

ONE HUNDRED SIXTH LEGISLATURE - SECOND SESSION - 2020
COMMITTEE STATEMENT
LB1185

Hearing Date: Friday February 21, 2020
Committee On: Health and Human Services
Introducer: Health and Human Services
One Liner: Change provisions relating to criminal history record information checks for child care staff members

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye: 7 Senators Arch, Cavanaugh, Hansen, B., Howard, Murman, Walz, Williams

Nay:

Absent:

Present Not Voting:

Oral Testimony:

Proponents:

Senator Sara Howard
Steven Greene
Adam Feser

Representing:

Introducer
Department of Health and Human Services
First Five Nebraska

Opponents:

Representing:

Neutral:

Representing:

Summary of purpose and/or changes:

LB 1185 amends the Child Care Licensing Act to require that persons who are not required to be licensed under the Child Care Licensing Act but who seek to be a provider under the federal Child Care Subsidy program, must submit a request for a national criminal history record information check for each child care staff member.

Beginning October 1, 2020, a child care provider who is not required to be licensed but who wants to participate in the child care subsidy program must request a national criminal history record information check for all existing staff members and all prospective child care staff members. The child care provider must request the national criminal history record information check prior to being approved as a provider within the Child Care Subsidy program or prior to residing in a family child care home. (Sec. 4(2), p. 8, lines 23-31.)

If a child care staff member was a provider in the Child Care Subsidy program or was residing in a family child care home prior to October 1, 2020, such person has until October 1, 2021 to submit a request for a national criminal history record information check. (Sec. 4(2), p. 9, lines 1-6.)

The child care staff member being screened must pay the actual cost of the fingerprinting and national criminal history record information check. (P. 2, lines 6-9.)

A person who has already undergone a national criminal history record information check to obtain a license under the Child Care Licensing Act or work as a staff member and who remains in good standing with the Department of Health

and Human Services (DHHS), does not have to undergo an additional national criminal history record information check to become a provider in the Child Care Subsidy program, unless that person has not worked for a child care provider in the state for more than 180 days. (P. 9, lines 9-17.)

Individuals, entities, and providers are ineligible to participate in the Child Care Subsidy program if the individual, entity, or provider: (1) refuses to consent to a national criminal history record information check; (2) knowingly makes a material false statement in connection with the national criminal history record information check; (3) is registered or required to be registered on a state or national sex offender registry; and (4) has been convicted of a crime of violence, a crime of moral turpitude, or a crime of dishonesty. (Sec. 4(3), p. 9, lines 18-29.)

The Child Care Licensing Act in Neb. Rev. Stat. 71-1912 is also amended so that DHHS may adopt rules and regulations "for the purposes of this section." (Sec. 3(5)(e), p. 7, lines 16-20.)

LB 1185 also inserts language into Neb. Rev. Stat. 68-1206 to require that a child care provider wanting to participate in the Child Care Subsidy program must comply with the criminal history record information check requirements in the Child Care Licensing Act. (Sec. 1(2), p. 2, lines 19-22.)

Testifiers on LB 1185:

Explanation of amendments:

AM 2668 incorporates LB 837 into LB 1185.

LB 837 - Change provisions relating to background checks under the Child Care Licensing Act and the Children's Residential Facilities and Placing Licensure Act.

AM 2668 replaces section 3 of LB 1185 to incorporate LB 837 which amends the same section of law. Section 3 of AM 2668 amends the Child Care Licensing Act, Neb. Rev. Stat. 71-1912, to require the Department of Health and Human Services (DHHS) to seek federal funds if available, to help child care providers and child care staff with the cost of fingerprinting and the national criminal history record information checks. If DHHS does not receive sufficient federal funds to assist child care providers and staff with the costs of the checks then the child care staff member, applicant for a child care license, or a licensee, will pay the actual cost of the fingerprinting and criminal history record information check. However, if funding becomes available, then DHHS may pay all or part of the cost for the child care staff member. (AM 2668, p. 3, lines 5-14.)

AM 2668 also inserts section 5 which amends the Children's Residential Facilities and Placing Licensure Act, Neb. Rev. Stat. 71-1928.01. This section also requires DHHS to seek federal funds, if available, to help residential child-caring agencies and their employees with the cost of fingerprinting and the criminal history record information checks. If DHHS does not receive sufficient federal funding to assist with the costs, the individual being screened or the residential child-caring agency must pay the cost of the fingerprinting and background check unless funding becomes available and then DHHS may pay all or part of the cost. (AM 2668, p. 5, lines 26-31 and p. 6, lines 1-5.)

Motion was made to include LB 837 as amended into the committee amendment AM 2668

Vote: 7-0-0-0

Voting Aye: Senators Howard, Arch, Cavanaugh, B. Hansen, Murman, Walz, Williams

Voting Nay: None

Absent: None

Present Not Voting: None

Public Hearing (February 21, 2020)

Proponents:

Senator John Arch - Introducer

Tim Hruza - Children and Family Coalition of Nebraska

Adam Feser - First Five Nebraska

Anastazia Bauer Scheer - Boys Town

Westin Miller- Civic Nebraska

Opponents:

Steven Greene - Department of Health and Human Services

Neutral: None

Sara Howard, Chairperson