

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 273

FINAL READING

Introduced by Lowe, 37.

Read first time January 12, 2021

Committee: Judiciary

1 A BILL FOR AN ACT relating to youth rehabilitation and treatment centers;
2 to amend section 83-364, Reissue Revised Statutes of Nebraska, and
3 sections 28-934, 43-403, 43-407, 43-408, 48-101.01, 81-1316, 83-104,
4 and 83-107.01, Revised Statutes Cumulative Supplement, 2020; to
5 redefine terms; to change provisions relating to youth
6 rehabilitation and treatment centers; to provide for motions for
7 immediate change in placement; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-934, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 28-934 (1) Any person who knowingly and intentionally strikes any
4 public safety officer with any bodily fluid is guilty of assault with a
5 bodily fluid against a public safety officer.

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

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

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

26 (5) As used in this section:

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

31 (b) Public safety officer includes any of the following persons who

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

14 Sec. 2. Section 43-403, Revised Statutes Cumulative Supplement,
15 2020, is amended to read:

16 43-403 For purposes of the Health and Human Services, Office of
17 Juvenile Services Act:

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

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

23 (3) Community supervision means the control, supervision, and care
24 exercised over juveniles when a commitment to the level of treatment of a
25 youth rehabilitation and treatment center has not been ordered by the
26 court;

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

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

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

8 Sec. 3. Section 43-407, Revised Statutes Cumulative Supplement,
9 2020, is amended to read:

10 43-407 (1) The Office of Juvenile Services shall design and make
11 available programs and treatment services through youth rehabilitation
12 and treatment centers. The programs and treatment services shall be
13 evidence-based and based upon the individual or family evaluation process
14 using evidence-based, validated risk and needs assessments to create an
15 individualized treatment plan. The treatment plan shall be developed
16 within fourteen days after admission and provided to the committing court
17 and interested parties. The court may, on its own motion or upon the
18 motion of an interested party, set a hearing to review the treatment
19 plan.

20 (2) A juvenile may be committed by a court to the Office of Juvenile
21 Services for placement at a youth rehabilitation and treatment center
22 operated and utilized in compliance with state law pursuant to a hearing
23 described in subdivision (1)(b)(iii) of section 43-286. The office shall
24 not change a juvenile's placement except as provided in this section. If
25 a juvenile placed at a youth rehabilitation and treatment center is
26 assessed as needing inpatient or subacute substance abuse or behavioral
27 health residential treatment, the Office of Juvenile Services may arrange
28 for such treatment to be provided at the Hastings Regional Center or may
29 transition the juvenile to another inpatient or subacute residential
30 treatment facility licensed as a treatment facility in the State of
31 Nebraska and shall provide notice of the change in placement pursuant to

1 subsection (3) of this section. Except in a case requiring emergency
2 admission to an inpatient facility, the juvenile shall not be discharged
3 by the Office of Juvenile Services until the juvenile has been returned
4 to the court for a review of his or her conditions of probation and the
5 juvenile has been transitioned to the clinically appropriate level of
6 care. Programs and treatment services shall address:

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

9 (b) Drug and alcohol addiction;

10 (c) Health and medical needs;

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

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

16 (f) A case management and coordination process, designed to assure
17 appropriate reintegration of the juvenile to his or her family, school,
18 and community. This process shall follow individualized planning which
19 shall begin at intake and evaluation. Structured programming shall be
20 scheduled for all juveniles. This programming shall include a strong
21 academic program as well as classes in health education, living skills,
22 vocational training, behavior management and modification, money
23 management, family and parent responsibilities, substance abuse
24 awareness, physical education, job skills training, and job placement
25 assistance. Participation shall be required of all juveniles if such
26 programming is determined to be age and developmentally appropriate. The
27 goal of such structured programming shall be to provide the academic and
28 life skills necessary for a juvenile to successfully return to his or her
29 home and community upon release; and

30 (g) The design and delivery of treatment programs through the youth
31 rehabilitation and treatment centers as well as any licensing or

1 certification requirements, and the office shall follow the requirements
2 as stated within Title XIX and Title IV-E of the federal Social Security
3 Act, as such act existed on January 1, 2020, the Special Education Act,
4 or other funding guidelines as appropriate. It is the intent of the
5 Legislature that these funding sources shall be utilized to support
6 service needs of eligible juveniles.

