

THE NEBRASKA LEGISLATURE'S
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UPDATE

Foster care bill amended to provide rate increase

The state Department of Health and Human Services (DHHS) would be required to apply for a federal waiver for a foster care demonstration project under a bill given first-round approval Feb. 28. The bill was amended to provide rate increases for foster parents starting July 1.

Lincoln Sen. Kathy Campbell said LB820, introduced by the Health and Human Services Committee, could improve permanency for children in the foster care system and allow the department to fund an array of community-based services for children and their families.

Title IV-E is the adoption assistance and foster care program funded



Sen. Kathy Campbell, chairperson of the Health and Human Services Committee, explains the details of the LB820.

by the federal government. Campbell said a waiver would provide flexibility in the use of Title IV-E funds

to reduce the number of children in out-of-home care in Nebraska.

“Our goal has always been to get

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Debate begins on bill to require photo ID of voters

Senators began first-round debate Feb. 27 on a bill that would require presentation of photo identification prior to voting in a Nebraska election.

Fremont Sen. Charlie Janssen, sponsor of LB239, said he introduced the measure to protect the integrity and reliability of the state’s electoral system. Requiring identification would be reasonable, he said, adding that many of his constituents are surprised to learn that photo ID is not required.

Janssen said 15 states currently require photo identification and 16 others require at least some form of ID in order to cast a ballot.

“We’re not naive enough to think that voter fraud doesn’t happen,” Janssen said. “I think we need to act this session to safeguard voter confidence.”

Under the bill as introduced last session, a voter who does not present identification at the polls but casts a provisional ballot would have 10 days to submit government-issued photographic identification to the election commissioner in order for the ballot to be counted.

The bill also would provide exemptions for nursing home residents, voters with religious objections to being photographed and individuals who sign a statement that they are indigent and unable to obtain government-issued photographic identification.

The state Department of Motor Vehicles (DMV) would offer a state identification card at no cost to indigent voters who wish to obtain photographic identification.

A pending Government, Military and Veterans Af-

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Foster care bill amended to provide rate increase

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more children served in their home," she said.

Under the bill, the waiver application would be required to show that Nebraska would implement at least two child welfare improvement policies outlined by the federal government within three years of the application. At least one of those policies would be new to the state.

As introduced, the bill would require DHHS to apply for a federal Title IV-E waiver by Jan. 1, 2013. A Health and Human Services Committee amendment, adopted 33-0, changed the date to Sept. 30, 2013.

The amendment also would establish a committee of child welfare stakeholders to provide recommendations to DHHS regarding the application. The committee would provide periodic reports to the Health and Human Services Committee and a final written report to the department, the Legislature and the governor by Dec. 15, 2012.

Campbell said the department already is working on a waiver but needs more time and would benefit from the input of individuals with expertise in providing the types of services the waiver would fund.

The amendment also would require DHHS to create a Foster Care Reimbursement Committee to develop a statewide standard rate structure

for children in foster care. The committee would include the department CEO and various stakeholders in the system, including foster parents, advocates and agency representatives.

In formulating the rate structure, the committee would be required to analyze consumer data on the cost of caring for children in the state and to:

- identify and account for additional costs specific to foster children;
- apply a geographic cost of living adjustment for Nebraska; and
- maximize the use of federal funds through Title IV-E and TANF funding.

Campbell said the state must provide foster parents with adequate compensation for their important role in ensuring the safety and well-being of Nebraska's vulnerable children.

Because of the time required for the reimbursement committee to do its work, Campbell said, the amendment also would provide a \$3.10 per day, per child rate increase directly to foster parents beginning July 1, 2012.

Campbell said the initial rate increase would cost the state approximately \$3 million. "It is probably one of the most important investments of \$3 million we could make," she said.

Fullerton Sen. Annette Dubas agreed, saying Nebraska foster parents

are dedicated to the welfare of the state's children, yet receive some of the lowest compensation in the country.

"I have been very frustrated with the way foster parents have been treated over the years," she said.

Omaha Sen. Steve Lathrop also supported the amendment, saying there is a correlation between compensation and quality of care. Nebraska often cuts pay to those who care for the state's vulnerable populations in order to save money, he said, without looking at the long-term consequences.

"And then we get to a crisis and look back and say, 'How did we get here?'" Lathrop said. "We have to compensate fairly for what these people do."

Finally, the amendment would include provisions from LB874, introduced by Omaha Sen. Gwen Howard, which would require licensure of all foster parents not related to a child by blood, marriage or adoption.

Howard said relative placements - also known as kinship care - need to be more tightly regulated because such homes do not have to be licensed and are reimbursed at a lower rate than other foster care placements. The intent, she said, is to encourage placement in homes with extended family members because such arrangements are less traumatizing for the children.

Lead agencies, however, are defining kinship care as placement with "someone known to the child," a definition that could encompass a relationship as insignificant as being the janitor at a foster child's school, Howard said.

"By cutting corners to pay foster parents less, you aren't doing justice to the child," she said.

Senators advanced LB820 to select file on a 32-0 vote. ■

"By cutting corners to pay foster parents less, you aren't doing justice to the child."

-- Sen. Gwen Howard

Debate begins on bill to require photo ID of voters

(continued from front page)

fairs Committee amendment would replace the bill and provide an alternative to a photo ID in the form of a registration acknowledgment card.

Under the amendment, the election commissioner or county clerk would mail a registration acknowledgment to every registered voter who does not have a motor vehicle operator's license or state ID card prior to every statewide primary and general election.

A voter would not be handed a ballot at any election until he or she has presented a government-issued photographic identification or an acknowledgment of registration. A person who did not present identification at the polling place would be allowed to vote provisionally.

Individuals who vote via early ballot or in an election held by mail would not be required to show identification under the amendment.



Sen. Charlie Janssen introduced LB239, saying that it would protect elections from voter fraud.

Janssen said approximately 2 percent of registered voters in Nebraska do not have a driver's license or state ID, and that allowing use of registration acknowledgment cards would be an effective compromise to protect those individuals' right to vote.

Ken Schilz supported LB239, which he named his priority bill, saying it would protect against fraud without disenfranchising voters. Provisional ballots could be used for individuals who come to their polling place without ID or a registration acknowledgment card, he said.

