

SIXTEENTH DAY - JANUARY 31, 2019

LEGISLATIVE JOURNAL

**ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION**

SIXTEENTH DAY

Legislative Chamber, Lincoln, Nebraska
Thursday, January 31, 2019

PRAYER

The prayer was offered by Doctor Eric Elnes, Countryside Community Church, Omaha.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., President Foley presiding.

The roll was called and all members were present except Senators Hilgers, Howard, Vargas, and Wishart who were excused; and Senators Bolz, Linehan, Pansing Brooks, and Walz who were excused until they arrive.

CORRECTIONS FOR THE JOURNAL

The Journal for the fifteenth day was approved.

COMMITTEE REPORT(S)

General Affairs

LEGISLATIVE BILL 65. Placed on General File.

(Signed) Tom Briese, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Agriculture

Room 1524

Tuesday, February 12, 2019 1:30 p.m.

LB657
LB227

Tuesday, February 19, 2019 1:30 p.m.

LB594
LR13
LB729

(Signed) Steve Halloran, Chairperson

Business and Labor

Room 1524

Monday, February 11, 2019 1:00 p.m.

LB644

(Signed) Matt Hansen, Chairperson

EXECUTIVE BOARD REPORT

Senator Hilgers, Chairperson of the Executive Board, reported the appointments of the following members of the Legislature to the following special committee:

The Committee on Justice Reinvestment Oversight

Senator John McCollister

Senator Justin Wayne

Senator Patty Pansing Brooks

Senator Wendy DeBoer

Senator Steve Lathrop (Judiciary Chair)

(Signed) Mike Hilgers, Chairperson
Legislative Council, Executive Board

MOTION(S) - Confirmation Report(s)

Senator Halloran moved the adoption of the Agriculture Committee report for the confirmation of the following appointment(s) found on page 348:

Climate Assessment Response Committee

Bryan Tuma

Voting in the affirmative, 32:

Arch	Crawford	Halloran	Lathrop	Slama
Blood	Dorn	Hansen, B.	McDonnell	Stinner
Bostelman	Erdman	Hansen, M.	Morfeld	Wayne
Brandt	Friesen	Hunt	Moser	Williams
Briese	Geist	Kolowski	Murman	
Cavanaugh	Gragert	Kolterman	Quick	
Clements	Groene	La Grone	Scheer	

Voting in the negative, 0.

Present and not voting, 9:

Albrecht	Chambers	Hilkemann	Lindstrom	McCollister
Brewer	DeBoer	Hughes	Lowe	

Excused and not voting, 8:

Bolz	Howard	Pansing Brooks	Walz
Hilgers	Linehan	Vargas	Wishart

The appointment was confirmed with 32 ayes, 0 nays, 9 present and not voting, and 8 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Arts Council
 Joyce Hasselbalch
 Sarah Peetz

Voting in the affirmative, 36:

Albrecht	DeBoer	Hansen, M.	Linehan	Slama
Arch	Dorn	Hilkemann	McCollister	Stinner
Blood	Erdman	Hughes	McDonnell	Wayne
Bostelman	Geist	Hunt	Morfeld	Williams
Brandt	Gragert	Kolowski	Moser	
Briese	Groene	Kolterman	Murman	
Cavanaugh	Halloran	La Grone	Pansing Brooks	
Crawford	Hansen, B.	Lathrop	Quick	

Voting in the negative, 0.

Present and not voting, 7:

Brewer	Clements	Lindstrom	Scheer
Chambers	Friesen	Lowe	

Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointments were confirmed with 36 ayes, 0 nays, 7 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

State Electrical Board
Mike Hunsberger

Voting in the affirmative, 38:

Albrecht	Crawford	Halloran	La Grone	Pansing Brooks
Arch	DeBoer	Hansen, B.	Lathrop	Quick
Blood	Dorn	Hansen, M.	Lindstrom	Slama
Bostelman	Erdman	Hilkemann	McCollister	Stinner
Brandt	Friesen	Hughes	McDonnell	Wayne
Briese	Geist	Hunt	Morfeld	Williams
Cavanaugh	Gragert	Kolowski	Moser	
Clements	Groene	Kolterman	Murman	

Voting in the negative, 0.

