



Legislative Update

Sine Die Edition 2018

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Child Welfare

Signed into Law

LB 714: Provide a procedure for judicial emancipation of a minor

As Introduced: The bill creates a judicial process by which a minor may petition the court to become emancipated. It requires a petitioner to provide notice to any parent or guardian, and set forth what information must be included in a petition and what evidence the court must consider to enter an order of emancipation. The court must weigh whether the minor is substantially able to support himself or herself without financial assistance; whether the minor is sufficiently mature and knowledgeable to manage his or her affairs without the guidance of parents or legal guardian; and whether emancipation is in the best interest of the minor. As introduced, the bill also required the court to warn the minor of the consequences of emancipation, but did not specify particular language to be used. LB 714 stated that a judgement of emancipation serves to emancipate the minor “for all purposes” and specifies that the emancipated minor will be able to contract and incur indebtedness, consent to medical, psychiatric and dental care, enroll in school and establish his or her own residence. An order of emancipation eliminates any obligation of child support for the minor. The bill also provided that a judgment of emancipation may be “voided” upon a later motion and showing that the minor has become indigent, or that the judgment was obtained by fraud or misrepresentation. It stated that a judgment of emancipation does not affect the status of the minor for purpose of any provision of law which governs matters relating to the Nebraska Juvenile Code.

As Amended: AM 1754 and AM 2715 add additional elements to the requirements of the initial petition for emancipation, including whether the minor is a party to or the subject of a pending judicial proceeding in this state or any other jurisdiction, and that the minor is filing the petition as a free and voluntary act. The petition must also state facts to support the petition, including:

- That the minor willingly lives apart from his or her parents or legal guardian;
- That the minor is able to support himself or herself without financial assistance, or, in the alternative, the minor has no parent, legal guardian, or custodian who is providing support;
- That the minor is mature and knowledgeable to manage his or her affairs without the guidance of a parent or legal guardian;
- That the minor has demonstrated an ability and commitment to obtain and maintain education, vocational training, or employment;
- The reasons why emancipation would be in the best interests of the minor; and
- The purposes for which emancipation is requested.

The final version of LB 714 also has a detailed timeline and notice requirements for the emancipation hearing. It sets the burden of proof by clear and convincing evidence upon the minor to prove each of these to the court. To enter an order of emancipation, the court must find it is in the minor's best interests, and must also be satisfied that the minor understands the rights and consequences of emancipation. The notice the court must give the minor of these rights and consequences is spelled out in the final version of the bill. Additional rights and specified exemptions to the emancipation judgment were ordered: in addition to those listed in the introduced version, an emancipated minor may also marry without guardian consent and be individually eligible for public assistance. The bill specifies that emancipation does not affect any other statutory or constitutional age limitations, such as the age at which an individual may vote or possess alcohol. It also strikes and replaces the sentence "does not affect the status for any purpose governed by the juvenile code" with specific language that an emancipated minor shall not be considered an adult for the purposes of criminal prosecution.

For the purpose of revoking an order of emancipation, the final version changes language from "voided" to "rescinded" and adds further procedural details to the rescission hearing. It also clarifies that any indebtedness or obligations incurred during the period of emancipation are not voided if emancipation is later rescinded.

Introducing Senator(s): Howard

Committee: Judiciary

Committee Hearing Date: January 24, 2018

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

Current Status: Approved by the Governor on April 17, 2018

Estimated Fiscal Impact: None

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

LB 1078: [Require reporting of sexual abuse allegations as prescribed](#)

As Introduced: As initially drafted, the bill requires DHHS, probation juvenile services, and secure and staff secure detention facilities to report all allegations of sexual abuse of a state ward, juvenile on probation, juvenile in a detention facility, and juvenile in a residential child-caring agency to the Office of the Inspector General of Nebraska Child Welfare. It also requires DHHS to include in its annual report to the Health and Human Services Committee of the Legislature the number of sexual abuse allegations that occurred for children being served by the Department and placed at a residential child-caring agency and the number of corresponding (a) screening decision occurrences by category, (b) open investigations by category, and (c) agency substantiations, court substantiations, and court-pending status cases.

As Amended: AM 2318 amended in provisions of LB 1041, to require the Foster Care Review Office to track and report information regarding whether relative or kinship foster care homes are licensed, if a waiver of licensure was granted, and if so, upon what basis. AM 2434 amended in provisions of LB 411, a carryover from 2017 aimed at strengthening sibling rights in foster care in a number of ways:

- Requires a written sibling placement report at initial placement into care and at least every six months thereafter
 - If joint-sibling placement has been made, includes consideration of whether it remains in the child’s best interest
 - If joint-sibling placement has not been made, includes description of continuing reasonable efforts to make the joint placement, why it is not possible, and description of reasonable efforts to facilitate sibling visitation
- Requires notice of placement changes to be sent to known siblings
- Extends the requirement of reasonable efforts to place siblings with siblings to cases where there is no pre-existing relationship, and adds a court oversight function to the determination of whether such efforts have been made
- Allows siblings the right to intervene in a pending case for the limited purpose of filing a motion for joint-sibling placement, visitation, or ongoing interaction

Introducing Senator(s): Crawford

Committee: Executive Board

Committee Hearing Date: February 12, 2018

Committee Vote: Aye: 6 (Bolz, Crawford, Kuehn, McCollister, Scheer, Watermeier) Nay: 0 Absent: 3 (Larson, Chambers, Hughes) PNV: 0

Current Status: Approved by the Governor on April 4, 2018

Estimated Fiscal Impact: None

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

Indefinitely Postponed

[LB 863: Add grounds for termination of parental rights](#)

As Introduced: LB 863 creates a new ground for termination of parental rights, when a child under three years of age has been in an out-of-home placement for a cumulative total of six months or longer, and the parent has substantially neglected or willfully refused to remedy the circumstances that caused the placement, including refusal to participate in reunification services.