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

21 (4)(a) The Office of Juvenile Services shall provide evidence-based
22 services and operate the youth rehabilitation and treatment centers in
23 accordance with evidence-based policies, practices, and procedures. On
24 December 15 of each year, the office shall electronically submit to the
25 Governor, the Legislature, and the Chief Justice of the Supreme Court, a
26 comprehensive report of the evidence-based services, policies, practices,
27 and procedures by which such centers operate, and efforts the office has
28 taken to ensure fidelity to evidence-based models. The report may be
29 attached to preexisting reporting duties. The report shall include at a
30 minimum:

31 (i) The percentage of juveniles being supervised in accordance with

1 evidence-based practices;

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

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

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

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

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

16 Sec. 4. Section 43-408, Revised Statutes Cumulative Supplement,
17 2020, is amended to read:

18 43-408 (1) Whenever any juvenile is committed to the Office of
19 Juvenile Services, the juvenile shall also be considered committed to the
20 care and custody of the Department of Health and Human Services for the
21 purpose of obtaining health care and treatment services.

22 (2) The committing court may order placement at a youth
23 rehabilitation and treatment center for a juvenile committed to the
24 Office of Juvenile Services following a commitment hearing pursuant to
25 subdivision (1)(b)(iii) of section 43-286. The court shall continue to
26 maintain jurisdiction over any juvenile committed to the Office of
27 Juvenile Services, and the office shall provide the court and parties of
28 record with the initial treatment plan and monthly updates regarding the
29 progress of the juvenile.

30 (3) In addition to the hearings set forth in section 43-285, during
31 a juvenile's term of commitment, any party may file a motion for

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

17 (a) The juvenile has completed the goals of the juvenile's
18 individualized treatment plan or received maximum benefit from
19 institutional treatment;

20 (b) The juvenile would benefit from continued services under
21 community supervision;

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

24 (d) There is reason to believe that the juvenile will not commit
25 further violations of law and will comply with the terms of intensive
26 supervised probation.

27 (4) When filing a motion pursuant to subsection (3) of this section,
28 the office may also file a motion for immediate change of placement to
29 another youth rehabilitation and treatment center operated and utilized
30 in compliance with state law. When filing a report and notice of
31 placement change pursuant to subsection (3) of section 43-407, or upon a

1 court order to set a hearing to review a change in placement or stay a
2 change in placement pursuant to subsection (3) of section 43-407, the
3 office may file a motion for immediate change of placement to the
4 inpatient or subacute residential treatment facility licensed as a
5 treatment facility in the State of Nebraska. The motion shall set forth
6 with reasonable particularity the grounds for an immediate change of
7 placement. A motion for immediate change of placement under this
8 subsection shall be heard within twenty-four hours, excluding nonjudicial
9 days, and may be heard telephonically or by videoconferencing. Prior to
10 filing a motion for immediate change of placement, the office shall make
11 a reasonable attempt to provide notice of the motion to the juvenile's
12 parent or guardian, including notice that the motion will be set for
13 hearing within twenty-four hours. The court shall promptly provide the
14 notice of hearing to all parties of record. In advance of the hearing,
15 the office shall provide to the other parties of record any exhibits it
16 intends to offer, if any, and the identity of its witnesses. The office
17 shall provide the juvenile an opportunity before the hearing to consult
18 with the juvenile's counsel and review the motion and the exhibits and
19 witnesses. The court shall order the immediate change of placement
20 pending an order pursuant to subsection (3) of this section or subsection
21 (3) of section 43-407 if the court determines that an immediate change is
22 in the best interests of the juvenile and further delay would be contrary
23 to the juvenile's well-being, physical health, emotional health, or
24 mental health.

25 (5) ~~(4)~~ Each juvenile committed to the Office of Juvenile Services
26 for placement at a youth rehabilitation and treatment center shall also
27 be entitled to an annual review of such commitment and placement for as
28 long as the juvenile remains so committed and placed. At an annual review
29 hearing, the court shall consider the factors described in subsection (3)
30 of this section to assess the juvenile's progress and determine whether
31 commitment remains in the best interests of the juvenile.

1 (6) (5) If a juvenile is placed in detention while awaiting
2 placement at a youth rehabilitation and treatment center and the
3 placement has not occurred within fourteen days, the committing court
4 shall hold a hearing every fourteen days to review the status of the
5 juvenile. Placement of a juvenile in detention shall not be considered a
6 treatment service.

7 Sec. 5. Section 48-101.01, Revised Statutes Cumulative Supplement,
8 2020, is amended to read:

9 48-101.01 (1) The Legislature finds and declares:

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

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

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

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

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

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

30 (g) It is imperative for society to recognize occupational injuries
31 related to post-traumatic stress and to promptly seek diagnosis and

1 treatment without stigma. This includes recognizing that mental injury
2 and mental illness as a result of trauma is not disordered, but is a
3 normal and natural human response to trauma, the negative effects of
4 which can be ameliorated through diagnosis and effective treatment.

