

LEGISLATIVE BILL 563

Approved by the Governor May 30, 1973

Introduced by Judiciary Committee, Luedtke, 28, Chmn.;
Stull, 49; Earnett, 26; Chambers, 11;
Richendifer, 16; Fellman, 4; DeCamp, 40;
Carpenter, 48

AN ACT to amend sections 43-210.01, 43-219, 68-702.03, 68-703, 72-249, 72-710.01, 72-710.02, 72-1302, 72-1303, 72-1304, 79-4, 147, 81-101, 81-102, 83-101.08, 83-108, 83-108.04, 83-112, 83-123.01, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147, 83-148, 83-149, 83-150, 83-153, 83-154, 83-155, 83-156, 83-170, 83-171, 83-172, 83-173, 83-174, 83-186, 83-1, 136, 83-409, 83-428, 83-443, 83-4, 100, 83-4, 101, 83-4, 102, and 83-4, 104, Reissue Revised Statutes of Nebraska, 1943, sections 68-621, 83-107.01, and 83-188, Revised Statutes Supplement, 1972, section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973, section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, and section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973, relating to the Division of Corrections; to provide for the Department of Correctional Services as prescribed; to provide an operative date; to repeal the original sections; and to declare an emergency.

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

Section 1. That section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

43-210. When any child is adjudicated to be a delinquent child, the court may:

(1) Continue the dispositional portion of the hearing, from time to time upon such terms and conditions as the court may prescribe, including an order of restitution of any property stolen or damaged when the

sare is in the interest of the child's reformation or rehabilitation and, subject to the further order of the court, may:

(a) Place the child under the supervision of a probation officer;

(b) Permit said child to remain in its own home, subject to the supervision of the probation officer; or

(c) Cause the child to be placed in a suitable family home or institution, subject to the friendly supervision of the probation officer; Provided, that under subdivision (1) (a), (1) (b), or (1) (c) of this section upon a determination by the court that there are no private or other public funds available for the care, custody and maintenance of a child, the court may order a reasonable sum for the care, custody and maintenance of the child to be paid out of a fund which shall be appropriated annually by the county where the petition is filed until a suitable provision may be made for the child without such payment; or

(2) The court may commit such child to the care and custody of the Department of ~~Public--Institutions~~ Correctional Services; Provided, that a delinquent child under the age of twelve years shall not be committed to the Youth Development Center-Geneva or to the Youth Development Center-Kearney unless he or she has violated the terms of probation or has committed an additional offense and the court finds that the interests of the child and the welfare of the community demand his or her commitment. This minimum age provision shall not apply if the act in question is murder or manslaughter.

Sec. 2. That section 43-210.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-210.01. When any child is found by the court to be a child in need of special supervision as defined by subdivision (5) of section 43-201, the court may enter such order as it is empowered to enter in the case of a delinquent child except that no such child shall be committed to the Department of ~~Public--Institutions~~ Correctional Services until the court shall find:

(1) That said child has failed to make a satisfactory adjustment after a reasonable period of time under its original order; or

(2) Such commitment is necessary in the first instance for the protection of the health and welfare of

said child or of society.

Sec. 3. That section 43-219, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-219. In each county the judge presiding over the juvenile court, as defined by this act, may appoint a board of four reputable inhabitants, who shall serve without compensation, to constitute a board of visitation, whose duty it shall be to visit as often as once a year, all institutions, societies and associations within the county, receiving children under this act. Visits shall be made by not less than two of the members of the board, who shall go together or make a joint report. The board of visitors shall report to the court, from time to time, the condition of children received by or in the charge of such associations and institutions, and shall make an annual report to the Department of Public Welfare, Department of Correctional Services, and Department of Public Institutions in such form as each of the departments may prescribe. The county board may, in its discretion, make appropriations for the payment of the actual and necessary expenses incurred by the visitors in the discharge of their official duties.

Sec. 4. That section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

49-617. The Revisor of Statutes shall cause the statutes to be printed. The printer shall deliver all completed copies to the State Librarian. These copies shall be held and disposed of by such librarian as follows: Sixty copies to the Nebraska State Library to exchange for statutes of other states; five copies to the Nebraska State Library to keep for daily use; not to exceed twenty-five copies to the Nebraska Legislative Council for bill drafting and related services to the Legislature and executive state officers; not to exceed twenty copies to the Attorney General; eight copies to the Nebraska Publications Clearinghouse; six copies to the Public Service Commission; four copies to the Secretary of State; four copies to the Clerk of the Nebraska Legislature for use in his office and two copies to be maintained in the legislative chamber under control of the sergeant at arms; two copies each to the Governor of the state, the Chief Justice and each Judge of the Supreme Court, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Auditor of Public Accounts, and the Revisor of Statutes; one copy each to the Secretary of State of the United States, the library