"No voter will be turned away because of this law," Schilz said.

Sen. Scott Lautenbaugh of Omaha also supported the measure, calling the bill's provisions a "minimal imposition" on voters.

"I think just a modicum of responsibility should be required," he said. "I see it as a measure that would help

avoid fraud."

But Lincoln Sen. Bill Avery said there has not been a prosecutable case of voter fraud in Nebraska in recent memory, calling the bill a solution in search of a problem.

"There is no fraud," Avery said. "The fraud is in the claim that we have fraud."

Malcolm Sen. Ken Haar agreed, saying the bill likely would disproportionately impact the state's elderly, poor and student populations.

A pending amendment to the committee amendment, offered by Omaha Sen. Brenda Council, would extend the option of conducting an all-mail ballot election to all counties in Nebraska. Currently, counties with a population of fewer than 10,000 have the option of all-mail ballot elections.

Council said allowing some counties to conduct elections by mail - in which presentation of ID is not required - while prohibiting other counties from doing so, would create separate classes of voters.

Mello supported Council's amendment. Without it, he said, LB239 would create two separate systems of voting law dependent on geography.

"We cannot allow a separate but unequal election system in this state," Mello said.

The Legislature adjourned for the day without taking action on LB239. ■



Sen. Bill Avery said the bill is unnecessary because voter fraud is not a problem in Nebraska.

COMMITTEE HEARINGS

Tuesday, March 13
Nebraska Retirement Systems
Room 1525 - 12:10 p.m.
 Appointment: Ecklund, Ron - Public Employees Retirement Board

Tuesday, March 20
Nebraska Retirement Systems
Room 1525 - 12:10 p.m.
 Nebraska Public Employees Retirement Systems Annual Report
 Nebraska Investment Council Annual Report ■

Agriculture

New requirements for commercial dog breeders approved

Commercial dog breeders must meet stronger licensing requirements under a bill passed by the Legislature March 1.

A commercial dog breeder is a person who engages in the business of breeding dogs and:

- sells, exchanges or leases 31 or more dogs in a 12-month period;
- owns or harbors four or more dogs intended for breeding;
- keeps dogs that produce a total of four or more litters within a 12-month period; and
- sells, exchanges or leases dogs for later retail sale or brokered trading.

LB427, introduced by Bellevue Sen. Abbie Cornett, establishes new licensure stipulations and requires that a breeder:

- maintain individual animal health records;
- publish an updated facility plan annually;
- provide daily exercise and socialization opportunities;
- groom dogs to ensure very little of their coats are matted;
- offer an exercise area at least three times the size of the primary living area;
- identify all animals with a microchip;
- provide sanitary flooring; and
- has a veterinarian conduct a hands-on physical and dental exam once every three years.

Breeders are required to report seri-



Sen. Abbie Cornett

ous injuries or medical conditions to veterinarians and are prohibited from performing surgeries on animals.

The state Department of Agriculture can deny licensure to any breeder who has had his or her license revoked or has been accused of animal cruelty in another state. A process to appeal any state Department of Agriculture licensure ruling also is included in the bill.

Senators passed the bill on a 45-3 vote.

Food and weed statutes updated

Two bills that make changes to state Department of Agriculture statutes were passed by the Legislature March 1.

Under LB771, introduced by Holdrege Sen. Tom Carlson, provisions of the 2009 Food Code are incorporated into the Nebraska Pure Food Act.

Provisions of the Food Code added to the Nebraska Pure Food Act:

- require that the person in charge of a food establishment demonstrate knowledge of food safety risks and mitigation;
- provide a consumer advisory regarding risks of consuming raw or undercooked meat;
- establish standards for preventing food contamination by hand;
- establish time and temperature standards for cooking animal foods; and
- require that new dishwashers be equipped with automatic detergent and sanitizer dispensers.

LB770, also introduced by Carlson, clarifies the definition of noxious



Sen. Tom Carlson

weeds used in the Nebraska Seed Law.

The bill removes the specific names of noxious weeds and instead refers to the “seeds of noxious weeds, as noxious weeds are designated in the Noxious Weed Control Act.”

Both bills were passed 49-0.

Banking, Commerce & Insurance

Financial literacy bill approved

Senators gave final approval March 1 to a bill aimed at increasing financial literacy among Nebraska youth.

LB269, introduced by Lincoln Sen. Danielle Conrad, increases licensing fees for delayed deposit service providers, also known as payday lenders. Under the bill, renewal fees increase from \$150 to \$500 for a main office location and from \$100 to \$500 for each branch office location.



Sen. Danielle Conrad

The bill also creates the Financial Literacy Fund to receive the increased portion of the licensing fees, which will be administered by the University of Nebraska to provide financial literacy education to K-12 students in Nebraska.

LB269 passed 48-0.

Additional deposit placement services approved

A bill designed to authorize state and local political subdivisions’ use of deposit placement services passed March 1.

LB836, sponsored by Boys Town Sen. Rich Pahls, allows state and po-

litical subdivisions to use additional programs to re-deposit public funds invested in an interest-bearing money market deposit account at multiple insured institutions in amounts up to the FDIC deposit insurance coverage limit. LB836 passed on a 49-0 vote.



Sen. Rich Pahls

Education

Schools districts can issue bonds, exceed tax levy

Senators passed a bill Feb. 28 that allows school districts to issue refunding bonds and exceed the current maximum tax levy.

LB633, introduced by York Sen. Greg Adams, permits school districts to issue refunding bonds to redeem any part of an outstanding bond authorized under current law at or before the maturity date.



Sen. Greg Adams

The bill was amended to include provisions of LB634, also introduced by Adams, which allows a school district to exceed the 5.2-cent levy if its current valuation is lower than the year in which bonds were last issued and the current maximum levy cannot service the bonds.

The amount generated from the increased levy rate cannot exceed the difference between the principal and interest obligations and the sum of the current maximum levy and federal payments or subsidies associated with the bonds.

The amended bill also requires that the state Department of Education determine by May 1 the amount

of state aid to be distributed to each school district for the next school year. The bill passed on a 41-0 vote.

