

AMENDMENTS TO LB273

Introduced by Judiciary.

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

3 Section 1. Section 28-934, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 28-934 (1) Any person who knowingly and intentionally strikes any
6 public safety officer with any bodily fluid is guilty of assault with a
7 bodily fluid against a public safety officer.

8 (2) Except as provided in subsection (3) of this section, assault
9 with a bodily fluid against a public safety officer is a Class I
10 misdemeanor.

11 (3) Assault with a bodily fluid against a public safety officer is a
12 Class IIIA felony if the person committing the offense strikes with a
13 bodily fluid the eyes, mouth, or skin of a public safety officer and knew
14 the source of the bodily fluid was infected with the human
15 immunodeficiency virus, hepatitis B, or hepatitis C at the time the
16 offense was committed.

17 (4) Upon a showing of probable cause by affidavit to a judge of this
18 state that an offense as defined in subsection (1) of this section has
19 been committed and that identifies the probable source of the bodily
20 fluid or bodily fluids used to commit the offense, the judge shall grant
21 an order or issue a search warrant authorizing the collection of any
22 evidence, including any bodily fluid or medical records or the
23 performance of any medical or scientific testing or analysis, that may
24 assist with the determination of whether or not the person committing the
25 offense or the person from whom the person committing the offense
26 obtained the bodily fluid or bodily fluids is infected with the human
27 immunodeficiency virus, hepatitis B, or hepatitis C.

1 (5) As used in this section:

2 (a) Bodily fluid means any naturally produced secretion or waste
3 product generated by the human body and shall include, but not be limited
4 to, any quantity of human blood, urine, saliva, mucus, vomitus, seminal
5 fluid, or feces; and

6 (b) Public safety officer includes any of the following persons who
7 are engaged in the performance of their official duties at the time of
8 the offense: A peace officer; a probation officer; a firefighter; an
9 emergency care provider as defined in section 28-929.01; a health care
10 professional as defined in section 28-929.01; an employee of a county,
11 city, or village jail; an employee of the Department of Correctional
12 Services; an employee of the secure youth confinement facility operated
13 by the Department of Correctional Services, if the person committing the
14 offense is committed to such facility; an employee of a youth
15 rehabilitation and treatment center ~~the Youth Rehabilitation and~~
16 ~~Treatment Center-Geneva or the Youth Rehabilitation and Treatment Center-~~
17 ~~Kearney~~; or an employee of the Department of Health and Human Services if
18 the person committing the offense is committed as a dangerous sex
19 offender under the Sex Offender Commitment Act.

20 Sec. 2. Section 43-403, Revised Statutes Cumulative Supplement,
21 2020, is amended to read:

22 43-403 For purposes of the Health and Human Services, Office of
23 Juvenile Services Act:

24 (1) Aftercare means the control, supervision, and care exercised
25 over juveniles who have been discharged from commitment;

26 (2) Committed means an order by a court committing a juvenile to the
27 care and custody of the Office of Juvenile Services for treatment at a
28 youth rehabilitation and treatment center identified in the court order;

29 (3) Community supervision means the control, supervision, and care
30 exercised over juveniles when a commitment to the level of treatment of a
31 youth rehabilitation and treatment center has not been ordered by the

1 court;

2 (4) Emergency, for purposes of sections 43-427 to 43-430, means a
3 public health emergency or a situation, including fire, flood, tornado,
4 natural disaster, or damage to a youth rehabilitation and treatment
5 center, that renders the youth rehabilitation and treatment center
6 uninhabitable. Emergency does not include inadequate staffing;

7 (5) Evaluation means assessment of the juvenile's social, physical,
8 psychological, and educational development and needs, including a
9 recommendation as to an appropriate treatment plan; and

10 (6) Treatment means the type of supervision, care, and
11 rehabilitative services provided for the juvenile at a youth
12 rehabilitation and treatment center operated by the Office of Juvenile
13 Services.

