

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT**  
**LB157**

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**Hearing Date:** Friday March 03, 2023  
**Committee On:** Judiciary  
**Introducer:** DeBoer  
**One Liner:** Authorize appointment of temporary guardians for certain purposes

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**Roll Call Vote - Final Committee Action:**

Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	6	Senators Bosn, DeBoer, DeKay, Holdcroft, Ibach, Wayne
<b>Nay:</b>		
<b>Absent:</b>	2	Senators McKinney, Blood
<b>Present Not Voting:</b>		

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**Testimony:**

**Proponents:**

Senator Wendy DeBoer  
Tiffany Joekel  
Margaret Woeppel  
Bo Botelho  
Dr. Lisa Vail

**Representing:**

District 10  
Nebraska Medicine  
Nebraska Hospital Association  
Department of Health and Human Services  
Bryan Health

**Opponents:**

Michelle Chaffee  
Tim Hruza  
Brad Meurrens

**Representing:**

Office of Public Guardian  
Nebraska State Bar Association  
Disability Rights Nebraska

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

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**Summary of purpose and/or changes:**

LB157 amends Section 30-2626 to allow courts to appoint a temporary guardian for the limited purpose of assisting the person in applying for private or government benefits. Such appointments are not subject to the caseload ratio set forth in Section 30-4115 if the Public Guardian is appointed.

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**Explanation of amendments:**

Section 1 contains the provisions of LB315 (Fredrickson) and AM490 (Fredrickson). This section creates a new statute that prohibits healthcare providers, emergency medical providers, laboratories, and pharmacies that have provided any service to treat injuries related to sexual assault, domestic assault, or child abuse, from doing three things: 1) referring bills for treatment to collection agencies or attorneys for purpose of collection; 2) distributing

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information that would in affect the credit rating of the victim, the victim's guardian, or victim's family members, and; 3) taking any other adverse action against the victim, the victim's guardian, or victim's family members for failure to pay the debt. Collection agencies and attorneys are required to return a debt described in this section to the referring party. This section does not prohibit a request for payment of the debt, such as sending a bill, and it does not create a private cause of action against a debt collector.

LB315 Testifiers heard on January 25, 2023

Proponents:

Angie Lauritsen, Self

Katie Welsh, Women's Center for Advancement

Melanie Kirk, Nebraska Coalition to End Sexual and Domestic Violence

Jen Tran, Methodist

Lina Bostwick, NE Nurses Association

Erin Feichtinger, Women's Fund of Omaha

Ryan Nickell, Self

Opponents: None

Sections 2 and 3 contain the provisions of LB436 (Bosn) which updates the Uniform Controlled Substances Act. This section adds fentanyl-related substances, methoxetamine, zipeprol, amineptine, and N-phenyl-N', to the list of Schedule I drugs. It adds daridorexant to the list of Schedule IV drugs. It adds ganaxolone to the list of Schedule V drugs.

LB436 Testifiers heard on February 9, 2023

Proponents:

Shailendra Selvaraj, Nebraska Pharmacists Association

Opponents: None

Section 4 contains the provisions of LB330 (DeBoer). This sections amends Section 30-24,125 to allow a successor to endorse a check payable to the decedent or decedent's estate for a debt owed to the decedent. A financial institution that accepts such a check is discharged from all claims for the amount accepted.

LB330 Testifiers heard on February 2, 2023

Proponents:

Ryan McIntosh, Nebraska Bankers Association

Dexter Schrod, Nebraska Independent Community Bankers

William J. Lindsay, Jr., Nebraska State Bar Association

Opponents: None

Sections 5 and 6 contain the provisions of LB157 (DeBoer) with the following changes:

Section 5 allows for the appointment of a temporary guardian for the limited purpose of assisting the person in applying for private or government benefits only if the person is incapacitated, has no guardian, and an emergency exists. Additionally, Section 5 limits the authority to appoint a limited temporary guardian to counties containing a city of the metropolitan class or primary class. A procedure for appointing and compensating a limited temporary guardian in the event the Public Guardian is unable to accept the appointment is created. Limited temporary guardians are granted access to the financial and personal records needed to apply for benefits.

Section 6 creates the Limited Temporary Guardian Aid Program within the Department of Health and Human Services to provide reimbursement to covered counties that have paid expenses and fees for limited temporary guardians. There is a statement of intent to appropriate funds to DHHS to carry out the Limited Temporary Guardian Aid Program.

LB157 Testifiers heard on March 3, 2023

Proponents:

Tiffany Joekel, Nebraska Medicine  
Margaret Woeppel, Nebraska Hospital Association  
Bo Botelho, Department of Health and Human Services  
Lisa Vail, Bryan Health

Opponents:

Tim Hruza, Nebraska State Bar Association  
Brad Meurrens, Disability Rights Nebraska

Section 7 contains the provisions of LB757 (DeBoer). Currently, application for compensation under the Nebraska Crime Victim's Reparation Act must be submitted within two years of injury or death resulting from a crime that was reported to police within three days. This section amends Section 81-1821 to extend the time to report the crime to police to five days. Additionally, this section extends the application deadline for victims under the age of 19. If a victim was under 19 at the time of death, the application deadline is three years after date of death. If a victim was under 19 at the time of injury, the application deadline is on or before their 22nd birthday. Applications submitted after the deadline may be considered if good cause exists for missing the deadline.

LB757 Testifiers heard on February 10, 2023

Proponents:

Erin Feichtinger, Women's Fund of Omaha  
Criston MacTaggart, Nebraska Coalition to End Sexual & Domestic Violence  
Ivy Svoboda, Nebraska Alliance of Child Advocacy Centers  
Anne Boatright, Nebraska Attorney General's Office

Opponents: None

Sections 8 and 9 contain the provisions of LB82 (DeBoer). Section 8 amends Section 83-4,114 to remove the requirement that the Director of Correctional Services meet with the long-term restrictive housing work group prior to submitting the annual report regarding inmates held in restrictive housing. It creates an additional reporting requirement for the Director which includes a description of inmate housing areas that do not meet the definition of general population or restrictive housing. The long-term restrictive housing work group is eliminated. Section 9 amends Section 83-918 to continue certain reporting requirements of the Department of Correctional Services indefinitely.

LB82 Testifiers heard on January 27, 2023

Proponents:

Zach Pluhacek, Inspector General of Corrections

Opponents: None

Neutral:

BrendaMae Stinson, Self

Section 10 states that Sections 1, 2, 3, 5, 6, 7, 8, 9, 12, and 13 become operative three calendar months after adjournment. Remaining sections become operative on their effective date.

Sections 11, 12, and 13 are repealer sections.

Section 14 is an emergency clause.

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Justin Wayne, Chairperson