General Affairs

Debate begins on decreasing time limit between Keno games

Senators began general file debate March 1 on a bill that would amend the five-minute time limit required between Keno games.

As introduced by Wilber Sen. Russ Karpisek, LB1067 would allow a county, city or village conducting a keno lottery to designate a time limit between games of less than five minutes, but not less than one minute.



Sen. Russ Karpisek

A pending General Affairs Committee amendment would change the range to between three and five minutes.

Karpisek said the bill would allow communities to choose whether to shorten the time between games and attempt to earn more revenue. Communities use Keno funds to purchase fire engines and police cars, he said, as well as to fund community improvement projects.

“The intent is to try and give the communities a little more income,” he said.

Sen. Paul Lambert of Plattsmouth supported the bill, saying his community had used Keno funds to build a senior center. Other cities have invested in parks and swimming pools, he said.

“Several cities in my district have done a lot with Keno revenue,” Lambert said. “Communities have lost a lot of funds [and] money is tight. This is a very important stream of revenue to make some improvements in a community.”

Sen. Lydia Brasch of Bancroft opposed the bill and the amendment, saying the state should focus on other ways to increase economic activity.

“Gambling is not economic development,” she said. “We need economic development that is not a gamble but has the ability to bring jobs and people ... into our communities.”

Imperial Sen. Mark Christensen also opposed the bill. The shortened time between games would divert money to Keno that otherwise would be used to purchase goods in Nebraska communities, he said.

“There is going to be less money spent in our local communities, in our local businesses,” he said.

Karpisek said 14 percent of Keno revenue goes to the game operator and those funds also support the local economy. In addition, he said, Keno operations are located in restaurants and bars where players spend additional dollars.

“These are local businesses that they are spending the money in,” Karpisek said.

The Legislature adjourned for the week before taking action on LB1067.

Government, Military & Veterans Affairs

Proposal to expand impeachable offense time line approved

Senators gave final approval March 1 to a proposed change to the Nebraska Constitution regarding impeachment of civil officers.

LR19CA, introduced by Lincoln Sen. Bill Avery, places a proposed constitutional amendment on the November 2012 general election bal-

lot. If approved by voters, the proposal will add a misdemeanor related to the election by which a civil officer was elected to office as an impeachable offense.

Currently, the constitution states that a civil officer may be impeached for any misdemeanor committed while in office.

LR19CA passed on a 45-0 vote.



Sen. Bill Avery

activity for a person under 24 years old who is engaged in 20 hours per week of such education.

The state Department of Health and Human Services must carry out the bill's provisions within the limits of its annual appropriation and may place reasonable limits on the number of applicants who can pursue education directly related to employment if work participation rates fall below 55 percent.

LB507 passed on a 48-0 vote.

Child welfare strategic plan and oversight measure advanced

A bill introduced to create a new state agency responsible for all child welfare programs in Nebraska was amended and advanced by the Legislature Feb. 28.

LB821, sponsored by the Health and Human Services Committee, originally called for creation of a commission charged with preparing legislation for introduction in 2013 to create a state Department of Children's Services.

A committee amendment, adopted 36-0, replaced the bill with provisions that would change the membership and duties of the commission and create an inspector general position to provide legislative oversight to the state's child welfare system.

As amended, LB821 would create the 22-member Nebraska Children's Commission charged with creating a statewide strategic plan to reform child welfare programs and services in the state. Sixteen members would be appointed by the governor and would include a:

- guardian ad litem;
- prosecuting attorney;
- foster parent;
- biological parent;
- children's services provider;

- foster care review board member;
- child advocacy organization representative;
- court-appointed special advocate volunteer;
- behavioral health authority regional administrator; and
- youth currently or previously in foster care.

Non-voting ex officio members would include the chairpersons of the Legislature's Health and Human Services, Appropriations and Judiciary committees and three members appointed by the State Court Administrator.

Among other issue areas, the commission would be charged with creating committees to examine foster care reimbursement rates and state policy regarding prescription of psychotropic drugs to state wards. The commission would be required to report on the strategic plan to the Legislature and the governor by Dec. 15, 2012.

Lincoln Sen. Kathy Campbell, chairperson of the Health and Human Services Committee, said the bill's original requirement to establish a separate department of Children's Services was removed so that the commission could study a variety of options and find the best path forward.



Sen. Kathy Campbell

"We found that there had been no strategic plan at the beginning of this process," Campbell said. "It is time for the Legislature to fulfill its responsibility and establish a framework for a strategic plan."

Omaha Sen. Steve Lathrop supported the proposal, saying a strategic plan would help stop the cycle of restructuring the state Department of Health and Human Services (DHHS) with each new administration.

Health & Human Services

Education approved as welfare work requirement

Senators gave final approval March 1 to a bill that expands educational opportunities under the Welfare Reform Act.

LB507, introduced by Scottsbluff Sen. John Harms, allows an applicant who is 21 years old or the head of a household to meet the state's self-sufficiency requirement by making satisfactory progress in certain educational pursuits.



Sen. John Harms

Under the bill, an applicant will qualify for benefits if he or she maintains satisfactory attendance at a secondary school, a general education development (GED) program or equivalent or participates in education directly related to employment for an average of 20 hours per week.

The bill also makes the school and work requirements for 19-year-olds the same as those for applicants 18 or younger and classifies education directly related to work as a "core"

“Historically, it seems to be something that happens in this state every five to 10 years,” he said. “Today, we are here with what can only be described as a mess on our hands.”

Sen. Tony Fulton of Lincoln agreed with the need to address the child welfare reform effort, but expressed concern about expanding government to do so.

“Under this bill we’re going to create a new unit of government, give it powers, and hopefully it acts to at least set us on the right course,” he said. “But what will this body look like 10 years from now? I don’t see that there is a sunset in this bill.”

Holdrege Sen. Tom Carlson said lawmakers should reconsider allowing a children’s services provider to be among the voting members of the commission. An individual with a direct interest in how child welfare dollars are spent should not be a voting member, he said.

The amended bill also would create the Office of Inspector General within the Office of Public Counsel, also known as the Ombudsman’s Office.