14 Sec. 3. Section 43-407, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 43-407 (1) The Office of Juvenile Services shall design and make
17 available programs and treatment services through youth rehabilitation
18 and treatment centers. The programs and treatment services shall be
19 evidence-based and based upon the individual or family evaluation process
20 using evidence-based, validated risk and needs assessments to create an
21 individualized treatment plan. The treatment plan shall be developed
22 within fourteen days after admission and provided to the committing court
23 and interested parties. The court may, on its own motion or upon the
24 motion of an interested party, set a hearing to review the treatment
25 plan.

26 (2) A juvenile may be committed by a court to the Office of Juvenile
27 Services for placement at a youth rehabilitation and treatment center
28 operated and utilized in compliance with state law pursuant to a hearing
29 described in subdivision (1)(b)(iii) of section 43-286. The office shall
30 not change a juvenile's placement except as provided in this section. If
31 a juvenile placed at a youth rehabilitation and treatment center is

1 assessed as needing inpatient or subacute substance abuse or behavioral
2 health residential treatment, the Office of Juvenile Services may arrange
3 for such treatment to be provided at the Hastings Regional Center or may
4 transition the juvenile to another inpatient or subacute residential
5 treatment facility licensed as a treatment facility in the State of
6 Nebraska and shall provide notice of the change in placement pursuant to
7 subsection (3) of this section. Except in a case requiring emergency
8 admission to an inpatient facility, the juvenile shall not be discharged
9 by the Office of Juvenile Services until the juvenile has been returned
10 to the court for a review of his or her conditions of probation and the
11 juvenile has been transitioned to the clinically appropriate level of
12 care. Programs and treatment services shall address:

13 (a) Behavioral impairments, severe emotional disturbances, sex
14 offender behaviors, and other mental health or psychiatric disorders;

15 (b) Drug and alcohol addiction;

16 (c) Health and medical needs;

17 (d) Education, special education, and related services;

18 (e) Individual, group, and family counseling services as appropriate
19 with any treatment plan related to subdivisions (a) through (d) of this
20 subsection. Services shall also be made available for juveniles who have
21 been physically or sexually abused;

22 (f) A case management and coordination process, designed to assure
23 appropriate reintegration of the juvenile to his or her family, school,
24 and community. This process shall follow individualized planning which
25 shall begin at intake and evaluation. Structured programming shall be
26 scheduled for all juveniles. This programming shall include a strong
27 academic program as well as classes in health education, living skills,
28 vocational training, behavior management and modification, money
29 management, family and parent responsibilities, substance abuse
30 awareness, physical education, job skills training, and job placement
31 assistance. Participation shall be required of all juveniles if such

1 programming is determined to be age and developmentally appropriate. The
2 goal of such structured programming shall be to provide the academic and
3 life skills necessary for a juvenile to successfully return to his or her
4 home and community upon release; and

5 (g) The design and delivery of treatment programs through the youth
6 rehabilitation and treatment centers as well as any licensing or
7 certification requirements, and the office shall follow the requirements
8 as stated within Title XIX and Title IV-E of the federal Social Security
9 Act, as such act existed on January 1, 2020, the Special Education Act,
10 or other funding guidelines as appropriate. It is the intent of the
11 Legislature that these funding sources shall be utilized to support
12 service needs of eligible juveniles.

13 (3) When the Office of Juvenile Services has arranged for treatment
14 of a juvenile as provided in subsection (2) of this section, the office
15 shall file a report and notice of placement change with the court and
16 shall send copies of the notice to all interested parties, including any
17 parent or guardian of the juvenile, at least seven days before the
18 placement of the juvenile is changed from the order of the committing
19 court. The court, on its own motion or upon the filing of an objection to
20 the change by an interested party, may order a hearing to review such
21 change in placement and may order the change be stayed until the
22 completion of the hearing. When filing a report and notice of placement
23 change pursuant to this subsection, or upon a court order to set a
24 hearing to review a change in placement or stay a change in placement
25 pursuant to this subsection, the office may file a motion for emergency
26 change of placement pursuant to subsection (4) of section 43-408.

