

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 163**

Introduced by McKinney, 11.

Read first time January 09, 2023

Committee: Judiciary

1 A BILL FOR AN ACT relating to criminal justice; to amend sections  
2 47-101.01, 47-108, 47-109, 47-116, 47-201.01, 47-206, 48-1202,  
3 83-178, 83-917, and 83-960, Reissue Revised Statutes of Nebraska,  
4 and sections 28-936, 83-1,135, and 84-612, Revised Statutes  
5 Cumulative Supplement, 2022; to prohibit construction or expansion  
6 of prisons and jails until certain benchmarks are met; to provide  
7 privacy protections for inmates' legal mail; to provide penalties;  
8 to define and redefine terms; to change provisions relating to  
9 possession of electronic communication devices in Department of  
10 Correctional Services facilities; to authorize possession of such  
11 devices by certain officials and attorneys as prescribed; to  
12 prohibit cities, counties, and the state from receiving revenue for  
13 operation of inmate telephone services and to provide requirements  
14 for negotiating contracts for such services; to provide a limitation  
15 on the mark-up of commissary goods in jails and prisons; to require  
16 the department to pay the minimum wage for work by committed  
17 offenders and to provide that such persons are subject to the Wage  
18 and Hour Act; to require collection of certain data upon admission  
19 of persons committed to the department; to require the department to  
20 provide culturally diverse books as prescribed; to provide for  
21 oversight of the department by the Judiciary Committee of the  
22 Legislature in the event of a prison overcrowding emergency or  
23 staffing shortage; to change provisions relating to the Reentry Cash

1 Fund; to provide for transfers from the Cash Reserve Fund; to  
2 harmonize provisions; and to repeal the original sections.  
3 Be it enacted by the people of the State of Nebraska,

1           Section 1. (1) For purposes of this section:

2           (a) Correctional facility means a facility for housing or detaining  
3 committed offenders operated by the department; and

4           (b) Department means the Department of Correctional Services.

5           (2) The department or any other state agency shall not build new  
6 correctional facilities, study or identify sites for a new correctional  
7 facility, or expand or convert portions of an existing correctional  
8 facility in order to expand capacity until the Legislature determines  
9 that overall admissions and lengths of stay for all correctional  
10 facilities have declined over a twenty-year period.

11           (3) A city, village, county, or other political subdivision of the  
12 state shall not build a new jail, study or identify sites for a new jail,  
13 or expand or convert portions of an existing jail in order to expand  
14 capacity until the Legislature determines that overall admissions and  
15 lengths of stay for inmates of such jurisdiction have declined over a  
16 twenty-year period.

17           Sec. 2. (1) For purposes of this section:

18           (a) Contraband includes illegal items, explosives, deadly weapons,  
19 alcoholic beverages, drugs, tobacco products, and controlled substances;

20           (b) Department means the Department of Correctional Services;

21           (c) Detention facility means any criminal detention facility as  
22 defined in section 83-4,125 or a facility as defined in section 83-170;

23           (d) Director means, with reference to a department facility, the  
24 Director of Correctional Services, and with reference to any other  
25 detention facility, the director or head administrator of such facility;

26           (e) Legal mail means correspondence to or from courts or court  
27 staff, attorneys, established groups of attorneys involved in the  
28 representation of an inmate in judicial proceedings, the Public Counsel,  
29 the President or Vice President of the United States, a member of the  
30 United States Congress, any representative of an embassy or a consulate,  
31 the United States Department of Justice, a state attorney general, a

1 governor, any member of the Legislature, and any law enforcement officer  
2 in his or her official capacity. To be considered legal mail, the  
3 correspondence shall be clearly marked "legal mail" on the outside front  
4 of the envelope and shall have a return address which clearly indicates  
5 that the correspondence is from one of the sources enumerated in this  
6 subdivision;

7 (f) Mail means letters, publications, or packages delivered to a  
8 detention facility by the United States Postal Service or by another  
9 established and authorized package or letter carrier; and

10 (g) Rules and regulations means, with reference to a department  
11 facility, rules and regulations adopted and promulgated by the  
12 department, and with reference to any other detention facility, the  
13 ordinances or rules of the political subdivision operating such detention  
14 facility.