The inspector general would be appointed by the Public Council and approved by the Executive and Health and Human Services committees. The office would be authorized to investigate allegations of possible misconduct, death or serious injury in foster homes, private agencies, child-care facilities and programs.

The office also would analyze data and report to the Legislature and the governor annually.

Campbell said the new position would be especially important in the era of legislative term limits.

“In the years ahead, we will all leave and someone else will sit in our seats,” she said. “This position [of inspector general] is a good investment to make sure that someone is watching the

system and advising the Legislature.”

Senators voted 33-0 to advance LB821 to select file.

Change to credentialing review program advances

The process used to propose credentials and changes in scope of practice would be expanded under a bill advanced from general file Feb. 29.

LB834, introduced by Grand Island Sen. Mike Gloor, would change the Credentialing Review Program, more commonly referred to



Sen. Mike Gloor

as the “407 process.” Gloor said the proposed changes would allow legislators to make more informed decisions.

“I started this process so the report [the Legislature] gets is as thorough as we need to make good decisions,” he said.

The bill would change the current process by:

- simplifying the application requirements and including information regarding the status of third-party reimbursements and other states’ scopes of practice;
- changing the role of the Technical Review Committee (TRC) to clearly state that it can make investigations it deems necessary;
- requiring the TRC to recommend whether the proposal will benefit the public;
- allowing the TRC to weigh the evidence in total to make the recommendation on denial or approval of an application;
- changing TRC membership to allow no more than one member of the applicant group or the profession seeking to be regulated or to change its scope of practice;

- updating the funding mechanism to allow all administrative costs associated with credentialing activity to be paid from the Professional and Occupational Credentialing Cash Fund;
- expanding the oversight of the program beyond health care professions to include other professions that are or could be regulated by the state Department of Health and Human Services;
- changing the scope of practice criteria to remove the “risk of harm” requirement; and
- extending the time frame from nine months to 12 months for the department to make a final recommendation.

Gloor addressed concerns over the removal of the “risk of harm” requirement. Under the current 407 process, applicants are asked to show that the practice or limitation on the scope of practice creates a situation of harm or danger to the public. Gloor said this provision often led to unnecessary speculation.

“To ask an applicant to concoct some scenario of risk seems convoluted,” he said.

A Health and Human Services Committee amendment, adopted 31-0, made the following changes to the bill:

- clarified that clergy are not considered health professionals under the 407 process;
- added criteria to the scope of practice criteria that “the health, safety and welfare of the public is inadequately addressed” by the present scope of practice; and
- clarified that the report from the TRC will include written findings on all criteria.

Senators advanced the bill to select file 30-0.

Changes to child welfare budget process advanced

Lawmakers gave first-round approval Feb. 28 to a bill that seeks to tighten budgeting standards for the state’s child welfare system.

Scottsbluff Sen. John Harms, chairperson of the Legislative Performance Audit Committee, introduced LB949 on behalf of the committee. He said the bill contains recommendations stemming from a performance audit of child welfare privatization efforts recently undertaken by the state Department of Health and Human Services (DHHS).



Sen. John Harms

Harms said privatization was begun without a strategic plan outlining the key goals of the reform or time frames and benchmarks for achieving those goals. As a result, he said, the Legislature has had difficulty obtaining timely information about important aspects of privatization, including information on lead agency contracts.

Among other provisions, LB949 would require DHHS’s division of children and family services to include a strategic plan in its budget request to the Legislature for the next two budget cycles. The plan must identify the main purpose of each program in the division, goals for measuring progress and benchmarks and time frames for meeting those goals.

Under the bill, the division would be required to provide quarterly updates to the Legislature’s HHS and Appropriations committees beginning in October 2012 on any movement of funds greater than \$250,000 into the child welfare subprogram from other budget programs.

Harms said the provision was

meant to address concerns that the department had moved funds between programs in the past in ways that were difficult to track.

“LB949 will provide additional fiscal accountability and transparency for child welfare spending in Nebraska,” he said.

Omaha Sen. Heath Mello supported the bill, saying the inability to track the movement of funds between subprograms has presented an ongoing accountability problem for the Appropriations Committee. He said the bill would help ensure that money appropriated by the Legislature for a specific program is used for that program only.

Senators adopted a technical amendment offered by Harms on a 34-0 vote and advanced LB949 to select file 35-0.

Return of child welfare case management to DHHS advances

The state Department of Health and Human Services (DHHS) would be required to provide case management for Nebraska’s child welfare system under a bill advanced from general file Feb. 29.

In July 2009, the department selected six private entities as lead agencies to implement a child welfare reform initiative. All but one lead agency – Nebraska Families Collaborative (NFC) in Omaha – have left the reform process, citing an inability to fund their portion of the reform effort under the terms of their individual contracts with DHHS.

Lincoln Sen. Kathy Campbell said LB961, introduced by the Health and Human Services Committee, reflects the committee’s belief that privatization resulted in too much reliance on lead agencies and that case management should reside with DHHS.

A report by the state auditor of public accounts affirmed that belief,

Campbell said, and indicated that allowing providers to oversee management of their own cases can give rise to potential conflicts of interest and an incentive to prioritize costs over the best interests of children in the system.

“The state can never contract away its responsibility for these children,” she said.

During debate Feb. 28, Norfolk Sen. Mike Flood expressed concern that moving all case management back to DHHS could result in the loss of NFC as the sole remaining lead agency, requiring yet another costly and disruptive transition within the child welfare system.

He said moving families back to DHHS following the most recent loss of lead agency KVC-Nebraska will cost the state an additional \$20 million.

Flood suggested the possibility of exempting from LB961 the area of the state served by NFC and using the remainder of the agency’s contract period as a pilot project to study how best to provide case management services – through the state or through a private contractor.

“This is a question that we have to be very careful answering as a Legislature,” Flood said.

Omaha Sen. Bob Krist said a pilot project in one service area should have been done before DHHS began the reform initiative statewide in 2009. He agreed that allowing NFC to continue case management in the short-term would be the least disruptive course of action.

“I think it’s the smart thing to do,” Krist said. “I think it’s the compromise that we need.”

Campbell said an amendment would be offered on select file that would include parameters and time lines for a pilot project that would allow NFC to continue providing case management in the eastern service area, with legislative oversight.