27 (4)(a) The Office of Juvenile Services shall provide evidence-based
28 services and operate the youth rehabilitation and treatment centers in
29 accordance with evidence-based policies, practices, and procedures. On
30 December 15 of each year, the office shall electronically submit to the
31 Governor, the Legislature, and the Chief Justice of the Supreme Court, a

1 comprehensive report of the evidence-based services, policies, practices,
2 and procedures by which such centers operate, and efforts the office has
3 taken to ensure fidelity to evidence-based models. The report may be
4 attached to preexisting reporting duties. The report shall include at a
5 minimum:

6 (i) The percentage of juveniles being supervised in accordance with
7 evidence-based practices;

8 (ii) The percentage of state funds expended by each respective
9 department for programs that are evidence-based, and a list of all
10 programs which are evidence-based;

11 (iii) Specification of supervision policies, procedures, programs,
12 and practices that were created, modified, or eliminated; and

13 (iv) Recommendations of the office for any additional collaboration
14 with other state, regional, or local public agencies, private entities,
15 or faith-based and community organizations.

16 (b) Each report and executive summary shall be available to the
17 general public on the web site of the office.

18 (c) The Executive Board of the Legislative Council may request the
19 Consortium for Crime and Justice Research and Juvenile Justice Institute
20 at the University of Nebraska at Omaha to review, study, and make policy
21 recommendations on the reports assigned by the executive board.

22 Sec. 4. Section 43-408, Revised Statutes Cumulative Supplement,
23 2020, is amended to read:

24 43-408 (1) Whenever any juvenile is committed to the Office of
25 Juvenile Services, the juvenile shall also be considered committed to the
26 care and custody of the Department of Health and Human Services for the
27 purpose of obtaining health care and treatment services.

28 (2) The committing court may order placement at a youth
29 rehabilitation and treatment center for a juvenile committed to the
30 Office of Juvenile Services following a commitment hearing pursuant to
31 subdivision (1)(b)(iii) of section 43-286. The court shall continue to

1 maintain jurisdiction over any juvenile committed to the Office of
2 Juvenile Services, and the office shall provide the court and parties of
3 record with the initial treatment plan and monthly updates regarding the
4 progress of the juvenile.

5 (3) In addition to the hearings set forth in section 43-285, during
6 a juvenile's term of commitment, any party may file a motion for
7 commitment review to bring the case before the court for consideration of
8 the juvenile's commitment to a youth rehabilitation and treatment center.
9 A hearing shall be scheduled no later than thirty days after the filing
10 of such motion. No later than five days prior to the hearing, the office
11 shall provide information to the parties regarding the juvenile's
12 individualized treatment plan and progress. A representative of the
13 office or facility shall be physically present at the hearing to provide
14 information to the court unless the court allows the representative to
15 appear telephonically or by video. The juvenile and the juvenile's parent
16 or guardian shall have the right to be physically present at the hearing.
17 The court may enter such orders regarding the juvenile's care and
18 treatment as are necessary and in the best interests of the juvenile,
19 including an order for early discharge from commitment when appropriate.
20 In entering an order for early discharge from commitment to intensive
21 supervised probation in the community, the court shall consider to what
22 extent:

23 (a) The juvenile has completed the goals of the juvenile's
24 individualized treatment plan or received maximum benefit from
25 institutional treatment;

26 (b) The juvenile would benefit from continued services under
27 community supervision;

28 (c) The juvenile can function in a community setting with
29 appropriate supports; and

30 (d) There is reason to believe that the juvenile will not commit
31 further violations of law and will comply with the terms of intensive

1 supervised probation.

2 (4) When filing a motion pursuant to subsection (3) of this section,
3 the office may also file a motion for emergency change of placement to
4 another youth rehabilitation and treatment center operated and utilized
5 in compliance with state law. When filing a report and notice of
6 placement change pursuant to subsection (3) of section 43-407, or upon a
7 court order to set a hearing to review a change in placement or stay a
8 change in placement pursuant to subsection (3) of section 43-407, the
9 office may file a motion for emergency change of placement to the
10 inpatient or subacute residential treatment facility licensed as a
11 treatment facility in the State of Nebraska. A motion for emergency
12 change of placement under this subsection shall be heard within twenty-
13 four hours, excluding nonjudicial days, and may be heard telephonically
14 or by videoconferencing. The court shall order the immediate change in
15 placement pending an order pursuant to subsection (3) of this section or
16 subsection (3) of section 43-407 if the court determines that such change
17 is appropriate and in the best interests of the juvenile.

