



Legislative Update Sine Die Edition 2017

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Child Welfare

Signed Into Law

LB 180: Provide for bridge orders transferring juvenile court jurisdiction of a juvenile to a district court

As Introduced: LB 180 creates statute allowing for the entry of a bridge order by the juvenile court to transfer jurisdiction of a case to a district court for circumstances in which a child may be safely in the care of a legal parent. In such cases, the parent may make a motion with the court for a bridge order, and the hearing for such motion shall be set by the juvenile court no less than thirty days or more than ninety days from the date of filing. The court may also set such a hearing on its own motion if a hearing is set no less than thirty days from the date of notice to appropriate parties. The bridge order shall only address matters of legal and physical custody of the juvenile and parenting time, and the Nebraska Parenting Act shall not apply to the entry of a bridge order. Modifications to a bridge order may be filed in a petition to the

district court, and if such a filing is made within a year of the filing of the bridge order, the party must demonstrate that the modification is in the best interests of a child, and fees associated with the modification shall not be assessed against the parties.

As Amended: The bill is amended to include guardians ad litem as a party that may enter a motion for a bridge order. Additionally, the district court shall adhere to the bridge order and shall not modify the order without a modification hearing as defined in the bill.

Introducing Senator(s): Bolz (Speaker priority)

Committee: Judiciary

Committee Hearing Date: January 26, 2017

Committee Vote: Aye: 8 (Baker, Chamber, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks); Nay: 0; Absent: 0, PNV: 0

Current Status: Approved by Governor on April 27, 2017

Estimated Fiscal Impact: For FY 2017-18, the fiscal note is \$75,000 in Cash Funds for the Supreme Court. There is no fiscal impact for FY 2018-19.

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

LB 207: Change provisions relating to powers and duties of the Office of the Inspector General of Nebraska Child Welfare

As Introduced: LB 207 amends provisions of the Office of Inspector General of Child Welfare Act to clarify that investigations completed by the office shall only be conducted when it is determined that the death or serious injury did not occur by chance. It further clarifies that if the office issues a subpoena to compel a person to testify or produce documentary evidence, they are entitled to have counsel present, but the fees for such legal counsel shall be the personal responsibility of the subpoenaed party. The bill clarifies that individuals receiving a report of an investigation shall not distribute the report beyond the subject of the report. The bill further provides that an agency’s written response to a report from the office may include correction of factual errors, and that the subject of a report may accept, reject, or request in writing any modifications of the recommendations contained within the report. Finally, the bill provides that personnel action may not be taken against an employee who provides information to the office.

As Amended: Provisions of LB 6 were amended into the bill.

Introducing Senator(s): Krist

Committee: Executive Board

Committee Hearing Date: January 10, 2017

Committee Vote: Aye: 8 (Bolz, Chambers, Crawford, Hughes, Kuehn, McCollister, Scheer, Watermeier); Nay: 0; Absent: 1 (Larson); PNV: 0

Current Status: Approved by Governor on April 27, 2017

Estimated Fiscal Impact: No fiscal impact listed.

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

LB 225: Provide for the reauthorization of the Alternative Response pilot project

As Introduced: LB 225 extends the sunset for the Alternative Response pilot project to December 31, 2020 and allows for the statewide expansion of the pilot. The bill requires that the Department of Health and Human Services (DHHS) brief the Nebraska Children’s Commission by November 15, 2018. The bill also requires that DHHS include an analysis of capacity to make the pilot permanent in their regular updates to the Children’s Commission. The bill add child advocacy centers to the entities that DHHS may provide relevant reports to.

As Amended: As amended, LB 225 requires that DHHS provide a report to the Children’s Commission and the Health and Human Services Committee by November 15, 2018. It further struck outdated language, and included provisions of three separate child welfare bills:

- LB 297, which creates the Children and Juveniles Data Feasibility Study Advisory Group to conduct a feasibility study of establishing an independent, external data warehouse of services, programs, and facilities that serve children in the state.
- LB 298, which applies certain provisions of the Nebraska Strengthening Families Act to youth in the juvenile justice system.
- LB 336, which allows DHHS to charge a reasonable fee for a central registry check to be at least \$5 and no more than \$10, and exempts child placing agencies from such fees

Introducing Senator(s): Crawford (priority), Howard

Committee: Health and Human Services

Committee Hearing Date: February 1, 2017

Committee Vote: Aye: 7 (Crawford, Erdman, Howard, Kolterman, Riepe, Linehan, Williams); Nay: 0; Absent: 0; PNV: 0

Current Status: Approved by the Governor on April 27, 2017

Estimated Fiscal Impact: For FY 2017-18, the fiscal note is a \$300,000 revenue offset in Cash Funds for the Department of Health and Human Services. For FY 2018-19, the fiscal note is a \$300,000 revenue offset in Cash Funds for the Department of Health and Human Services.

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

LB 417: Eliminate existing sunset for the Alternative Response pilot project

As Introduced: LB 417 amends a number of changes to existing statute relating to DHHS, including technical changes and the elimination of certain reporting requirements in a number of programs. The bill includes provisions that strike statutory language requiring that DHHS administer the Alternative Response pilot project, replacing “shall” with “may” and makes the

pilot permanent. The bill further strikes original statutory language requiring that DHHS provide extra public notice for any proposed changes to rules and regulations governing the pilot.

As Amended: Committee amendments removed all provisions relating to the Alternative Response pilot from the bill.

Introducing Senator(s): Riepe (priority)

Committee: Health and Human Services

Committee Hearing Date: February 1, 2017

Committee Vote: Aye: 7 (Crawford, Erdman, Howard, Kolterman, Riepe, Linehan, Williams); Nay: 0; Absent: 0; PNV: 0

Current Status: Approved by the Governor on April 27, 2017

Estimated Fiscal Impact: No fiscal impact.

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

Amended Into Other Bills

LB 6: Provide for release of a summarized report by the Office of Inspector General of Nebraska Child Welfare

As Introduced: LB 6 authorizes the Inspector General of Nebraska Child Welfare to publicly release a summarized report of an investigation when doing so is determined to be in the public's best interest by the Inspector General, the chair of the Health and Human Services Committee, and the chair of the Judiciary Committee.

As Amended: LB 298 was amended to clarify that a court may order information about a child missing from care to be disseminated by the Office of Probation. Additionally, juvenile facilities were stricken from definitions and references. Provisions of LB 298 were amended into LB 225.

Introducing Senator(s): Krist

Committee: Executive Board

Committee Hearing Date: January 20, 2017

Committee Vote: Aye: 8 (Bolz, Chambers, Crawford, Hughes, Kuehn, McCollister, Scheer, Watermeier); Nay: 0; Absent: 1 (Larson); PNV: 0

Current Status: Provisions of LB 6 were amended into LB 207, which was approved by the Governor on April 27, 2017.

Estimated Fiscal Impact: No fiscal impact listed

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

Pending Action

LB 107: Prohibit sexual assault of a patient, client, or student as prescribed

As Introduced: LB 107 creates new criminal penalties for adults holding a special position of trust with a child and sexually abuses a child who is between the ages of 16 and 19. The bill includes language for health professionals who commit such a crime against a patient or client, school volunteers or employees committing such a crime against a student, volunteers or employees of a youth center who commit such a crime against a patient or client, and others who occupies a position of special trust and sexually abuses a child.

