now sunset in September of 2017.

Introducing Senator(s): Hansen

Committee: Health and Human Services

Committee Hearing Date: March 4, 2015

Current Status: Approved by Governor on May 13, 2015

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children’s Position: Support ([see our written testimony](#))

LB 627: Employment Protection for Pregnant Workers

As Introduced: LB 627 would defines employment discrimination for pregnant workers and what “reasonable accommodations” an employer is required to make for pregnant women. It also provides employment protections similar to those for workers with disabilities. It also includes a reporting requirement for complaints filed under this law.

As Amended: LB 627 removes outdated provisions related to employment law and communist activity. It also gives deference to the judgement of the employer on defining essential job functions and allows a written job description to serve as proof of essential function.

Introducing Senator(s): Mello, Bolz, Brasch, Crawford, Davis, Gloor, Hansen, Harr, Hilkemann, Howard, Kuehn, Larson, Lindstrom, Morfeld, Nordquist

Committee: Business and Labor

Committee Hearing Date: February 9, 2015

Current Status: Approved by Governor on April 13, 2015

Estimated Fiscal Impact: No estimated fiscal impact

Voices for Children’s Position: Support ([see our testimony](#))

Pending Action

LB 518: Provide for changes to the medical assistance program

As Introduced: LB 518 would establish the Nebraska Health Savings Account Plan, which would offer health savings accounts for recipients of benefits under the program and their spouses and dependents. The plan would provide the following:

1. Tax-free withdrawals from the health savings accounts (HSAs) when used for qualified medical expenses
2. Tax-free earnings on the HSAs

3. Money in the HSAs rolls over each year
4. HSAs are portable within Nebraska
5. Money in the HSAs may be used for medical expenses associated with Medicare when the account holder becomes eligible for Medicare
6. Any Nebraska resident who is eighteen or younger is eligible to receive benefits under the medical assistance program

The Nebraska Health Savings Account Plan provides state funds for eligible recipients based on income and total assets. Eligibility and the amount of benefits received is determined by the Division of Medicaid and Long-Term Care of the Department of Health and Human Services. Based on the plan option approved for the recipient, the state would provide funding as follows:

1. Option A provides support at one hundred percent for a family of four with an income of no more than one hundred percent of the federal poverty level
2. Option B provides support at seventy percent for a family of four with an income of no more than one hundred thirty-three percent of the federal poverty level
3. Option C provides support at forty percent for a family of four with an income of no more than two hundred percent of the federal poverty level

Introducing Senator(s): Riepe

Committee: Health and Human Services

Committee Hearing Date: March 18, 2015

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2015-16 the fiscal note is \$3,107,624 with \$1,486,886 in general funds and \$1,620,738 in federal funds. For FY 2016-17 the fiscal note is \$1,645,624 with \$755,886 in general funds and \$889,738 in federal funds.

Voices for Children's Position: Oppose ([see our written testimony](#))

Failed to Advance

LB 472: Medicaid Redesign and Expansion

As Introduced: LB472 would begin a redesign of Medicaid to increase economic efficiencies and better serve all Nebraskans in the medical assistance program. Building on the intent of the Medicaid Reform Council of the 2000s, the bill creates the Medicaid Redesign task force composed of sixteen members representing the Legislature, the Department of Health and Human Services, the Department of Insurance, and health care stakeholders, to review and make recommendations on cost effectiveness and quality improvement in the Medicaid program with a particular focus on the most expensive care for those with multiple or complex conditions. The task force is required to report to the Legislature and the Governor each year on Dec. 15th. Whereas health care is evolving to a more patient centered, data driven product, LB472 intends to use cost savings and federal dollars to redesign our current Medicaid system into one that works better for Nebraskans.

LB472 is also intended to provide Medicaid coverage to a newly eligible population of adults ages 19-65 with incomes below 133% of the federal poverty level (FPL) and those who currently

fall in a coverage gap where income is above 50% FPL but below 100% FPL making them ineligible for federal premium assistance subsidies. LB472 would allow approximately 54,000 Nebraskans to access health care on the private insurance market with costs covered by Medicaid with a 100% federal match through 2015, 95% through 2017, 94% through 2018, 93% through 2019, and a 90% match after 2020 including a termination clause if federal matching falls below 90%. The newly eligible, adults making under 100% of the federal poverty level, would be covered initially under the current Medicaid plan but eventually be part of a Medicaid demonstration waiver to include premium contributions up to 2% of their income, a co-pay for overuse of the emergency room, wellness incentives for preventive care, while ensuring access to affordable health care in accordance with the goals of the federal Patient Protection and Affordable Care Act.