5 (2) Personal injury includes mental injuries and mental illness
6 unaccompanied by physical injury for an employee who is a first responder
7 or frontline state employee if such first responder or frontline state
8 employee:

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

12 (b) Establishes, through a mental health professional, the medical
13 causation between the mental injury or mental illness and the employment
14 conditions by medical evidence.

15 (3) The employee bears the burden of establishing the matters
16 described in subsection (2) of this section by a preponderance of the
17 evidence.

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

21 (a) Presents evidence that the first responder underwent a mental
22 health examination by a mental health professional upon entry into such
23 service or subsequent to such entry and before the onset of the mental
24 injury or mental illness and such examination did not reveal the mental
25 injury or mental illness for which the first responder seeks
26 compensation;

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

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

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

7 (5) For purposes of this section, mental injuries and mental illness
8 arising out of and in the course of employment unaccompanied by physical
9 injury are not considered compensable if they result from any event or
10 series of events which are incidental to normal employer and employee
11 relations, including, but not limited to, personnel actions by the
12 employer such as disciplinary actions, work evaluations, transfers,
13 promotions, demotions, salary reviews, or terminations.

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

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

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

26 (8) For purposes of this section:

27 (a) First responder means a sheriff, a deputy sheriff, a police
28 officer, an officer of the Nebraska State Patrol, a volunteer or paid
29 firefighter, or a volunteer or paid individual licensed under a licensure
30 classification in subdivision (1) of section 38-1217 who provides medical
31 care in order to prevent loss of life or aggravation of physiological or

1 psychological illness or injury;

2 (b) Frontline state employee means an employee of the Department of
3 Correctional Services or the Department of Health and Human Services
4 whose duties involve regular and direct interaction with high-risk
5 individuals;

6 (c) High-risk individual means an individual in state custody for
7 whom violent or physically intimidating behavior is common, including,
8 but not limited to, a committed offender as defined in section 83-170, a
9 patient at a regional center as defined in section 71-911, and a juvenile
10 committed to a youth rehabilitation and treatment center ~~the Youth~~
11 ~~Rehabilitation and Treatment Center Kearney or the Youth Rehabilitation~~
12 ~~and Treatment Center Geneva;~~

13 (d) Mental health professional means:

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

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

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

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

26 (f) State custody means under the charge or control of a state
27 institution or state agency and includes time spent outside of the state
28 institution or state agency.

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

31 Sec. 6. Section 81-1316, Revised Statutes Cumulative Supplement,

1 2020, is amended to read:

2 81-1316 (1) All agencies and personnel of state government shall be
3 covered by sections 81-1301 to 81-1319 and shall be considered subject to
4 the State Personnel System, except the following:

- 5 (a) All personnel of the office of the Governor;
- 6 (b) All personnel of the office of the Lieutenant Governor;
- 7 (c) All personnel of the office of the Secretary of State;
- 8 (d) All personnel of the office of the State Treasurer;
- 9 (e) All personnel of the office of the Attorney General;
- 10 (f) All personnel of the office of the Auditor of Public Accounts;
- 11 (g) All personnel of the Legislature;
- 12 (h) All personnel of the court systems;
- 13 (i) All personnel of the Board of Educational Lands and Funds;
- 14 (j) All personnel of the Public Service Commission;
- 15 (k) All personnel of the Nebraska Brand Committee;
- 16 (l) All personnel of the Commission of Industrial Relations;
- 17 (m) All personnel of the State Department of Education;
- 18 (n) All personnel of the Nebraska state colleges and the Board of
19 Trustees of the Nebraska State Colleges;
- 20 (o) All personnel of the University of Nebraska;
- 21 (p) All personnel of the Coordinating Commission for Postsecondary
22 Education;
- 23 (q) All personnel of the Governor's Policy Research Office;
- 24 (r) All personnel of the Commission on Public Advocacy;
- 25 (s) All agency heads;
- 26 (t)(i) The Director of Behavioral Health of the Division of
27 Behavioral Health; (ii) the Director of Children and Family Services of
28 the Division of Children and Family Services; (iii) the Director of
29 Developmental Disabilities of the Division of Developmental Disabilities;
30 (iv) the Director of Medicaid and Long-Term Care of the Division of
31 Medicaid and Long-Term Care; and (v) the Director of Public Health of the