18 (5) (4) Each juvenile committed to the Office of Juvenile Services
19 for placement at a youth rehabilitation and treatment center shall also
20 be entitled to an annual review of such commitment and placement for as
21 long as the juvenile remains so committed and placed. At an annual review
22 hearing, the court shall consider the factors described in subsection (3)
23 of this section to assess the juvenile's progress and determine whether
24 commitment remains in the best interests of the juvenile.

25 (6) (5) If a juvenile is placed in detention while awaiting
26 placement at a youth rehabilitation and treatment center and the
27 placement has not occurred within fourteen days, the committing court
28 shall hold a hearing every fourteen days to review the status of the
29 juvenile. Placement of a juvenile in detention shall not be considered a
30 treatment service.

31 Sec. 5. Section 48-101.01, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 48-101.01 (1) The Legislature finds and declares:

3 (a) The occupations of first responders are recognized as stressful
4 occupations. Only our nation's combat soldiers endure more stress.
5 Similar to military personnel, first responders face unique and uniquely
6 dangerous risks in their sworn mission to keep the public safe. They rely
7 on each other for survival to protect the communities they serve;

8 (b) On any given day, first responders can be called on to make life
9 and death decisions, witness a young child dying with the child's grief-
10 stricken family, make a decision that will affect a community member for
11 the rest of such person's life, or be exposed to a myriad of communicable
12 diseases and known carcinogens;

13 (c) On any given day, first responders protect high-risk individuals
14 from themselves and protect the community from such individuals;

15 (d) First responders are constantly at significant risk of bodily
16 harm or physical assault while they perform their duties;

17 (e) Constant, cumulative exposure to horrific events make first
18 responders uniquely susceptible to the emotional and behavioral impacts
19 of job-related stressors;

20 (f) Trauma-related injuries can become overwhelming and manifest in
21 post-traumatic stress, which may result in substance use disorders and
22 even, tragically, suicide; and

23 (g) It is imperative for society to recognize occupational injuries
24 related to post-traumatic stress and to promptly seek diagnosis and
25 treatment without stigma. This includes recognizing that mental injury
26 and mental illness as a result of trauma is not disordered, but is a
27 normal and natural human response to trauma, the negative effects of
28 which can be ameliorated through diagnosis and effective treatment.

29 (2) Personal injury includes mental injuries and mental illness
30 unaccompanied by physical injury for an employee who is a first responder
31 or frontline state employee if such first responder or frontline state

1 employee:

2 (a) Establishes that the employee's employment conditions causing
3 the mental injury or mental illness were extraordinary and unusual in
4 comparison to the normal conditions of the particular employment; and

5 (b) Establishes, through a mental health professional, the medical
6 causation between the mental injury or mental illness and the employment
7 conditions by medical evidence.

8 (3) The employee bears the burden of establishing the matters
9 described in subsection (2) of this section by a preponderance of the
10 evidence.

11 (4) Until January 1, 2028, a first responder may establish prima
12 facie evidence of a personal injury that is a mental injury or mental
13 illness if the first responder:

14 (a) Presents evidence that the first responder underwent a mental
15 health examination by a mental health professional upon entry into such
16 service or subsequent to such entry and before the onset of the mental
17 injury or mental illness and such examination did not reveal the mental
18 injury or mental illness for which the first responder seeks
19 compensation;

20 (b) Presents testimony or an affidavit from a mental health
21 professional stating the first responder suffers from a mental injury or
22 mental illness caused by one or more events or series of events which
23 cumulatively produced the mental injury or mental illness which brought
24 about the need for medical attention and the interruption of employment;

25 (c) Presents evidence that such events or series of events arose out
26 of and in the course of the first responder's employment; and

27 (d) Presents evidence that, prior to the employment conditions which
28 caused the mental injury or mental illness, the first responder had
29 participated in resilience training and updated the training at least
30 annually thereafter.

