

AMENDMENTS TO LB 63

(Amendments to E & R amendments, ER8031)

Introduced by Christensen, 44.

1           1. Insert the following new section:

2           Sec. 40. Section 83-183, Reissue Revised Statutes of  
3 Nebraska, is amended to read:

4           83-183 (1) To establish good habits of work and  
5 responsibility, to foster vocational training, and to reduce  
6 the cost of operating the facilities, persons committed to  
7 the department shall be employed, eight hours per day, so far  
8 as possible in constructive and diversified activities in the  
9 production of goods, services, and foodstuffs to maintain the  
10 facilities, for state use, and for other purposes authorized by  
11 law. To accomplish these purposes, the director may establish and  
12 maintain industries and farms in appropriate facilities and may  
13 enter into arrangements with any other board or agency of the  
14 state, any natural resources district, or any other political  
15 subdivision, except for that any arrangements entered into with  
16 school districts, educational service units, community colleges,  
17 state colleges, or universities shall include supervision provided  
18 by the department, for the employment of persons committed to the  
19 department for state or governmental purposes. Nothing in this  
20 subsection shall be construed to effect a reduction in the number  
21 of work release positions.

22           (2) The director shall make rules and regulations

1 governing the hours, conditions of labor, and the rates of  
2 compensation of persons committed to the department. In determining  
3 the rates of compensation, such regulations may take into  
4 consideration the quantity and quality of the work performed by  
5 such person, whether or not such work was performed during regular  
6 working hours, the skill required for its performance, and the  
7 economic value of similar work outside of correctional facilities.

8 (3) Except as provided in section 83-183.01, wage  
9 payments to a person committed to the department shall be set aside  
10 by the chief executive officer of the facility in a separate fund.  
11 The fund shall enable such person committed to the department to  
12 contribute to the support of his or her dependents, if any, to make  
13 necessary purchases from the commissary, and to set aside sums to  
14 be paid to him or her at the time of his or her release from the  
15 facility.

16 (4) The director may authorize the chief executive  
17 officer to invest the earnings of a person committed to the  
18 department. Any accrued interest thereon shall be credited to such  
19 person's fund.

20 (5) The director may authorize the chief executive  
21 officer to reimburse the state from the wage fund of a person  
22 committed to the department for:

23 (a) The actual value of property belonging to the state  
24 or any other person intentionally or recklessly destroyed by such  
25 person committed to the department during his or her commitment;

26 (b) The actual value of the damage or loss incurred as a  
27 result of unauthorized use of property belonging to the state or

1 any other person by such person committed to the department;

2 (c) The actual cost to the state for injuries or other  
3 damages caused by intentional acts of such person committed to the  
4 department; and

5 (d) The reasonable costs incurred in returning such  
6 person committed to the department to the facility to which he or  
7 she is committed in the event of his or her escape.

8 (6) No person committed to the department shall be  
9 required to engage in excessive labor, and no such person shall be  
10 required to perform any work for which he or she is declared unfit  
11 by a physician designated by the director. No person who performs  
12 labor or work pursuant to this section shall be required to wear  
13 manacles, shackles, or other restraints.

14 (7) The director may authorize that a portion of the  
15 earnings of a person committed to the department be retained by  
16 that person for personal use.

17 2. On page 43, line 24, strike "and" and after the last  
18 comma insert "and 83-183,".

19 3. Renumber the remaining sections accordingly.