15 (2) All mail intended for, or to be sent by, an inmate of a  
16 detention facility, excluding legal mail, may be inspected at any time by  
17 the staff designated by the director. Mail, excluding legal mail, may be  
18 disapproved for receipt or transmittal in accordance with applicable  
19 rules and regulations.

20 (3) A person who inspects or participates in the inspection of the  
21 mail of an inmate of a detention facility shall not disclose the contents  
22 of the mail except in the course of such person's official duties.

23 (4) Mail, whether it is incoming or outgoing, which is clearly  
24 identified on the outside as legal mail, shall be inspected only in the  
25 presence of the inmate of a detention facility. Legal mail shall not be  
26 read by any employee of a detention facility without a search warrant but  
27 may be inspected in the presence of the inmate to verify that the mail is  
28 free from contraband.

29 (5) Mail containing illegal items or contraband shall be held and  
30 disposed of in accordance with the procedures set forth in rules and  
31 regulations.

1       (6)(a) An employee of a detention facility who knowingly violates  
2 this section shall be guilty of a Class II misdemeanor and shall be  
3 summarily discharged from employment with the detention facility.

4       (b) Any person who sends mail to an inmate in a detention facility  
5 falsely identified as legal mail shall be guilty of a Class II  
6 misdemeanor.

7       Sec. 3. Section 28-936, Revised Statutes Cumulative Supplement,  
8 2022, is amended to read:

9       28-936 (1) A person commits an offense if he or she intentionally  
10 introduces within a facility, or intentionally provides an inmate of a  
11 facility with, any electronic communication device. An inmate commits an  
12 offense if he or she intentionally procures, makes, or otherwise provides  
13 himself or herself with, or has in his or her possession, any electronic  
14 communication device.

15       (2) This section does not apply to:

16       (a) An attorney or an attorney's agent visiting an inmate who is a  
17 client of such attorney;

18       (b) The Public Counsel or any employee of his or her office;

19       (c) A peace officer acting under his or her authority;

20       (d) An emergency responder or a firefighter responding to emergency  
21 incidents within a facility;~~or~~

22       (e) A member of the Legislature;

23       (f) The Inspector General of the Nebraska Correctional System or any  
24 employee of the office of the Inspector General of the Nebraska  
25 Correctional System; or

26       (g) ~~(e)~~ Any person acting with the permission of the Director of  
27 Correctional Services or in accordance with rules, regulations, or  
28 policies of the Department of Correctional Services.

29       (3) For purposes of this section:

30       (a) Facility has the same meaning as in section 83-170; and

31       (b) Electronic communication device means any device which, in its

1 ordinary and intended use, transmits by electronic means writings,  
2 sounds, visual images, or data of any nature to another electronic  
3 communication device. Electronic communication device does not include  
4 any device provided to an inmate by the Department of Correctional  
5 Services.

6 (4) A violation of this section is a Class I misdemeanor.

7 (5) An electronic communication device involved in a violation of  
8 this section shall be subject to seizure by the Department of  
9 Correctional Services or a peace officer, and disposition may be made in  
10 accordance with the method of disposition directed for contraband in  
11 sections 29-818 and 29-820.

12 Sec. 4. Section 47-101.01, Reissue Revised Statutes of Nebraska, is  
13 amended to read:

14 47-101.01 (1) Each county jail shall make available either a prepaid  
15 telephone call system or collect telephone call system, or a combination  
16 thereof, for telephone services for inmates. Under either system, the  
17 provision of inmate telephone services shall be subject to the  
18 requirements of this section.

19 (2) Under a prepaid system, funds may be deposited into an inmate  
20 account in order to pay for telephone calls. The provider of the inmate  
21 telephone services, as an additional means of payment, shall permit the  
22 recipient of inmate collect telephone calls to establish an account with  
23 that provider in order to deposit funds for advance payment of those  
24 collect telephone calls. The provider of the inmate telephone services  
25 shall also allow inmates to communicate on the telephone, or by  
26 videoconferencing, with an attorney or attorneys without charge and  
27 without monitoring or recording by the county jail or law enforcement.

28 (3) For telephone calls, jails shall negotiate contracts with  
29 telecommunication providers on the basis of providing the lowest possible  
30 cost to inmates.

