

E AND R AMENDMENTS TO LB 848

Introduced by Slama, 1, Chairman Enrollment and Review

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

3           Section 1. The second Monday in October of each year shall be  
4 Indigenous Peoples' Day and Columbus Day and shall be set apart to  
5 recognize the historic, cultural, and contemporary significance of the  
6 people indigenous to the lands that are now known as the Americas,  
7 including Nebraska, and the many contributions of such people.

8           Sec. 2. Section 25-2221, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10           25-2221 Except as may be otherwise more specifically provided, the  
11 period of time within which an act is to be done in any action or  
12 proceeding shall be computed by excluding the day of the act, event, or  
13 default after which the designated period of time begins to run. The last  
14 day of the period so computed shall be included unless it is a Saturday,  
15 a Sunday, or a day during which the offices of courts of record may be  
16 legally closed as provided in this section, in which event the period  
17 shall run until the end of the next day on which the office will be open.

18           All courts and their offices may be closed on Saturdays, Sundays,  
19 days on which a specifically designated court is closed by order of the  
20 Chief Justice of the Supreme Court, and these holidays: New Year's Day,  
21 January 1; Birthday of Martin Luther King, Jr., the third Monday in  
22 January; President's Day, the third Monday in February; Arbor Day, the  
23 last Friday in April; Memorial Day, the last Monday in May; Independence  
24 Day, July 4; Labor Day, the first Monday in September; Indigenous  
25 Peoples' Day and Columbus Day, the second Monday in October; Veterans  
26 Day, November 11; Thanksgiving Day, the fourth Thursday in November; the  
27 day after Thanksgiving; Christmas Day, December 25; and all days declared

1 by law or proclamation of the Governor to be holidays. Such days shall be  
2 designated as nonjudicial days. If any such holiday falls on Sunday, the  
3 following Monday shall be a holiday. If any such holiday falls on  
4 Saturday, the preceding Friday shall be a holiday. Court services shall  
5 be available on all other days. If the date designated by the state for  
6 observance of any legal holiday pursuant to this section, except Veterans  
7 Day, is different from the date of observance of such holiday pursuant to  
8 a federal holiday schedule, the federal holiday schedule shall be  
9 observed.

10 Sec. 3. Section 43-4502, Reissue Revised Statutes of Nebraska, is  
11 amended to read:

12 43-4502 The purpose of the Young Adult Bridge to Independence Act is  
13 to support former state or tribal wards in transitioning to adulthood,  
14 becoming self-sufficient, and creating permanent relationships. The  
15 bridge to independence program shall at all times recognize and respect  
16 the autonomy of the young adult. Nothing in the Young Adult Bridge to  
17 Independence Act shall be construed to abrogate any other rights that a  
18 person who has attained eighteen or nineteen years of age may have as an  
19 adult under state or tribal law.

20 Sec. 4. Section 43-4503, Reissue Revised Statutes of Nebraska, is  
21 amended to read:

22 43-4503 For purposes of the Young Adult Bridge to Independence Act:

23 (1) Age of eligibility means:

24 (a) Nineteen years of age; or

25 (b) Eighteen years of age if the young adult has attained the age of  
26 majority under tribal law;

27 (2) ~~(1)~~ Bridge to independence program means the extended services  
28 and support available to a young adult under the Young Adult Bridge to  
29 Independence Act other than extended guardianship assistance described in  
30 section 43-4511 and extended adoption assistance described in section  
31 43-4512;

1           (3) ~~(2)~~ Child means an individual who has not attained twenty-one  
2 years of age;

3           (4) ~~(3)~~ Department means the Department of Health and Human  
4 Services;

5           (5) ~~(4)~~ Supervised independent living setting means an independent  
6 supervised setting, consistent with 42 U.S.C. 672(c). Supervised  
7 independent living settings shall include, but not be limited to, single  
8 or shared apartments, houses, host homes, college dormitories, or other  
9 postsecondary educational or vocational housing;

10          (6) ~~(5)~~ Voluntary services and support agreement means a voluntary  
11 placement agreement as defined in 42 U.S.C. 672(f) between the department  
12 and a young adult as his or her own guardian; and

13          (7) ~~(6)~~ Young adult means an individual who has attained the age of  
14 eligibility ~~nineteen years of age~~ but who has not attained twenty-one  
15 years of age.