As Amended: N/A

Introducing Senator(s): Howard

Committee: Judiciary

Committee Hearing Date: February 2, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: Unknown

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

[LB 1041: Require specific training for foster care licensees on child sexual abuse](#)

As Introduced: LB 1041 requires prospective or current foster parents and relative or kinship homes to undergo specific training on sexual abuse in order to foster children. The curriculum would include recognition of the risks children face with regard to sexual abuse, minimizing the opportunity for sexual

abuse to occur, talking appropriately about boundaries with children, recognizing the signs of child sexual abuse, and reacting to any sign or disclosure of sexual abuse appropriately.

As Amended: N/A

Introducing Senator(s): Wishart

Committee: Health and Human Services

Committee Hearing Date: February 7, 2018

Committee Vote: None

Current Status: Indefinitely postponed in HHS Committee

Estimated Fiscal Impact: \$50,000 from DHHS to develop a training program

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

LB 1046: Provide for a caseload ratio emergency declaration relating to health and human services

As Introduced: LB 1046 creates a mechanism by which an emergency would be declared whenever DHHS is out of compliance with statutory caseload requirements for two consecutive calendar quarters. The bill provides that within ninety days after declaration of a caseload ratio emergency, the department shall develop and implement corrective action to bring caseloads within the requirements of such section.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Health and Human Services

Committee Hearing Date: February 8, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in HHS Committee

Estimated Fiscal Impact: Unknown

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

LR 288: Create the Child Welfare Death and Abuse Special Oversight Committee of the Legislature

As Introduced: The legislative resolution creates a new special oversight committee of the Legislature, specifically dedicated to providing oversight of the child welfare system to examine and correct any inadequate department procedures and policies and to prevent additional death and abuse of children in foster care. The committee would be comprised of legislative leadership and leadership of existing state oversight bodies, and would examine child incident and death reports, policies and procedures of DHHS related to training and protection, and DHHS responses to Inspector General recommendations.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Executive Board

Committee Hearing Date: February 12, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Executive Board

Estimated Fiscal Impact: None

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

Economic Stability

Signed into Law

[LB 194: Change provisions of the Credit Services Organization Act, Delayed Deposit Services Licensing Act, and Nebraska Installment Loan Act](#)

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: Committee AM 2587 replaces the bill. The original provisions changing the payday loan product are stricken from the amendment. As amended, the bill includes provisions that close the credit services organization loophole, includes new reporting requirements for lenders to the Department of Banking and Finance

Introducing Senator(s): Vargas, Linehan

Committee: Banking, Commerce, and Insurance

Committee Hearing Date: February 21, 2017

Committee Vote: Aye: 8 (Baker, Brewer, Harr, Kolterman, Lindstrom, McCollister, Schumacher, Williams)

Current Status: Approved by Governor on April 19, 2018

Estimated Fiscal Impact: No fiscal impact listed for the bill as amended

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

[LB 776: Provide requirements for inmate access to telephone or video-conferencing systems in county and city jails](#)

As Introduced: The bill modifies requirements for access to communication in county and city jails by directing the Jail Standards Board to regularly reevaluate standards, which should include access to telephones or videoconferencing. The bill also requires county and city jails to make a prepaid telephone call system or collect telephone call system available to inmates, and prohibits the receipt of revenue in excess of reasonable operating costs. The bill also requires that providers of inmate telephone services shall allow communication with attorneys without charge and without monitoring or recording by the jail or law enforcement.

As Amended: As amended by AM 1687 and AM 2512, intent language is removed from the bill and additional language is inserted to clarify the determination of reasonable operating costs.

Introducing Senator(s): McCollister (priority), Baker, Hansen, Howard, Kolowski, Morfeld, Pansing Brooks

Committee: Judiciary

Committee Hearing Date: January 18, 2018

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

Current Status: Approved by Governor on April 17, 2018

Estimated Fiscal Impact: For FY 2018-19 and FY 2019-20, Douglas County Corrections estimates a loss of \$616,000 in revenue annually. Lancaster County Department of Corrections also estimates an unspecified revenue loss resulting in the elimination of programming or a utilization of property taxes as an offset.

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

Failed to Advance

[LB 768: Redefine economic development program to include early childhood infrastructure development for cities of the first and second class and villages](#)

As Introduced: The bill authorizes cities of the first and second classes, and villages, to make grants and loans under the Local Option Municipal Economic Development Act for the purposes of developing early childhood infrastructure.

As Amended: As amended by AM 1586, the bill includes businesses that provide quality early childhood care and education programs to the list of eligible business activities under the Act. Provisions of the bill were amended into LB 873, an Urban Affairs priority and omnibus bill, by AM 2065.

