

## Budget adjustments advanced after cloture votes

Lawmakers gave first-round approval March 12 to two bills comprising the Appropriations Committee's adjustment proposal to the state's \$9.4 billion budget.

The state budget is structured on a two-year basis, with the budget enacted during legislative sessions held in odd-numbered years. Adjustments are made during sessions held in even-numbered years.

The committee's proposal would result in a 3 percent overall growth in state spending and would increase the state's Cash Reserve Fund—also known as the rainy-day fund—to \$731.1 million. The package also would leave \$133.8 million to fund bills passed this session.

Gering Sen. John Stinner, chairperson of the Appropriations Committee, said the adjustments reflect the committee's main objectives



Sen. John Stinner and Speaker Jim Scheer confer during debate on the Appropriations Committee's budget proposal.

of restoring the state's cash reserve, controlling state spending growth, attaining a structural balance between revenue and spending and leaving

enough money for property tax relief.

"Our fiscal posture for our state, I think, is strong," Stinner said.

LB1008, introduced by Speaker Jim Scheer of Norfolk at the request of Gov. Pete Ricketts, is the mainline budget bill. It was replaced by an Appropriations Committee amendment, adopted 41-2. The amendment proposes adjustments to appropriations for state operations, aid and construction programs in the current and next fiscal year.

The amendment includes \$55.2 million to address damage from the 2019 floods. It also incorporates the provisions of 19 additional bills, with a total cost of \$15.2 million. The measures included:

- LB773, sponsored by Gothen-

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## Youth center reforms clear first round

A bill to codify guidelines for youth rehabilitation and treatment centers in Nebraska was broadened and advanced from general file March 10.

LB1140, introduced by the Health and Human Services Committee, would outline a series of requirements for the state's YRTCs, including providing:

- health care and medical services;
- a safe and sanitary space for sleeping, hygiene, education, programming, treatment, recreation and visitation for each juvenile;
- appropriate physical separation and segregation of juveniles based on gender;
- training that is specific to the population being served;
- sufficient staffing to comply with state and federal law

and protect the safety and security of each juvenile;

- an age-appropriate and developmentally appropriate education program for each juvenile;
- a case management and coordination process, designed to assure appropriate reintegration of the juvenile to his or her family, school and community; and
- research-based or evidence-based programming and treatment services.

Sen. Sara Howard of Omaha, chairperson of the committee, said the YRTC in Kearney was "in crisis" after closure of the girls-only YRTC facility in Geneva last year led to girls and boys being housed together in Kearney. The bill would help the facility function safely while continu-

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# Youth center reforms clear first round

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ing to provide programming for the residents, she said.

“These are important steps that address issues needing immediate attention while giving the department the flexibility to continue their work,” Howard said.

A Health and Human Services Committee amendment, adopted 42-0, would add provisions of the following bills introduced by the committee:

- LB1141, which would require the state Department of Health and Human Services to create a five-year operations plan for the YRTCs by Nov. 15;
- LB1142, which would define an emergency as a situation—not including inadequate staffing—that would make a YRTC uninhabitable and require DHHS to create an emergency plan for YRTCs;
- LB1143, which would require DHHS to contract for a cost study and needs assessment

for an inpatient adolescent psychiatric unit at the Lincoln Regional Center; and

- LB1145, which would require DHHS policies regarding transportation of YRTC youth to apply to private contractors.

Howard said state statute currently does not establish standards for YRTCs, which exacerbated last fall’s crisis.

“This made a difficult situation even more challenging,” she said, because there was no minimum baseline regarding what services had to be provided.

Sen. John Arch of La Vista supported the proposal. He said LB1140 and the amendment would provide a plan for DHHS without being overly prescriptive.

Kearney Sen.

John Lowe also supported the bill, saying the roughly 100 YRTC residents were forced to grow up too fast and now are in crisis.

“These young men and women need our help, and they need it drastically,” Lowe said.

Senators advanced LB1140 to select file on a 45-0 vote. ■



Sen. Sarah Howard said Nebraska must provide better treatment and rehabilitation for youth in the state’s YRTCs.