Present and not voting, 5:

Brewer	Chambers	Linehan	Lowe	Scheer
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Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

Senator Briese moved the adoption of the General Affairs Committee report for the confirmation of the following appointment(s) found on page 356:

Nebraska Commission on Problem Gambling
Jeffrey Bomberger

Voting in the affirmative, 38:

Albrecht	Chambers	Gragert	Kolowski	Moser
Arch	Clements	Groene	Kolterman	Murman
Blood	Crawford	Halloran	La Grone	Pansing Brooks
Bostelman	DeBoer	Hansen, B.	Lathrop	Quick
Brandt	Dorn	Hansen, M.	Linehan	Slama
Brewer	Erdman	Hilkemann	McCollister	Williams
Briese	Friesen	Hughes	McDonnell	
Cavanaugh	Geist	Hunt	Morfeld	

Voting in the negative, 0.

Present and not voting, 5:

Lindstrom	Lowe	Scheer	Stinner	Wayne
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Excused and not voting, 6:

Bolz	Howard	Walz
Hilgers	Vargas	Wishart

The appointment was confirmed with 38 ayes, 0 nays, 5 present and not voting, and 6 excused and not voting.

COMMITTEE REPORT(S)

Enrollment and Review

LEGISLATIVE BILL 193. Placed on Select File with amendment.
ER3

- 1 1. On page 2, line 16, after the first semicolon insert "to name the
- 2 Municipal Commission Plan of Government Act and the City Manager Plan of
- 3 Government Act;" and after "provisions" insert "and provisions relating
- 4 to an excise board and its members".
- 5 2. On page 44, line 21, strike the comma, show as stricken, and
- 6 insert "of the".
- 7 3. On page 45, line 30, strike "shall approve", show as stricken,
- 8 and insert "approves".
- 9 4. On page 54, line 10, strike "Where", show as stricken, and insert
- 10 "When".
- 11 5. On page 59, line 3, strike the commas and show as stricken; in
- 12 line 4 strike the first "or" and show as stricken; and in line 5 strike
- 13 the last comma and show as stricken.
- 14 6. On page 63, line 23, after "its" insert "designated".
- 15 7. On page 72, line 28, strike "nor", show as stricken, and insert
- 16 "or".
- 17 8. On page 79, line 6, strike "council" and insert "councils" and
- 18 strike "board" and insert "boards".
- 19 9. On page 82, line 15, after "fund" insert "or funds were" and
- 20 strike "was" and show as stricken.
- 21 10. On page 83, line 22, strike "This", show as stricken, and insert

22 "Such".

23 11. On page 87, line 19, strike "mentioned", show as stricken, and
24 insert "described".

25 12. On page 90, line 19, strike "plan" and insert "form".

26 13. On page 118, line 28, strike the comma and show as stricken.

27 14. On page 129, line 1, reinstate the stricken "insofar".

LEGISLATIVE BILL 194. Placed on Select File.

LEGISLATIVE BILL 196. Placed on Select File.

LEGISLATIVE BILL 117. Placed on Select File.

LEGISLATIVE BILL 79. Placed on Select File.

LEGISLATIVE BILL 82. Placed on Select File with amendment.

ER4

1 1. On page 1, line 5, after "change" insert "and eliminate".

LEGISLATIVE BILL 190. Placed on Select File with amendment.

ER5

1 1. On page 1, lines 4 and 5, strike "harmonize provisions" and

2 insert "provide and eliminate provisions relating to school bus loading
3 area warning signs".

LEGISLATIVE BILL 33. Placed on Select File with amendment.

ER7

1 1. On page 1, strike beginning with "73-507" in line 2 through line

2 13 and insert "and 84-1502, Reissue Revised Statutes of Nebraska, and

3 sections 79-934, 79-989, 84-712.05, and 84-1503, Revised Statutes

4 Cumulative Supplement, 2018; to change written plan of action deadlines

5 for the Nebraska Investment Council and the Public Employees Retirement

6 Board; to change findings and comprehensive review provisions relating to

7 the achieving a better life experience program; to eliminate obsolete

8 language regarding formula annuity retirement allowances under the School

9 Employees Retirement Act; to provide a public records exception as

10 prescribed under the Class V School Employees Retirement Act; to increase

11 the board member per diem and change duties relating to competitive

12 bidding of the Public Employees Retirement Board; to harmonize

13 provisions; to repeal the original sections; and to declare an

14 emergency."