Introducing Senator(s): Quick, Crawford, Hansen, Kolowski, McCollister, Stinner, Wayne, Williams
Committee: Urban Affairs

Committee Hearing Date: January 23, 2018

Committee Vote: Aye: 7 (Crawford, Hansen, Howard, Larson, Quick, Riepe, Wayne)

Current Status: Returned by Governor without approval on April 23, 2018

Estimated Fiscal Impact: No fiscal impact listed

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

[LB 880: Provide for an early childhood element in a comprehensive plan developed by a city](#)

As Introduced: The bill requires that cities adopting a new comprehensive plan or updating an existing comprehensive plan include an early childhood element no later than January 1, 2022.

As Amended: As amended by AM 1792, the bill clarifies that cities may use publicly available data and information, use the definition of "quality" found in existing early childhood education programs, and determine whether such programs are accredited based on recognition with the Department of Health and Human Services. Provisions of the bill were amended into LB 873, an Urban Affairs priority and omnibus bill, by AM 2065.

Introducing Senator(s): Hansen

Committee: Urban Affairs

Committee Hearing Date: January 23, 2018

Committee Vote: Aye: 7 (Crawford, Hansen, Howard, Larson, Quick, Riepe, Wayne)

Current Status: Returned by Governor without approval on April 23, 2018

Estimated Fiscal Impact: No fiscal impact listed for any state agency, but Legislative Fiscal Office notes that there may be a fiscal impact for cities or villages in developing such a plan, such as in the case of the City of Imperial, which submitted an estimated one-time fiscal impact of \$10,000 for consulting costs.

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

[LB 947: Adopt the Nebraska Property Tax Cuts and Opportunities Act, change income tax rates, and eliminate certain exemptions and credits](#)

As Introduced: The bill creates the Nebraska Property Tax cuts and Opportunities Act, which includes a number of tax changes:

- Residential homeowners receive a refundable income tax credit equal to a percentage of property taxes paid during the taxable year. Beginning January 2018, the credit shall be 10% of property taxes paid, and for taxable year 2019 and thereafter, if actual net General Fund receipts are at least 1% above estimated receipts, the property tax credit percentage should be the percentage from the prior year plus 2 percentage points, not to exceed 30%. For taxable year 2018, the credit is limited to \$230 per homestead. For taxable year 2019 and thereafter, if the percentage used to calculate the credit is increased, the limitation may be increased annually by a maximum of \$50, not to exceed \$730.
- Residents paying property taxes on agricultural and horticultural land, farm sites, and improvements on farm sites receive a refundable income tax credit equal to a percentage of property taxes paid during the taxable year. Beginning January 2018, the credit shall be 10% of property taxes paid, and for taxable year 2019 and thereafter, if actual net General Fund receipts are at least 1% above estimated receipts, the percentage shall be the percentage from the prior year plus two percentage points, not to exceed 30%, with no cap on the amount credited.
- Lowers the top individual income tax rate from 6.84% to 6.69%, and the corporate income tax rate in excess of \$100,000 from 7.81% to 6.69%.
- Transfers \$5 million in General Funds to the Job Training Cash Fund on or before July 15, 2018 and another \$5 million on or before July 15, 2019.
- Eliminates exemptions under the Personal Property Tax Relief Act and eliminates credits under the Property Tax Credit Act to fund the income tax credits and tax rate reductions proposed.

As Amended: The committee amendment, AM 2542, becomes the bill. Provisions of AM 2542 include:

- Resident and nonresident homeowners receive a refundable income tax credit that is equal to a percentage of property tax paid. The credit percentage and capped limit increase annually until the credit is 20%, capped at \$500 in taxable year 2030 and thereafter.
- Residents and nonresidents paying property taxes on agricultural and horticultural property receive a refundable income tax equal to a percentage of property taxes paid. The credit percentage increases by two percentage points annually until the credit is 20% in taxable year 2027 and thereafter, with no capped amount.
- Lowers the top corporate income tax rate from 7.81% to 6.84%.
- Transfers \$5 million from the Cash Reserve Fund to the Job Training Cash Fund, and \$212,299 from the Cash Reserve Fund to the General Fund for the operational expenses associated with the bill.

- Transfers \$34,450,000 from the Cash Reserve Fund to the General Fund for the first year of revenue expenses for the bill.

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

Committee: Revenue

Committee Hearing Date: January 31, 2018

Committee Vote: Aye: 5 (Brasch, Groene, Larson, Lindstrom, Smith); Nay: 3 (Friesen, Harr, Schumacher)

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is a \$2,740,000 reduction in General Funds for the Department of Revenue. For FY 2019-20, the fiscal note is a \$86,830,000 reduction in General Funds for the Department of Revenue.

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

Indefinitely Postponed

[LB 770: Change provisions relating to the Supplemental Nutrition Assistance Program](#)

As Introduced: The bill raises the gross income eligibility level for the Supplemental Nutrition Assistance Program (SNAP), or food stamps, from 130% of the Federal Poverty Level (FPL) to 160% of FPL.