## UNICAMERAL UPDATE

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# Budget adjustments advanced after cloture votes

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burg Sen. Matt Williams, which would transfer \$10 million in general funds to the Rural Workforce



Sen. Matt Williams

Housing Investment Fund;

- LB827, sponsored by Omaha

Sen. Robert Hilkemann, which would provide a \$3.7 million increase in developmental disability



Sen. Robert Hilkemann

provider rates;

- LB1018, sponsored by Omaha

Sen. Tony Vargas, which would appropriate an additional \$1.5 million to aid local public health departments;



Sen. Tony Vargas

- LB1079,

sponsored by Lincoln Sen. Anna Wishart, which would appropriate \$250,000 in



Sen. Anna Wishart

general funds to the Nebraska State Patrol crime lab to support the timely processing of sexual assault forensic evidence; and



Sen. Mike McDonnell

- LB1097,

sponsored by Omaha Sen. Mike McDon-

nell, which would appropriate \$458,000 over two years to the state Supreme Court to increase staffing for youth problem-solving courts.

Stinner said the bills would address a range of issues including workforce housing, prison overcrowding and aid to individuals. The committee attempted to include the highest priority items, he said, while noting that not all spending priorities could be addressed.

“This has been a tough three years,” he said. “There’s a lot of pent-up demand.”

Stinner said additional amendments may be offered during select file debate if a need arises for emergency or public health funding to address COVID-19, the new coronavirus disease—possibly as much as \$20 million.

Lincoln Sen. Kate Bolz supported the bill and the amendment. She said the state’s cash reserve under the proposal would be approximately 14 percent in excess of the state’s appropriations and obligations.

“That’s pretty good,” Bolz said. “We aspire to about 16 percent, so we’re really in healthy shape for where we’re at in this fiscal year.”

Omaha Sen. Justin Wayne raised objections over some of the bills and provisions contained in the committee amendment, questioning the priorities outlined in the proposal. For example, Wayne said lawmakers should not provide \$10 million for rural workforce housing when no direct appropriation for urban workforce housing has been approved during his time at the Legislature.

“There are some fundamental issues that will not allow me to go forward with this budget,” he said. “This budget places rural over urban [interests] and

increases the rural and urban divide.”

Bolz disagreed, noting that the Appropriations Committee’s membership is required to include members from each of the state’s congressional districts, ensuring balanced representation. She said items such as flood relief, housing incentives and problem-solving courts are statewide initiatives that benefit all Nebraskans.

“I don’t think that we have a rural/urban divide or dichotomy in this budget,” she said. “I think the majority of what this budget does is lift up the state as a whole.”

In response to Wayne’s concerns, Scheer offered an amendment that would have stricken several sections of LB1008, including funding for Nebraska Career Scholarships to community and state colleges, \$10 million for rural workforce housing and \$500,000 for the Daugherty Water for Food Institute.

Omaha Sen. Ernie Chambers and Wayne then offered a series of motions and other amendments to extend debate on the mainline budget bill.

“I don’t have anything but the leverage of time,” Wayne said.

After six hours of debate, Scheer offered a motion to invoke cloture, which ceases debate and forces votes on the bill and all pending motions and amendments. The cloture motion was adopted on a vote of 40-3.

The Scheer amendment then was defeated on a vote of 2-38, and senators advanced LB1008 to select file 40-2.

Finally, LB1009, also introduced by Scheer at the request of the governor, would authorize and provide for certain fund transfers outlined in the mainline budget bill. Following a successful cloture motion, adopted 38-2 after an additional two hours of debate, the bill was advanced to select file on a vote of 40-1. ■

# APPROPRIATIONS

## Changes to arts funding amended, advanced

A bill that would make a technical change to the budgeting process of the Nebraska Arts Council was amended to authorize creative districts and advanced from general file March 11.

LB780, introduced by Gering Sen. John Stinner, would change the level of administrative funding available from the Nebraska Arts and Humanities Cash Fund beginning in fiscal year 2021. Current state law caps that amount at \$30,000.



Sen. John Stinner

The bill would change the amount by calculating .5 percent of the balance of the Nebraska Cultural Preservation Endowment Fund as it existed on June 30 of the previous fiscal year. The bill would require the Nebraska Arts Council to carry out the annual calculation in conjunction with the Department of Administrative Services budget division no later than Sept. 10 of each fiscal year.

“Due to successful fundraising from the private sector, both the state and private funds [administered by the council] have seen significant growth,” Stinner said. “This has elevated the amount of bookkeeping and oversight the arts council must devote to these tasks.”

Stinner said the cost of administering the endowment fund currently is 43 percent higher than the budget allowance. LB780 would allow the arts council to successfully carry out its mission under its existing funding model, he said.