As Amended: N/A

Introducing Senator(s): Crawford

Committee: Judiciary

Committee Hearing Date: February 8, 2017

Current Status: Held in Committee

Estimated Fiscal Impact: No fiscal impact listed.

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

LB 189: Appropriate funds to the Department of Health and Human Services for recruitment and retention of caseworkers

As Introduced: LB 189 appropriates \$500,000 from the General Fund for FY 2017-18 and \$500,000 from the General Fund for FY 2018-19 to DHHS for program 33 to be used specifically for the recruitment and retention of caseworkers for child welfare and to ensure that statutory caseload standards are fulfilled and maintained.

As Amended: N/A

Introducing Senator(s): Howard, Bolz, Pansing Brooks

Committee: Appropriations

Committee Hearing Date: March 14, 2017

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2017-18, the fiscal impact is \$500,000 in General Funds for the Department of Health and Human Services. For FY 2018-19, the fiscal impact is \$500,000 in General Funds for the Department of Health and Human Services.

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

LB 226: Provide for purchase of motor vehicles and insurance by youth in foster care

As Introduced: LB 226 allows for a child age 16 or older adjudicated in juvenile court to be qualified to contract for the cash purchase of a vehicle and for a vehicle insurance policy with

the consent of the court with jurisdiction over the child. Under the bill, costs associated with insurance premiums are to be the responsibility of the child. The bill adds a provision to existing law regarding independent living transition planning, where youth are to be provide information, planning, and assistance to attain a driver's license. The bill requires that the Normalcy Task Force collaborate with the Department of Administrative Services, DHHS, the Department of Insurance, and the Department of Motor Vehicles to examine the costs and benefits of a program under which children in foster care may be insured under a vehicle insurance policy, and a report of their findings shall be submitted to the Nebraska Children's Commission, DHHS, an the Health and Human Services Committee of the Legislature by September 15, 2018. Finally, the bill amends existing statute to allow foster parent caregivers over the age of 21 to give permission for children in foster care to obtain their learner's permit or provisional permit without liability for harm caused to or by a child.

As Amended: N/A

Introducing Senator(s): Wishart

Committee: Judiciary

Committee Hearing Date: March 9, 2017

Current Status: Held in Committee

Estimated Fiscal Impact: No fiscal impact listed.

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

LB 411: Change Nebraska Juvenile Code provisions relating to placement of siblings

As Introduced: LB 411 would change existing statute governing joint-sibling placement in foster care. The bill requires that DHHS file regular written reports to the court describing joint-sibling placement, sibling visitation, or ongoing interaction between siblings. The bill adds "any other party that has properly intervened and whose substantial rights have been affected by a final order issued by a juvenile court" to the list of parties that may file an appeal to a juvenile court's order. The bill updates existing statute to require that reasonable efforts be made to place siblings together even if the siblings have no preexisting relationship, and requires that DHHS file a written report documenting such efforts. Finally, the bill provides that siblings are may file a motion for joint-sibling placement or intervene at any point in court proceedings for the purposes of placement, visitation, or ongoing interaction with a sibling.

As Amended: Committee amendments, if adopted, would clarify that a parent or an adult sibling may opt out of receiving notifications about a sibling's case and that it is the court that shall determine whether "reasonable efforts" have been made by DHHS to facilitate sibling placement, visitation, and interaction.

Introducing Senator(s): Bolz

Committee: Judiciary

Committee Hearing Date: February 24, 2017

Committee Vote: Aye: 8 (Bolz, Chambers, Crawford, Hughes, Kuehn, McCollister, Scheer, Watermeier); Nay: 0; Absent: 1 (Larson); PNV: 0

Current Status: Provisions of LB 6 were amended into LB 207, which was approved by the Governor on April 27, 2017.

Estimated Fiscal Impact: For FY 2017-18, the fiscal impact is \$2,800,565 in General Funds to the Department of Health and Human Services. For FY 2018-19, the fiscal impact is \$3,040,874 in General Funds to the Department of Health and Human Services.

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

LB 456: Provide for supportive services for disabled parents in family and dependency matters

As Introduced: LB 456 creates a statutory framework to ensure that disabled parents are not discriminated against based on their disability in the context of child welfare, foster care, family law, dependency, and adoption. The bill creates language that prohibits a parent's disability from serving as the basis for the denial or restriction of visitation or custody, from denial in participation in a public or private adoption, or as the basis for the denial of foster parenting status or guardianship.

Additionally, in court proceedings related to custody, visitation, foster care, guardianship, or adoption, when a parent's or prospective parent's disability is alleged to have a detrimental impact on a child, the party raising such an allegation bears the burden of providing proof that the behaviors are endangering or will likely endanger the child. In such cases, the parent or prospective parent shall have the opportunity to demonstrate how supportive parenting services will alleviate the concerns that have been raised, and the court may order such services to be put in place.

As Amended: N/A

Introducing Senator(s): Briese

Committee: Health and Human Services

Committee Hearing Date: February 8, 2017

Current Status: Held in Committee

Estimated Fiscal Impact: No fiscal impact listed.

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

LB 589: Provide for depositions of a child victim or witness

As Introduced: LB 589 amends existing statute regarding depositions of witnesses, except for children aged 18 or younger who have undergone a video-recorded forensic interview at a child advocacy center, unless such a deposition has been agreed upon by the parties or by approval of the court. The court shall not approve such a deposition unless it finds that the deposition will aid in the disclosure of evidence that is not reasonably available by other means and is

essential in preparing the defendant for trial. Upon granting such a deposition, the court shall, on its own order or on motion of a party, make any protective order that is required to protect the child from emotional harm or distress, harassment, undue influence, or intimidation.

As Amended: If adopted, the committee amendment adds a court appointed special advocate to those who may be addressed in protective order and adds that a “service or therapy animal” may be included in a protective order under which a judge may allow for the deposition of a child witness.

Introducing Senator(s): Crawford

Committee: Judiciary

Committee Hearing Date: March 2, 2017

Current Status: On General File

Estimated Fiscal Impact: No fiscal impact.

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

Failed to Advance

MO 145 to LB 327: Override the Governor’s line-item veto in Section 106, Agency 25, Department of Health and Human Services, Program 354, Child Welfare

As Introduced: The [Governor’s budget recommendations](#) and the [agency’s request](#) originally included a number of cuts to services and provider rates. The Appropriation Committee largely restored many of the proposed cuts in its [preliminary recommendations](#), which were the subject of a hearing prior to the committee’s final recommendations. The committee ultimately restored the proposed cuts in its [final budget package](#), which was contained in [LB 327](#) and sent to the Governor’s desk. The bill was approved by the Governor with several line-item vetoes. The [motion](#) would override Governor Ricketts’ line-item veto of \$1.2 million from child welfare aid.