31 (5) For purposes of this section, mental injuries and mental illness

1 arising out of and in the course of employment unaccompanied by physical
2 injury are not considered compensable if they result from any event or
3 series of events which are incidental to normal employer and employee
4 relations, including, but not limited to, personnel actions by the
5 employer such as disciplinary actions, work evaluations, transfers,
6 promotions, demotions, salary reviews, or terminations.

7 (6)(a) The Department of Health and Human Services shall reimburse a
8 first responder for the cost of annual resilience training not reimbursed
9 by the first responder's employer. The department shall pay reimbursement
10 at a rate determined by the Critical Incident Stress Management Program
11 under section 71-7104. Reimbursement shall be subject to the annual limit
12 set by such program under section 71-7104.

13 (b) To obtain reimbursement under this subsection, a first responder
14 shall submit an application to the Department of Health and Human
15 Services on a form and in a manner prescribed by the department.

16 (7) The Department of Health and Human Services shall maintain and
17 annually update records of first responders who have completed annual
18 resilience training.

19 (8) For purposes of this section:

20 (a) First responder means a sheriff, a deputy sheriff, a police
21 officer, an officer of the Nebraska State Patrol, a volunteer or paid
22 firefighter, or a volunteer or paid individual licensed under a licensure
23 classification in subdivision (1) of section 38-1217 who provides medical
24 care in order to prevent loss of life or aggravation of physiological or
25 psychological illness or injury;

26 (b) Frontline state employee means an employee of the Department of
27 Correctional Services or the Department of Health and Human Services
28 whose duties involve regular and direct interaction with high-risk
29 individuals;

30 (c) High-risk individual means an individual in state custody for
31 whom violent or physically intimidating behavior is common, including,

1 but not limited to, a committed offender as defined in section 83-170, a
2 patient at a regional center as defined in section 71-911, and a juvenile
3 committed to a youth rehabilitation and treatment center ~~the Youth~~
4 ~~Rehabilitation and Treatment Center Kearney or the Youth Rehabilitation~~
5 ~~and Treatment Center Geneva;~~

6 (d) Mental health professional means:

7 (i) A practicing physician licensed to practice medicine in this
8 state under the Medicine and Surgery Practice Act;

9 (ii) A practicing psychologist licensed to engage in the practice of
10 psychology in this state as provided in section 38-3111 or as provided in
11 similar provisions of the Psychology Interjurisdictional Compact; or

12 (iii) A person licensed as an independent mental health practitioner
13 under the Mental Health Practice Act;

14 (e) Resilience training means training that meets the guidelines
15 established by the Critical Incident Stress Management Program under
16 section 71-7104 and that teaches how to adapt to, manage, and recover
17 from adversity, trauma, tragedy, threats, or significant sources of
18 stress; and

19 (f) State custody means under the charge or control of a state
20 institution or state agency and includes time spent outside of the state
21 institution or state agency.

22 (9) All other provisions of the Nebraska Workers' Compensation Act
23 apply to this section.

24 Sec. 6. Section 81-1316, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 81-1316 (1) All agencies and personnel of state government shall be
27 covered by sections 81-1301 to 81-1319 and shall be considered subject to
28 the State Personnel System, except the following:

29 (a) All personnel of the office of the Governor;

30 (b) All personnel of the office of the Lieutenant Governor;

31 (c) All personnel of the office of the Secretary of State;

- 1 (d) All personnel of the office of the State Treasurer;
- 2 (e) All personnel of the office of the Attorney General;
- 3 (f) All personnel of the office of the Auditor of Public Accounts;
- 4 (g) All personnel of the Legislature;
- 5 (h) All personnel of the court systems;
- 6 (i) All personnel of the Board of Educational Lands and Funds;
- 7 (j) All personnel of the Public Service Commission;
- 8 (k) All personnel of the Nebraska Brand Committee;
- 9 (l) All personnel of the Commission of Industrial Relations;
- 10 (m) All personnel of the State Department of Education;
- 11 (n) All personnel of the Nebraska state colleges and the Board of
12 Trustees of the Nebraska State Colleges;
- 13 (o) All personnel of the University of Nebraska;
- 14 (p) All personnel of the Coordinating Commission for Postsecondary
15 Education;
- 16 (q) All personnel of the Governor's Policy Research Office;
- 17 (r) All personnel of the Commission on Public Advocacy;
- 18 (s) All agency heads;
- 19 (t)(i) The Director of Behavioral Health of the Division of
20 Behavioral Health; (ii) the Director of Children and Family Services of
21 the Division of Children and Family Services; (iii) the Director of
22 Developmental Disabilities of the Division of Developmental Disabilities;
23 (iv) the Director of Medicaid and Long-Term Care of the Division of
24 Medicaid and Long-Term Care; and (v) the Director of Public Health of the
25 Division of Public Health;
- 26 (u) The chief medical officer established under section 81-3115, the
27 Administrator of the Office of Juvenile Services, and the chief executive
28 officers of the Beatrice State Developmental Center, Lincoln Regional
29 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island
30 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,
31 Western Nebraska Veterans' Home, and each youth rehabilitation and