of the Supreme Court of the United States, the Adjutant General, the Air National Guard, the Commissioner of Education, the State Treasurer, the Board of Educational Lands and Funds, the Director of Agriculture, the Director of Administrative Services, the Director of Aeronautics, the Department of Economic Development, the Commissioner of Labor, the Director of Health, the Director-State Engineer, the Director of Banking, the Director of Insurance, the Director of Motor Vehicles, the Director of Veterans' Affairs, the Director of Water Resources, the Director of Public Welfare, the Director of Public Institutions, the Director of Correctional Services, the Nebraska Emergency Operating Center, each judge of the Nebraska Workmen's Compensation Court, each judge of the Court of Industrial Relations, the Nebraska Liquor Control Commission, the Nebraska Natural Resources Commission, the State Real Estate Commission, the secretary of the Game and Parks Commission, the Board of Pardons, each state institution under the Department of Public Institutions, each state institution under the State Department of Education, the State Sheriff, the Tax Commissioner, the State Surveyor, the Nebraska State Patrol, Purchasing Agent, State Personnel Office, Nebraska Motor Vehicle Industry Licensing Board, Board of Trustees of the Nebraska State Colleges, each of the Nebraska State Colleges, each district judge of the State of Nebraska, each district county judge, each judge of a separate juvenile court, the Lieutenant Governor, each United States Senator from Nebraska, each United States Representative from Nebraska, each clerk of the district court for the use of the district court, each associate county judge, each county attorney, and each county law library of the State of Nebraska, each judge of the municipal court, and the inmate library at all state penal and correctional institutions, and one complete set to each newly-appointed member of the Legislature, two complete sets to each newly-elected member of the Legislature, and two complete sets of such volumes as are necessary to update previously issued volumes to all other members of the Legislature; provided, copies of the statutes distributed without charge, as above listed, shall be the property of the state or governmental subdivision of the state and not the personal property of the particular person receiving a copy. Distribution of statutes to the library of the College of Law of the University of Nebraska shall be as provided in sections 85-176 and 85-177.

Sec. 5. That section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973, be amended to read as follows:

60-1001. All motor vehicles acquired by the State of Nebraska except motor vehicles used or controlled by the Nebraska State Patrol or by the Public Service Commission, the Game and Parks Commission, deputy state sheriffs employed by the Nebraska Brand Committee and State Fire Marshal for state law enforcement purposes, inspectors employed by the Nebraska Liquor Control Commission, and persons employed by the Tax Commissioner for state revenue enforcement purposes, the exemption for state law enforcement purposes and state revenue enforcement purposes being confined strictly to the seven agencies specifically named, and also except such motor vehicles as are used or controlled by the Department of Public Institutions or the Department of Correctional Services for the purpose of apprehending and returning escaped offenders or parole violators to facilities in the Division of Corrections Department of Correctional Services, and transporting offenders and personnel of the Division of--corrections Department of Correctional Services and patients and personnel of the Division of Medical Services who are engaged in off-campus program activities, and also except such motor vehicles as are used or controlled by the military department, and also except such motor vehicles as are used or controlled by vocational rehabilitation counselors and the Department of Health for the purpose of communicable disease control or for the prevention and control of those communicable diseases which endanger the public health, and also except such motor vehicles as are used or controlled by the Department of Agriculture for special investigative purposes, shall be indelibly and conspicuously lettered on each side thereof, in plain letters of a contrasting color or reflective material not less than two inches in height and with not less than one-fourth inch stroke, with the words State of Nebraska, and following such words the name of whatever board, department, bureau, division, institution, including the University of Nebraska or state college, office, or other state expending agency of the state to which such motor vehicle belongs and on the back thereof indelibly and conspicuously lettered the words State of Nebraska in plain letters of a contrasting color or reflective material not less than two inches in height and with not less than one-fourth inch stroke.

Sec. 6. That section 68-621, Revised Statutes Supplement, 1972, be amended to read as follows:

68-621. (1) A referendum group, as referred to in sections 68-621 to 68-630, shall consist of the employees of the state, or of a single political subdivision of this state, or of any instrumentality jointly created by this state and any other state or

states, the employees of which are or may be members of a retirement system covering such employees; Provided, that: (a) The employees of the University of Nebraska shall be considered to constitute a referendum group; (b) the employees of a school district of the fifth class shall be considered to constitute a referendum group; (c) the employees of a municipal university in a city of the metropolitan class shall be considered to constitute a referendum group; (d) all employees of the State of Nebraska who are or may be members of the school retirement system of the state, including employees of institutions operated by the Board of Trustees of the Nebraska State Colleges, employees of institutions operated by the Department of Public Welfare, the Department of Correctional Services, and the Department of Public Institutions of the State of Nebraska, and employees subordinate to the State Board of Education, shall be considered to constitute a referendum group; and (e) all employees of school districts of the State of Nebraska, and county superintendents, who are or may be members of the school retirement system of the State of Nebraska, shall be considered to constitute a single referendum group.