Introducing Senator(s): Crawford

Committee: Appropriations

Committee Hearing Date: March 14, 2017

Voices for Children’s Position: None ([see our written testimony](#))

Indefinitely Postponed

LB 334: Eliminate state funding for a Family Finding pilot project

As Introduced: LB 334 would eliminate funding for a Family Finding pilot project and further strike existing statute requiring such a contract with a provider, referrals of children in foster care, and evaluations of such a project. The termination of the pilot was included in the executive budget recommendation and agency request, both of which proposed the absorption

of similar efforts within existing DHHS staff, and such an elimination of funds would have required the statutory changes contained in LB 334.

As Amended: N/A

Introducing Senator(s): Riepe (at the request of the Governor)

Committee: Health and Human Services

Committee Hearing Date: January 25, 2017

Committee Vote (to IPP): Aye: 6 (Crawford, Erdman, Howard, Kolterman, Linehan, Williams); Nay: 0; Absent: 0; PNV: 1 (Riepe)

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: The fiscal impact for FY 2017-18 is \$883,800 in General Fund savings for the Department of Health and Human Services. The fiscal impact for FY 2018-19 is \$883,800 in General Fund savings for the Department of Health and Human Services.

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

Economic Stability

Signed into Law

LB 427: Provide Supports for Pregnant and Parenting Students in High Schools

As introduced: LB 427 requires public, private, denominational or parochial schools to make accommodations for students to express and store breastmilk in a private location. It also provides that a student parent may breast-feed her child at any public, private, denominational or parochial school.

As amended: The bill, as amended by AM 739, also incorporates LB 428. The slip law copy of LB 427 requires that each school district adopt a written policy for the 2018-19 school year regarding accommodations and supports for pregnant and parenting students. This written policy must at least meet the minimum standards laid out in the Nebraska Department of Education's model policy, if such policy exists.

The Nebraska Department of Education may adopt a model policy that includes procedures to provide for absences due to pregnancy, alternative school choices to facilitate attendance of pregnant and parenting students such as online courses, distance learning, or tutoring, and identification of child care resources in the student's community if in-school child care is not provided.

Introducing Senator(s): Vargas (priority) Ebke, Walz, Wayne

Committee: Education

Committee Hearing Date: January 30, 2017

Committee Vote: Aye 6 (Ebke, Groene, Kolowski, Morfeld, Pansing Brooks, Walz); Nay 2 (Erdman, Linehan)

Current Status: Approved by Governor on May 8, 2017

Estimated Fiscal Impact: Under the Fair Labor Standards Act, employers with 50 or more employees are already required to provide accommodations for employees to express and store breastmilk in a private and secure area. As such, there is no fiscal impact for larger schools because they already provide a private and secure area for their employees. There may be some costs to smaller schools to comply with LB 427 who are not covered under the Fair Labor Standards Act.

The bill as amended also requires the State Department of Education to develop a model policy for school districts to adopt related to pregnant and parenting students. The State Department of Education indicated the model policy could be developed using existing staff and resources.

Voices for Children's Position: Support for LB 428 ([see our testimony](#))

Amended into Other Bills

LB 145: Reform Debtor's Prisons

As introduced: LB 145 requires that courts, prior to sentencing a jail term for the payment of a fine, conducts a hearing either at sentencing or a separate, independent hearing to determine if the defendant has the ability to pay such fine. Under the bill, courts can impose a jail term without fines, discharge any fines outright or through community service hours, or allow defendants to repay fines through installments. The bill also allows defendants who owe fines to request a hearing to show inability to pay.

LB 145 also creates a similar process for the revocation of driver's licenses due to fines from traffic offenses.

The bill also increases the daily rate whereby defendants can "sit out" their fines in jail from \$90 to \$150 per day. This rate had not been changed since 2010.

As amended: LB 145, as amended by AM 933 and 1186, was incorporated into LB 259. The slip law copy of the bill creates a new process beginning on July 1, 2019 whereby any defendant arrested for failure to pay fines or failure to appear in court to pay such fines, shall receive a hearing at the first regularly scheduled court date after their arrest.

These hearings shall determine their ability to pay the fines or costs. If the court determines the person has the financial ability and refuses to pay, the judge may order the defendant to sit out the fine in jail, or discharge the order through community service instead. If the court finds the defendant does not have the ability to pay, the judge shall either discharge the fines, order installment payments, or discharge the order through community service.

Other defendants who are not arrested on these grounds may request a hearing, which likewise shall be scheduled at the first court date after the arrest.

Residents whose operator's license is suspended due to failure to pay fines or costs have 30 days from the suspension to request a hearing regarding financial ability to pay. If the court finds that the resident lacks the financial ability to pay, the judge can discharge the fines, order installment payments, or discharge the suspension through community service.

The provisions related to increasing daily “sit out” rates remains the same.

Introducing Senator(s): Hansen (priority for LB 259)

Committee: Judiciary

Committee Hearing Date: March 16, 2017

Committee Vote: Aye 7 (Baker, Chambers, Ebke, Hansen, Krist, Morfeld, and Pansing Brooks); Nay 1 (Halloran)

Current Status: LB 259 approved by the Governor on May 12, 2017

Estimated Fiscal Impact: \$130,000 in Cash Funds to make JUSTICE modifications in preparations for hearings regarding financial ability to pay, which begin July 1, 2019.

General Fund impact in next biennium of \$883,909 to add record clerks and county court judges and courtroom clerks. Lancaster County Community Corrections estimates \$60,068 in additional costs for staff time with increased use of community service instead of fines.

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

Pending Action

LB 69: Increase the Earned Income Tax Credit

As Introduced: LB 69 increases the earned income tax credit from 10% of the federal credit to 20% of the federal credit over a period of 3 years. Specifically, the tax credit would increase to 13% of the federal tax credit in 2019, 17% of the federal tax credit in 2020, and 20% of the federal tax credit in 2021. The earned income tax credit is a refundable tax credit for low-income Nebraska residents who are working and qualify for the federal earned income tax credit.

As Amended: N/A

Introducing Senator(s): Pansing Brooks

Committee: Revenue

Committee Hearing Date: February 1, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Nebraska Department of Revenue estimates that the General Fund impact will be \$35,651,000 when fully implemented in 2021. A year by year summary is below:

FY2017-18: \$ 0

FY2018-19: \$ 0

FY2019-20: (\$ 10,210,000)

FY2020-21: (\$ 24,384,000)

FY2021-22: (\$ 35,651,000)

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

LB 108: Provide Protections and Supports for Children of Incarcerated Parents

As Introduced: LB 108 provides protections and supports for children of incarcerated parents at the arrest, booking, sentencing and placement phases of a criminal proceeding and requires child-friendly changes to visitation policies for families.

In 2018, each police department, county sheriff office, and the Nebraska State Patrol shall adopt guidelines to ensure child safety and minimize trauma upon the arrest of a parent or guardian. A copy of these policies shall be filed with the Crime Commission and updated yearly with any changes.

During the booking process, if the arrested person is identified as a custodial parent or guardian with caretaking responsibility of minor or dependent children, he or she is entitled to two additional phone calls for the purpose of arranging for the care of the minor or dependent children. During sentencing, the presentence investigation report will now include a section examining whether and how any minor or dependent children could be impacted by sentencing. The Department of Correctional Services (NDCS) shall take into consideration ability to maintain contact with minor or dependent children when making facility placements.