15 2. On page 18, line 14, strike "73-507,"; and in line 15 after

16 "sections" insert "79-934,".

(Signed) Julie Slama, Chairperson

COMMITTEE REPORT(S)

Urban Affairs

LEGISLATIVE BILL 85. Placed on General File with amendment.

AM66

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. The Legislature finds that the enforcement of local
4 building and construction codes is a matter of state concern,
5 particularly in larger cities which contain a large number of residential
6 rental properties. The state provides guidelines for the adoption of
7 local building and construction codes under the Building Construction Act
8 and regulates the landlord and tenant relationship through the Uniform
9 Residential Landlord and Tenant Act. Recognizing the need to safeguard
10 life, health, property, and the public welfare through the appropriate
11 enforcement of local building and construction codes, the Legislature
12 hereby declares the necessity of establishing minimum requirements for
13 cities of the metropolitan class to enforce such codes through a
14 proactive rental housing inspection program.

15 Sec. 2. For purposes of sections 1 to 7 of this act:16 (1) City means any city of the metropolitan class;17 (2) Housing agency has the same meaning as in section 71-1575; and

18 (3) Newly constructed residential rental property means (a) a
19 single-family or multi-unit residential rental property that was
20 constructed within the past five years or (b) a non-residential rental
21 property that was converted into multi-unit residential rental property
22 within the past five years. For purposes of this subdivision, a rental
23 property shall be considered constructed or converted on the date of
24 issuance of an occupancy permit by the city.

25 Sec. 3. Any city which enacts and administers a local building or
26 construction code under section 71-6406 shall adopt a rental housing
27 inspection program to enforce the relevant provisions of such local
1 building or construction code for all residential rental property within
2 the corporate limits of the city. The enforcement procedures for a rental
3 housing inspection program adopted pursuant to this section shall be
4 designed to improve housing conditions. The city shall make reasonable
5 efforts to prevent unreasonable displacement of tenants from residential
6 rental property when enforcing such program.

7 Sec. 4. (1) A rental housing inspection program adopted under
8 section 3 of this act shall include:

9 (a) A requirement that all residential rental property within the
10 corporate limits of the city be registered with the city, except for any
11 such property that is owned by a housing agency;

12 (b) A requirement that all residential rental property within the
13 corporate limits of the city be inspected at least once within a three-
14 year cycle, except as provided in section 5 of this act, and except for
15 any such property that is:

16 (i) Newly constructed residential rental property;17 (ii) Owned by a housing agency;

18 (iii) Inspected or caused to be inspected by a housing agency to
 19 enforce housing quality standards required by the United States
 20 Department of Housing and Urban Development;
 21 (iv) A qualified low-income building or buildings, as such term is
 22 defined in section 42 of the Internal Revenue Code of 1986, as amended;
 23 or
 24 (v) A building or buildings which are regularly inspected pursuant
 25 to a governmental or quasi-governmental program for the provision of
 26 affordable, safe, and sanitary housing;
 27 (c) A supplemental system of inspections of residential rental
 28 property upon receipt of any complaints; and
 29 (d) A procedure for owners of residential rental property to appeal
 30 adverse decisions under the rental housing inspection program.
 31 (2)(a) The city shall comply with the requirements of subdivisions
 1 (1)(a), (c), and (d) of this section no later than one year following the
 2 effective date of this act.
 3 (b) For residential rental property with three or more rental units,
 4 the city shall comply with the requirements of subdivision (1)(b) of this
 5 section no later than two years following the effective date of this act.
 6 For residential rental property with less than three rental units, the
 7 city shall comply with the requirements of subdivision (1)(b) of this
 8 section no later than three years following the effective date of this
 9 act.
 10 Sec. 5. A rental housing inspection program adopted under section 3
 11 of this act may include:
 12 (1) A schedule of annual registration fees, which fees may vary
 13 depending on the type of dwelling, dwelling unit, history of code
 14 compliance, or other pertinent factors;
 15 (2) A schedule of fines for failure to comply with registration and
 16 local building and construction code requirements, including fines and
 17 interest for late payments;
 18 (3) A schedule of inspection fees for any reinspection required in
 19 addition to a regular inspection of any residential rental property;
 20 (4) A provision allowing for less frequent inspections of
 21 residential rental properties with a history of code compliance and
 22 responsiveness to prior code complaints; and
 23 (5) A provision establishing an escrow account where monthly rental
 24 fees are deposited for those units found to be in code violation and held
 25 in escrow until such units are in code compliance.
 26 Sec. 6. For multi-unit residential rental properties, a rental
 27 housing inspection program adopted under section 3 of this act may
 28 provide for inspections to be conducted on a random sampling of all units
 29 of such property instead of inspecting all units of such property.
 30 Sec. 7. (1) A city may enforce the collection of unpaid fees and
 31 unpaid fines assessed or levied under any schedule adopted pursuant to
 1 section 5 of this act by filing a civil action in any court of competent
 2 jurisdiction.
 3 (2) Unpaid fees and unpaid fines assessed or levied under any
 4 schedule adopted pursuant to section 5 of this act shall become a lien on