(2) The managing authority of a political subdivision or educational institution shall be the board, committee, or council having general authority over a political subdivision, university, college, or school district whose employees constitute or are included in a referendum group; the managing authority of the state shall be the Governor; and insofar as the provisions of sections 68-601 to 68-619 and sections 68-621 to 68-630 may be applicable to county superintendents, the term managing authority shall mean the board of county commissioners or county supervisors of the county in which the county superintendent was elected.

(3) Eligible employees as referred to in sections 68-621 to 68-630 shall mean those employees of the state or any political subdivision thereof who at, or during, the time of voting in a referendum as herein provided, are in positions covered by a retirement system, and are members of such retirement system, and were in such positions at the time of giving of the notice of such referendum, as herein required; provided, that no such employee shall be considered an eligible employee if at the time of such voting such employee is in a position to which the state agreement applies, or if such employee is in service in a policeman's or fireman's position.

(4) State agreement as referred to in sections 68-621 to 68-630 shall mean the agreement between the

State of Nebraska and the designated officer of the United States of America, entered into pursuant to section 68-603.

Sec. 7. That section 68-702.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-702.03. The duty of the advisory committee shall be to provide useful information and counsel to the Governor, the Director of Correctional Services, and the Directors of Public Institutions and Public Welfare. Specifically the committee shall:

(1) Keep itself informed of all major matters concerning the operations of the Department of Public Institutions and the Department of Correctional Services and the administration of the Department of Public Welfare;

(2) Conduct visitations each ninety days by one or more committee members to each institution and the Department of Public Welfare;

(3) Assist in the correlation of operations between the Department of Public Welfare, the Department of Correctional Services, and the Department of Public Institutions;

(4) Conduct specific studies pertaining to the Department of Public Welfare, the Department of Correctional Services, and the Department of Public Institutions which may be requested by the Governor; and

(5) Conduct not less than four meetings each year held in the State Capitol, Lincoln, Nebraska. At these quarterly meetings, reports shall be received by the committee from the Director of Public Welfare, the Director of Correctional Services, and the Director of Public Institutions. Minutes of these quarterly meetings shall be recorded and copies sent to the Governor.

Sec. 8. That section 68-703, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-703. The powers and duties of the Director of Public Welfare are as follows:

(1) To administer the Department of Public Welfare as provided by law;

(2) To determine the general principles and outline the operation of public assistance, child welfare, and related activities;

(3) To establish rules and regulations for efficiently administering the department and performing the duties assigned to it;

(4) To organize the department;

(5) To appoint and fix the salaries of all necessary staff for performance of the duties of the department and in compliance with the rules and regulations of the merit system;

(6) To consult and cooperate with the Department of Public Institutions and the Department of Correctional Services so as to coordinate in an effective manner the welfare activities of the department with those related activities affecting the welfare of persons in state institutions which are the responsibility of the Department of Public Institutions or the Department of Correctional Services;

(7) To take the official oath and file a bond in such amount and surety as provided in section 11-119, to be approved by the Governor;

(8) To make an annual report to the Governor and prepare a biennial budget for the department, and make such other studies and reports as may be deemed necessary; and

(9) To provide such supervisory services as may be required to determine that county departments of public welfare are fulfilling their administrative duties in compliance with the statutes of Nebraska and state regulation.

Sec. 9. That section 72-249, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-249. The Governor of the state is empowered and directed to receive from the United States all money that may be due or may become due to the state, and it shall be his duty to deposit the same without delay in the treasury of the state, taking the State Treasurer's receipts therefor; Provided, that all money received from the United States, for the particular benefit of any institution, department or activity under the jurisdiction of the Department of Public Institutions, the Department of Correctional Services, or the

Department of Public Welfare, shall be paid to the particular institution, department or activity for the benefit of which it was received, as directed by the proper department, and by such institution, department or activity deposited with the State Treasurer not later than the first day of the month following that in which received.

Sec. 10. That section 72-710.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-710.01. The Board of Regents of the University of Nebraska is authorized to furnish and to enter into agreements with the Department of Public Institutions and the Department of Correctional Services to furnish a supply of electric current to the ~~Department of Public Institutions~~ such departments at the line now maintained or hereafter constructed between the electric power plant at the Nebraska Penal and Correctional Complex and the State Capitol, which power shall be furnished by the heating plant located upon the city campus of the University of Nebraska at Lincoln; Provided, that such electrical service to the Department of Public Institutions and the Department of Correctional Services for distribution to other state buildings and institutions shall be furnished only if the same may be generated and furnished without impairment or reduction of the power necessary to proper and efficient operation of the University of Nebraska and the State Capitol, including the executive mansion.