As Amended: N/A

Introducing Senator(s): McCollister, Baker, Blood, Bolz, Chambers, Crawford, Hansen, Harr, Hilkemann, Howard, Kolowski, Krist, McDonnell, Morfeld, Pansing Brooks, Quick, Schumacher, Vargas, Walz, Wayne, Williams, Wishart

Committee: Health and Human Services

Committee Hearing Date: February 7, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$620,776 (\$310,388 in General Funds and \$310,388 in Federal Funds) for the Department of Health and Human Services. For FY 2019-20, the fiscal note is \$723,157 (\$361,579 in General Funds and \$361,579 in Federal Funds) for the Department of Health and Human Services.

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

[LB 804: Include elementary and secondary schools in the Nebraska educational savings plan trust and change tax benefits](#)

As Introduced: The bill would add to the definition of qualified education expenses to include tuition for private K-12 education for the purposes of the Nebraska educational savings plan trust (529 plans). The definition excludes any amounts over \$10,000 per beneficiary per taxable year.

As Amended: N/A

Introducing Senator(s): Brasch

Committee: Revenue

Committee Hearing Date: January 26, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is a \$2,840,000 reduction in General Funds for the Department of Revenue. For FY 2019-20, the fiscal note is a \$4,140,000 reduction in General Funds for the Department of Revenue.

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

LB 904: Prohibit the charging of certain fees under the Credit Services Organization Act

As Introduced: The bill inserts language into existing statute prohibiting credit services organizations (CSO) from charging any brokerage fees or any other fees or charges whatsoever in connection with a loan governed by the Nebraska Installment Loan Act. The language closes a loophole in current law that has been exploited in other states allowing payday lenders to charge excessive fees under CSO licensure.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Banking, Commerce, and Insurance

Committee Hearing Date: January 23, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: No fiscal impact listed

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

LB 920: Change provisions relating to a child and dependent care tax credit

As Introduced: The bill amends eligibility for the Nebraska Child and Dependent Care Tax Credit (CDCTC). The federal adjusted gross income (FAGI) threshold for the refundable state CDCTC is raised from \$29,000 or less to \$52,000 or less. The credit is 100% of the federal credit for households with a FAGI no greater than \$32,000, and is reduced by 3.5% for each \$2,000 or fraction that exceeds \$32,000. The nonrefundable state CDCTC is increased from 25% to 30% of the federal credit for households with a FAGI greater than \$52,000, but less than \$150,000. The nonrefundable credit is capped for households with FAGI above \$150,000. The changes are effective for tax years beginning on or after January 1, 2019.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Education

Committee Hearing Date: February 2, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2019-20, the fiscal note is a \$2,919,000 reduction in General Funds for the Department of Revenue.

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

LB 954: Provide refundable income tax credits to individuals who rent their primary residence

As Introduced: The bill creates a refundable income tax credit to individuals who rent their primary residence in the taxable year, equal to 2% of the rent paid and capped at \$500.

As Amended: N/A

Introducing Senator(s): Hansen

Committee: Revenue

Committee Hearing Date: February 21, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$57,746 in General Funds for one-time programming costs to the Department of Revenue. For FY 2019-20, the fiscal note is a \$42,400,000 reduction in General Funds for the Department of Revenue.

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

[LB 1105: Change the transaction loan period under the Delayed Deposit Services Licensing Act](#)

As Introduced: The bill changes the current maximum loan term for a payday loan under the Delayed Deposit Services Licensing Act from 34 days to a minimum of 34 days.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Banking, Commerce, and Insurance

Committee Hearing Date: February 5, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: No fiscal impact listed

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

[LB 1074: Change provisions relating to individual income tax brackets and rates and the earned income tax credit](#)

As Introduced: The bill makes a number of adjustments to the tax code, including:

- The addition of a fifth individual income tax bracket taxed at 7.84% beginning January 1, 2018 for those earning \$200,000 and for married, filing jointly returns; \$100,000 and over for single and married, filing separately returns, and \$150,000 for head of household returns.
- A 1% tax on the portion of taxable income in excess of \$1,000,000 and a tax of 2% on the portion of taxable income in excess of \$2,000,000. The rates are to be adjusted for inflation.
- An increase in the state Earned Income Tax Credit (EITC) from 10% to 12% of the federal EITC.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Revenue

Committee Hearing Date: February 2, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$69,266 in General Fund one-time programming expenditures and \$106,056,000 in increased General Fund revenue (net, including a \$6,313,000 revenue loss due to the state EITC increase). For FY 2019-20, the fiscal note is \$77,887,000 in increased General Fund revenue (net, including a \$6,275,000 revenue loss due to the EITC increase).

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

[LR 270CA: Constitutional amendment to reduce the minimum age in the constitutional requirement to provide free instruction](#)

As Introduced: The resolution places a proposed amendment to the Constitution of Nebraska on the ballot for the November 2018 general election to lower the constitutionally required minimum age of free instruction from five to three years.

As Amended: N/A
Introducing Senator(s): Kolowski
Committee: Education
Committee Hearing Date: January 23, 2018
Current Status: Indefinitely Postponed
Estimated Fiscal Impact: N/A
Voices for Children’s Position: Support (see our [letter of support](#))

Health

Signed into Law

[LB 931: Provide requirements for opiate and controlled substance prescriptions](#)

As Introduced: The bill prohibits the prescription of opioids to minors for more than a seven day supply, and requires that practitioners prescribing opioids to minor patients for the first time discuss the potential risks associated with opioid use with the minor’s parent or guardian. An exemption from the seven day supply limit is created for patients suffering from chronic pain, a cancer diagnosis, or palliative care. Prescriptions for longer than a seven day supply must be accompanied with documentation that a non-opiate alternative was not appropriate.