16          Sec. 5. Section 43-4504, Revised Statutes Supplement, 2019, is  
17 amended to read:

18          43-4504 The bridge to independence program is available, on a  
19 voluntary basis, to a young adult:

20          (1) Who has attained the age of eligibility ~~at least nineteen years~~  
21 ~~of age~~;

22          (2) Who was adjudicated to be a juvenile described in subdivision  
23 (3)(a) of section 43-247 or the equivalent under tribal law or who was  
24 adjudicated to be a juvenile described in subdivision (8) of section  
25 43-247 or the equivalent under tribal law if the young adult's  
26 guardianship or state-funded adoption assistance agreement was disrupted  
27 or terminated after he or she had attained the age of sixteen years and  
28 ~~who~~ (a) who, upon attaining the age of eligibility ~~nineteen years of age~~,  
29 was in an out-of-home placement or had been discharged to independent  
30 living or (b) with respect to whom a kinship guardianship assistance  
31 agreement or an adoption assistance agreement was in effect pursuant to

1 42 U.S.C. 673 if the young adult had attained sixteen years of age before  
2 the agreement became effective or with respect to whom a state-funded  
3 guardianship assistance agreement or a state-funded adoption assistance  
4 agreement was in effect if the young adult had attained sixteen years of  
5 age before the agreement became effective;

6 (3) Who is:

7 (a) Completing secondary education or an educational program leading  
8 to an equivalent credential;

9 (b) Enrolled in an institution which provides postsecondary or  
10 vocational education;

11 (c) Employed for at least eighty hours per month;

12 (d) Participating in a program or activity designed to promote  
13 employment or remove barriers to employment; or

14 (e) Incapable of doing any of the activities described in  
15 subdivisions (3)(a) through (d) of this section due to a medical  
16 condition, which incapacity is supported by regularly updated information  
17 in the case plan of the young adult;

18 (4) Who is a Nebraska resident, except that this requirement shall  
19 not disqualify a young adult who was a Nebraska resident but was placed  
20 outside Nebraska pursuant to the Interstate Compact for the Placement of  
21 Children; and

22 (5) Who does not meet the level of care for a nursing facility as  
23 defined in section 71-424, for a skilled nursing facility as defined in  
24 section 71-429, or for an intermediate care facility for persons with  
25 developmental disabilities as defined in section 71-421.

26 The changes made to subdivision (2)(b) of this section by Laws 2015,  
27 LB243, become operative on July 1, 2015.

28 Sec. 6. Section 43-4510, Reissue Revised Statutes of Nebraska, is  
29 amended to read:

30 43-4510 (1) If desired by the young adult, the young adult shall be  
31 provided a court-appointed attorney who has received training appropriate

1 to the role. The attorney's representation of the young adult shall be  
2 client-directed. The attorney shall protect the young adult's legal  
3 rights and vigorously advocate for the young adult's wishes and goals,  
4 including assisting the young adult as necessary to ensure that the  
5 bridge to independence program is providing the young adult with the  
6 services and support required under the Young Adult Bridge to  
7 Independence Act. For young adults who were appointed a guardian ad litem  
8 before the young adult attained the age of eligibility ~~nineteen years of~~  
9 ~~age~~, the guardian ad litem's appointment may be continued, with consent  
10 from the young adult, but under a client-directed model of  
11 representation. Before entering into a voluntary services and support  
12 agreement and at least sixty days prior to each permanency and case  
13 review, the independence coordinator shall notify the young adult of his  
14 or her right to request a client-directed attorney if the young adult  
15 would like an attorney to be appointed and shall provide the young adult  
16 with a clear and developmentally appropriate written notice regarding the  
17 young adult's right to request a client-directed attorney, the benefits  
18 and role of such attorney, and the specific steps to take to request that  
19 an attorney be appointed if the young adult would like an attorney  
20 appointed.

21 (2) The court has discretion to appoint a court appointed special  
22 advocate volunteer or continue the appointment of a previously appointed  
23 court appointed special advocate volunteer with the consent of the young  
24 adult.

25 Sec. 7. Section 43-4511, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 43-4511 (1) The department shall provide extended guardianship  
28 assistance and medical care under the medical assistance program for a  
29 young adult who has attained the age of eligibility ~~is at least nineteen~~  
30 ~~years of age~~ but is less than twenty-one years of age and with respect to  
31 whom a kinship guardianship assistance agreement was in effect pursuant

1 to 42 U.S.C. 673 if the young adult had attained sixteen years of age  
2 before the agreement became effective or with respect to whom a state-  
3 funded guardianship assistance agreement was in effect if the young adult  
4 had attained sixteen years of age before the agreement became effective  
5 and if the young adult meets at least one of the following conditions for  
6 eligibility:

7 (a) The young adult is completing secondary education or an  
8 educational program leading to an equivalent credential;

9 (b) The young adult is enrolled in an institution that provides  
10 postsecondary or vocational education;

11 (c) The young adult is employed for at least eighty hours per month;

12 (d) The young adult is participating in a program or activity  
13 designed to promote employment or remove barriers to employment; or

14 (e) The young adult is incapable of doing any part of the activities  
15 in subdivisions (1)(a) through (d) of this section due to a medical  
16 condition, which incapacity must be supported by regularly updated  
17 information in the case plan of the young adult.