Sec. 11. That section 72-710.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-710.02. The Department of Public Institutions and the Department of Correctional Services is are authorized to furnish and to enter into agreements with the Board of Regents of the University of Nebraska to furnish a supply of electric current to the Board of Regents of the University of Nebraska at the line now maintained, or hereafter constructed, between the electric power plant at the University of Nebraska and the State Capitol, which power shall be furnished by the electric power plant located at the Nebraska Penal and Correctional Complex; Provided, that such electrical service to the Board of Regents shall be furnished only if the same may be generated and furnished without impairment or reduction of the power necessary to proper and efficient operation of state buildings and institutions dependent upon the Nebraska Penal and Correctional Complex power plant.

Sec. 12. That section 72-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1302. All departments, boards, and commissions of the State of Nebraska, except the Board of Educational Lands and Funds, the Department of Correctional Services, the Department of Public Institutions, and the University of Nebraska shall cease operating any farm lands except as landlords under written leases by March 1, 1968 as provided in sections 72-1304 and 72-1305.

Sec. 13. That section 72-1303, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1303. No capital improvements shall be made to any farm land owned by the State of Nebraska, its departments, boards or commissions; Provided, that this provision shall not apply to the Board of Educational Lands and Funds, the Department of Correctional Services, the Department of Public Institutions, or the University of Nebraska or projects where the only purpose of the capital improvement would be soil and water conservation.

Sec. 14. That section 72-1304, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-1304. All publicly-owned farm lands not classified as school or saline lands, or lands of the Department of Public Institutions, the Department of Correctional Services, or the University of Nebraska shall be subject to lease at a fixed annual cash rental for a term of not more than ten years. The department, commission, or board shall have authority to adopt such rules and regulations as it shall deem necessary in the leasing of such lands and to prescribe such terms and conditions of the lease as it shall deem necessary to protect the interests of the state. All departments, boards or commissions, the Department of Public Institutions, the Department of Correctional Services, and the University of Nebraska shall adopt and enforce a soil conservation program based on a conservation plan as developed by the local ~~soil--and--water--conservation~~ natural resources district. Failure of the lessee to utilize the land for the purpose for which the land was leased or to observe and carry out soil conservation requirements as provided in the rules and regulations of the department, commission, or board shall be cause for cancellation of the lease.

Sec. 15. That section 79-4,147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-4,147. The Commissioner of Education shall have authority to issue a certificate of high school equivalency to those persons who have been released from institutions under the direction and supervision of the Department of Public Institutions or the Department of Correctional Services, where when the applicant is unable to secure a high school diploma in the usual manner. This certificate shall be issued on the basis of examination of verified records of education, training, and experience, and upon results of approved educational tests. Such certificate shall be issued only when it has been determined that the applicant has attained the general educational development and ability of the standard high school graduate. This certificate carries with it the significance and privilege of a regular high school diploma. The Commissioner of Education shall charge a fee of three dollars to cover the costs of these examinations and issuance of such certificate, which fee shall be paid into the state treasury as provided by law. All rules and regulations governing the issuance of this certificate shall be established by the State Board of Education.

Sec. 16. That section 81-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-101. The civil administration of the laws of the state is vested in the Governor. For the purpose of aiding the Governor in the execution and administration of the laws, the executive and administrative work shall be divided into the following departments: (1) Department of Agriculture; (2) Department of Labor; (3) Department of Health; (4) Department of Roads; (5) Department of Water Resources; (6) Department of Banking; (7) Department of Insurance; (8) Department of Motor Vehicles; (9) Department of Public Welfare; (10) Department of Public Institutions; (11) Department of Administrative Services; and (12) Department of Economic Development; and (13) Department of Correctional Services.

Sec. 17. That section 81-102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-102. The Governor shall appoint heads for the various departments, subject to confirmation by a majority vote of the members elected to the Legislature.

Such appointments shall be submitted to the Legislature within sixty calendar days following the first Thursday after the first Tuesday in each odd-numbered year. The officers shall be designated as follows: (1) The Director of Agriculture for the Department of Agriculture; (2) the Commissioner of Labor for the Department of Labor; (3) the members of the State Board of Health for the Department of Health; (4) the Director-State Engineer for the Department of Roads; (5) the Director of Water Resources for the Department of Water Resources; (6) the Director of Banking for the Department of Banking; (7) the Director of Insurance for the Department of Insurance; (8) the Director of Motor Vehicles for the Department of Motor Vehicles; (9) the Director of Public Welfare for the Department of Public Welfare; (10) the Director of Public Institutions for the Department of Public Institutions; (11) the Director of Administrative Services for the Department of Administrative Services; ~~(12) the Director of Correctional Services for the Department of Correctional Services;~~ and ~~(12)~~ (13) the Director of Economic Development for the Department of Economic Development. Whoever shall be so nominated by the Governor and shall fail to receive the number of votes requisite for confirmation, shall not be subject to nomination or appointment for this or any other appointive state office requiring confirmation by the Legislature during the period for which his appointment was sought. In case of a vacancy in any of such offices during the recess of the Legislature, the Governor shall make a temporary appointment until the next meeting of the Legislature, when he shall nominate some person to fill such office. Any person so nominated who is confirmed by the Legislature, shall hold his office during the remainder of the term if a specific term has been provided by law, otherwise during the pleasure of the Governor subject to the provisions of this section; Provided, any such officers may be removed by the Governor pursuant to Article IV of the Constitution of Nebraska.