Lincoln Sen. Colby Coash said focusing on whether case management is provided by the state or the private sector will not solve the root problem with the state's child welfare system. Nebraska has one of the highest rates in the country for removing children from the home, he said.

"The problem is that we've got more kids coming into the system than we can handle," he said.

Sen. Gwen Howard of Omaha said removing a child from the home is not done by DHHS, and is not a decision that is taken lightly.

"Only police remove children from their biological homes," she said. "And nobody - nobody - wants a dead child on their conscience."

LB961 also seeks to address the issue of caseload size. Campbell said smaller caseloads would reduce turnover and increase workforce stability in the child welfare system.

As introduced, the bill would reduce the average caseload by 10 percent per year until each caseworker's caseload is within standards established by the Child Welfare League of America (CWLA).

A Health and Human Services Committee amendment, adopted 40-0, changed the proposed reduction to 25 percent each year beginning Sept. 1, 2012 until CWLA standards are reached. The amendment also would require DHHS to include caseload data in its annual report and would define a caseload.

Under the amendment, if children in a family receive services in the home, all children would be considered one case. If any child is placed out of the home, each child would be considered one case.

Lincoln Sen. Amanda McGill said the distinction is important because there are a variety of ways to construct caseloads.

Best practices indicate that 16 children is the optimal caseload, she said. However, some lead agencies have been using families as the unit of measurement, McGill said, which could mean that a caseworker is serving double the recommended number of children while appearing to be within CWLA guidelines.

Sen. Tony Fulton of Lincoln acknowledged that there have been "missteps" in DHHS's reform effort, but said that reform was instigated to solve existing problems within the child welfare system. He expressed concern that the Legislature might be engaging in "overreach" with LB961.

"Are we stepping into an area of government that is reserved for the executive branch? That is a question that I have with this bill," he said.

Krist disagreed, saying the bill is a reflection of senators' constitutional role. DHHS has failed in its reform effort, he said, and the Legislature needs to step in and provide the agency with direction.

"The Legislature's responsibility is to legislate - to set policy, to appropriate funds and to provide oversight. We are not micromanaging the executive branch."

Lawmakers advanced the bill to select file 42-0.

New child welfare data system clears first round

Lawmakers advanced a bill from general file Feb. 28 that would require development of a new child welfare data system.

Under LB1160, introduced by the Health and Human Services Committee, the state Department of Health and Human Services (DHHS) would be required to develop and implement a web-based, statewide automated information system to integrate child welfare data.

Among the objectives for the new system are access to real-time information and improved reporting, accountability and case review capabilities. The system also would be required to provide automated interfaces for the courts, Medicaid eligibility, financial processes and child support.

The bill also would require the department to obtain an evaluation of the state's child welfare system by a nationally recognized entity. The department would be required to report to the Legislature regarding the completed evaluation and plans for the new data system by Dec. 1, 2012.

Sen. Kathy Campbell of Lincoln, chairperson of the committee, said the inability to access and analyze data has hindered the state's ability to make informed policy decisions regarding the child welfare system. The state's existing data system, N-FOCUS, has not been kept up-to-date by the department's lead agency partners, she said, because those agencies did not have confidence in the system.

In addition, Campbell said, various components of the child welfare system use different file structures and operating systems and lack rules for consistent data collection.

"There is no standard set of information that is uniformly collected about all children and adolescents served," she said. "We're only as good as the data we are given."

Omaha Sen. Gwen Howard supported the bill, saying the N-FOCUS system is outdated and cumbersome.

Sen. Lavon Heidemann of Elk Creek cautioned senators about the eventual cost of a new data system. While designing a new system is estimated to cost approximately \$600,000, he said, the actual cost of implementing the type of system authorized by the bill is unknown.

"This could get expensive," he said.

“These types of systems are not cheap. If you’re going to vote for planning money ... you better be willing to back that up.”

Fullerton Sen. Annette Dubas supported the bill, saying the state has infused millions of dollars into the child welfare system but is unable to track the results, in part due to the current data system. She said the Legislature needs to make sure that tax dollars are being spent in a cost-effective manner.

“This [bill] is critical to helping us direct the dollars where they need to go,” Dubas said.

A committee amendment added provisions of LB774, originally introduced by Howard, which would require the Health and Human Services Committee to report to the governor, the Legislature and the chief justice on progress made by DHHS toward recommendations contained in the committee’s report on child welfare reform.

Reports would be required for three years, with the first due on Dec. 15, 2012.

Senators adopted the amendment and advanced the bill to select file on votes of 28-0.

Judiciary

Statute of limitations increased for sexually assaulted children

The statute of limitations for victims who were sexually assaulted as children will increase under a bill passed by senators March 1.

LB612, introduced by Omaha Sen. Pete Pirsch, allows childhood victims of sexual or attempted sexual assault to bring civil action for injuries suffered until he or she is 32 years old.



Sen. Pete Pirsch

Under the bill, criminal prosecution of a defendant is not required to maintain a victim’s civil action.

The bill passed on a 49-0 vote.

Penalties enhanced for assaults on health care professionals

Senators passed a bill March 1 that enhances penalties for assaulting health care professionals.

LB677, introduced by Omaha Sen. Steve Lathrop, provides enhanced penalties for assault on health care professionals on duty at a hospital or a health clinic. A person convicted of such an assault would be guilty of a Class IIIA felony.



Sen. Steve Lathrop

The bill passed on a 45-0 vote.

Truancy procedure adjustments advance

Senators advanced a bill from general file Feb. 29 that would revise the state’s student truancy provisions.

In 2010, the Legislature passed a bill requiring school districts to report cases to a county attorney when a student has been absent 20 days or more per year, whether the absences are excused or unexcused.

LB933, introduced by Omaha Sen. Brad Ashford, would eliminate the requirement that a county attorney then file a complaint against a parent or guardian of a child who is absent more than 20 days. Instead, the bill would require a meeting between a county attorney and the student’s school to



Sen. Brad Ashford

decide if further action is necessary to address his or her attendance. If further action is deemed necessary, the school and county attorney would meet with the child’s parents.