Omaha Sen. Megan Hunt offered an amendment, adopted 37-0, to add provisions of her LB943. The amendment would require the Nebraska Arts Council to devise a plan for creative districts throughout the state.



Sen. Megan Hunt

The newly formed districts would be certified by the council and distinguished by geography, artistic or cultural activities or facilities, promotion and preservation of artistic or cultural sites, educational uses of artistic or cultural activities or sites and unique or niche areas, activities, events, facilities or sites.

The Legislature would have to approve any plan developed by the council.

Hunt said arts districts embrace a community’s unique characteristics and help revitalize neighborhoods by preserving ethnic heritage and encouraging community collaboration.

“We know that arts districts can have a significant impact on cities,” she said.

The bill also would allow the council to create a competitive grant program available to a certified cultural district through the Nebraska Arts and Humanities Cash Fund. Money for the grants, Hunt said, would be generated by a separate bill she introduced this session that would authorize a specialty license plate promoting the arts.

Following adoption of the Hunt amendment, senators voted 37-0 to advance LB780 to select file.

### Bill to change secretary of state administrative fees debated

A measure that would change a number of business administrative fees collected by the Nebraska secretary of state’s office stalled during

general file debate March 11.

LB910, sponsored by Gering Sen. John Stinner, would consolidate cash funds administered by, and restructure fees assessed by, the secretary of state’s office. The bill would create the Secretary of State Cash Fund by transferring the balances of the existing Administration Cash Fund, Corporation Cash Fund, Nebraska Collection Agency Fund, Secretary of State Administration Cash Fund and the Uniform Commercial Code Cash Fund on July 1, 2021.

Stinner said that some of the fees under these categories have not changed in 20 years.

He said the bill would shift the business administration functions of the secretary of state’s office to more of a user fee model. The changes are projected to lower the office’s general fund appropriation by \$300,000 per year going forward, he said.

The bill would result in net cash fund revenues of approximately \$163,000 per year, Stinner said, which the office would use for technology improvements aimed at promoting international trade.

“By reducing [the office’s] reliance on general funds, you are releasing those dollars back into the budget for property tax relief,” Stinner said.

Sen. Robert Clements of Elmwood supported the bill, saying the changes were thoughtfully considered by the secretary of state’s office.

“They limited these increases to inflation and they did a lot of work on analyzing how many years had it been since [fees] were increased,” he said. “I think they were very fair about that.”

Lincoln Sen. Adam Morfeld questioned the wisdom of increasing approximately 67 fees at one time.

“Normally, in the past ... we’ve taken fee increases in a much more incremental approach,” Morfeld said.

“What I see here are 67 tax increases.”

Sen. Patty Pansing Brooks of Lincoln also raised concerns, saying many people who are starting businesses have difficulty paying the filing fees. In addition, she said, most bills that authorize fee increases spell out the specific purpose for which the revenue will be used and provisions to remove the increase when that purpose has been fulfilled.

“We have had pitched battles to raise one fee by \$1” Pansing Brooks said. “This is a lot of money for people.”

After three hours of debate, senators moved on to the next item on the agenda without taking any action on LB910. Per a practice implemented by Speaker Jim Scheer, the sponsor of a bill that is facing a potential filibuster must demonstrate sufficient support for a cloture motion before the measure will be scheduled for additional debate.

## BUSINESS & LABOR

### Ban on hair discrimination advanced

Lawmakers gave first-round approval March 9 to a bill that seeks to extend employment discrimination protections.

LB1060, sponsored by Omaha Sen. Machaela Cavanaugh, would expand the definition of race for purposes of employment discrimination to include traits historically associated with race, such as hair texture and protective hairstyles, including braids, locks and twists.



Sen. Machaela Cavanaugh

Cavanaugh said that a 2016 Perception Institute study revealed a strong implicit bias against natural hairstyles traditionally worn by black women and men.

“As we seek to find ways to recruit and retain a robust workforce in Nebraska, LB1060 is a no-cost way to make Nebraska an ideal location for a workforce looking for a state that values its workers,” she said.

Bellevue Sen. Carol Blood supported LB1060. If dress codes and policies affect a specific demographic more than others, she said, their personal rights may be violated.

“These legal rights over our own bodies—when put into practice—allows our workforce to feel valued, raises self-esteem, empowers individuals and allows them to feel safe,” Blood said.