Sec. 18. That section 83-101.08, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-101.08. The Director of Public Institutions shall consult and cooperate with the Department of Public Welfare and the Department of Correctional Services so as to coordinate in an effective manner the activities of the department with those related activities affecting the welfare of persons which are the responsibility of the Department of Public Welfare and the Department of Correctional Services.

Sec. 19. That section 83-107.01, Revised Statutes Supplement, 1972, be amended to read as follows:

83-107.01. The official names of the state institutions under the supervision of the Department of Public Institutions shall be as follows: (1) Beatrice State Home, (2) Nebraska Orthopedic Hospital, (3) Lincoln Regional Center, (4) Norfolk Regional Center, (5) Hastings Regional Center, (6) Nebraska Veterans' Home, ~~and (7) Nebraska Penal and Correctional Complex; (8) Youth Development Center-Kearney; (9) Youth Development Center-Geneva; (10) (7) Nebraska Psychiatric Institute; (11) State Reformatory for Women; and (12) Youth Diagnostic and Rehabilitation Center;~~

Sec. 20. That section 83-108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-108. The Department of Public Institutions shall have oversight and general control of the ~~Youth Development Center-Kearney; the Youth Diagnostic and Rehabilitation Center; the Youth Development Center-Geneva;~~ the Beatrice State Home, the Nebraska Orthopedic Hospital, the Nebraska Veterans' Home, the hospitals for the mentally ill, the Nebraska Hospital for the Tuberculous, ~~the Nebraska Penal and Correctional Complex;~~ and all charitable and ~~penal~~ institutions, ~~except the Nebraska Center for Children and Youth; that shall be established and maintained by the State of Nebraska;~~

Sec. 21. That section 83-108.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-108.04. (1) In addition to the institutions established by law, the Department of ~~Public Institutions~~ Correctional Services may maintain or use the following facilities for the care of children in its legal custody who have been adjudged delinquent or in need of special supervision: (a) Receiving homes to be used for the temporary care of children; (b) foster homes; (c) group homes; and (d) other facilities and services, including forestry or conservation camps for the training and treatment of children.

(2) The Department of public institutions or the Department of Correctional Services also may use other public facilities or contract for the use of private facilities for the care and treatment of children in its legal custody. Placement of children in private or public facilities not under its jurisdiction shall not

terminate the legal custody of the department. No state funds may be paid for care of a child in the home of a parent.

Sec. 22. That section 83-112, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-112. (1) The Department of Public Institutions shall gather information as to the expenditures of charitable, ~~reformatory,~~ ~~and~~ ~~penal~~ institutions in this and other countries, and regarding the best and most successful methods of caring for the insane, imbecile, ~~criminal~~ and other defective classes.

(2) The Department of Public Institutions shall encourage scientific investigation of the treatment of insanity, epilepsy, and all other diseases and causes that contribute to defectiveness, ~~delinquency,~~ ~~and~~ ~~crime;~~ by the medical staffs of the state medical institutions, and shall publish in its annual report of the past fiscal year the result of the scientific and clinical work being done in the state institutions. The department shall provide forms for statistical returns to be made by the institutions in their annual reports. The department shall make an investigation of the conditions, causes, prevention, and cure of ~~crime,~~ pauperism, insanity, epilepsy, imbecility, evil home conditions and environment, defectiveness, ~~delinquency,~~ and degeneracy. The department shall give special attention to the methods of care, treatment, education, and improvement of the inmates of the institutions under its control, and shall exercise a careful supervision of the methods to the end that, so far as practicable, the best treatment and care known to modern science shall be given to the inmates, and that the best methods of teaching, improving, and educating defectives shall be used.

(3) The result of the investigations of the Department of Public Institutions, as required by subsections (1) and (2) of this section, a description of the methods of treatment and care, or of teaching defectives, together with complete statistical information regarding all state institutions under the control of the department, shall be embodied in a biennial report to the Legislature.