5 the applicable property upon the recording of a notice of such lien in
6 the office of the register of deeds of the county in which the applicable
7 property is located. The lien created under this subsection shall be
8 subordinate to all other prior recorded liens on the applicable property.
9 Sec. 8. The Revisor of Statutes shall assign sections 1 to 7 of
10 this act to Chapter 14.

(Signed) Justin Wayne, Chairperson

Business and Labor

LEGISLATIVE BILL 102. Placed on General File.

LEGISLATIVE BILL 301. Placed on General File.

LEGISLATIVE BILL 359. Placed on General File.

LEGISLATIVE BILL 306. Placed on General File with amendment.

AM71

1 1. On page 3, line 17, strike beginning with "left" through "care"
2 and insert "has made all reasonable efforts to preserve employment but
3 voluntarily leaves employment for the purpose of caring".

(Signed) Matt Hansen, Chairperson

NOTICE OF COMMITTEE HEARING(S)

Natural Resources

Room 1525

Thursday, February 7, 2019 1:30 p.m.

Richard S. Mercure - Niobrara Council
LB155

(Signed) Dan Hughes, Chairperson

GENERAL FILE

LEGISLATIVE BILL 70. Title read. Considered.

Advanced to Enrollment and Review Initial with 43 ayes, 0 nays, 2 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 78. Title read. Considered.

Advanced to Enrollment and Review Initial with 40 ayes, 0 nays, 5 present
and not voting, and 4 excused and not voting.

LEGISLATIVE BILL 221. Title read. Considered.

Advanced to Enrollment and Review Initial with 35 ayes, 0 nays, 10 present and not voting, and 4 excused and not voting.

AMENDMENT(S) - Print in Journal

Senator Wayne filed the following amendment to LB92:

AM104

1 1. Strike the original sections and insert the following new

2 sections:

3 Section 1. Section 43-256, Reissue Revised Statutes of Nebraska, is

4 amended to read:

5 43-256 When the court enters an order continuing placement,
6 detention, or an alternative to detention infringing upon the juvenile's
7 liberty interest pursuant to section 43-253, upon request of the
8 juvenile, or his or her parent, guardian, or attorney, the court shall
9 hold a hearing within forty-eight hours, at which hearing the burden of
10 proof shall be upon the state to show probable cause that such juvenile
11 is within the jurisdiction of the court. The Nebraska Evidence Rules are
12 not required to be applied ~~Strict rules of evidence shall not apply~~ at
13 the probable cause hearing. The juvenile shall be released if probable
14 cause is not shown. At the option of the court, it may hold the
15 adjudication hearing provided in section 43-279 as soon as possible
16 instead of the probable cause hearing if held within a reasonable period
17 of time. This section and section 43-255 shall not apply to a juvenile
18 (1) who has escaped from a commitment or (2) who has been taken into
19 custody for his or her own protection as provided in subdivision (2) of
20 section 43-248 in which case the juvenile shall be held on order of the
21 court with jurisdiction for a reasonable period of time.