As Amended: The bill is amended by AM 1849 to include provisions of LB 933 and LB 934. The amendment also removes references to opiates being appropriate for treatment of chronic pain management, adds a sunset date of January 1, 2029, and adds intent language.

Introducing Senator(s): Howard (priority), Kuehn, Lindstrom, Halloran

Committee: Judiciary

Committee Hearing Date: January 26, 2018

Committee Vote: Aye: 8 (Baker, Chambers, Ebke, Halloran, Hansen, Krist, Morfeld, Pansking Brooks)

Current Status: Approved by Governor on April 04, 2018

Estimated Fiscal Impact: No fiscal impact listed

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

Failed to Advance

[LB 998: Create the Collaborative School Behavioral and Mental Health Program](#)

As Introduced: The bill creates the Collaborative Behavioral & Mental Health Program and Initiatives, between the Educational Service Unit Coordinating Council (ESUCC) and local school districts. Under the program, each ESU will receive a social worker to provide support to districts within the ESU to connect school staff with necessary training and parents to services. The Collaborative School Behavioral and Mental Health Fund is created to receive contributions. When contributions in the fund reach \$3.6 million, the program may begin. Three years after implementation, the ESU must determine the cost of the program and whether or not the program shall continue. The continuation of any program after three years is to be paid by a combination of funds from the local school districts, the ESU, state General Funds, and private donations.

As Amended: The bill is amended by AM 2044, which inserts flexible language regarding the continued funding of the program after the implementation period, strikes references to General Funds, removes the requirement that ESUs hire a social worker, and creates a permissive requirement for the hiring of a social worker. The bill is further amended by AM 2713, which changes a number of references and clarifies that the fund is administered through the State Department of Education.

Introducing Senator(s): Walz, Hansen, Howard, McCollister, Morfeld, Pansing Brooks, Quick, Stinner, Vargas, Williams, Wishart, Baker, Bolz (priority)

Committee: Education

Committee Hearing Date: February 12, 2018

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

Current Status: Returned by Governor without approval on April 23, 2018

Estimated Fiscal Impact: No fiscal impact listed

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

Indefinitely Postponed

[LB 771: Adopt the Child Hunger and Workforce Readiness Act](#)

As Introduced: The bill creates the Child Hunger and Workforce Readiness Act, which requires that all schools participating in the National School Lunch Program and the School Breakfast Program provide students eligible for reduced-price meals with free meals at no cost to the student. The State Department of Education shall reimburse each school the amount that would otherwise be charged to such students.

As Amended: N/A

Introducing Senator(s): Walz, Hansen

Committee: Education

Committee Hearing Date: January 16, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$1,805,321 (\$1,795,000 in General Funds and \$10,321 in Federal Funds) for the Department of Education, including the use of one-time federal funds to upgrade the online claiming system. For FY 2019-20, the fiscal note is \$1,795,000 in General Funds for the Department of Education.

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

[LB 836: Provide for minors' consent to certain mental health services as prescribed](#)

As Introduced: The bill allows for minors to consent to diagnostic testing, evaluation, and treatment for outpatient mental health, alcohol addiction, and drug addiction services from a psychiatrist, a mental health practitioner, or a psychologist without the consent or notification of a parent or guardian. The treatment may only continue for six sessions without parental consent or notification. Minors sixteen years of age or older may consent to the administration of psychotropic medication only when the parent or guardian is not reasonably available, when requiring consent would have a detrimental effect on the minor, or when the parent or guardian refuses consent.

As Amended: N/A

Introducing Senator(s): Howard

Committee: Judiciary

Committee Hearing Date: February 14, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: No fiscal impact listed

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

[LB 844: Adopt the Healthy and Safe Families and Workplaces Act](#)

As Introduced: The bill creates the Healthy and Safe Families Workplaces Act, which requires that employers of four or more employees, to include both full-time and part-time employees, provide their employees paid sick and safe time. The time is to accrue at a minimum of one hour for every 30 hours worked, and no more than 40 hours in a calendar year, unless an employer wishes to offer a more generous policy. The paid time is defined as time that is compensated at the same hourly rate and with the same benefits as the employee normally earns. The time may be used by the employee for an absence due illness, injury, or a health condition; to diagnose, care for, or treat illness, injury, or a health condition; or the need for preventative care. The time may also be used to care for a family member with the same needs. The time may further be used by an employee for an absence due to domestic assault, sexual assault, or stalking if the leave is necessary for the employee to obtain medical attention, services, counseling, relocation, or legal services, for themselves or a family member. The bill tasks the Department of Labor with investigative and enforcement powers in carrying out the Act.

As Amended: N/A

Introducing Senator(s): Crawford, Ebke, Hansen, Howard, Pansing Brooks, Quick, Walz

Committee: Business and Labor

Committee Hearing Date: February 12, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$285,165 in General Funds for the Department of Labor. For FY 2019-20, the fiscal note is \$241,703 in General Funds for the Department of Labor.