Sec. 23. That section 83-123.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-123.01. After April 10, 1969, the Department of Public Institutions and the Department of Correctional

Services shall neither enter into any lease as lessee of agricultural lands for use by the Nebraska Penal and Correctional Complex nor renew or extend any existing lease as lessee whether by the exercise of an option to renew or otherwise. Any lease entered into, renewed, or extended in violation of the provisions of this section shall be void.

Any such lease in effect on April 10, 1969 shall remain in full force and effect until its expiration date; Provided, that an option to renew contained in any such lease may be exercised so that the expiration date of such lease will occur on or before March 1, 1972.

Sec. 24. That section 83-134, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-134. (1) The Department of Public Institutions shall have general charge of the erection of new buildings, the repair and improvement of buildings including fire escapes, and the improvement of grounds.

(2) Buildings and other improvements costing more than fifteen thousand dollars, exclusive of equipment not germane to construction and building material made in the institution, shall be (a) constructed under the general charge of the department, as provided in subsection (1) of this section, and (b) let by contract to the lowest responsible bidder, after proper advertisement as set forth in subsection (5) of this section; Provided, that buildings costing more than fifteen thousand dollars, such as shops, warehouses, or a cannery, when declared necessary by the department and to be constructed within the walls of the Nebraska Penal and Correctional Complex, may be constructed by the use of convict labor, and any such construction shall have the approval of the ~~department~~ Department of Correctional Services, the warden, and the chief engineer of the department.

(3) Convict labor or the labor of state charges shall be employed, wherever the department deems it practicable, in all construction, repairs, and improvements at state institutions.

(4) The successful bidder, at the letting referred to in subsection (2) of this section, shall enter into a formal contract with the department, prepared as is provided for by subsection (5) of this section, and shall furnish a bond for the faithful performance of his contract.

(5) When contracts are to be let by the department, as is provided for by subsection (2) of this section, advertisements shall be published in at least three daily Nebraska newspapers, one of which shall be published in Omaha and one in Lincoln, stating that sealed proposals will be received by the department at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements, and that plans and specifications can be seen at the office of the department. All bids or proposals shall be accompanied by a certified check or bid bond in a sum fixed by the department and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department shall exclude it from such a contract. Upon the awarding of the contract or contracts therefor, the Attorney General shall prepare a contract or contracts to be entered into by the department and the contracting parties.

Sec. 25. That section 83-135, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-135. The Department of Public Institutions and the Department of Correctional Services shall have authority to petition the authorities of any city, town or village in which a state institution is located, to grade, curb and pave any street or streets upon which the grounds of the institution abut, where the streets are a part of a paving district, to waive any damage sustained by the grounds from the grading, curbing or paving, and to charge the grounds with a proportionate share of the cost of paving. The contract for grading, curbing and paving shall be let by the authorities of the city, town or village, as provided for by the law governing the city, town or village, and none of the provisions for the letting of contracts by the department shall apply. The cost of paving, including curbing and grading, assessed and levied against the property, shall be paid to the proper officers of the city, town or village, by the State Treasurer, out of funds which may be appropriated by the Legislature for that purpose.

Sec. 26. That section 83-139, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-139. The steward of each institution shall have charge of all supplies for that institution, and shall be charged therewith at their invoice value.

Supplies shall be issued only on requisition by the chief executive officer, and on printed blanks which shall serve as the steward's vouchers. The steward shall report monthly to the Department of Public Institutions or the Department of Correctional Services, whichever has jurisdiction, the amounts of supplies received, used and on hand. At the close of the biennial period the steward shall make a comprehensive report to the department showing all the transactions of his department. Any shortage, not allowed by the department for unavoidable causes, shall be paid for by the steward within ten days after the amount due is officially determined; and in default of payment the steward shall forfeit his office, and suit to recover the amount shall be instituted upon his official bond.

Sec. 27. That section 83-140, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-140. The Purchasing Agent shall purchase all necessary supplies for the institutions under the Department of Public Institutions and the Department of Correctional Services, except, in its discretion, fresh fruit, vegetables, emergency and minor purchases. The last-named supplies may be purchased by the chief executive officer or steward under the order of the department. An itemized statement of such purchases, duly verified, shall be filed with the department on the first day of each month. Estimates of needed supplies shall be furnished the department by each chief executive officer. Such estimates shall be examined by the department, and an itemized statement of such as are approved by the department, showing kind, quantity and quality, shall be filed with the State Purchasing Agent, and upon request shall be furnished to any applicant therefor.

Sec. 28. That section 83-144, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-144. The Department of Public Institutions and the Department of Correctional Services shall administer the provisions of sections 83-144 to 83-152.

