

## LEGISLATIVE BILL 466

Approved by the Governor May 5, 1975

Introduced by Appropriations Committee, Marvel, 33, Chmn.; Clark, 47; Goodrich, 20; Simpson, 46; Savage, 10; S. Marsh, 29; Stull, 49; Bereuter, 24; Johnson, 15

AN ACT to amend sections 83-305.01, 83-305.03, 83-308, and 83-363, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01 and 83-305, Revised Statutes Supplement, 1974, relating to care of the mentally ill; to provide for transfer of control of the Nebraska Psychiatric Institute; to provide for retirement benefits; to provide an operative date; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 83-107.01, Revised Statutes Supplement, 1974, be amended to read as follows:

83-107.01. The official names of the state institutions under the supervision of the Department of Public Institutions shall be as follows: (1) Beatrice State Home, ~~(2) Nebraska--Orthopedic--Hospital,--(3) (2)~~ Lincoln Regional Center, ~~(4) (3)~~ Norfolk Regional Center, ~~(5) (4)~~ Hastings Regional Center, and ~~(6) (5)~~ Nebraska Veterans' Home, ~~---and---(7)---Nebraska---Psychiatric Institute.~~

Sec. 2. That section 83-305, Revised Statutes Supplement, 1974, be amended to read as follows:

83-305. The state hospital established in Lancaster County for the treatment of mental diseases shall be located on the campus known as the Lincoln Regional Center. The state hospital established in Madison County shall be located on the campus known as the Norfolk Regional Center. The state hospital established in Adams County shall be located on the campus known as the Hastings Regional Center. ~~The psychiatric-hospital-unit-established-at-Omaha--shall--be known-as-the-Nebraska-Psychiatric-Institute.~~

Sec. 3. That section 83-305.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-305.01. Control of all functions of the Nebraska Psychiatric Institute is hereby transferred from the Department of Public Institutions to the Board of Regents of the University of Nebraska. The titular head of the Nebraska Psychiatric Institute shall be known as the director and he shall have the same powers, authority, and duties as prescribed for the superintendents of the other state hospitals described in section 83-305 and, for the purpose of carrying out the functions of the titular head of the Nebraska Psychiatric Institute, director and superintendent shall mean one and the same person. The director shall be under the jurisdiction of the Chancellor of the Medical Center, shall report to the Board of Regents through the President of the University, and shall be responsible for the administration and the preparation of its budget.

Sec. 4. That section 83-305.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-305.03. The Director of Public Institutions ~~may, upon proper request from~~ or the Director of Corrections, Correctional Services ~~may~~ order the temporary transfer of any person committed to the Department of Public Institutions or the Division of Corrections Department of Correctional Services to the Nebraska Psychiatric Institute with the concurrence of the director thereof or the University Hospital with the concurrence of the superintendent of such hospital for special diagnosis and treatment of any illness he may suffer which cannot be properly diagnosed or treated by the medical facilities of the institution of which he is a patient or inmate. The responsibility of guarding any such patient or inmate transferred shall remain with the institution of which he is a patient or inmate. The Department of Public Institutions or the Department of Correctional Services shall pay, out of the proper account, all expenses incurred by the University Hospital or Nebraska Psychiatric Institute on behalf of any patient or inmate so transferred by the respective department.

Sec. 5. That section 83-308, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-308. The amount of the salary of the superintendents of the four ~~three~~ state mental hospitals as described in section 83-305, shall be determined by the Director of Medical Services and paid in the same manner as other state officers.

Sec. 6. That section 83-363, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-363. As used in this act, unless the context otherwise requires:

(1) Department shall mean the Department of Public Institutions;

(2) Director shall mean the Director of Public Institutions;

(3) State institution shall mean the state hospitals at Lincoln, Norfolk, and Hastings, ~~the Nebraska Psychiatric Institute at Omaha~~, the Beatrice State Home, and such other institutions as may hereafter be established by the Legislature for the care and treatment of the mentally ill and mentally retarded;

(4) Relative shall mean the spouse of a patient, or, if the patient has no spouse and is under the age of ~~twenty-one years majority~~ at the time he is admitted, the parents of a patient in a state institution; and

(5) Parents shall mean either or both of a patient's natural parents unless such patient has been legally adopted by other parents, in which case parents shall mean either or both of the adoptive parents.

Sec. 7. On the operative date of this act, all files, records, and assets of the Nebraska Psychiatric Institute and appropriations made thereto shall be transferred to the Board of Regents of the University of Nebraska.

Sec. 8. Any employee of the Nebraska Psychiatric Institute who is a member of the State Employees Retirement System and whose status as a Department of Public Institutions employee is changed by the Legislature to that of a University of Nebraska employee shall, upon application to the Public Employees Retirement Board, obtain full and immediate vesting in any prior service retirement benefits and any future service retirement benefits which have been accrued to the date of transfer, except that the employee may not withdraw the amount in his employee account prior to his retirement and still receive vested benefits. Any such employee shall be eligible for immediate participation in the University of Nebraska retirement system if the preliminary service, age, and employment status requirements of the University of Nebraska retirement system are satisfied.

LB466

Sec. 9. This act shall become operative on July 1, 1975.

Sec. 10. That original sections 83-305.01, 83-305.03, 83-308, and 83-363, Reissue Revised Statutes of Nebraska, 1943, and sections 83-107.01 and 83-305, Revised Statutes Supplement, 1974, are repealed.

Sec. 11. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.