Sen. Ben Hansen of Blair spoke in opposition to the bill. Government regulation in private business can lead to unintended consequences, he said, adding that the issue of hair styles in the work place should be left to the employer and their employees.

“If I was the employee and felt [discriminated against], I’d quit. I’d tell my friends and I’d put it on social media,” Hansen said. “That sometimes is the most impact you can have on a business.”

Also opposing the bill was Venango Sen. Dan Hughes. Depending on the industry, he said, prohibiting certain hairstyles can be a serious safety consideration.

“Being in agriculture is a dangerous job,” Hughes said. “Having long hair is an impediment and, quite frankly, that’s a risk that I’m not willing to take with an employee.”

Senators voted 26-9 to advance LB1060 to select file.

## EDUCATION

### Student-teacher relationship policy clears first round

Public and private schools in Nebraska would be required to create a policy that prohibits sexual contact between a teacher and a student under a bill advanced from general file March 9.

LB1080, introduced by Omaha Sen. Steve Lathrop, would require the school board or board of education of each school district and the governing authority of each private, denominational or parochial school to adopt a



Sen. Steve Lathrop

policy regarding appropriate relationships between a student and a school employee, student teacher or intern.

Although many school districts already have such policies, Lathrop said, not all do. Lathrop said the bill is part of the Legislature’s response to incidents of students being manipulated or subjected to inappropriate conduct by teachers in Nebraska schools.

“The educators I represent ... are committed professionals,” he said. “I believe you all would say the same about the vast majority of teachers in your local school district, but even a few of these cases are too many.”

The proposed policy would prohibit any school employee or any student teacher or intern from engaging in grooming, which the bill partially defines as “building trust with a student and individuals close to the student in an effort to gain access to and time alone with the student, with the ultimate goal of engaging in sexual contact or sexual penetration with the student.”

It also would prohibit any relation-

ship that involves sexual contact or penetration from occurring between a student and a school employee or a student teacher or intern while a student is enrolled and for a minimum of one year after a student graduates or ceases enrollment.

The policy would include a procedure for reporting suspected grooming or other unacceptable conduct by a school employee, student teacher or intern to the school administration, the state Department of Education, the state Department of Health and Human Services and law enforcement.

Additionally, the policy would describe the preferred methods for a school employee, student teacher or intern to use in communicating with students, including cell phones, email or social media platforms.

Finally, it would include notice that policy violations could result in disciplinary action and referral to the state Department of Education and that any violation involving sexual or other abuse would result in referral to the state Department of Health and Human Services, law enforcement or both.

North Platte Sen. Mike Groene supported LB1080, saying that proponent testimony during its public hearing was “overwhelming” and “convincing.”

“When we drop our children off at the front door of the public school,” he said, “we fully ... expect that ... this kind of stuff won’t happen.”

Lawmakers voted 39-0 to advance the bill to select file.



### Legislative YRTC oversight bill advances

A bill that would provide greater legislative oversight for the state’s

youth rehabilitation centers was broadened and advanced from general file March 10.

The Office of Inspector General of Nebraska Child Welfare is housed within the Office of Public Counsel, a division of the Legislature. Currently, the office investigates allegations of misconduct by employees of the state Department of Health and Human Services, the juvenile services division, contractors and juvenile detention facilities.

LB1144, introduced by the Health and Human Services Committee, would “create critical legislative oversight” of the YRTCs, according to committee chairperson, Omaha Sen. Sara Howard.

She said the level of disrepair and lack of programming that senators discovered last year at YRTC Geneva were “shocking” and that the Legislature needs additional mechanisms to ensure that the situation is not repeated.

LB1144 would require the juvenile services division to report to the inspector general any of the following instances that occur at a YRTC:

- assault;
- escape;
- attempted suicide;
- self-harm by a juvenile;
- property damage;
- use of mechanical restraints;
- a significant medical event for a juvenile; or
- an internally substantiated violation of the Prison Rape Elimination Act.

In addition, the department would be required to notify the inspector general of any leadership changes within the juvenile services division or the YRTCs. The inspector general would be required to conduct an annual review and physical inspection of six state institutions and report to the Legislature on their condition, staffing

and any systemic issues identified.

LB1144 also would require the department to submit quarterly reports of the number of grievances filed at each YRTC, to include a categorization of the issues related to each grievance, the process for addressing grievances and any actions or changes made as a result.