Sec. 29. That section 83-145, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-145. All departments, institutions and agencies of this state, which are supported in whole or in part by taxation for state purposes, and all counties

and other governmental subdivisions of this state shall purchase from the Department of ~~Public--institutions~~ Correctional Services all articles required by the departments, institutions and agencies of the state, or by the counties or other governmental subdivisions, produced or manufactured by offenders or misdemeanants confined in the Nebraska Penal and Correctional Complex, or elsewhere, including products of any farms operated by the department. No such article shall be purchased by any department, institution or agency of the state from any other source unless excepted from the provisions of this section as provided in sections 83-144 to 83-152. Printing by offenders or misdemeanants shall be restricted to such as may be required at the various institutions under the jurisdiction of the department. No products of any institutional printing plant shall be sold in competition with outside labor. Nothing in this section shall be construed to prohibit the department from exchanging ~~division-of--corrections-made~~ Department of Correctional Services-made goods with other states. Goods received from divisions of corrections outside of Nebraska shall be of the same status and will be subject to the same restrictions and penalties as if they had been manufactured in the Nebraska ~~Division-of-Corrections~~ Department of Correctional Services. In cases of exchange of ~~division-of--corrections-made~~ Department of Correctional Services-made goods with other states, the department is authorized to pay or receive in cash any differences that may exist in the articles exchanged, the amounts paid or received to be charged or credited to the Nebraska State Use System of ~~Division--of--Corrections~~ Department of Correctional Services Employment Fund. In exchange of ~~division-of--corrections-made~~ Department of Correctional Services-made goods with other states, the goods received in exchange shall be restricted to such use and needs as may be required in the various institutions under the jurisdiction of the department. Any authorized agency, bureau, commission, or department of the federal government may purchase from the Department of ~~Public--institutions~~ Correctional Services goods produced or manufactured by offenders or misdemeanants confined in the Nebraska Penal and Correctional Complex, or elsewhere, including products of any farms operated by the department.

Sec. 30. That section 83-147, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-147. The Director of ~~Public--institutions~~ Correctional Services may create an exception from the mandatory provisions of sections 83-144 to 83-152 when in the opinion of the director, the article produced or

manufactured does not meet the reasonable requirements of the department, institution or agency of the state, or in any case where the requisition made cannot be completely complied with on account of an insufficient supply of the article or supplies required, or otherwise. No such department, institution or agency of the state shall be allowed to evade the intent and meaning of this section by slight violations from standards adopted by the department, when articles produced or manufactured by it in accordance with its standards are reasonably adapted to the actual needs of the department, institution or agency.

Sec. 31. That section 83-148, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-148. No voucher issued by any such department, institution or agency upon the Director of Administrative Services shall be questioned by him or by the State Treasurer on the ground that sections 83-144 to 83-152 shall not have been complied with by the department, institution or agency; but intentional violation of the provisions of said ~~such~~ sections by any department, institution or agency continued after notice in writing from the Department of ~~Public--Institutions~~ Correctional Services to desist, shall constitute malfeasance in office, and shall subject the officer, officers or public employees responsible for the violations to suspension or removal from office, in the manner provided by law in other cases of malfeasance.

Sec. 32. That section 83-149, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-149. The Department of ~~Public--Institutions~~ Correctional Services shall prepare, annually, and at such other times as it may determine necessary, a catalog or bulletin sheets containing a description of all articles and supplies manufactured and produced by the department under sections 83-144 to 83-152. Copies of the catalog and bulletin sheets shall be sent by said department to all departments, institutions and agencies of the state referred to in section 83-145. On or before June 15 of each year, each constitutional state officer, each head of every executive department of the state and each titular head of each institution and other agency of the state shall report in writing to the Department of Administrative Services, estimates for the ensuing year commencing July 1, or ensuing quarter, if desired, the kinds and amounts of articles and supplies required by them for the ensuing year or quarter, referring in such

estimates to the catalog and bulletin sheets issued by the Department of ~~Public--Institutions~~ Correctional Services insofar as the articles and supplies indicated are included in the catalog or bulletin sheets.

Sec. 33. That section 83-150, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-150. All funds accruing to the Department of ~~Public--Institutions~~ Correctional Services under sections 83-144 to 83-152 shall be deposited with the State Treasurer and by him credited to the Nebraska State Use System of ~~Division--of--Corrections~~ Department of Correctional Services Employment Fund. All proper expenses incident to the administration of sections 83-144 to 83-152 shall be payable out of the fund. Any money in the Nebraska State Use System of ~~Division--of--Corrections~~ Department of Correctional Services Employment Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259.

Sec. 34. That section 83-153, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-153. Any claim to money or personal property in the hands of the Department of Public Institutions or the Department of Correctional Services to the credit of an inmate or patient of any institution subject to the jurisdiction of the ~~department~~ such departments shall be required to be asserted within two years from and after either (1) the date of the death of the inmate or patient, while confined in such institution, or (2) the date of the discharge of the inmate or patient from such institution. If such claim is not presented within the time limited by this section, it shall be forever barred.