NDCS shall adopt child-friendly facility visitation policies including permitting age-appropriate physical contact throughout visitations for children under the age of thirteen.

As Amended: N/A

Introducing Senator(s): Crawford

Committee: Judiciary

Committee Hearing Date: February 8, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Department of Correctional Services (NDCS) estimates that a dedicated family services coordinator would be necessary to develop the policies at a cost of \$69,974 a year. NDCS also estimates that expanded physical contact would necessitate expanding visiting hours from 5 days a week to 6 or 7 days a week at a cost of \$423,507. Together the total impact is \$498,101.

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

LB 194: Reform Payday Lending

As Introduced: LB 194 makes changes to Nebraska’s payday lending statutes to ensure that the payday loan products are more affordable and fair to consumers by capping charges, interest, and fees and spreading the costs more evenly over a longer period of time.

The bill requires total monthly payments that are not more than 5% of the borrower’s gross monthly income. It also prohibits penalties for pre-payment of the loan and establishes maximum monthly maintenance fees at either 5% of the original loan or \$20, whichever is less. LB 194 also ensures that payday lender cannot receive payment of more than 50% of the original loan amount through the charging of fees, loans, interest, or some combination thereof.

As Amended: N/A

Introducing Senator(s): Vargas, Linehan

Committee: Banking, Commerce, and Insurance

Committee Hearing Date: February 21, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: Currently, payday lenders must renew their operational licenses every year for \$500, \$150 of which is deposited into the Financial Institutions Assessment Cash Fund and \$350 of which is deposited into the Financial Literacy Cash Fund. Payday lending branches must also renew their operational licenses every year for \$500, \$100 of which is deposited into the Financial Institutions Assessment Cash Fund and \$400 of which is deposited into the Financial Literacy Cash Fund.

The Department of Banking estimates that over the next biennium the number of license renewals will decrease by 25% each year, which will result in a loss of cash fund revenue of the following:

Financial Literacy Cash Fund:

Current license fee renewal level: 47,000

2017-18 estimated 25% revenue decline: -11,775

2018-19 estimated 25% revenue decline: -23,550

Financial Institutions Assessment Cash Fund:

Current license fee renewal level: 16,900

2017-18 estimated 25% revenue decline: -4,225

2018-19 estimated 25% revenue decline: -8,450

Voices for Children’s Position: Support (See our [letter of support](#) and [infographic](#))

LB 211: Increase the Minimum Wage for Tipped Workers

As Introduced: LB 211 phases in an increase in the minimum wage for tipped workers such as wait staff and hotel bellhops or valet parking assistants, from the current rate of \$2.13/hr to 40% of the minimum wage for other types of workers by 2017 (\$3.60) and 50% of the minimum wage for other types of workers (\$4.50) by the time it is fully implemented.

As Amended: N/A

Introducing Senator(s): Hansen, Blood, Howard, Kolowski, Morfeld, Quick, Vargas

Committee: Business and Labor

Committee Hearing Date: February 27, 2017

Committee Vote: Aye 4 (Chambers, Crawford, Hansen, Howard); Aye 3 (Albrecht, Halloran, Lowe)

Current Status: General File

Estimated Fiscal Impact: No fiscal impact.

Voices for Children's Position: Support (see our [letter of support](#))

LB 224: Streamline Public Assistance Programs by Eliminating Asset Limits

As Introduced: LB 224 streamlines the eligibility requirements across the Aid to Dependent Children (ADC) program, Supplemental Nutrition Assistance Program (SNAP), and Child Care Subsidy program. Currently, the eligibility requirements for the Child Care Subsidy program exclude assets so long as the net worth of the assets is under \$1 million. LB 224 would mirror these requirements so that the net worth required for all three programs is the same. Right now, eligibility varies widely across programs, leading to confusion among clients, additional staff time reviewing and verifying assets, and the potential for caseworker error in processing benefits. SNAP is currently set at \$25,000 or less in assets while ADC is set at \$4,000 or less in assets for an individual and \$6,000 or less for a family.

As Amended: N/A

Introducing Senator(s): Crawford, Howard

Committee: Health and Human Services

Committee Hearing Date: March 2, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Legislative Fiscal Office estimates the number of ADC cases to increase by 207 per year, or \$996,084 annually--\$298,355 of which would come from General Funds, the rest Federal Funds.

The number of SNAP cases closed due to excess resources is 95 cases per year, or \$290,700 in federal funds.

If more families qualify for ADC, they will also qualify for Transitional Medicaid for a 12 month period. Those costs would be \$156,33 (\$75,039 GF and \$81,294 FF) in FY 18 and \$208,444 (\$100,053 GF and \$108,391 FF) in FY 19.

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

LB 260: Create a Food Insecurity Nutrition Incentive Program

As Introduced: LB 260 creates a state food insecurity nutrition incentive grant program of \$150,000 that awards state grants to grantees of the federal food insecurity nutrition incentive grant program to help offset startup costs and operational expenses.

As Amended:

Introducing Senator(s): Hansen

Committee: Agriculture

Committee Hearing Date: February 7, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: LB 260 appropriates \$150,000 to the Department of Agriculture to implement the bill. The Department of Agriculture estimates cash funds and federal funds of \$85,834 and \$29,835 respectively.

Voices for Children's Position: Support (see our [letter of support](#))

LB 286: Create the Flexible Credit Loan Act

As Introduced: LB 286 creates a new, longer and larger payday loan product while doing nothing to address the current predatory loan structure in Nebraska. LB 286 creates larger and longer payday loans with the equivalent of 200% APR on loans as large as \$2,500. A borrower who obtains a 12 month, \$500 or \$1000 loan will end up paying 2.5 times as much back in fees and finance charges regardless of the borrower's ability to repay.

As Amended: N/A

Introducing Senator(s): Craighead

Committee: Banking, Commerce, and Insurance

Committee Hearing Date: February 21, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Department of Banking estimates a small increase in cash funds of \$3,750 due to new licensure fees.

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

LB 305: Adopt the Paid Family Medical Leave Insurance Act

As Introduced: LB 305 creates the Paid Family Medical Leave Insurance program which operates similar to unemployment insurance to provide income replacement when a worker needs to take time off to care for themselves or a family member. Beginning on July 1, 2019, workers can receive up to 12 weeks of wage replacement to care for their own serious illness or to care a new family member during the first year following the birth, adoption, or foster care placement of that child and up to 6 weeks to care for a family member with a serious health condition. LB 305 also contains a progressive component such that lower income workers receive a higher proportion of their salary in wage replacement, ensuring that lower income workers are able to afford to take the leave and utilize the program.

LB 305 also includes employment protections identical to the federal Family and Medical Leave Act to protect workers from discrimination and retaliation and ensure that the worker will be restored to their previous position or an equivalent position upon their return.

As Amended: N/A

Introducing Senator(s): Crawford

Committee: Business and Labor

Committee Hearing Date: February 6, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Department of Labor estimates the Paid Family Medical Leave Insurance program would run a substantial deficit by 2022 of \$86,993,388 based on information gleaned from Rhode Island’s paid medical leave program.