31 (4) {3} A county operating a county jail shall not may receive any

1 revenue for the ~~reasonable operating costs~~ for establishing and  
2 administering such telephone services system or videoconferencing  
3 system, ~~but shall not receive excessive commissions or bonus payments.~~  
4 ~~In determining the amount of such reasonable operating costs, the Jail~~  
5 ~~Standards Board may consider for comparative purposes the rates for~~  
6 ~~inmate calling services provided in 47 C.F.R. part 64. Amounts in excess~~  
7 ~~of the reasonable operating costs include, but are not limited to, any~~  
8 ~~excessive commissions and bonus payments, as determined by the Jail~~  
9 ~~Standards Board, including, but not limited to, awards paid to a county~~  
10 ~~for contracting with an entity that provides such service.~~

11 (5) ~~(4)~~ Nothing in this section shall require a county jail to  
12 provide or administer a prepaid telephone call system.

13 (6) ~~(5)~~ For the purposes of this section, collect telephone call  
14 system means a system pursuant to which recipients are billed for the  
15 cost of an accepted telephone call initiated by an inmate.

16 Sec. 5. Any goods sold in a commissary within a county jail shall  
17 not be marked up more than ten percent over the cost to purchase such  
18 goods.

19 Sec. 6. Section 47-108, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 47-108 It shall be the duty of the district court in its charge to  
22 the grand jury to inform the jury of the provisions of sections 47-101 to  
23 47-116 and section 5 of this act and all rules, plans, or regulations  
24 established by the Jail Standards Board relating to county jails and  
25 prison discipline.

26 Sec. 7. Section 47-109, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 47-109 The grand jury of each county in this state may, while in  
29 attendance, visit the jail, examine its state and condition, and examine  
30 and inquire into the discipline and treatment of prisoners, their habits,  
31 diet, and accommodations. If the grand jury visits a jail, it shall be

1 its duty to report to the court in writing, whether the rules of the Jail  
2 Standards Board have been faithfully kept and observed, or whether any of  
3 the provisions of sections 47-101 to 47-116 and section 5 of this act,  
4 have been violated, pointing out particularly in what the violation, if  
5 any, consists. It shall also be the duty of the county board of each  
6 county of this state to visit the jail of its county once during each of  
7 its sessions in January, April, July, and October of each year.

8 Sec. 8. Section 47-116, Reissue Revised Statutes of Nebraska, is  
9 amended to read:

10 47-116 If the sheriff or jailer, having charge of any county jail,  
11 shall neglect or refuse to conform to all or any of the rules and  
12 regulations established by the Jail Standards Board, or to perform any  
13 other duty required of him or her by sections 47-101 to 47-116 and  
14 section 5 of this act, he or she shall, upon conviction thereof for each  
15 case of such failure or neglect of duty, pay into the county treasury of  
16 the proper county for the use of such county a fine of not less than five  
17 dollars nor more than one hundred dollars, to be assessed by the district  
18 court of the proper district.

19 Sec. 9. Section 47-201.01, Reissue Revised Statutes of Nebraska, is  
20 amended to read:

21 47-201.01 (1) Each city jail shall make available either a prepaid  
22 telephone call system or collect telephone call system, or a combination  
23 thereof, for telephone services for inmates. Under either system, the  
24 provision of inmate telephone services shall be subject to the  
25 requirements of this section.

26 (2) Under a prepaid system, funds may be deposited into an inmate  
27 account in order to pay for telephone calls. The provider of the inmate  
28 telephone services, as an additional means of payment, shall permit the  
29 recipient of inmate collect telephone calls to establish an account with  
30 that provider in order to deposit funds for advance payment of those  
31 collect telephone calls. The provider of the inmate telephone services



1 shall also allow inmates to communicate on the telephone, or by  
2 videoconferencing, with an attorney or attorneys without charge and  
3 without monitoring or recording by the city jail or law enforcement.

4 (3) For telephone calls, jails shall negotiate contracts with  
5 telecommunication providers on the basis of providing the lowest possible  
6 cost to inmates.