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

[LB 922: Adopt the All Kids Health Care Program Act](#)

As Introduced: The bill creates the All Kids HealthCare Program, which extends Medicaid eligibility to all children living in households with incomes below 200% of the federal poverty level, regardless of immigration status.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Health and Human Services

Committee Hearing Date: February 15, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$2,414,148 in General Funds for the Department of Health and Human Services, including one-time implementation costs of \$291,320. For

FY 2019-20, the fiscal note is \$2,814,437 in General Funds for the Department of Health and Human Services.

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

LB 985: Provide for state funding of prenatal care under the medical assistance program

As Introduced: The bill requires that the Legislature appropriates sufficient funding to cover the cost of the separate 599 CHIP program if federal funding is no longer available.

As Amended: N/A

Introducing Senator(s): Howard, Crawford, Hansen, Krist, Morfeld, Pansing Brooks, Vargas, Wishart

Committee: Health and Human Services

Committee Hearing Date: February 12, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: No fiscal impact listed

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

LB 1060: Adopt the Healthy Kids Act and require tests for lead-based hazards in housing

As Introduced: The bill creates the Healthy Kids Act, which requires sellers of residential property to perform a lead dust swipe assessment prior to the sale, or for rental properties, prior to a rental agreement being entered into. Properties that have received a lead-free certification from the Department of Health and Human Services (DHHS) are exempt. The Act requires that DHHS create a safe housing registry and adopt and promulgate rules to carry out the Act.

As Amended: N/A

Introducing Senator(s): Wayne

Committee: Health and Human Services

Committee Hearing Date: February 15, 2018

Current Status: indefinitely Postponed

Estimated Fiscal Impact: For FY 2018-19, the fiscal note is \$9,491,062 in General Funds for the Department of Health and Human Services. For FY 2019-20, the fiscal note is \$18,855,972 in General Funds for the Department of Health and Human Services.

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

LR 281CA: Constitutional amendment to state that affordable health care is a right and to expand eligibility under the medical assistance program

As Introduced: The resolution places a proposed amendment to the Constitution of Nebraska on the ballot for the November 2018 general election to add the right to affordable healthcare and direct the Legislature to expand Medicaid eligibility to adults with incomes under 133% of the federal poverty level.

As Amended: N/A

Introducing Senator(s): Morfeld

Committee: Health and Human Services

Committee Hearing Date: February 21, 2018

Current Status: Indefinitely Postponed

Estimated Fiscal Impact: N/A

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

Juvenile Justice

Signed into Law

[LB 990: Create the offense of possession of a firearm by a prohibited juvenile offender](#)

As Introduced: LB 990 creates a new felony offense for a young person under the age of 25 in possession of a firearm, if he or she had been previously adjudicated in juvenile court for a felony or a misdemeanor crime of domestic violence, or was currently the subject of a protection order or a fugitive from justice. A first offense would be a class IIIA felony and any subsequent offense a class III felony. The offense does not apply to individuals engaged in military or law enforcement training or service. Any individual subject to the prohibition may petition the juvenile or district court for reinstatement of the right to possess a firearm. The court shall consider the behavior of the individual after adjudication, the likelihood of the person engaging in further criminal conduct, and any other relevant information in determining whether reinstatement will be in the best interest of the person and in the general welfare.

As Amended: AM 2209 amended the underlying bill to exclude prohibition based on protection orders and fugitive from justice (which are already covered in current law). It also included a requirement for judicial notice to be given to a juvenile prior to adjudication in the case that might give rise to the status.

Introducing Senator(s): Wayne (priority)

Committee: Judiciary

Committee Hearing Date: February 8, 2018

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

Current Status: Signed by the Governor on April 17, 2018

Estimated Fiscal Impact: For FY 2018-2019 the estimated fiscal impact is a one-time cost of \$10,000 for Supreme Court judicial branch education and updates to the case management system.

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

Amended into Other Bills

[LB 516: Change provisions relating to a report on juvenile facilities](#)

As Introduced: LB 516 was originally introduced in 2017 and 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 as initially drafted creates a Class V misdemeanor for persons intentionally and knowingly failing to comply with the reporting requirements.

As Amended: LB 516 was amended into LB 670 by AM 2093 with the committee amendment would allow DHHS and the Jail Standards Board to deny, refuse to renew, or take disciplinary action against facilities that fail to comply with the reporting requirements contained in the bill.

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: Signed by the governor as part of LB 670 on April 23, 2018

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

[LB 673: Change procedures for certain hearings for juveniles](#)

As Introduced: LB 673 strikes one outdated sentence in the juvenile code, permitting juvenile judges to decide probable cause hearings on motions to revoke probation filed in cases they oversee.

As Amended: LB 673 was amended into LB 670 by AM 2093

Introducing Senator(s): Krist

Committee: Judiciary

Committee Hearing Date: January 24, 2018

Committee Vote: N/A

Current Status: Signed by the governor as part of LB 670 on April 23, 2018

Estimated Fiscal Impact: None

Voices for Children’s position: Support

[LB 774: Change peace officers' duties regarding encounters with certain juveniles](#)

As Introduced: A clean up to LB 894 (2016), LB 774 allows law enforcement officers discretion to release children under the age of 11 to their parents when taken into temporary custody for engaging in behavior that would constitute a crime if the child were older. It also gives officers discretion to refer families to supportive community-based services if the child has an identified need. Finally, it strikes outdated language relating to dates of statutory implementation.

As Amended: LB 774 was amended into LB 670 by AM 2093.