Ashford said the new requirements have reduced excessive absenteeism throughout the state but acknowledged that the changes have increased complaints among some parents. The bill is a balance between keeping children in school and addressing parents’ concerns about meeting with a county attorney, he said.

A Judiciary Committee amendment replaced the original provisions of the bill and would require an attendance officer to report to the county attorney when a child has been absent more than 20 days. The report would include a form on which one of the following three recommendations would be checked:

- the absences are due to documented illness or are otherwise excused;
- the school requests more time to work with the student before the county attorney intervenes; or
- the school has used all reasonable efforts to address the child’s absence from school without success and recommends intervention by the county attorney.

If further action is needed after the 20-day report, the initial meeting between the county attorney, the parents and the school would be at a location determined by the school.

Ashford said the amendment would ensure that parents are given a chance to address their child’s excessive absences prior to a county attorney’s involvement.

York Sen. Greg Adams spoke in support of the bill and the amendment, but said superintendents have told him the current requirements

have been successful at getting students back in school.

“They missed something from not being in class—and that is what we’re saying here,” Adams said. “If you want to home school your kids you can do that under Nebraska state law, but your kids have got to be in school.”

Lincoln Sen. Tony Fulton spoke in support of the amendment, saying it would give school districts more discretion over how they handle absences.

“It puts the volition of the school districts into play, not by excluding parents, but by cooperating with them,” Fulton said. “There will still be disagreements between school officials and parents, but they will play out at a school district level and not the state level.”

Schuyler Sen. Chris Langemeier introduced an amendment to the committee amendment, adopted 27-3, that would allow—but not require—an attendance officer to report absences to a county attorney if they are due to documented illnesses that makes attendance impossible or impracticable or are otherwise excused by school authorities.

Langemeier said it would give attendance officers more authority.

“The school would have the ability to excuse students for what they deem excusable, so they should not have to turn it over to the county attorney,” he said. “That puts some common sense into this whole process.”

Omaha Sen. Brenda Council spoke in opposition to the amendment, saying it would not address parents’ concerns about involving the county attorney and would defeat the purpose of the original bill. If a county attorney is contacted, she said, they still would begin judicial proceedings just as they would without the amendment.

The committee amendment was adopted 35-1 and the bill advanced from general file on a 35-3 vote.

Bill would expand, create protocols for child advocacy centers

Senators advanced a bill from general file Feb. 27 that would expand and create protocols for the state’s seven child advocacy centers.

Under LB993, introduced by Omaha Sen. Brad Ashford, each county child advocacy center must have a location for conducting forensic interviews and medical evaluations for alleged child victims of abuse and neglect.

The bill would require that each county have protocols to:

- outline mandatory reporting of child abuse;
- define the roles and responsibilities of law enforcement, child protective services and other response agencies; and
- ensure that coordination of these teams is occurring at all levels of the community response.

The bill also would require advocacy centers to report the name and address of each team member and the number of times the team met within a calendar year to the Nebraska Commission on Law Enforcement and Criminal Justice.

The increased services at the centers are estimated to cost \$870,000.

Ashford said the advocacy centers serve a critical function in reviewing the most serious cases of child abuse and neglect.

“Without these child advocacy centers, these children are placed in other facilities—including detention facilities—because there is no place to put them,” Ashford said. “With the expansion [of facilities] provided in the bill we will be able to serve every one of these children in a child advocacy center.”

“It has become clear to me that these centers are beyond critical for child welfare reform,” he said.

Omaha Sen. Steve Lathrop supported the bill. When a child enters the system, Lathrop said, the centers immediately coordinate with stakeholders to reach positive outcomes for the children.

“LB993 is an improvement upon what we are doing well,” Lathrop said.

Kearney Sen. Galen Hadley also spoke in support of the bill, saying he was concerned about the lack of communication between the state Department of Health and Human Services (DHHS) and law enforcement. When the most recent information is not available to law enforcement, Hadley said, child abuse investigations can be hindered and can sometimes result in the death of an abused or neglected child.

“I think this bill goes a long way in trying to work on that issue,” Hadley said. “I am very happy [the bill] outlines how reports will be shared between law enforcement and DHHS.”

Omaha Sen. Brenda Council introduced an amendment that would have required the centers to conduct psychological evaluations of allegedly abused children.

Many of the children entering the centers are suffering from abuse, neglect and other emotional issues, Council said, so the state should conduct psychological evaluations in addition to the forensic interviews and medical evaluations proposed in the bill.

Holdrege Sen. Tom Carlson spoke in opposition to the amendment, saying that the evaluations could incur additional costs.

Council disagreed, saying the amendment would have no additional fiscal impact because the evaluations already are being conducted. She later withdrew the amendment, saying she did not want it to hinder the bill’s advancement.

Council also introduced, and later withdrew, an amendment that would

have required procedures for the centers' coordination, development, implementation and monitoring of "structured decisionmaking assessments."

Senators voted to advance LB993 on a 41-0 vote.

Natural Resources

Changes to uranium mining permits passed

A streamlined permit process for in-situ mining operations was passed by the Legislature March 1.

LB498, introduced by Ellsworth Sen. LeRoy Louden, establishes regulations related specifically to in-situ mining, which is a method of extracting uranium deposits from underground. Oxidized groundwater is injected into boreholes and dissolves the uranium for removal.



Sen. LeRoy Louden

The bill allows for a permit amendment to increase the daily peak withdrawal or annual volume to levels authorized under a state Department of Environmental Quality permit.

Senators passed the bill on a 49-0 vote.

Republican River repayments would be diverted to fund future water projects

Money loaned to natural resource districts (NRD) along the Republican River in 2008 would be dedicated to funding future water projects under a bill advanced from general file Feb. 29.

LB950, introduced by Imperial Sen. Mark Christensen, would direct all future loan payments to be deposited into the Water Resources Cash Fund, where they would be granted for future wa-

ter projects. The funds currently are directed to the Water Contingency Cash Fund.

Christensen said he introduced the bill to make sure the money would go to further the state's water management priorities.

"Wisely managing and protecting Nebraska's natural resources should be our top priority," he said.

Holdrege Sen. Tom Carlson spoke in support of the bill, saying dedicating funds for water management is crucial to the state's economic development.