7 ~~(4) (3) A city operating a city jail shall not may receive any~~  
8 ~~revenue for the reasonable operating costs for establishing and~~  
9 ~~administering such telephone services system or videoconferencing~~  
10 ~~system, but shall not receive excessive commissions or bonus payments.~~  
11 ~~In determining the amount of such reasonable operating costs, the Jail~~  
12 ~~Standards Board may consider for comparative purposes the rates for~~  
13 ~~inmate calling services provided in 47 C.F.R. part 64. Amounts in excess~~  
14 ~~of the reasonable operating costs include, but are not limited to, any~~  
15 ~~excessive commissions and bonus payments, as determined by the Jail~~  
16 ~~Standards Board, including, but not limited to, awards paid to a city for~~  
17 ~~contracting with an entity that provides such service.~~

18 ~~(5) (4) Nothing in this section shall require a city jail to provide~~  
19 ~~or administer a prepaid telephone call system.~~

20 ~~(6) (5) For the purposes of this section, collect telephone call~~  
21 ~~system means a system pursuant to which recipients are billed for the~~  
22 ~~cost of an accepted telephone call initiated by an inmate.~~

23 Sec. 10. Any goods sold in a commissary within a city jail shall  
24 not be marked up more than ten percent over the cost to purchase such  
25 goods.

26 Sec. 11. Section 47-206, Reissue Revised Statutes of Nebraska, is  
27 amended to read:

28 47-206 The officer in charge of any municipal prison or jail who  
29 fails to comply with the provisions of sections 47-201 to 47-205 and  
30 section 10 of this act or the rules prescribed by the Jail Standards  
31 Board shall be guilty of a Class V misdemeanor.

1           Sec. 12. Section 48-1202, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3           48-1202 For purposes of the Wage and Hour Act, unless the context  
4 otherwise requires:

5           (1) Employ includes ~~shall include~~ to permit to work;

6           (2)(a) ~~(2)~~ Employer includes ~~shall include~~ any individual,  
7 partnership, limited liability company, association, corporation,  
8 business trust, legal representative, or organized group of persons  
9 employing four or more employees at any one time except for seasonal  
10 employment of not more than twenty weeks in any calendar year, acting  
11 directly or indirectly in the interest of an employer in relation to an  
12 employee, ~~but shall~~

13           (b) Employer does not include the United States, the state, or any  
14 political subdivision thereof, except that it does include the Department  
15 of Correctional Services as an employer of committed offenders;

16           (3) Employee includes ~~shall include~~ any individual employed by any  
17 employer but shall not include:

18           (a) Any individual employed in agriculture;

19           (b) Any individual employed as a baby-sitter in or about a private  
20 home;

21           (c) Any individual employed in a bona fide executive,  
22 administrative, or professional capacity or as a superintendent or  
23 supervisor;

24           (d) Any individual employed by the United States or by the state or  
25 any political subdivision thereof, except for committed offenders  
26 employed by the Department of Correctional Services;

27           (e) Any individual engaged in the activities of an educational,  
28 charitable, religious, or nonprofit organization when the employer-  
29 employee relationship does not in fact exist or when the services  
30 rendered to such organization are on a voluntary basis;

31           (f) Apprentices and learners otherwise provided by law;

1 (g) Veterans in training under supervision of the United States  
2 Department of Veterans Affairs;

3 (h) A child in the employment of his or her parent or a parent in  
4 the employment of his or her child; or

5 (i) Any person who, directly or indirectly, is receiving any form of  
6 federal, state, county, or local aid or welfare and who is physically or  
7 mentally disabled and employed in a program of rehabilitation, who shall  
8 receive a wage at a level consistent with his or her health, efficiency,  
9 and general well-being;

10 (4) Occupational classification means ~~shall mean~~ a classification  
11 established by the Dictionary of Occupational Titles prepared by the  
12 United States Department of Labor; and

13 (5) Wages means ~~shall mean~~ all remuneration for personal services,  
14 including commissions and bonuses and the cash value of all remunerations  
15 in any medium other than cash.

16 Sec. 13. Section 83-178, Reissue Revised Statutes of Nebraska, is  
17 amended to read:

18 83-178 (1) The director shall establish and maintain, in accordance  
19 with the regulations of the department, an individual file for each  
20 person committed to the department. Each individual file shall include,  
21 when available and appropriate, the following information on such person:

22 (a) His or her admission summary, including his or her last-known  
23 address and the legislative district in which such address is located at  
24 the time of admission;

25 (b) His or her presentence investigation report;

26 (c) His or her classification report and recommendation;

27 (d) Official records of his or her conviction and commitment as well  
28 as any earlier criminal records;

29 (e) Progress reports and admission-orientation reports;

30 (f) Reports of any disciplinary infractions and of their  
31 disposition;

1 (g) His or her parole plan; and

2 (h) Other pertinent data concerning his or her background, conduct,  
3 associations, and family relationships.