An Executive Board amendment, adopted 42-0, incorporated provisions of LR298, sponsored by Howard. The provisions would create the Youth Rehabilitation and Treatment Center Special Oversight Committee of the Legislature.



Sen. Sara Howard

The eleven-member committee would include:

- three members of the Health and Human Services and Judiciary committees;
- two members each from the Appropriations and Education committees;
- one member from each legislative district in which a YRTC is located; and
- one at-large member of the Legislature.

The oversight committee would be required to issue a report with any findings and recommendations to the Legislature by Dec. 15, 2020, and would terminate on Dec. 31, 2020.

Howard said the new committee would bring more senators into the conversation regarding the YRTCs going forward and provide a broader perspective.

“Recognizing our own limitations, our own expertise, we’ve done what we can on the HHS side, but we really do need some help from some of our colleagues with other areas of expertise,” she said.

Kearney Sen. John Lowe supported the amendment, noting the importance of including on the committee senators from legislative districts that include a YRTC.

“That means a lot to us—that we have a voice in what happens in our districts,” Lowe said.

The committee amendment also incorporates the provisions of Howard’s LB1085, which would make references to the Office of the Public Counsel in several sections of state law gender neutral.

Following adoption of the committee amendment, senators voted 43-0 to advance LB1144 to select file.



**Creation of new state veteran cemetery advances**

The state of Nebraska would acquire a veterans’ cemetery in Grand Island under a bill advanced from general file March 9.

LB911, introduced by Grand Island Sen. Dan Quick, would enable the city to gift the former Nebraska Veterans’ Memorial Cemetery and adjacent land to the state in order to establish a new state cemetery for veterans. The bill also would require the state Department of Veterans’ Affairs to apply for funding assistance from the federal government.



Sen. Dan Quick

There is no state or national veteran cemetery in central Nebraska, Quick said, meaning that family and friends of deceased veterans must travel hours to visit gravesites, or

inter their loved ones at a closer, non-veteran cemetery.

“Grand Island is an ideal location,” Quick said. “It would be meaningful for veterans and their families to honor our veterans at this facility.”

Quick introduced an amendment, adopted 38-0, to clarify that the initial program statement required of the department would be paid for from the Nebraska Veteran Cemetery System Operation Fund.

The amendment also would add an emergency clause, which would make the bill effective immediately upon passage.

Lawmakers advanced LB911 to select file on a vote of 39-0.

**African American commission advances**

A bill that would create the state Commission on African American Affairs advanced from general file March 10.

LB918, introduced by Omaha Sen. Justin Wayne, would require that members of the commission’s 14-person board be of African ancestry. The commission would promote state and federal legislation beneficial to African Americans in Nebraska, work with similar commissions from other states and coordinate housing, education, welfare, medical and dental care, employment and other programs affecting African Americans in the state.



Sen. Justin Wayne

The bill also would require that the commission coordinate with the state Commission on Indian Affairs and the state Latino American Commission to produce a disparity in government contracting study on or before

Dec. 1, 2022.

“This would make sure that the governor’s office and the Legislature have unbiased opinions regarding some of the issues and concerns specifically of African Americans,” Wayne said.

Wayne introduced an amendment, adopted 29-0, that would require the commission to publish the disparity study every five years.

Lawmakers advanced LB918 to select file on a 32-0 vote.



**Health data oversight board advances**

Creation of a new board to oversee the state’s health information exchange advanced from general file March 9.

LB1183, introduced by Sen. John Arch of La Vista, would create the Health Information Technology Board, composed of health care professionals and other stakeholders.



Sen. John Arch

The 14-member board would establish criteria for data collection and disbursement by the statewide health information exchange.

The board would assure that information contained in the exchange was accessed, used and disclosed in accordance with the federal Health Insurance Portability and Accountability Act and also would oversee Nebraska’s prescription drug monitoring protocol.

Arch said the bill would not eliminate the duties of the state Department of Health and Human Services

with respect to the PDMP or create a new governing board for the health exchange.

“This measure will provide very important and necessary oversight for health care data collection,” Arch said.

A Health and Human Services Committee amendment, adopted 45-0, would expand the board to 17 members.

Lawmakers advanced LB1183 to select file on a 37-0 vote.

### **Child care provider background checks advance**

A bill that would require more Nebraska child care providers to undergo a federal background check advanced from general file March 9.