To get the program up and running, the Department estimates it will need 9 FTEs at a cost of \$6,969,278 with a PSL of \$576,109 in the first year and 18.125 FTEs at a cost of \$7,110,917 with a PSL of \$936,405 in the second year.

Ongoing administrative costs for the program range between \$3.08 and \$3.2 million in years 2019-22.

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

LB 311: Eliminate the SNAP Drug Felony Ban

As Introduced: LB 311 would change Supplemental Nutrition Assistance Program (SNAP) eligibility requirements by striking current provisions that prohibit those with three or more felony convictions for possession or use of a controlled substance or those who have been convicted of a felony involving the sale or distribution of a controlled substance.

As Amended:

Introducing Senator(s): Morfeld

Committee: Health and Human Services

Committee Hearing Date: February 16, 2017

Committee Vote: N/A

Current Status: In Committee, Pull Motion filed (Senator Morfeld)

Estimated Fiscal Impact: The Nebraska Department of Health and Human Services estimates 187 new cases as a result of LB 311. SNAP benefits are 100% federally funded; administrative costs are matched at 50% state and federal funds. Based on current workload ratios, a part-time social service worker is needed with a cost of \$33,074 (\$16,537 General funds and \$16,537 Federal funds).

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

LB 337: Enact Income Tax Cut Triggers

As Introduced: LB 337 uses a series of income tax triggers to reduce the top income tax bracket from 6.84% currently to 5.99%. An income tax reduction is triggered any year the Nebraska Economic Forecasting Advisory Board's October meeting forecasts a 3.5% or more expected rate of growth. If the October forecast is less than 3.5%, the income tax trigger is deferred until the expected growth rate exceeds 4.2% in years 2020-2026 and 3.5% in years after 2027.

As Amended: N/A

Introducing Senator(s): Smith at the request of the Governor, Lindstrom priority bill

Committee: Revenue

Committee Hearing Date: February 8, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: By the time LB 337 is fully implemented, the state of Nebraska will have \$287,883,000 less dollars in its budget for schools, infrastructure, and services for our most vulnerable citizens.

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

LB 372: Provide Job Protections for Employees with Family Care Responsibilities

As Introduced: LB 372 provides protections for employees from workplace discrimination, harassment, retaliation, or termination on the basis of their status as a family caregiver by adding family care responsibilities as a protected class under the Nebraska Fair Employment Practice Act.

As Amended: N/A

Introducing Senator(s): Crawford

Committee: Business and Labor

Committee Hearing Date: February 6, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Equal Opportunity Commission (who hears cases filed under the Nebraska Fair Employment Practice Act) estimates an additional 50 to 100 additional cases per year, which would require an additional investigator. The cost would be \$66,188 General Funds per year.

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

LB 373: Change and Eliminate Revenue and Taxation Provisions

As Introduced: LB 373 eliminates or reduces the spending levels for a variety of tax incentive and tax exemption programs from the Sports Arena Facility Financing Assistance Act to Build Nebraska. Included in these changes is a reduction to the state Earned Income Tax Credit (EITC) from the current 10% to 8% of the federal EITC.

As Amended: N/A

Introducing Senator(s): Schumacher, Planning Committee priority bill pending adoption of permanent rules

Committee: Revenue

Committee Hearing Date: March 22, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact:

Voices for Children's Position: Oppose (see our [letter of opposition](#))

LB 420: Adopt the Fair Chance Hiring Act

As Introduced: LB 420 creates the Fair Chance Hiring Act which requires any prospective employer to first consider whether an applicant meets minimum qualifications for the position before inquiring about the applicant's criminal history or record unless criminal history is already an automatic disqualification for the position under other existing state or federal law.

As Amended: The committee amendment (AM 553) adds private, parochial, and nondenominational schools to a list of entities who are not prevented from upon initial

application, requiring disclosure of criminal history or record related to sexual or physical abuse.

Introducing Senator(s): **McCollister**, Blood, Chambers, Crawford, Ebke, Howard, Krist, Morfeld, Pansing Brooks, Wishart

Committee: Business and Labor

Committee Hearing Date: March 13, 2017

Committee Vote: Aye 4 (Chambers, Crawford, Hansen, Howard) Nay 3 (Albrecht, Halloran, Lowe)

Current Status: General File, carry-over

Estimated Fiscal Impact: No fiscal impact

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

LB 438: Increase Cigarette and Tobacco Taxes

As Introduced: LB 438 increases cigarette and tobacco product taxes from 64 cents to \$2.14 per package. The increased tax revenue is allocated to the General Fund and the Nebraska Health Care Cash Fund. Within the Health Care Cash Fund, there is hereby created a Behavioral Health Provider Rate Stabilization Fund. The tax funds collected as a result of LB 438 shall be distributed as follows:

\$6 million in state aid to local public health departments;

\$4 million for the College of Public Health of the University of Nebraska Medical Center;

\$5 million for state aid for the community health centers;

\$2.4 million for the Tobacco Prevention and Control Program;

\$1 million for Nebraska area health education centers;

\$10 million in state aid for biomedical research;

\$8 million to the Behavioral Health Provider Rate Stabilization Fund;

\$2 million to the Behavioral Health Education Center for workforce development;

\$1.5 million for stroke cardiac monitors and training programs;

\$750,000 for Nebraska emergency medical services workforce development;

\$500,000 for Nebraska local firefighters training;

\$500,000 for public health aid for the Nebraska Colon Cancer Screening Program;

\$500,000 for public health aid for the Every Woman Matters Program for breast and cervical cancer screenings, heart disease and diabetes screenings;

\$2 million for Munroe-Meyer Institute Neurobehavioral Clinic;

\$5 million for a Nebraska paid family medical leave program;

\$1.1 for the Division of Children and Family Services of the Department of Health and Human Services for evidence-based early intervention home visitation program; and \$1.1 million for other early childhood programs.

As Amended: N/A

Introducing Senator(s): Howard

Committee: Revenue

Committee Hearing Date: March 17, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: Legislative Fiscal Office estimates the total fiscal impact of LB 438 as follows:

FY 2017-18: \$115,624,000

FY 2018-19: \$114,187,375

FY 2019-20: \$110,029,500

FY 2020-21: \$105,017,500

Voices for Children's Position: Support (see our [letter of support](#))

LB 521: Support Pre-Kindergarten Programming Through School Funding Formula

As Introduced: Beginning in 2018, LB 521 makes changes to the Tax Equity and Educational Opportunities Support Act (TEEOSA), also known as state aid to schools, to encourage all districts to create or expand their preschool programming either by improving quality or longer school days.

The bill does this by increasing the weight of early childhood education students within the existing formula, creating an early childhood education allowance for schools who are non-equalized under the TEEOSA formula, allowing school districts to consolidate their funds through Educational Service units (ESUs) if the funding is not sufficient for a standalone program, and increasing the transportation costs available to schools.

As Amended: N/A

Introducing Senator(s): Walz

Committee: Education

Committee Hearing Date: February 28, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The State Department of Education estimates an increase of \$4,541,737 in general funds needed for TEEOSA aid beginning in FY 2018-19.