4 (2) Any decision concerning the classification, reclassification,  
5 transfer to another facility, preparole preparation, or parole release of  
6 a person committed to the department shall be made only after his or her  
7 file has been reviewed. The content of the file shall be confidential and  
8 shall not be subject to public inspection except by court order for good  
9 cause shown and shall not be accessible to any person committed to the  
10 department. An inmate may obtain access to his or her medical records by  
11 request to the provider pursuant to sections 71-8401 to 71-8407  
12 notwithstanding the fact that such medical records may be a part of his  
13 or her individual department file. The department retains the authority  
14 to withhold mental health and psychological records of the inmate when  
15 appropriate.

16 (3) The program of each person committed to the department shall be  
17 reviewed at regular intervals and recommendations shall be made to the  
18 chief executive officer concerning changes in such person's program of  
19 treatment, training, employment, care, and custody as are considered  
20 necessary or desirable.

21 (4) The chief executive officer of the facility shall have final  
22 authority to determine matters of treatment classification within his or  
23 her facility and to recommend to the director the transfer of any person  
24 committed to the department who is in his or her custody.

25 (5) The director may at any time order a person committed to the  
26 department to undergo further examination and study for additional  
27 recommendations concerning his or her classification, custodial control,  
28 and rehabilitative treatment.

29 (6) Nothing in this section shall be construed to limit in any  
30 manner the authority of the Public Counsel to inspect and examine the  
31 records and documents of the department pursuant to sections 81-8,240 to

1 81-8,254, except that the Public Counsel's access to an inmate's medical  
2 or mental health records shall be subject to the inmate's consent. The  
3 office of Public Counsel shall not disclose an inmate's medical or mental  
4 health records to anyone else, including any person committed to the  
5 department, except as authorized by law.

6 Sec. 14. (1) The following persons shall be allowed to bring  
7 electronic communication devices into a facility without preapproval from  
8 the director:

9 (a) A member of the Legislature;

10 (b) The Public Counsel or any employee of the Public Counsel;

11 (c) An attorney or an attorney's agent visiting a committed offender  
12 who is a client of such attorney; and

13 (d) The Inspector General of the Nebraska Correctional System or any  
14 employee of the office of the Inspector General of the Nebraska  
15 Correctional System.

16 (2) For purposes of this section, electronic communication device  
17 means any device which, in its ordinary and intended use, transmits by  
18 electronic means writings, sounds, visual images, or data of any nature  
19 to another electronic communication device.

20 Sec. 15. (1) The department shall make available in each facility  
21 either a prepaid telephone call system or collect telephone call system,  
22 or a combination thereof, for telephone services for committed offenders.  
23 Under either system, the provision of telephone services shall be subject  
24 to the requirements of this section.

25 (2) Under a prepaid system, funds may be deposited into an inmate  
26 account in order to pay for telephone calls. The provider of the  
27 telephone services, as an additional means of payment, shall permit the  
28 recipient of collect telephone calls by committed offenders to establish  
29 an account with that provider in order to deposit funds for advance  
30 payment of those collect telephone calls. The provider of the telephone  
31 services shall also allow committed offenders to communicate on the

1 telephone, or by videoconferencing, with an attorney or attorneys without  
2 charge and without monitoring or recording by the department.

3 (3) For telephone calls, the department shall negotiate contracts  
4 with telecommunication providers on the basis of providing the lowest  
5 possible cost to committed offenders.

6 (4) The department shall not receive any revenue for establishing  
7 and administering such telephone services system or videoconferencing  
8 system.

9 (5) Nothing in this section shall require the department to provide  
10 or administer a prepaid telephone call system.

11 (6) For the purposes of this section, collect telephone call system  
12 means a system pursuant to which recipients are billed for the cost of an  
13 accepted telephone call initiated by a committed offender.

14 Sec. 16. Any goods sold in a commissary within a facility shall not  
15 be marked up more than ten percent over the cost to purchase such goods.

16 Sec. 17. The department shall contract with a book vendor that has  
17 a culturally diverse selection of books for use by committed offenders.  
18 The department may contract with multiple book vendors to meet this  
19 requirement.