Introducing Senator(s): Pansing Brooks

Committee: Judiciary

Committee Hearing Date: January 24, 2018

Committee Vote: N/A

Current Status: Signed by the governor as part of LB 670 on April 23, 2018

Estimated Fiscal Impact: N/A

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

[LB 1112: Change provisions relating to placement and detention of juveniles and permit an additional use of funds under the Community-based Juvenile Services Aid Program](#)

As Introduced: LB 1112 changes the statutory requirements for secure detention of youth in Nebraska’s juvenile justice system, including:

- Risk of harm to self and risk of harm to the property of others are no longer permissible rationales for secure detention;
- Detention can only be used if the “physical safety of persons in the community would be seriously threatened” or detention is “necessary to secure the presence of the juvenile

at the next hearing, as evidenced by a demonstrable record of willful failure to appear at a scheduled court hearing within the last twelve months.”;

- Children age 12 and younger cannot be securely detained; and
- Children cannot be securely detained to allow a parent or guardian to avoid his or her legal responsibility, to punish, treat, or rehabilitate the child; to permit more convenient administrative access to the child, to facilitate further interrogation or investigation; or due to a lack of more appropriate facilities

LB 1112 also modifies the Community-Based Juvenile Services Aid Fund to allow counties to apply on a one time basis to use grant funds to modify existing detention facilities or invest in leasing or capital construction to create physical alternatives to detention, such as staff secure shelters. A white paper amendment brought to the committee hearing also requires counties submitting comprehensive juvenile services plans for the purpose of seeking this grant funding to include consideration of racial and ethnic disparities in the juvenile justice system.

As Amended: LB 1112 was amended into LB 670 by AM 2874. This amendment brought in the white paper amendment, and also included a set-out start date for the provisions relating to detention, which will not go into effect until July 1, 2019.

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

Committee: Judiciary

Committee Hearing Date: February 22, 2018

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

Current Status: Signed by the governor as part of LB 670 on April 23, 2018

Estimated Fiscal Impact: None

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

Failed to Advance

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

As Introduced: LB 158 was initially introduced in 2017 and prioritized by Senator Pansing Brooks. It did not advance in that legislative session, and was reprioritized by Senator Pansing Brooks in 2018. The bill 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 re-appoint 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 in 2017 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: Failed to advance past general file after a filibuster. Cloture vote: Aye: 31; Nay: 8 (Albrecht, Brasch, Clements, Erdman, Groene, Halloran, Hughes, Watermeier); PNV: 4 (Briese, Friesen, Lowe, Schumacher); ENV: 6 (Bostelman, Harr, Murante, Riepe)

Estimated Fiscal Impact: None

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

Indefinitely Postponed

[LB 689: Exclude juveniles from the Sex Offender Registration Act](#)

As Introduced: LB 689 responds to a recent 8th Circuit court case by closing a loophole in Nebraska law regarding juvenile offenses and the sex offender registry. Current Nebraska law does not require youth adjudicated in Nebraska in juvenile court to register as sex offenders, but does require it when a youth moves into the state who had been on a sex offender registry in another state for a juvenile adjudication. The 8th Circuit held this violates equal protection and, more broadly, that juvenile adjudications are different from criminal convictions and should be treated differently. LB 689 clarifies that no juvenile adjudication (in-state or out-of-state) can give rise to sex offender registration in Nebraska.

As Amended: N/A

Introducing Senator(s): Blood

Committee: Judiciary

Committee Hearing Date: January 24, 2018

Committee Vote: N/A

Current Status: Indefinitely Postponed in Judiciary Committee

Estimated Fiscal Impact: None

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

[LB 781: Change penalties for certain felonies committed by persons under nineteen years of age](#)

As Introduced: LB 781 eliminates mandatory minimum sentences for youth under the age of 19 charged in adult criminal court proceedings.

As Amended: N/A

Introducing Senator(s): Pansing Brooks

Committee: Judiciary

Committee Hearing Date: February 9, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: None

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

[LB 869: Change provisions relating to sealing of juvenile records](#)

As Introduced: LB 869 addresses Nebraska's statute on juvenile record sealing in a number of ways. It modifies the initial advisement to youth on sealing eligibility and process that the county attorneys are already responsible for, to ensure that the information is presented in a manner that youth and families can understand. The bill also created a process whereby youth who successfully complete probation or the orders of the court shall have their record automatically sealed upon successful completion. The bill clarifies that any youth whose record is not automatically sealed may still move the court to seal their record after their case has been closed for six months or upon reaching the age of 19, whichever comes sooner, and describes the procedure for the filing and determination of this motion. This bill removes criteria that currently appear in statute for consideration in such a determination, but are not related to the actions of the youth since the case has closed. When the court does order a record sealed, the court is already required to explain to the youth what sealing means, but the bill requires that the written order give contact information for the relevant government agencies, so the youth and family can follow up on their own to confirm that the record has been correctly sealed. LB 869 also provides for an enhanced sealing status, which occurs five years after the date the record was originally sealed. After five years, the youth's record can only be accessed by the youth, for research purposes, or by the Inspector General of Child Welfare.

As Amended: AM 1850, a white paper amendment, makes minor technical adjustments related to the working the sealed records statute within county and district court.