Voices for Children’s Position: Support (see our [letter of support](#))

LB 537: Provide for Drug Screening of Public Assistance Applicants and Recipients

As Introduced: LB 537 creates a drug screening program for applicants of or recipients for the Aid to Dependent Children program if the Nebraska Department of Health and Human Services has reasonable cause to believe the applicant or recipient is using a controlled substance. If the applicant or recipient tests positive for use of a controlled substance, the applicant or recipient must complete a substance abuse treatment program and job skills program. Refusal to complete or failure to complete either program results in ineligibility for cash assistance for twelve months or until completion of the programs.

If the applicant or recipient is a parent or guardian of a minor child, the department may approve a protective payee to receive payments on the child’s behalf.

As Amended: N/A

Introducing Senator(s): Hughes

Committee: Health and Human Services

Committee Hearing Date: March 2, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Legislative Fiscal Office estimates that an additional program specialist is needed at a cost of \$70,166 (\$35,083 each in General and Federal funds). Because the bill only requires the Department of Health and Human Services to refer the applicant or recipient to services and that the costs of treatment be borne by the recipient or applicant, there are no additional costs to the Department for treatment services.

Voices for Children’s Position: Oppose (see our [letter of opposition](#))

AM 707 to LB 233: Change Revenue and Taxation Provisions

As Introduced: AM 707 freezes a variety of tax credits in fiscal years 2018 and 2019 including the School Readiness Tax Credits.

As Amended: N/A

Introducing Senator(s): Smith

Committee: Revenue

Committee Hearing Date: AM 707 hearing on March 28, 2017

Committee Vote: N/A

Current Status: Withdrawn

Estimated Fiscal Impact: N/A

Voices for Children's Position: Oppose (see our [letter of opposition](#))

Failed to Advance

LB 358: Eliminate the Cliff Effect in SNAP

As Introduced: LB 358 eliminates the cliff effect in the Supplemental Nutrition Assistance Program (SNAP) by increasing the gross income eligibility to 185% federal poverty level over a two year time period for SNAP recipients while leaving the net income requirements (100% FPL) in place. The bill allows families to accept small raises or promotions at work and still qualify for assistance after expenses such as rent, child care, and medical bills are taken into account.

As Amended: AM 493 eliminates the second step of the gross income eligibility increase such that gross income eligibility is 158% FPL instead of the current 130% FPL.

Introducing Senator(s): **McCollister**, Crawford, Howard, Morfeld, Pansing Brooks, Walz

Committee: Health and Human Services

Committee Hearing Date: February 16, 2017

Committee Vote: Aye 4 (Crawford, Howard, Linehan, Williams), Nay 2 (Erdman, Riepe) Present Not Voting 1 (Kolterman)

Current Status: Failed to advance to Select File, 24-19-2 (4 excused)

Estimated Fiscal Impact: The Legislative Fiscal Office estimates that 4,525 households would meet both the gross income and net income tests. All benefit costs are covered under federal funds.

The workload increase would require 5 social service caseworkers, one supervisor, and one case aide in FY 2017-18 at a cost of \$378,484 (\$189,242 General and Federal funds). The second step increase would require an additional 7 social service workers and one case aide at a cost of \$842,263 (\$421,132 General and Federal funds).

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

LB 461: Enact Income Tax Triggers and Alternative Agricultural Land Valuation Formula

As Introduced: LB 461 was a placeholder bill and corrected a reference to the federal Jobs and Growth Tax Relief Reconciliation Act of 2003.

As Amended: The committee amendment (AM 954) becomes the bill. AM 954 creates an alternative agricultural land valuation formula whereby agricultural land will be valued based on its income potential, rather than the current assessment-based formula. The amendment also makes a variety of changes to income tax provisions including:

In FY 19, collapses four existing tax brackets into three, phases out the personal exemption credit at higher income brackets, creates a new nonrefundable tax credit for lower income filers, increases the Earned Income Tax Credit from 10% to 12% over a two year period, reduces the top bracket for corporate income taxes from 7.81% to 7.59%, and freezes several tax credits from 2017-2022.

In FY 20, a set of personal income and corporate income tax triggers would begin to reduce the top income bracket from 6.84% to 5.99% and 7.81% to 7.59% respectively. An income tax reduction is triggered any year the Tax Rate Review Committee finds a 3.5% or more expected rate of growth. A corporate income tax reduction is triggered any year the Tax Rate Review Committee finds expected rate of growth in net General Fund receipts exceeds 4%.

Introducing Senator(s): Smith (Revenue priority bill)

Committee: Revenue

Committee Hearing Date: February 15, 2017

Committee Vote: Aye 6 (Smith, Lindstrom, Larson, Groene, Friesen, Brasch) Nay 2 (Harr, Schumacher)

Current Status: Failed to obtain cloture 27-9-13

Estimated Fiscal Impact: While amendments do not generate fiscal notes until they are adopted on the floor, Legislative Fiscal Office estimates that by the time the bill is fully implemented, LB 461 will leave Nebraska with \$458 million less for schools, infrastructure, and services for our most vulnerable citizens in one year alone.

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

Legislative Resolutions

LR 26: [Oppose any Federal Action that Would Rescind Deferred Action for Childhood Arrivals](#)

As Introduced: The Legislature finds that Nebraska youth with Deferred Action for Childhood Arrivals (DACA) status are valuable assets to our schools, communities, and workforce. Therefore, the Legislature stands opposed to any federal action that would rescind Deferred Action status for these youth or any other restrictions that would create barriers for these youth and their full participation in our communities.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Judiciary

Committee Hearing Date: March 22, 2017

Committee Vote: Aye 7 (Baker, Chambers, Ebke, Hansen, Krist, Morfeld, Pansing Brooks), Present Not Voting 1 (Halloran)

Current Status: Adopted

Estimated Fiscal Impact: None

Voices for Children’s Position: Support (see our [letter of support](#))

Health

Amended into Other Bills

LB 235: Clarifies Requirements for the Summer Food Service Grant Program

As Introduced: LB 235 clarifies a requirement for the Summer Food Service grant program. The Summer Food Service grant program, created in 2012, issues one-time grants for applicants who want to start or expand a summer food program. The Summer Foods Service Program (SFSP) is a program operated through the USDA. The federal government reimburses sites for the cost of the meals. The Nebraska State Department of Education (NDE) oversees the program at the state level. Current NDE policy requires that all expenses be prorated, which has limited the effectiveness of the grant program. LB 235 clarifies that expenses do not need to be prorated so long as the funds benefit other child nutrition programs.

As Amended: The committee amendment (AM 724) includes the clarification contained in the green copy of LB 235; however, it also reduces the annual appropriation of grant funds from \$140,000 to \$100,000.

Introducing Senator(s): Walz

Committee: Education

Committee Hearing Date: January 23, 2017

Committee Vote: No vote taken on LB 235, LB 512 advanced on an 8-0 vote

Current Status: LB 512 approved by the Governor on May 22, 2017

Estimated Fiscal Impact: No additional general fund impact.