As Amended: N/A

Introducing Senator(s): Campbell, Cook, Crawford, Howard, Mello, Nordquist, Pansing Brooks

Committee: Health and Human Services

Committee Hearing Date: February 25, 2015

Current Status: Failed to advance from General File

Estimated Fiscal Impact: For FY 2015-2016, the fiscal note is \$ 442,417,722 in federal funds. For FY 2016-2017, the fiscal note is \$ 447,990,147 in federal funds.

Voices for Children's Position: Support ([see our written testimony](#))

Tax and Budget

Pending Action

LB 357: Change Income Tax Rates

As Introduced: LB 357 would reduce the individual and corporate income tax rates and would increase the amount of funds available in the Property Tax Credit Cash Fund. The income tax rates would be reduced gradually over a period of eight years. The top individual rate would be reduced from the current rate of 6.84% to 5.92% in the year 2023. The bottom rate would be reduced from the current rate of 2.46% to 1.23%. The top corporate rate would be reduced from 7.81% to 6.41% and the bottom rate would be reduced from 5.58% to 4.54%. Beginning in 2024, if actual General Fund net receipts for the most recently completed fiscal year exceed estimated General Fund net receipts, the Tax Commissioner shall reduce each rate by fifteen-hundredths percent. In no case shall the individual tax rates be reduced to less than 0% for bracket 1, 3.5% for bracket number 2, 5% for bracket 3 and 5% for bracket 4. For the corporate income tax rate, the top rate shall not be reduced to less than 5% and the bottom rate shall not be reduced to less than 3.5%. The bill calls for the transfer of \$20 million from the Cash Reserve to the General Fund on or before June 30, 2016 and the transfer of \$60 million from the Cash Reserve on or before June 30, 2017. LB 357 calls for the transfer of \$40 million from the Cash Reserve to the Property Tax Credit Fund on or before December 15, 2015 and the transfer of \$40 million from the Cash Reserve to the Property Tax Credit Fund on or before December 15, 2016

As Amended: N/A

Introducing Senator(s): **Smith (priority)**, Brasch, Cash, Craighead, Ebke, Garrett, Hilkemann, Johnson, Kolterman, Larson, Lindstrom, McCollister, Murante, Riepe, Schilz, Schnoor

Committee: Revenue

Committee Hearing Date: February 18, 2015

Current Status: Held in committee

Estimated Fiscal Impact: For FY 2015-2016, the fiscal impact is \$60,050, 614 in cash and general funds. For FY 2016-2017, the fiscal impact is \$100,050,614 in cash and general funds. Costs are anticipated to increase over time as the provisions in the bill are phased in.

Voices for Children's Position: Oppose ([see our written testimony](#))

Other

Became Law Notwithstanding the Objection of the Governor

LB 623: Provide Drivers Licenses and State IDs to Persons with Lawful Status

As Introduced: LB 623 would allow youth who were brought to the United States illegally as minors and have obtained legal status via the federal Deferred Action for Childhood Arrivals (DACA) program to obtain a state identification card or driver's license in Nebraska.

As Amended: The bill requires that if the lawful status is revoked by the federal government, the state issued ID card or license must be returned.

Introducing Senator(s): **Nordquist**, Baker, Campbell, Chambers, Cook, Crawford, Davis, Ebke, Friesen, Garrett, Gloor, Haar, Hansen, Harr, Howard, Johnson, Kolowski, Kolterman, Krist, McCollister (priority), Mello, Morfeld, Pansing Brooks, Schilz, Schumacher, Stinner, Sullivan, Williams

Committee: Transportation and Telecommunications

Committee Hearing Date: March 3, 2015

Current Status: Became law notwithstanding the objection of the Governor on May 28, 2015

Estimated Fiscal Impact: For FY 2015-2016, the estimated fiscal impact is an increase of \$31, 625 in general and cash funds. No fiscal impact is estimated for FY 2016-2017.

Voices for Children's Position: Support ([see our written testimony](#))