22 Sec. 2. Section 43-279, Reissue Revised Statutes of Nebraska, is

23 amended to read:

24 43-279 (1) The adjudication portion of hearings shall be conducted
25 before the court without a jury, applying the Nebraska Evidence Rules
26 ~~customary rules of evidence in use in trials without a jury~~. When the
27 petition alleges the juvenile to be within the provisions of subdivision
1 (1), (2), (3)(b), or (4) of section 43-247 and the juvenile or his or her
2 parent, guardian, or custodian appears with or without counsel, the court
3 shall inform the parties:
4 (a) Of the nature of the proceedings and the possible consequences
5 or dispositions pursuant to sections 43-284 to 43-286, 43-289, and 43-290
6 that may apply to the juvenile's case following an adjudication of
7 jurisdiction;
8 (b) Of such juvenile's right to counsel as provided in sections
9 43-272 and 43-273;
10 (c) Of the privilege against self-incrimination by advising the
11 juvenile, parent, guardian, or custodian that the juvenile may remain
12 silent concerning the charges against the juvenile and that anything said
13 may be used against the juvenile;

14 (d) Of the right to confront anyone who testifies against the
15 juvenile and to cross-examine any persons who appear against the
16 juvenile;

17 (e) Of the right of the juvenile to testify and to compel other
18 witnesses to attend and testify in his or her own behalf;

19 (f) Of the right of the juvenile to a speedy adjudication hearing;
20 and

21 (g) Of the right to appeal and have a transcript for such purpose.

22 After giving such warnings and admonitions, the court may accept an
23 in-court admission by the juvenile of all or any part of the allegations
24 in the petition if the court has determined from examination of the
25 juvenile and those present that such admission is intelligently,
26 voluntarily, and understandingly made and with an affirmative waiver of
27 rights and that a factual basis for such admission exists. The waiver of
28 the right to counsel shall satisfy section 43-3102. The court may base
29 its adjudication provided in subsection (2) of this section on such
30 admission.

31 (2) If the juvenile denies the petition or stands mute the court
1 shall first allow a reasonable time for preparation if needed and then
2 consider only the question of whether the juvenile is a person described
3 by section 43-247. After hearing the evidence on such question, the court
4 shall make a finding and adjudication, to be entered on the records of
5 the court, whether or not the juvenile is a person described by
6 subdivision (1), (2), (3)(b), or (4) of section 43-247 based upon proof
7 beyond a reasonable doubt. If an Indian child is involved, the standard
8 of proof shall be in compliance with the Nebraska Indian Child Welfare
9 Act, if applicable.

10 (3) If the court shall find that the juvenile named in the petition
11 is not within the provisions of section 43-247, it shall dismiss the
12 case. If the court finds that the juvenile named in the petition is such
13 a juvenile, it shall make and enter its findings and adjudication
14 accordingly, designating which subdivision or subdivisions of section
15 43-247 such juvenile is within; the court shall allow a reasonable time
16 for preparation if needed and then proceed to an inquiry into the proper
17 disposition to be made of such juvenile.

18 Sec. 3. Section 43-283, Reissue Revised Statutes of Nebraska, is
19 amended to read:

20 43-283 The Nebraska Evidence Rules shall apply to all adjudication
21 hearings and any hearing on a motion or petition seeking termination of
22 parental rights. The Nebraska Evidence Rules are not required to be
23 applied at any other hearing under the Nebraska Juvenile Code, including,
24 but not limited to, dispositional, review, permanency planning, or
25 detention or protective custody hearings. Strict rules of evidence shall
26 not be applied at any dispositional hearing.