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

Pending Action

LB 441: Medicaid Expansion

As Introduced: LB 441 requires the Nebraska Department of Health and Human Services to submit a Medicaid state plan amendment to cover newly eligible individuals under the Patient Protection and Affordable Care Act. The bill provides for expanded eligibility to low-income adults who are age 19 to 65. The inclusion of this population will provide health coverage for uninsured childless adults from 0-133% of the Federal Poverty Level (FPL). The Patient Protection and Affordable Care Act, the ACA, allows for a 5% income disregard so the threshold will effectively be at 138% FPL. Additionally, some low income uninsured parents will also obtain coverage under this bill. Currently Nebraska parents are generally not covered by Medicaid above 54% FPL. In addition, LB 441 will address an inequity regarding subsidies within

the ACA. Under the ACA, adults with income below 100% FPL are not eligible for subsidies to purchase insurance in the health insurance exchanges. Without the Medicaid benefits provided by this bill, adults with incomes under 100% FPL will not qualify for any assistance, leaving them uninsured and without any subsidies to purchase coverage on the exchange. LB 441 provides essential health care coverage through Medicaid utilizing an enhanced federal match for this newly eligible adult population.

The state plan amendment shall include the state's Medicaid benefit package as the benchmark plan and includes the mandatory and optional coverage under traditional Nebraska Medicaid.

As Amended: N/A

Introducing Senator(s): Morfeld

Committee: Health and Human Services

Committee Hearing Date: March 8, 2017

Committee Vote: N/A

Current Status: In committee, pull motion filed (Morfeld)

Estimated Fiscal Impact: For FY 2017-18, the fiscal note is \$176,975,168 (\$6,368,689 in General funds and \$170,706,479 in Federal funds). For FY 2018-19, the fiscal note is \$445,721,625 (\$14,560,231 in General funds and \$431,161,394 in Federal funds) with savings to the Department of Corrections of \$63,500 for half of FY 18 and \$127,000 annually thereafter.

Voices for Children's Position: Support (see our [letter of support](#))

LB 552: Create the Children's Connection Program

As Introduced: LB 552 creates the Children's Connection program in each of the 6 behavioral health regions. Modeled after Project Harmony's Connections program, the behavioral health regions and Nebraska elementary and middle schools will work together to identify students with social and emotional challenges to provide family-centered interventions and services to prevent child welfare or juvenile justice involvement. Each behavioral health region shall submit annual program plans to the Division of Behavioral Health of the Department of Health and Human Services. The Division of Behavioral Health shall also complete an annual evaluation by region in terms of number of children assessed and served, implementation of evidence-based practices, and improved health and academic outcomes.

LB 552 also appropriates \$2 million each year to the behavioral health regions to carry out the bill. A local match rate of at least 25% is required.

As Amended: N/A

Introducing Senator(s): Walz, Bolz, Hansen

Committee: Health and Human Services

Committee Hearing Date: March 17, 2017

Committee Vote: N/A

Current Status: In Committee

Estimated Fiscal Impact: The Nebraska Department of Health and Human Services indicates the need for a program specialist to administer the aid program, provide training, and complete the annual evaluations at a cost of \$58,778 of General funds in FY 2017-18 and \$78,370 of General funds in FY 2018-19. LB 552 also appropriates \$2 million annually in General Funds to DHHS for allocations to behavioral health regions for Children’s Connection programs.

Voices for Children’s Position: Support (see our [letter of support](#))

Juvenile Justice

Signed into Law

LB 8: Provide for graduated response incentives and sanctions relating to juvenile probation

As Introduced: LB 8 changes provisions related to juvenile probation to allow for probation officers to respond to a violation of the terms and conditions of a juvenile’s probation with graduated response sanctions and incentives. This is to include an accountability-based series of options available to officers, and the bill directs the Office of Probation to prepare a graduated response matrix to be used in administering such a response. The bill further requires that before a motion to revoke probation is pursued, a copy of the probation officer’s report outlining the alleged violation must be presented to the juvenile’s attorney of record, and that if the juvenile does not have an attorney of record, one must be appointed upon motion for revocation. LB 8 clarifies that if a probation officer is instructed to take a juvenile into temporary custody, a hearing must be held within 24 hours to determine if continued custody is warranted, and that a juvenile is appointed an attorney when a juvenile is taken into temporary custody if none has previously been appointed. The bill strikes language authorizing the use of sanctions, revocation of probation, or temporary custody when a probation officer believes that the juvenile is “about to commit” a violation of a condition of probation. Finally, the bill limits confinement of a juvenile to 24 hours in instances where a juvenile has violated the terms of their probation, and further prohibits confinement unless it is a matter of immediate and urgent necessity for the protection of the juvenile, the person or property of another, or if it appears that a juvenile is likely to flee; and the juvenile screening instrument indicates that confinement is required.

As Amended: N/A

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: January 18, 2017

Committee Vote: Aye: 8 (Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks); Nay: 0; Absent: 0; PNV: 0

Current Status: Approved by Governor on March 29, 2017

Estimated Fiscal Impact: No fiscal impact listed

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

LB 11: Change provisions relating to transfer of juvenile cases and appeal of such transfers

As Introduced: LB 11 clarifies that an order refusing to transfer a case from the jurisdiction of the county or district court to the juvenile court, or from juvenile court to county or district court is a final order for the purposes of an appeal. The timing for such an appeal was previously held by the Supreme Court to be after the completion of the criminal process. LB 11 establishes that in the event that a case is transferred from the juvenile court to a county or district court, the juvenile court may enter temporary orders in the best interest of the juvenile during the pendency of the appeal.

As Amended: The bill was amended to clarify that any party may appeal to the Court of Appeals within ten days after an order is entered. The review shall be advanced on the court docket without opportunity for an extension of time, and the Court of Appeals shall enter an order as quickly as possible. Exceptions to the process must show exceptional cause, and the review must be conducted in an expedited manner an as speedily as possible.

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: January 18, 2017

Committee Vote: Aye: 8 (Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks); Nay: 0; Absent: 0; PNV: 0

Current Status: Approved by Governor on March 29, 2017

Estimated Fiscal Impact: No fiscal impact listed

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

Amended into Other Bills

LB 298: Change provisions relating to the Nebraska Strengthening Families Act and provide for a task force

As Introduced: LB 298 renames the Normalcy Taskforce to the Nebraska Strengthening Families Act Committee under the Nebraska Children’s Commission and adds a representative of a juvenile facility to the committee. The bill applies normalcy provisions of the Nebraska Strengthening Families Act to children placed in juvenile facilities and requires DHHS and the Office of Probation to develop written normalcy plans and an annual normalcy report. The bill further creates responsibilities within DHHS and the Office of Probation regarding trafficking and children missing from out-of-home placement.

As Amended: LB 298 was amended to clarify that a court may order information about a child missing from care to be disseminated by the Office of Probation. Additionally, juvenile facilities were stricken from definitions and references. Provisions of LB 298 were amended into LB 225.

Introducing Senator(s): Baker

Committee: Health and Human Services

Committee Hearing Date: February 23, 2017

Committee Vote: Aye: 7 (Crawford, Erdman, Howard, Kolterman, Linehan, Riepe, Williams; Nay: 0; Absent: 0; PNV: 0

Current Status: Provisions of LB 298 were amended into LB 225, which was approved by the Governor on April 27, 2017.

Estimated Fiscal Impact: No fiscal impact listed.