18 (2) The guardian shall ensure that any guardianship assistance funds  
19 provided by the department and received by the guardian shall be used for  
20 the benefit of the young adult. The department shall adopt and promulgate  
21 rules and regulations defining services and supports encompassed by such  
22 benefit.

23 (3) The changes made to this section by Laws 2015, LB243, become  
24 operative on July 1, 2015.

25 Sec. 8. Section 43-4512, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 43-4512 (1) The department shall provide extended adoption  
28 assistance and medical care under the medical assistance program for a  
29 young adult who has attained the age of eligibility ~~is at least nineteen~~  
30 ~~years of age~~ but is less than twenty-one years of age and with respect to  
31 whom an adoption assistance agreement was in effect if the young adult

1 had attained sixteen years of age before the agreement became effective  
2 and who meets at least one of the following conditions of eligibility:

3 (a) The young adult is completing secondary education or an  
4 educational program leading to an equivalent credential;

5 (b) The young adult is enrolled in an institution that provides  
6 postsecondary or vocational education;

7 (c) The young adult is employed for at least eighty hours per month;

8 (d) The young adult is participating in a program or activity  
9 designed to promote employment or remove barriers to employment; or

10 (e) The young adult is incapable of doing any part of the activities  
11 in subdivisions (1)(a) through (d) of this section due to a medical  
12 condition, which incapacity must be supported by regularly updated  
13 information in the case plan of the young adult.

14 (2) The adoptive parent or parents shall ensure that any adoption  
15 assistance funds provided by the department and received by the adoptive  
16 parent shall be used for the benefit of the young adult. The department  
17 shall adopt and promulgate rules and regulations defining services and  
18 supports encompassed by such benefit.

19 Sec. 9. Section 62-301, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 62-301 (1) For the purposes of the Uniform Commercial Code and  
22 section 62-301.01, the following days shall be holidays: New Year's Day,  
23 January 1; Birthday of Martin Luther King, Jr., the third Monday in  
24 January; President's Day, the third Monday in February; Arbor Day, the  
25 last Friday in April; Memorial Day, the last Monday in May; Independence  
26 Day, July 4; Labor Day, the first Monday in September; Indigenous  
27 Peoples' Day and Columbus Day, the second Monday in October; Veterans  
28 Day, November 11, and the federally recognized holiday therefor, or  
29 either of them; Thanksgiving Day, the fourth Thursday in November; the  
30 day after Thanksgiving; and Christmas Day, December 25. If any such  
31 holiday falls on Sunday, the following Monday shall be a holiday. If the

1 date designated by the state for observance of any legal holiday  
2 enumerated in this section, except Veterans Day, is different from the  
3 date of observance of such holiday pursuant to a federal holiday  
4 schedule, the federal holiday schedule shall be observed.

5 (2) Any bank doing business in this state may, by a brief written  
6 notice at, on, or near its front door, fully dispense with or restrict,  
7 to such extent as it may determine, the hours within which it will be  
8 open for business.

9 (3) Any bank may close on Saturday if it states such fact by a brief  
10 written notice at, on, or near its front door. When such bank will, in  
11 observance of such a notice, not be open for general business, such day  
12 shall, with respect to the particular bank, be the equivalent of a  
13 holiday as fully as if such day were listed in subsection (1) of this  
14 section, and any act authorized, required, or permitted to be performed  
15 at, by, or with respect to such bank which will, in observance of such  
16 notice, not be open for general business, acting in its own behalf or in  
17 any capacity whatever, may be performed on the next succeeding business  
18 day and no liability or loss of rights on the part of any person shall  
19 result from such delay.

20 (4) Any bank which, by the notice provided for by subsection (3) of  
21 this section, has created the holiday for such bank may, without  
22 destroying the legal effect of the holiday for it and solely for the  
23 convenience of its customers, remain open all or part of such day in a  
24 limited fashion by treating every transaction with its customers on such  
25 day as though the transaction had taken place immediately upon the  
26 opening of such bank on the first following business day.

27 (5) Whenever the word bank is used in this section it includes  
28 building and loan association, savings and loan association, credit  
29 union, savings bank, trust company, investment company, and any other  
30 type of financial institution.

31 Sec. 10. Original sections 25-2221, 43-4502, 43-4503, 43-4510,

1 43-4511, 43-4512, and 62-301, Reissue Revised Statutes of Nebraska, and  
2 section 43-4504, Revised Statutes Supplement, 2019, are repealed.

3 2. On page 1, strike beginning with "and" in line 1 through line 3  
4 and insert ", 43-4502, 43-4503, 43-4510, 43-4511, 43-4512, and 62-301,  
5 Reissue Revised Statutes of Nebraska, and section 43-4504, Revised  
6 Statutes Supplement, 2019; to rename Columbus Day as Indigenous Peoples'  
7 Day and Columbus Day; to change the Young Adult Bridge to Independence  
8 Act as it relates to young adult members of Indian tribes; to harmonize  
9 provisions; and to repeal the original sections."