"Agriculture is our number one industry and water is the lifeblood of that industry," Carlson said. "We need to ensure that water will be around for years to come."

A Natural Resources Committee amendment that added an emergency clause to the bill was adopted 30-0.

Senators voted to advance the bill to select file on a 29-0 vote.

New and expanding business electricity rate approved

An economic development rate on electricity for new and expanding businesses was passed by the Legislature March 1.

LB1043, introduced by Schuyler Sen. Chris Langemeier, provides the rate for five years to encourage new businesses to move to the state. The rate also applies to local businesses expanding their operations.

The bill takes immediate effect.

Senators passed the bill on a 48-0 vote.



Sen. Mark Christensen



Sen. Chris Langemeier

Retirement

State retirement plan updates advance

Senators advanced a bill from general file Feb. 29 that would make Internal Revenue Code compliance updates for county, judge, state patrol, school and state employee retirement provisions.

LB916, introduced by the Nebraska Retirement System Committee, would:

- remove per diems as compensation for purposes of retirement;
- allow terminated or retired plan members to rollover funds into a Roth IRA;
- allow a lump sum direct transfer of a death benefit into a qualified retirement plan;
- require employers to notify the Public Employees Retirement Board upon the termination of an employee member;
- allow a non-spousal beneficiary to make a direct transfer or rollover of the member's death benefit into a qualified retirement plan; and
- allow a member's beneficiary to be entitled to an additional death benefit that he or she would be entitled to had the member been employed during the period of qualified military service when the death occurred.

Omaha Sen. Jeremy Nordquist, chairperson of the committee, said the bill would bring state retirement plans into compliance with current IRS codes.



Sen. Jeremy Nordquist

The committee introduced an

amendment that incorporated provisions of two other bills.

Originally introduced by Norquist, LB1036 would provide an additional opportunity for active county and state defined contribution plan members to opt in to the cash balance plans between Sept. 1 and Oct. 31, 2012.

LB973, originally introduced by Lincoln Sen. Colby Coash, would allow a judge to order the civil payment from a portion of a convict's state or county benefits and annuities plan if he or she is a state or county employee that is convicted or pleads guilty to felony assault, sexual assault, kidnapping, child abuse, false imprisonment or theft by embezzlement and is found civilly liable for resulting damages.



Sen. Colby Coash

Benefits and annuities necessary for the support of the employee or appointee or his or her beneficiaries would be exempt from payment.

According to Coash, the provisions would give judges an optional means of providing civil restitution to victims of particularly heinous crimes.

The amendment was adopted 31-0 and the bill advanced from general file on a 31-0 vote.

Revenue

Streamlining of tax deed purchases approved

The procedure for purchasing tax deeds will be streamlined under a bill passed by the Legislature March 1.

LB370, introduced by Lexington Sen. John Wightman, eliminates the ability of county treasurers to issue tax deeds without a public sale. The ability to begin foreclosure of the tax

certificate to gain ownership is not affected.

The bill clarifies the notification process to ensure property owners have enough time and information to address past-due taxes. Before a tax deed can be purchased, the county government must:

- provide notification to the property owner on the status of his or her property and the procedure to rectify the situation;
- deliver notification in-person either by county sheriff or an authorized process server; and
- allow property owners an additional 45 days to pay a past-due tax bill.

Senators passed the bill on a 48-1 vote.

Department of Revenue statute updates advance

A bill that would update numerous state Department of Revenue statutes was advanced from general file Feb. 29.

LB727, introduced by Bellevue Sen. Abbie Cornett, updates current state statute and establishes new provisions as they relate to the state Department of Revenue. The bill, which includes an emergency clause, proposes to:

- eliminate certain motor fuels tax collection commissions if a notice of a deficiency assessment issued has become a final assessment;
- change to the 20th day the due date for motor fuel producers, suppliers, distributors, wholesal-



Sen. John Wightman



Sen. Abbie Cornett

ers, importers and exporters to file their motor fuel tax returns;

- change the source of data required to update the department's calculation of the wholesale price of gasoline;
- change the due date for the department to update its biennial tax burden study to Dec 1, 2013, and every two years thereafter;
- clarify the sales tax exemption for sales of prepared food by parent or student organizations at elementary or secondary schools;
- repeal the state statute that currently requires the department to appoint a committee to oversee the operation of the motor fuel trust fund;
- eliminate statutory requirements that the department must use certified mail for mailing certain notices, including a notice of a proposed deficiency determination; and
- add first-class mail to the list of authorized forms of mail that the department can use whenever it is required to give any notice under the Nebraska Revenue Act.

A Revenue Committee amendment to exempt youth sports events and youth competitive educational activities from sales and use taxes was adopted on a 28-0 vote. The amendment incorporated provisions of LB903, also introduced by Cornett.

Senators adopted a technical amendment brought by Lincoln Sen. Tony Fulton and advanced the bill to select file on a 28-0 vote.

Data center tax incentive approved

A bill that provides tax incentives to companies looking to build large data centers was passed by the Legis-

lature March 1.

Introduced by Bellevue Sen. Abbie Cornett, LB1118 offers tax exemptions to a company investing at least \$200 million in qualified property for the purpose of building a data center and creating 30 or more new jobs.



Sen. Abbie Cornett

Businesses qualifying for the incentives are eligible for an exemption of tangible personal property taxes. Exemptions for sales and use taxes, as well as real property taxes, also are provided under the proposal.

A “callback” provision in the bill authorizes the state to reclaim property taxes, plus interest, if a company fails to meet established benchmarks.

Senators passed the bill on a 48-0 vote.

Transportation & Telecommunications

Special interest license plates allowed for car collectors

Senators passed a bill March 1 that allows owners of collector vehicles to use a special motor vehicle interest plate.

LB216, introduced by Lincoln Sen. Colby Coash, creates a special interest license plate that will be available to car club members who own motor vehicles that are unaltered from original specifications and are collected, preserved, restored or maintained for leisure. The plates must be attached to the rear of the vehicle.



Sen. Colby Coash

The fee for special interest license plates is \$50. Of the fee collected, \$25

will be remitted to the state treasurer for credit to the Department of Motor Vehicles Cash Fund and the other \$25 to the state treasurer for credit to the Highway Trust Fund.