Introducing Senator(s): Pansing Brooks

Committee: Judiciary

Committee Hearing Date: February 9, 2018

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

Current Status: Indefinitely postponed without reaching debate on General File

Estimated Fiscal Impact: For FY 2018-2019 the estimated fiscal impact is a one-time cost of \$125,000 for modifications to the Supreme Court case management system.

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

[LB 870: Provide for room confinement for juveniles as prescribed](#)

As Introduced: LB 870 restricts the use of room confinement for youth in residential facilities in Nebraska, except when necessary to eliminate substantial and immediate risk of harm to self or others. The bill stipulates that a youth shall be released from room confinement as soon as the substantial and immediate risk of harm to self or others is resolved, but sets hard time limits beyond that period of 3 hours if the risk of harm is to others, and 30 minutes if the risk of harm is to self. The bill also specifies required conditions of the room used for confinement, prescribes certain necessities that must be made available to any youth held in confinement, and adds a notice requirement for parents and attorneys when a youth is placed in room confinement.

As Amended: N/A

Introducing Senator(s): Pansing Brooks

Committee: Judiciary

Committee Hearing Date: January 24, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: DHHS estimated a fiscal impact of \$3,983,565 for FY 2018-2019 and \$4,471,833 for FY 2019-2010 to build a fence around the Youth Rehabilitation and Treatment Centers and hire increased security personnel. The legislative fiscal office noted that it was not clear whether the fence was the necessary or only response to the bill.

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

LB 875: Change sentencing provisions for crimes committed by persons under the age of eighteen

As Introduced: LB 875 would eliminate life without opportunity for parole as a sentence for minors under the age of 18 convicted in criminal court proceedings.

As Amended: N/A

Introducing Senator(s): Bolz

Committee: Judiciary

Committee Hearing Date: February 9, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed

Estimated Fiscal Impact: None

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

LB 927: Change provisions relating to juveniles' out-of-home placement, care, and custody

As Introduced: LB 927 partially repeals older juvenile justice reform measures LB 561 (from 2013) and LB 464 (from 2014) by returning care and custody authority for children adjudicated on delinquency or status charges to DHHS from Probation.

As Amended: N/A

Introducing Senator(s): Howard

Committee: Judiciary

Committee Hearing Date: February 22, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: A difference in fiscal impacts between Probation and DHHS suggested an approximate fiscal impact of \$12,000,000 per FY. The legislative fiscal office did not officially validate this discrepancy.

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

LB 930: Prohibit use of juveniles' statements made as a result of custodial interrogation

As Introduced: LB930 makes any statement, admission, or confession made by a juvenile as part of a custodial interrogation admissible only if made in the presence of the juvenile's parent, guardian, or

custodian and both were advised of the right to counsel and right to remain silent and both waived these rights before submitting to questioning. An exception may be made if the statement would otherwise be admissible under the public safety exception to *Miranda v. Arizona*.

As Amended: N/A

Introducing Senator(s): Hansen

Committee: Judiciary

Committee Hearing Date: February 9, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: None

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

LB 981: Change provisions relating to arraignment of juveniles and authorize juvenile court jurisdiction to age twenty-one with consent of the juvenile and legal counsel

As Introduced: LB 981 requires prosecutors to initially file Class IIA felonies in juvenile court. Currently this class of felony may be originated in either juvenile or criminal court. Under LB 981, county attorneys can still file a motion to transfer Class IIA charges to adult court after filing in juvenile. The bill also would allow juveniles and their legal counsel to consent to extending jurisdiction until the age of 21, potentially allowing the juvenile court more time to work with adjudicated youth.

As Amended: N/A

Introducing Senator(s): Baker

Committee: Judiciary

Committee Hearing Date: February 22, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Judiciary Committee

Estimated Fiscal Impact: DHHS would have "significant but undetermined" increased costs.

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

LB 999: Change provisions relating to the Student Discipline Act

As Introduced: LB 999 amends portions of the Student Discipline Act to create clearer, streamlined timelines, notification requirements, and procedural protections for students facing disciplinary proceedings in the school setting. It requires schools to provide students with meaningful opportunities to complete classwork and homework while awaiting hearing or during any period of suspension.

As Amended: N/A

Introducing Senator(s): Vargas

Committee: Education

Committee Hearing Date: February 13, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Education Committee

Estimated Fiscal Impact: None

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

LB 1056: Provide for collection of data on student disciplinary actions

As Introduced: LB 1056 requires the State Board of Education to work with schools to collect data on school disciplinary measures and law enforcement interactions. Data would include:

- The number of students sent to in-school suspensions, out-of-school suspensions, and expelled and the number of school days missed as a result;
- The number of students subject to mandatory school transfers due to disciplinary reasons;
- The number of students referred to law enforcement;
- The number of students ticketed, arrested, or detained at school or a school-sponsored activity;
- The use of restraints by staff or officers and room confinement or seclusion; and
- Whether a law enforcement officer is assigned to the school.

Schools would report this data to the state board so that it can be analyzed by various demographic indicators such as race/ethnicity, gender, grade level and whether the student has a learning or behavioral disability

As Amended: N/A

Introducing Senator(s): Hansen

Committee: Education

Committee Hearing Date: February 6, 2018

Committee Vote: N/A

Current Status: Indefinitely postponed in Education Committee

Estimated Fiscal Impact: The State Board of Education estimates a one time fiscal impact of \$38,279 to create the data and reporting computer system.

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