LB1185, introduced by the Health and Human Services Committee, would amend the Child Care Licensing Act to require that individuals who are not required to be licensed under the act but who seek to be providers under the federal Child Care Subsidy program, must submit a request for a national criminal history check for each child care staff member.

Omaha Sen. Sara Howard, chairperson of the committee, said that a bill passed last year requiring fingerprinting and background checks every five years for child care providers under the federal Child Care Development Block Grant did not include unlicensed child care providers.

“LB1185 corrects that omission,” Howard said. “These are childcare providers that care for no more than three children. These unlicensed providers can have an agreement with the Department of Health and Human Services to be a part of the Child Care Subsidy program.”

Non-compliance with the federal requirement could cause the state to lose up to five percent of its federal

block grant funds, she said.

A Health and Human Services Committee amendment, adopted 35-0, added provisions of La Vista Sen. John Arch’s LB837 to the bill.



Sen. John Arch

The amendment would require the state Department of Health and Human Services to seek federal funding to implement a program to assist residential child-care providers and their employees with the cost of fingerprinting and national criminal history record information checks.

Lawmakers advanced LB1185 to select file on a 35-0 vote.

### **Administrative, educational changes for youth centers advance**

A bill overhauling management and educational programming at youth rehabilitation and training centers in Nebraska advanced from general file March 10.

LB1188, introduced by Omaha Sen. Sara Howard, would require the Office of Juvenile Services to create a superintendent of schools position to administer education for YRTCs by Aug. 1, 2020, and mandate that education for any juvenile committed to the OJS be provided by a school program meeting the requirements of an interim program school, an approved school or an accredited school.



Sen. Sara Howard

The bill also would designate YRTCs as interim program schools.

The current situation is a challenge, Howard said, because school administration is not an area of exper-

tise for the state Department of Health and Human Services.

Howard said she eventually would like the four schools serving YRTC youth to be operated by the Nebraska Department of Education. LB1188 is the first step in that transition, she said.

A Health and Human Services Committee amendment, adopted 32-5, would require a superintendent of institutional schools to administer the education programming at YRTCs and all DHHS-administered institutions where youth are housed.



Sen. Tony Vargas

The amendment also added the provisions of two other bills, introduced by Sen. Tony Vargas of Omaha:

- LB1147, which would require DHHS to administer daily maintenance, minor repairs, custodial duties and other operations at YRTCs while the state Department of Administrative Services would oversee major repairs, capital improvements, contract procurement for such improvements and other facility maintenance functions that are not the responsibility of DHHS; and
- LB1149, which would require the state Office of Juvenile Services to utilize evidence-based and validated tools, programs and services. It also would prohibit staff from limiting or prohibiting a juvenile from communicating with relatives as a punishment.

Howard said the provisions from LB1147 would clear up confusion about responsibilities between state agencies overseeing YRTCs, which compounded the crisis that led to the



temporary closure of YRTC Geneva after property was damaged by residents.

“For example, the committee heard that there was confusion about whether damage caused by the girls could be repaired, or even whether the staff of the YRTCs could turn the water off when the sprinkler heads were broken, without going through DAS,” she said.

Vargas said he introduced LB1149 after learning that residents sometimes were disciplined by not being allowed contact with their families.

“This is an unacceptable and harmful correctional approach,” Vargas said. “They need the support of a loving voice on the other end of the phone to do better.”

Sen. Tom Brandt of Plymouth introduced an amendment, adopted 32-9, to include some provisions of his LB1150. The proposal would allow only girls to be placed at the YRTC facility in Geneva and only boys to be placed at the facility in Kearney. It would not take effect until July 1, 2021.



Sen. Tom Brandt

“Housing girls in the same campus as boys has been a struggle for everyone involved,” Brandt said.

Sen. John Lowe of Kearney opposed Brandt’s amendment, saying the residential facilities in Geneva will not be ready by next summer.

“It cannot be done now, it probably can’t be done in a year,” Lowe said. “These facilities were made for less violent individuals.”

Following adoption of the Brandt amendment, senators advanced LB1188 to select file on a 32-4 vote.

## JUDICIARY



### Juvenile justice omnibus bill advanced

Senators advanced a bill from general file March 10 that would make several changes to existing juvenile justice practices.

Currently, juvenile courts have the authority to commit a youth offender generally to a youth rehabilitation treatment center.