1 ~~treatment center Youth Rehabilitation and Treatment Center Kearney, and~~
2 ~~Youth Rehabilitation and Treatment Center Geneva;~~

3 (v) The chief executive officers of all facilities operated by the
4 Department of Correctional Services and the medical director for the
5 department appointed pursuant to section 83-4,156;

6 (w) All personnel employed as pharmacists, physicians,
7 psychiatrists, or psychologists by the Department of Correctional
8 Services;

9 (x) All personnel employed as pharmacists, physicians,
10 psychiatrists, psychologists, service area administrators, or facility
11 operating officers of the Department of Health and Human Services or the
12 Department of Veterans' Affairs;

13 (y) Deputies and examiners of the Department of Banking and Finance
14 and the Department of Insurance as set forth in sections 8-105 and
15 44-119, except for those deputies and examiners who remain in the State
16 Personnel System;

17 (z) All personnel of the Tax Equalization and Review Commission; and

18 (aa) The associate director of the Conservation Division of the
19 Nebraska State Historical Society and all personnel employed as a
20 Conservator I or Conservator II of the Conservation Division of the
21 Nebraska State Historical Society.

22 (2) At each agency head's discretion, up to the following number of
23 additional positions may be exempted from the State Personnel System,
24 based on the following agency size categories:

25	Number of Agency	Number of Noncovered
26	Employees	Positions
27	less than 25	0
28	25 to 100	1
29	101 to 250	2
30	251 to 500	3

1	501 to 1000	4
2	1001 to 2000	5
3	2001 to 3000	8
4	3001 to 4000	11
5	4001 to 5000	40
6	over 5000	50

7 The purpose of having such noncovered positions shall be to allow
8 agency heads the opportunity to recruit, hire, and supervise critical,
9 confidential, or policymaking personnel without restrictions from
10 selection procedures, compensation rules, career protections, and
11 grievance privileges. Persons holding the noncovered positions shall
12 serve at the pleasure of the agency head and shall be paid salaries set
13 by the agency head. An agency with over five thousand employees shall
14 provide notice in writing to the Health and Human Services Committee of
15 the Legislature when forty noncovered positions have been filled by the
16 agency head pursuant to this subsection.

17 (3) No changes to this section or to the number of noncovered
18 positions within an agency shall affect the status of personnel employed
19 on the date the changes become operative without their prior written
20 agreement. A state employee's career protections or coverage by personnel
21 rules and regulations shall not be revoked by redesignation of the
22 employee's position as a noncovered position without the prior written
23 agreement of such employee.

24 Sec. 7. Section 83-104, Revised Statutes Cumulative Supplement,
25 2020, is amended to read:

26 83-104 (1)(a) The office of Public Counsel shall conduct an annual
27 physical review of the following state institutions:

- 28 (i) The Youth Rehabilitation and Treatment Center-Geneva;
- 29 (ii) The Youth Rehabilitation and Treatment Center-Kearney;
- 30 (iii) Any other facility operated and utilized as a youth

1 rehabilitation and treatment center ~~under state law~~;

2 (iv) The Hastings Regional Center;

3 (v) The Lincoln Regional Center;

4 (vi) The Norfolk Regional Center; and

5 (vii) The Beatrice State Developmental Center.