27 Sec. 4. Section 43-285, Revised Statutes Cumulative Supplement,
28 2018, is amended to read:

29 43-285 (1) When the court awards a juvenile to the care of the
30 Department of Health and Human Services, an association, or an individual
31 in accordance with the Nebraska Juvenile Code, the juvenile shall, unless

1 otherwise ordered, become a ward and be subject to the legal custody and
2 care of the department, association, or individual to whose care he or
3 she is committed. Any such association and the department shall have
4 authority, by and with the assent of the court, to determine the care,
5 placement, medical services, psychiatric services, training, and
6 expenditures on behalf of each juvenile committed to it. Any such
7 association and the department shall be responsible for applying for any
8 health insurance available to the juvenile, including, but not limited
9 to, medical assistance under the Medical Assistance Act. Such custody and
10 care shall not include the guardianship of any estate of the juvenile.

11 (2)(a) Following an adjudication hearing at which a juvenile is
12 adjudged to be under subdivision (3)(a) or (c) of section 43-247, the
13 court may order the department to prepare and file with the court a
14 proposed plan for the care, placement, services, and permanency which are
15 to be provided to such juvenile and his or her family. The health and
16 safety of the juvenile shall be the paramount concern in the proposed
17 plan.

18 (b) The department shall provide opportunities for the child, in an
19 age or developmentally appropriate manner, to be consulted in the
20 development of his or her plan as provided in the Nebraska Strengthening
21 Families Act.

22 (c) The department shall include in the plan for a child who is
23 fourteen years of age or older and subject to the legal care and custody
24 of the department a written independent living transition proposal which
25 meets the requirements of section 43-1311.03 and, for eligible children,
26 the Young Adult Bridge to Independence Act. The juvenile court shall
27 provide a copy of the plan to all interested parties before the hearing.
28 The court may approve the plan, modify the plan, order that an
29 alternative plan be developed, or implement another plan that is in the
30 child's best interests. In its order the court shall include a finding
31 regarding the appropriateness of the programs and services described in
1 the proposal designed to help the child prepare for the transition from
2 foster care to a successful adulthood. The court shall also ask the
3 child, in an age or developmentally appropriate manner, if he or she
4 participated in the development of his or her plan and make a finding
5 regarding the child's participation in the development of his or her plan
6 as provided in the Nebraska Strengthening Families Act. The Nebraska
7 Evidence Rules are not required to be applied ~~Rules of evidence shall not~~
8 ~~apply~~ at the dispositional hearing when the court considers the plan that
9 has been presented.

10 (d) The last court hearing before jurisdiction pursuant to
11 subdivision (3)(a) of section 43-247 is terminated for a child who is
12 sixteen years of age or older shall be called the independence hearing.
13 In addition to other matters and requirements to be addressed at this
14 hearing, the independence hearing shall address the child's future goals
15 and plans and access to services and support for the transition from
16 foster care to adulthood consistent with section 43-1311.03 and the Young
17 Adult Bridge to Independence Act. The child shall not be required to
18 attend the independence hearing, but efforts shall be made to encourage

19 and enable the child's attendance if the child wishes to attend,
20 including scheduling the hearing at a time that permits the child's
21 attendance. An independence coordinator as provided in section 43-4506
22 shall attend the hearing if reasonably practicable, but the department is
23 not required to have legal counsel present. At the independence hearing,
24 the court shall advise the child about the bridge to independence
25 program, including, if applicable, the right of young adults in the
26 bridge to independence program to request a court-appointed, client-
27 directed attorney under subsection (1) of section 43-4510 and the
28 benefits and role of such attorney and to request additional permanency
29 review hearings in the bridge to independence program under subsection
30 (5) of section 43-4508 and how to request such a hearing. The court shall
31 also advise the child, if applicable, of the rights he or she is giving
1 up if he or she chooses not to participate in the bridge to independence
2 program and the option to enter such program at any time between nineteen
3 and twenty-one years of age if the child meets the eligibility
4 requirements of section 43-4504. The department shall present information
5 to the court regarding other community resources that may benefit the
6 child, specifically information regarding state programs established
7 pursuant to 42 U.S.C. 677. The court shall also make a finding as to
8 whether the child has received the documents as required by subsection
9 (9) of section 43-1311.03.