LB1148, sponsored by Omaha Sen. Tony Vargas, would require the juvenile court to commit a youth specifically to either YRTC-Kearney or YRTC-Geneva.

A Judiciary Committee amendment, adopted 33-1, would require the Office of Juvenile Services to file a report with the court and give notice of any changes in a youth offender’s placement. The office would be required to provide copies of the notice to all interested parties, including any parent or guardian of the juvenile, at least seven days before the placement.

The proposed changes in the bill are intended to ensure that commitments to YRTC are productive and time-limited, Vargas said, and that when youth are discharged, reentry to their home communities is smooth and safe.

“While we entrust our youth to the care of the state, we do so with the belief that it will ultimately improve their lives and the lives of those in their communities,” he said. “We’ve heard of too many instances where they’re being returned broken and that has to change.”

The amended bill would authorize the court to hold a review hearing for any change in placement and issue a temporary stay of such change until

completion of the review. Each juvenile who is placed at a YRTC would be entitled to an annual review of their placement by the juvenile court for as long as they remain committed.

The committee amendment also incorporated provisions of four additional bills:

- LB458, sponsored by Omaha Sen. Steve Lathrop, which would allow child advocacy centers to access child abuse and neglect investigations under review



Sen. Steve Lathrop

by the state Department of Health and Human Services;

- LB906, sponsored by Bennington Sen. Wendy DeBoer, which would clarify the process of retaining forensic interview videos by child advocacy centers;



Sen. Wendy DeBoer

- LB969, sponsored by Omaha Sen. Justin Wayne, which would ensure that defendants are entitled to a physical copy of a video recording in which they are described; and



Sen. Justin Wayne

- LB975, sponsored by Lincoln Sen. Suzanne Geist, which would allow DHHS to share information



Sen. Suzanne Geist

gathered from adult and child abuse investigations for the purpose of complying with other state or federal investigations.

Omaha Sen. Sara Howard supported the bill. She said that currently juvenile courts have no oversight over a juvenile until YRTC staff decide to charge the youth.

“This really creates a challenge because then there’s no oversight of the treatment of juveniles in [YRTC],” Howard said. “And the court who has ultimate jurisdiction of the child has no way of knowing whether programming is occurring or if treatment is working for the child or not.”

Following the adoption of two technical amendments, senators voted 35-1 to advance LB1148 to select file.

## URBAN AFFAIRS

### Omnibus municipal bill clears first round

A bill to give certain Nebraska towns more flexibility in responding to catastrophic flooding was amended to become an omnibus municipal bill and advanced from general file March 11.

LB1003, introduced by Sen. Lynne Walz of Fremont, would allow any second class city or village to annex land, lots, tracts, streets or highways to relocate all or part of a town because of catastrophic flooding, while waiving a requirement that annexed areas be contiguous or adjacent and urban or suburban in character.

The bill would require a two-thirds vote of either a city council or the vil-



Sen. Lynne Walz

lage board to annex land.

Walz said she introduced LB1003 after the city of Winslow was devastated by last year’s flood. The town would like to move from the flood plain but cannot do so under rules established by the Federal Emergency Management Agency, she said, and Winslow faces an uncertain future if it cannot move.

“This is a very specific set of circumstances that we’re adjusting state statute for,” Walz said.

An Urban Affairs Committee amendment, adopted 36-0, would add a definition of catastrophic flooding and an emergency clause to make the bill effective immediately upon passage. It also would add the provisions of eight other bills:

- LB795, introduced by Lincoln Sen. Matt Hansen, which would amend the Enterprise Zone Act to define unemployment criteria;
- LB799, introduced by the Urban Affairs Committee, which would make technical changes to statutes covering primary class cities;
- LB801, also introduced by the committee, which would make technical changes to the Community Development Law related to tax-increment financing;
- LB821, introduced by Sen. Tom Brewer of Gordon, which would allow the planning commission of a first or second class city or village to cancel a quarterly



Sen. Matt Hansen



Sen. Tom Brewer

meeting if there is no business pending;

- LB885, introduced by Lincoln Sen. Kate Bolz, which would change requirements for grants under the Civic and Community Center Financing Act;
- LB957, also introduced by Walz, which would allow a mayor of a first or second class city to be considered a member of the town’s city council to establish a quorum if the council consists of four members;
- LB984, introduced by Omaha Sen. Megan Hunt, which would require vacancies on airport authority, metropolitan transit authority, land bank, riverfront development authority and housing authority boards to be filled within six month after the date of the vacancy; and
- LB993, introduced by Kearney Sen. John Lowe, which would allow cities with a population between 10,000 and 25,000 to expand the size of their city council from five to seven members under the City Manager Plan of Government Act.