20 Sec. 18. Section 83-1,135, Revised Statutes Cumulative Supplement,  
21 2022, is amended to read:

22 83-1,135 Sections 83-170 to 83-1,135.05 and sections 14, 15, 16, and  
23 17 of this act shall be known and may be cited as the Nebraska Treatment  
24 and Corrections Act.

25 Sec. 19. Section 83-917, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 83-917 The Reentry Cash Fund is created. The fund shall be  
28 administered by the Department of Correctional Services. The State  
29 Treasurer shall credit funds remitted pursuant to sections 33-157 and  
30 83-184 and donations or contributions from public or private sources to  
31 the Reentry Cash Fund. The fund shall be used by the department for

1 tuition, fees, and other costs associated with reentry and reintegration  
2 programs offered to offenders in all department facilities ~~that are~~  
3 ~~placed in the incarceration work camp~~. Any money in the fund available  
4 for investment shall be invested by the state investment officer pursuant  
5 to the Nebraska Capital Expansion Act and the Nebraska State Funds  
6 Investment Act.

7 Sec. 20. Section 83-960, Reissue Revised Statutes of Nebraska, is  
8 amended to read:

9 83-960 Sections 83-960 to 83-963 and section 21 of this act shall be  
10 known and may be cited as the Correctional System Overcrowding Emergency  
11 Act.

12 Sec. 21. (1) For purposes of this section:

13 (a) Overcrowding emergency means that the department's inmate  
14 population is over one hundred forty percent of design capacity; and

15 (b) Staffing shortage means a ratio of the inmate population to  
16 correctional officers that is fifteen-to-one or higher.

17 (2) Pursuant to Article IV, section 19, of the Constitution of  
18 Nebraska, if the Judiciary Committee of the Legislature determines that  
19 there is an overcrowding emergency or staffing shortage, the committee  
20 may intervene to order the director to perform certain duties necessary  
21 to alleviate such emergency or shortage.

22 Sec. 22. Section 84-612, Revised Statutes Cumulative Supplement,  
23 2022, is amended to read:

24 84-612 (1) There is hereby created within the state treasury a fund  
25 known as the Cash Reserve Fund which shall be under the direction of the  
26 State Treasurer. The fund shall only be used pursuant to this section.

27 (2) The State Treasurer shall transfer funds from the Cash Reserve  
28 Fund to the General Fund upon certification by the Director of  
29 Administrative Services that the current cash balance in the General Fund  
30 is inadequate to meet current obligations. Such certification shall  
31 include the dollar amount to be transferred. Any transfers made pursuant

1 to this subsection shall be reversed upon notification by the Director of  
2 Administrative Services that sufficient funds are available.

3 (3) In addition to receiving transfers from other funds, the Cash  
4 Reserve Fund shall receive federal funds received by the State of  
5 Nebraska for undesignated general government purposes, federal revenue  
6 sharing, or general fiscal relief of the state.

7 (4) The State Treasurer shall transfer fifty-four million seven  
8 hundred thousand dollars on or after July 1, 2019, but before June 15,  
9 2021, from the Cash Reserve Fund to the Nebraska Capital Construction  
10 Fund on such dates and in such amounts as directed by the budget  
11 administrator of the budget division of the Department of Administrative  
12 Services.

13 (5) The State Treasurer shall transfer two hundred fifteen million  
14 five hundred eighty thousand dollars from the Cash Reserve Fund to the  
15 Nebraska Capital Construction Fund on or after July 1, 2022, but before  
16 June 15, 2023, on such dates and in such amounts as directed by the  
17 budget administrator of the budget division of the Department of  
18 Administrative Services.

19 (6) The State Treasurer shall transfer fifty-three million five  
20 hundred thousand dollars from the Cash Reserve Fund to the Perkins County  
21 Canal Project Fund on or before June 30, 2023, on such dates and in such  
22 amounts as directed by the budget administrator of the budget division of  
23 the Department of Administrative Services.

24 (7) No funds shall be transferred from the Cash Reserve Fund to  
25 fulfill the obligations created under the Nebraska Property Tax Incentive  
26 Act unless the balance in the Cash Reserve Fund after such transfer will  
27 be at least equal to five hundred million dollars.

28 (8) The State Treasurer shall transfer thirty million dollars from  
29 the Cash Reserve Fund to the Military Base Development and Support Fund  
30 on or before June 30, 2023, but not before July 1, 2022, on such dates  
31 and in such amounts as directed by the budget administrator of the budget



1 division of the Department of Administrative Services.