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

Pending Action

LB 158: [Change provisions relating to appointment of counsel for juveniles](#)

As Introduced: LB 158 requires that all juveniles charged in juvenile court are appointed counsel and informed of their right to continued counsel by expanding existing statute (LB 894, 2016). Currently, such requirements are only applicable to counties with 150,000 or more inhabitants. The bill requires that the court appoint counsel at county expense if the juvenile and their parent or guardian are indigent, unless the juvenile specifically waives their right to counsel. The bill further requires that upon entering an appearance for the juvenile, legal counsel must continue to represent the juvenile through post-dispositional proceedings. LB 158 allows juveniles to rescind their waiver of right to counsel at any time, and requires the court to reappoint counsel. Finally, the bill requires that the Nebraska Supreme Court shall periodically review and maintain the guidelines for attorneys representing juveniles or serving as guardians ad litem.

As Amended: The bill was amended to clarify that appointment of counsel is not necessary for juveniles participating in pre-trial diversion, and adds provisions requiring that a judge inform a juvenile of their right to rescind their waiver of counsel at all hearings following such a waiver.

Introducing Senator(s): Pansing Brooks (priority)

Committee: Judiciary

Committee Hearing Date: January 26, 2017

Committee Vote: Aye: 7 (Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks); Nay: 0; Absent: 1 (Chambers); PNV: 0

Current Status: On General File

Estimated Fiscal Impact: No fiscal impact listed

Voices for Children's Position: Support (see our written [testimony](#) and infographics on [access to counsel](#) and the [juvenile justice process](#))

LB 179: Extend the Bridge to Independence program to certain youth in the juvenile justice system

As Introduced: LB 179 extends the existing Bridge to Independence (b2i) program, which provides services and supports to youth aging out of foster care to the age of 21, to certain eligible youth aging out of the juvenile justice system without the support of family and at risk of homelessness. The bill requires the Office of Probation to identify and provide information to juveniles who may be eligible. The bill allows parties or the court to request a hearing in the six months prior to the juvenile's 19th birthday, during which the court must make a finding on whether or not it would be contrary to the juvenile's best interests to return to the family home. If the court finds that it would be contrary to the juvenile's welfare to return home, the juvenile is eligible to access the full benefits of the b2i program.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Health and Human Services

Committee Hearing Date: February 23, 2017

Current Status: Held in Committee

Estimated Fiscal Impact: For FY 2017-18, the fiscal note is \$1,614,759 (\$1,254,577 in General Funds and \$360,182 in Federal Funds) for the Department of Health and Human Services and the Foster Care Review Office. For FY 2018-19, the fiscal note is \$2,519,778 (\$2,345,012 in General Funds and \$174,766 in Federal Funds) for the Department of Health and Human Services and the Foster Care Review Office.

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

LB 516: Change provisions relating to solitary confinement reporting in juvenile facilities

As Introduced: LB 516 makes clarifications to existing statute (LB 894, 2016) regarding solitary confinement reporting requirements in juvenile facilities. The bill clarifies facilities submitting quarterly reports to the Legislature shall redact all personal identifying information but shall provide individual, not aggregate, data. The bill further creates a Class V misdemeanor for persons intentionally and knowingly failing to comply with the reporting requirements.

As Amended: If adopted, the committee amendment would allow DHHS, the licensing agency, to deny, refuse to renew, or take disciplinary action against facilities that fail to comply with the reporting requirements contained in the bill. The amendment clarifies the existing definition of room confinement.

Introducing Senator(s): Pansing Brooks, Baker, Krist

Committee: Judiciary

Committee Hearing Date: March 9, 2017

Committee Vote: Aye: 7 (Baker, Ebke, Halloran, Hansen, Krist, Morfeld, Pansing Brooks); Nay: 0; Absent: 1 (Chambers); PNV: 0

Current Status: On General File

Estimated Fiscal Impact: No fiscal impact listed.

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

LB 556: Create the offense of “prohibited juvenile offender”

As Introduced: LB 556 amends the Nebraska Criminal Code to include a new definition of a “facsimile firearm,” and creates a Class IIA felony offense for individuals using a facsimile firearm or nonfunctioning firearm to commit a felony.

The bill further creates a new offense of a “prohibited juvenile offender” for individuals under the age of 25 who possess a firearm and who has previously been adjudicated for a number of enumerated offenses, which shall be a Class IIIA felony for the first offense and a Class III felony for subsequent offenses. Prior to age 25, prohibited juvenile offenders may petition the court to be exempt from this prohibition, and the court shall consider behavior since adjudication, likelihood of future criminal activity, and any other relevant factors.

As Amended: If adopted, the committee amendment would strike all sections related to a prohibited juvenile offender from the bill.

Introducing Senator(s): Halloran

Committee: Judiciary

Committee Hearing Date: March 8, 2017

Current Status: On General File

Estimated Fiscal Impact: No fiscal impact.

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

LB 560: Eliminate the use of solitary confinement for vulnerable populations

As Introduced: LB 560 amends existing statute regarding the use of restrictive housing. The bill amends the existing definition of solitary confinement to include confinement in an isolated cell alone or with a cell mate, for an average of twenty-two or more hours per day, with limited interaction or constructive activity and in an environment that ensures maximum control. The bill provides any inmate confined in restrictive housing with the opportunity to seek a review of their confinement after the ninetieth day of their confinement. This review shall be conducted by the district court.

The bill further restricts the use of confinement on a “vulnerable population,” which is defined as any inmate who is age 18 or younger, pregnant, or diagnosed with a serious mental illness.

As Amended: N/A

Introducing Senator(s): Schumacher

Committee: Judiciary

Committee Hearing Date: March 22, 2017

Current Status: On General File

Estimated Fiscal Impact: For FY 2017-18, the fiscal impact is \$3,770,140 in General Funds for the Department of Correctional Services. For FY 2018-19, the fiscal impact is \$3,683,187 for the Department of Correctional Services. The Legislative Fiscal Office views this fiscal note, provided by the Department of Correctional Services, to be an overestimate.

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

LB 595: Provide for the use of physical force, physical restraint, and removal from class in response to student behavior

As Introduced: LB 595 creates the Student Discipline Act, which allows teachers and administrators to use necessary physical force or physical restraint to subdue students who become physically violent, and to remove such students from the classroom. The bill also allows teachers to remove disruptive students from the classroom and into in-school suspension or an alternative education program until the teacher consents to their return. The bill further protects teachers and administrators acting in such a manner from legal action or administrative discipline.

As Amended: Committee amendments, if adopted, would clarify that teachers and administrators are only protected from legal or administrative action if their conduct was “reasonable.” The amendment adds out-of-school suspension to the list of possible out-of-classroom placements and clarifies that a student’s return to the classroom without teacher consent is permissible if it is required pursuant to the Special Education Act or the Individuals with Disabilities Education Act. Finally, the committee amendment provides that if a teacher refuses consent for a student’s return to class, a conference with the teacher, parent or legal guardian, and principal shall be held within two school days to develop a plan regarding school conduct.

Introducing Senator(s): Groene (priority)

Committee: Education

Committee Hearing Date: February 7, 2017

Current Status: On General File

Estimated Fiscal Impact: No fiscal impact listed.

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