1 Division of Public Health;

2 (u) The chief medical officer established under section 81-3115, the
3 Administrator of the Office of Juvenile Services, and the chief executive
4 officers of the Beatrice State Developmental Center, Lincoln Regional
5 Center, Norfolk Regional Center, Hastings Regional Center, Grand Island
6 Veterans' Home, Norfolk Veterans' Home, Eastern Nebraska Veterans' Home,
7 Western Nebraska Veterans' Home, and each youth rehabilitation and
8 treatment center Youth Rehabilitation and Treatment Center Kearney, and
9 Youth Rehabilitation and Treatment Center Geneva;

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

13 (w) All personnel employed as pharmacists, physicians,
14 psychiatrists, or psychologists by the Department of Correctional
15 Services;

16 (x) All personnel employed as pharmacists, physicians,
17 psychiatrists, psychologists, service area administrators, or facility
18 operating officers of the Department of Health and Human Services or the
19 Department of Veterans' Affairs;

20 (y) Deputies and examiners of the Department of Banking and Finance
21 and the Department of Insurance as set forth in sections 8-105 and
22 44-119, except for those deputies and examiners who remain in the State
23 Personnel System;

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

25 (aa) The associate director of the Conservation Division of the
26 Nebraska State Historical Society and all personnel employed as a
27 Conservator I or Conservator II of the Conservation Division of the
28 Nebraska State Historical Society.

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

1	Number of Agency	Number of Noncovered
2	Employees	Positions
3	less than 25	0
4	25 to 100	1
5	101 to 250	2
6	251 to 500	3
7	501 to 1000	4
8	1001 to 2000	5
9	2001 to 3000	8
10	3001 to 4000	11
11	4001 to 5000	40
12	over 5000	50

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

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

30 Sec. 7. Section 83-104, Revised Statutes Cumulative Supplement,
31 2020, is amended to read:

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

3 (i) The Youth Rehabilitation and Treatment Center-Geneva;

4 (ii) The Youth Rehabilitation and Treatment Center-Kearney;

5 (iii) Any other facility operated and utilized as a youth
6 rehabilitation and treatment center ~~under state law~~;

7 (iv) The Hastings Regional Center;

8 (v) The Lincoln Regional Center;

9 (vi) The Norfolk Regional Center; and

10 (vii) The Beatrice State Developmental Center.

11 (b) Such physical review may include a review of the condition of
12 buildings and grounds and the physical wear and tear of buildings,
13 fixtures, equipment, furniture, security systems, and any improvements to
14 the facility.

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

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

23 (b) Recent inspection reports regarding the facility;

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

26 (i) The number of assaults on staff;

27 (ii) Staffing levels;

28 (iii) Staff retention rates; and

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

30 and

31 (d) The number of reports received by the office of Public Counsel

1 for each institution and any systemic issues identified as a result of
2 such physical review.

3 Sec. 8. Section 83-107.01, Revised Statutes Cumulative Supplement,
4 2020, is amended to read:

5 83-107.01 (1) The official names of the state institutions under the
6 supervision of the Department of Health and Human Services shall be as
7 follows: (a) Beatrice State Developmental Center, (b) Lincoln Regional
8 Center, (c) Norfolk Regional Center, (d) Hastings Regional Center, (e)
9 Youth Rehabilitation and Treatment Center-Kearney, and (f) Youth
10 Rehabilitation and Treatment Center-Geneva.

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

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

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

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

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

30 (f) For purposes of this section, emergency means a public health
31 emergency or a situation including fire, flood, tornado, natural

1 disaster, or damage to the institution that renders an institution
2 uninhabitable. Emergency does not include inadequate staffing.

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

5 83-364 When any person is admitted to a state institution or other
6 inpatient treatment facility pursuant to an order of a mental health
7 board under the Nebraska Mental Health Commitment Act or the Sex Offender
8 Commitment Act or receives treatment prescribed by such institution or
9 facility following release or without being admitted as a resident
10 patient, the patient and the patient's ~~his or her~~ relatives shall be
11 liable for the cost of the care, support, maintenance, and treatment of
12 such person to the extent and in the manner provided by sections
13 83-227.01, 83-227.02, 83-350, and 83-363 to 83-380. Such ~~The~~ ~~provisions~~
14 ~~of such~~ sections also shall apply to persons admitted to a state
15 institution as transferees from any state penal institution or youth
16 rehabilitation and treatment center ~~the Youth Rehabilitation and~~
17 ~~Treatment Center Kearney or Youth Rehabilitation and Treatment Center~~
18 ~~Geneva~~ but only after the expiration of the time for which the
19 transferees were originally sentenced or committed.

20 Sec. 10. Original section 83-364, Reissue Revised Statutes of
21 Nebraska, and sections 28-934, 43-403, 43-407, 43-408, 48-101.01,
22 81-1316, 83-104, and 83-107.01, Revised Statutes Cumulative Supplement,
23 2020, are repealed.