2 (9) The State Treasurer shall transfer eight million three hundred  
3 thousand dollars from the Cash Reserve Fund to the Trail Development and  
4 Maintenance Fund on or after July 1, 2022, but before July 30, 2022, on  
5 such dates and in such amounts as directed by the budget administrator of  
6 the budget division of the Department of Administrative Services.

7 (10) The State Treasurer shall transfer fifty million dollars from  
8 the Cash Reserve Fund to the Nebraska Rural Projects Fund on or after  
9 July 1, 2022, but before July 15, 2023, on such dates and in such amounts  
10 as directed by the budget administrator of the budget division of the  
11 Department of Administrative Services.

12 (11) The State Treasurer shall transfer thirty million dollars from  
13 the Cash Reserve Fund to the Rural Workforce Housing Investment Fund on  
14 or after July 1, 2022, but before July 15, 2023, on such dates and in  
15 such amounts as directed by the budget administrator of the budget  
16 division of the Department of Administrative Services.

17 (12) The State Treasurer shall transfer twenty million dollars from  
18 the Cash Reserve Fund to the Intern Nebraska Cash Fund on or after July  
19 1, 2022, but before June 15, 2023, on such dates and in such amounts as  
20 directed by the budget administrator of the budget division of the  
21 Department of Administrative Services.

22 (13) The State Treasurer shall transfer twenty million dollars from  
23 the Cash Reserve Fund to the Middle Income Workforce Housing Investment  
24 Fund on July 15, 2022, or as soon thereafter as administratively  
25 possible, and in such amounts as directed by the budget administrator of  
26 the budget division of the Department of Administrative Services.

27 (14) The State Treasurer shall transfer eighty million dollars from  
28 the Cash Reserve Fund to the Jobs and Economic Development Initiative  
29 Fund on or after July 1, 2022, but before July 15, 2023, on such dates  
30 and in such amounts as directed by the budget administrator of the budget  
31 division of the Department of Administrative Services.

1 (15) The State Treasurer shall transfer twenty million dollars from  
2 the Cash Reserve Fund to the Site and Building Development Fund on July  
3 15, 2022, or as soon thereafter as administratively possible, and in such  
4 amounts as directed by the budget administrator of the budget division of  
5 the Department of Administrative Services.

6 (16) The State Treasurer shall transfer fifty million dollars from  
7 the Cash Reserve Fund to the Surface Water Irrigation Infrastructure Fund  
8 on or after July 15, 2022, but before January 1, 2023, on such dates and  
9 in such amounts as directed by the budget administrator of the budget  
10 division of the Department of Administrative Services.

11 (17) The State Treasurer shall transfer fifteen million dollars from  
12 the Cash Reserve Fund to the Site and Building Development Fund on or  
13 before June 30, 2022, on such dates and in such amounts as directed by  
14 the budget administrator of the budget division of the Department of  
15 Administrative Services.

16 (18) The State Treasurer shall transfer fifty-five million dollars  
17 from the Cash Reserve Fund to the Economic Recovery Contingency Fund on  
18 or before June 30, 2022, on such dates and in such amounts as directed by  
19 the budget administrator of the budget division of the Department of  
20 Administrative Services.

21 (19) The State Treasurer shall transfer five million dollars from  
22 the Cash Reserve Fund to the Inmate Welfare and Club Accounts Fund on or  
23 after September 15, 2023, but before January 1, 2024, on such dates and  
24 in such amounts as directed by the budget administrator of the budget  
25 division of the Department of Administrative Services.

26 (20) The State Treasurer shall transfer five million dollars from  
27 the Cash Reserve Fund to the Reentry Cash Fund on or after September 15,  
28 2023, but before January 1, 2024, on such dates and in such amounts as  
29 directed by the budget administrator of the budget division of the  
30 Department of Administrative Services.

31 Sec. 23. Original sections 47-101.01, 47-108, 47-109, 47-116,

- 1 47-201.01, 47-206, 48-1202, 83-178, 83-917, and 83-960, Reissue Revised
- 2 Statutes of Nebraska, and sections 28-936, 83-1,135, and 84-612, Revised
- 3 Statutes Cumulative Supplement, 2022, are repealed.