10 (3)(a) Within thirty days after an order awarding a juvenile to the
11 care of the department, an association, or an individual and until the
12 juvenile reaches the age of majority, the department, association, or
13 individual shall file with the court a report stating the location of the
14 juvenile's placement and the needs of the juvenile in order to effectuate
15 the purposes of subdivision (1) of section 43-246. The department,
16 association, or individual shall file a report with the court once every
17 six months or at shorter intervals if ordered by the court or deemed
18 appropriate by the department, association, or individual. Every six
19 months, the report shall provide an updated statement regarding the
20 eligibility of the juvenile for health insurance, including, but not
21 limited to, medical assistance under the Medical Assistance Act. The
22 department shall also concurrently file a written sibling placement
23 report as described in subsection (3) of section 43-1311.02 at these
24 times.

25 (b) The department, association, or individual shall file a report
26 and notice of placement change with the court and shall send copies of
27 the notice to all interested parties, including all of the child's
28 siblings that are known to the department, at least seven days before the
29 placement of the juvenile is changed from what the court originally
30 considered to be a suitable family home or institution to some other
31 custodial situation in order to effectuate the purposes of subdivision
1 (1) of section 43-246. The department, association, or individual shall
2 afford a parent or an adult sibling the option of refusing to receive
3 such notifications. The court, on its own motion or upon the filing of an
4 objection to the change by an interested party, may order a hearing to
5 review such a change in placement and may order that the change be stayed

6 until the completion of the hearing. Nothing in this section shall
7 prevent the court on an ex parte basis from approving an immediate change
8 in placement upon good cause shown. The department may make an immediate
9 change in placement without court approval only if the juvenile is in a
10 harmful or dangerous situation or when the foster parents request that
11 the juvenile be removed from their home. Approval of the court shall be
12 sought within twenty-four hours after making the change in placement or
13 as soon thereafter as possible.

14 (c) The department shall provide the juvenile's guardian ad litem
15 with a copy of any report filed with the court by the department pursuant
16 to this subsection.

17 (4) The court shall also hold a permanency hearing if required under
18 section 43-1312.

19 (5) When the court awards a juvenile to the care of the department,
20 an association, or an individual, then the department, association, or
21 individual shall have standing as a party to file any pleading or motion,
22 to be heard by the court with regard to such filings, and to be granted
23 any review or relief requested in such filings consistent with the
24 Nebraska Juvenile Code.

25 (6) Whenever a juvenile is in a foster care placement as defined in
26 section 43-1301, the Foster Care Review Office or the designated local
27 foster care review board may participate in proceedings concerning the
28 juvenile as provided in section 43-1313 and notice shall be given as
29 provided in section 43-1314.

30 (7) Any written findings or recommendations of the Foster Care
31 Review Office or the designated local foster care review board with
1 regard to a juvenile in a foster care placement submitted to a court
2 having jurisdiction over such juvenile shall be admissible in any
3 proceeding concerning such juvenile if such findings or recommendations
4 have been provided to all other parties of record.

5 (8) The executive director and any agent or employee of the Foster
6 Care Review Office or any member of any local foster care review board
7 participating in an investigation or making any report pursuant to the
8 Foster Care Review Act or participating in a judicial proceeding pursuant
9 to this section shall be immune from any civil liability that would
10 otherwise be incurred except for false statements negligently made.

11 Sec. 5. Original sections 43-256, 43-279, and 43-283, Reissue
12 Revised Statutes of Nebraska, and section 43-285, Revised Statutes
13 Cumulative Supplement, 2018, are repealed.

UNANIMOUS CONSENT - Add Cointroducer(s)

Unanimous consent to add Senator(s) as cointroducer(s). No objections. So ordered.

Senator Howard name added to LB15.

Senator M. Hansen name added to LB15.

Senator Quick name added to LB15.

Senator Bolz name added to LB15.

Senator Hunt name added to LB15.
Senator Erdman name added to LB16.
Senator Hunt name added to LB51.
Senator Erdman name added to LB54.
Senator Erdman name added to LB185.
Senator Dorn name added to LB267.
Senator Erdman name added to LB454.
Senator Walz name added to LB642.
Senator B. Hansen name added to LB720.

ADJOURNMENT

At 9:50 a.m., on a motion by Senator Bolz, the Legislature adjourned until 9:00 a.m., Friday, February 1, 2019.

Patrick J. O'Donnell
Clerk of the Legislature