6 (b) Such physical review may include a review of the condition of
7 buildings and grounds and the physical wear and tear of buildings,
8 fixtures, equipment, furniture, security systems, and any improvements to
9 the facility.

10 (2) The office of Public Counsel shall report to the Legislature on
11 the condition of such state institutions. The report shall be due on or
12 before March 15, 2021, for the 2020 calendar year, and on or before
13 December 15 of each year beginning in 2021, for the period beginning with
14 December 1 of the prior year through November 30 of the then current
15 year. Such report shall include, for each state institution listed in
16 subdivision (1)(a) of this section:

17 (a) The findings and observations from the annual physical review;

18 (b) Recent inspection reports regarding the facility;

19 (c) Staffing information, listed separately for each state
20 institution, including, but not limited to:

21 (i) The number of assaults on staff;

22 (ii) Staffing levels;

23 (iii) Staff retention rates; and

24 (iv) Staff turnover rates, including unfilled and vacant positions;

25 and

26 (d) The number of reports received by the office of Public Counsel
27 for each institution and any systemic issues identified as a result of
28 such physical review.

29 Sec. 8. Section 83-107.01, Revised Statutes Cumulative Supplement,
30 2020, is amended to read:

31 83-107.01 (1) The official names of the state institutions under the

1 supervision of the Department of Health and Human Services shall be as
2 follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional
3 Center, (c) Norfolk Regional Center, (d) Hastings Regional Center, (e)
4 Youth Rehabilitation and Treatment Center-Kearney, and (f) Youth
5 Rehabilitation and Treatment Center-Geneva.

6 (2)(a) This subsection applies beginning July 1, 2021.

7 (b) Except as provided in subdivision (2)(e) of this section, so
8 long as the department operates the Youth Rehabilitation and Treatment
9 Center-Kearney, such institution shall be used for the treatment of boys
10 only.

11 (c) Except as provided in subdivision (2)(e) of this section, so
12 long as the department operates the Youth Rehabilitation and Treatment
13 Center-Geneva, such institution shall be used for the treatment of girls
14 only.

15 (d) For any other facility operated and utilized as a youth
16 rehabilitation and treatment center in compliance with state law, the
17 department shall ensure safe and appropriate gender separation.

18 (e) In the event of an emergency, the department may use ~~either~~ the
19 Youth Rehabilitation and Treatment Center-Kearney, ~~or~~ the Youth
20 Rehabilitation and Treatment Center-Geneva, or another facility operated
21 and utilized as a youth rehabilitation and treatment center in compliance
22 with state law for the treatment of juveniles of both genders for up to
23 seven days. During any such use the department shall ensure safe and
24 appropriate gender separation.

25 (f) For purposes of this section, emergency means a public health
26 emergency or a situation including fire, flood, tornado, natural
27 disaster, or damage to the institution that renders an institution
28 uninhabitable. Emergency does not include inadequate staffing.

29 Sec. 9. Section 83-364, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 83-364 When any person is admitted to a state institution or other

1 inpatient treatment facility pursuant to an order of a mental health
2 board under the Nebraska Mental Health Commitment Act or the Sex Offender
3 Commitment Act or receives treatment prescribed by such institution or
4 facility following release or without being admitted as a resident
5 patient, the patient and the patient's ~~his or her~~ relatives shall be
6 liable for the cost of the care, support, maintenance, and treatment of
7 such person to the extent and in the manner provided by sections
8 83-227.01, 83-227.02, 83-350, and 83-363 to 83-380. Such ~~The provisions~~
9 ~~of such~~ sections also shall apply to persons admitted to a state
10 institution as transferees from any state penal institution or youth
11 rehabilitation and treatment center ~~the Youth Rehabilitation and~~
12 ~~Treatment Center-Kearney or Youth Rehabilitation and Treatment Center-~~
13 ~~Geneva~~ but only after the expiration of the time for which the
14 transferees were originally sentenced or committed.

15 Sec. 10. Original section 83-364, Reissue Revised Statutes of
16 Nebraska, and sections 28-934, 43-403, 43-407, 43-408, 48-101.01,
17 81-1316, 83-104, and 83-107.01, Revised Statutes Cumulative Supplement,
18 2020, are repealed.