Under the bill, a special interest vehicle can be driven only on public streets and roads for occasional transportation, public displays, parades and related pleasure or hobby activities. Violations will be a Class V misdemeanor.

The bill passed on a 44-1 vote.

Motor carrier updates, ignition interlock changes advance

Senators advanced a bill from general file Feb. 29 that would bring state motor carrier statutes up-to-date and change ignition interlock provisions.

LB751, introduced by Valentine Sen. Deb Fischer, would adopt:

- handicapped parking permit physical standards;
- the International Registration Plan for apportioned vehicles in interstate commerce;
- federal rules and regulations pertaining to commercial motor vehicles and commercial driver licenses;
- federal rules and regulations pertaining to hazardous materials, agricultural operations and exceptions for nonspecification packagings used in intrastate transportation; and
- more specific language on what federal provisions the State Patrol is authorized to enforce.



Sen. Deb Fischer

The bill also would allow a repeat drunken driving offender using an ignition interlock permit to drive to an ignition interlock service facility.

Fischer said the updates keep

Nebraska motor carrier law current with federal law. If the state is not in compliance with federal regulations, she said, it could lose \$6.7 million of federal highway funding in the future.

The Transportation and Telecommunications Committee introduced an amendment, adopted 32-0, that would include provisions of five other bills also introduced by Fischer.

LB718 would authorize the handling of certificates of title in any county or the state Department of Motor Vehicles (DMV) and would change the distribution of title fees.

LB724 would make corrections to the medical certification program for commercial motor vehicle drivers and prohibit texting while driving a commercial motor vehicle.

LB726 would eliminate the requirement that the DMV send out certain notices by certified or registered mail.

LB748 would repeal two sections of statute requiring the courts to remit a list of outstanding arrest warrants to the department each month.

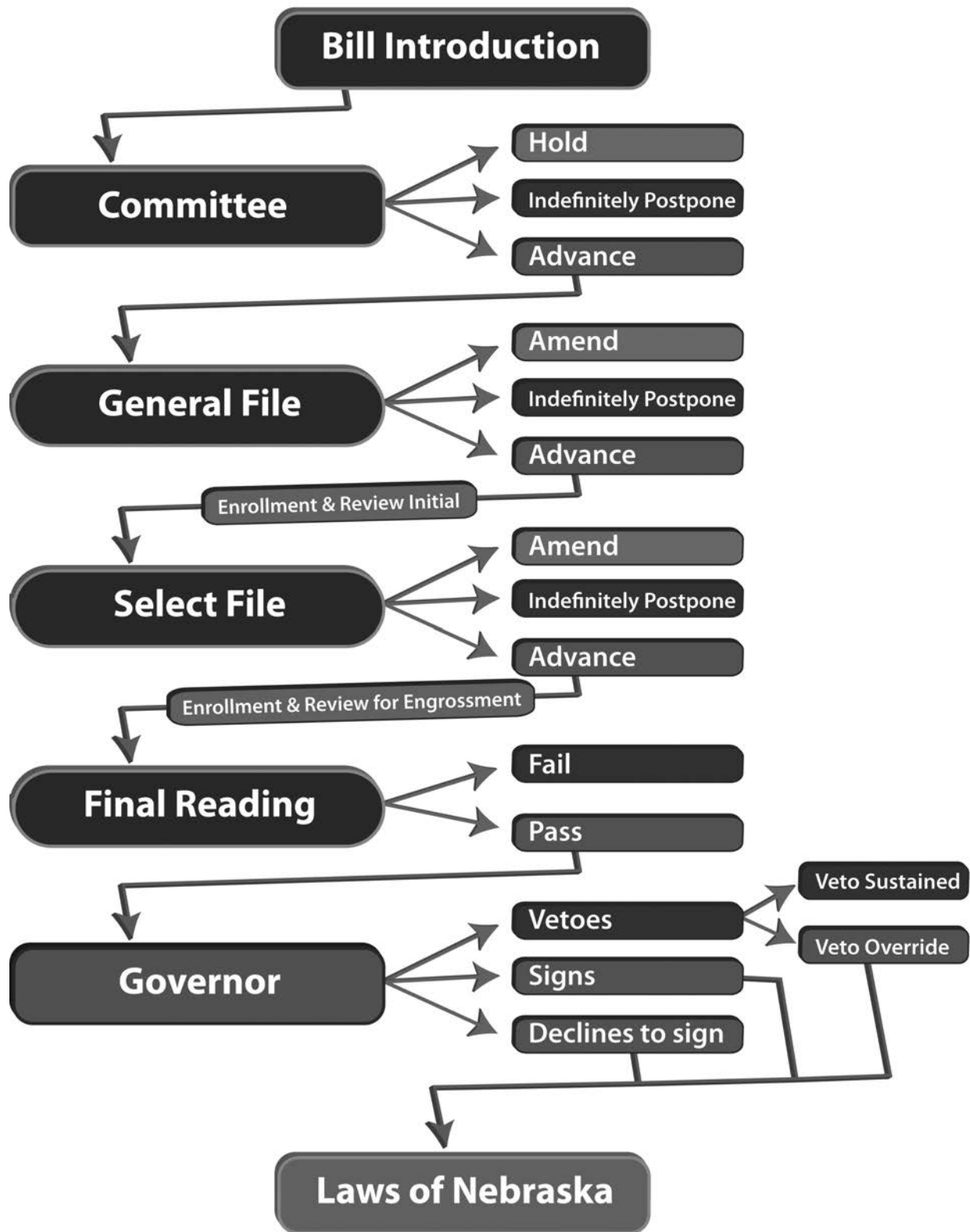
LB769 would remove county treasurers’ authority to issue duplicate or replacement driver licenses.

Fischer introduced another amendment, adopted 32-0, that would require department employees who verify or produce operator’s licenses or state identification cards to submit their fingerprints to the FBI for a criminal history background check.

Norfolk Sen. Mike Flood also introduced an amendment, adopted 32-0, that would prohibit juveniles who violate the Motor Vehicle Operator’s License Act from being eligible for an ignition interlock permit.

Senators adopted two additional technical amendments and LB751 advanced from general file on a 30-1 vote. ■

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