Sen. Kate Bolz



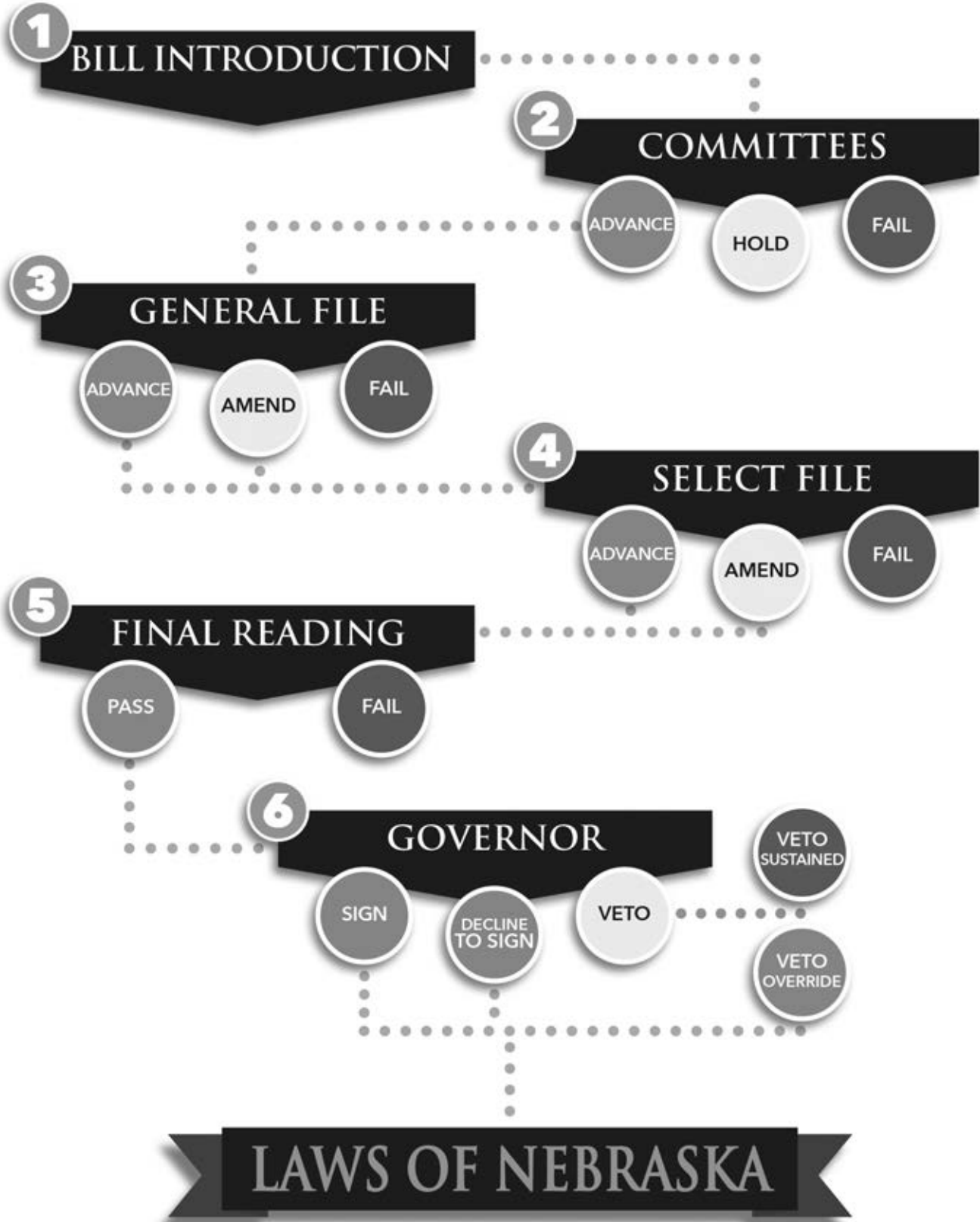
Sen. Megan Hunt



Sen. John Lowe

Following adoption of the committee amendment, lawmakers advanced LB1003 to select file on a 35-0 vote. ■

# HOW A BILL BECOMES LAW



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