Sec. 35. That section 83-154, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-154. Upon the failure to assert a claim for money within two years as prescribed by section 83-153, the Department of Public Institutions or the Department of Correctional Services shall transfer such money to a special fund to be set up for the use and benefit of all the inmates or patients of the institution in which the deceased or discharged inmate or patient was confined.

Sec. 36. That section 83-155, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

83-155. Upon the failure to assert a claim for personal property within two years as prescribed by section 83-153, the Department of Public Institutions or the Department of Correctional Services shall sell the property, either with or without notice at either public or private sale, and shall place the proceeds of such sale in the special fund provided for by section 83-154.

Sec. 37. That section 83-156, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-156. Nothing contained in sections 83-153 to 83-156 shall be construed in such a manner as to prohibit the Department of Public Institutions or the Department of Correctional Services from voluntarily remitting or delivering to any present or former inmate or patient of any state institution, subject to the jurisdiction of such department, or to his or her heirs, legatees, or other persons lawfully entitled to the same, any money or other personal property in the hands of the department to the credit of such inmate or patient, either during the confinement of such inmate or patient, or at any time thereafter.

Sec. 38. That section 83-170, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-170. As used in this act, unless the context otherwise requires:

(1) Board shall mean the Board of Parole;

(2) Committed offender shall mean any person who, under any provision of law, is sentenced or committed to a facility operated by the Division--of--Corrections Department of Correctional Services or is sentenced or committed to the division department, other than a person adjudged delinquent or in need of special supervision by a juvenile court;

(3) Facility shall mean any prison, reformatory, training school, reception center, community guidance center, group home, or other institution operated by the Division--of--Corrections Department of Correctional Services;

(4) Maximum term shall mean the maximum sentence provided by law or the maximum sentence imposed by a court, whichever is shorter;

(5) Minimum term shall mean the minimum sentence provided by law or the minimum sentence imposed by a court, whichever is longer;

(6) Pardon authority shall mean the power to remit fines and forfeitures and to grant respites, reprieves, pardons, or commutations;

(7) Parole term shall mean the time from the release on parole to the end of the maximum term, not reduced by institutional good time reductions; and

(8) Person committed to the division department shall mean any person sentenced or committed to a facility within the division department;

(9) Department shall mean the Department of Correctional Services; and

(10) Director shall mean the Director of Correctional Services.

Sec. 39. That section 83-171, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-171. There is hereby created ~~within--the Department--of--Public--institutions~~ a ~~Division---of Corrections~~ Department of Correctional Services which shall:

(1) Maintain and administer the Nebraska Penal and Correctional Complex, the State Reformatory for Women, the ~~Boys--Training-School--and--the--Girls--Training School~~ Youth Development Center-Kearney and the Youth Development Center-Geneva and such other facilities as may be required for the custody, control, correctional treatment and rehabilitation of persons committed to the division department, and for the safekeeping of such other persons as may be remanded thereto in accordance with law;

(2) Supervise persons committed to the division department on parole and administer parole services in the facilities and in the community; and

(3) Develop policies and programs for the correctional treatment and rehabilitation of persons committed to the division department.

Sec. 40. That section 83-172, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-172. The ~~Director of Public Institutions~~ Governor shall appoint and fix the salary of the Director of ~~Corrections~~ Correctional Services ~~with the approval of the Legislature.~~ The Director of ~~Corrections~~ Correctional Services shall be qualified for his position by appropriate training and experience in corrections ~~and such director shall have a minimum of ten years of correctional administrative work.~~ ~~The Director of Corrections may be removed only for disability, neglect of duty, incompetence, or malfeasance in office upon recommendation of the Director of Public Institutions and approved by the Board of Pardons after a hearing. The decision of the Board of Pardons shall be final. The Board of Pardons shall promptly file in the office of the Secretary of State a complete statement of the charges, its findings and disposition, and a complete record of the proceedings.~~

Sec. 41. That section 83-173, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-173. The Director of ~~Corrections~~ Correctional Services shall:

(1) Supervise and be responsible for the administration of the ~~Division of Corrections~~ Department of Correctional Services;

(2) Establish, consolidate, or abolish any administrative subdivision within the ~~division~~ department and appoint and remove for cause the heads thereof, and delegate appropriate powers and duties to them;

(3) Establish and administer policies and programs for the operation of the facilities in the ~~division~~ department and for the custody, control, safety, correction and rehabilitation of persons committed to the ~~division~~ department;

(4) Appoint and remove the chief executive officer of each facility and delegate appropriate powers and duties to him;

(5) Appoint and remove employees of the ~~division~~ department and delegate appropriate powers and duties to them;

(6) Make rules and regulations for the management, correctional treatment and rehabilitation of persons committed to the ~~division~~ department, the administration of facilities, and the conduct of officers and employees under his jurisdiction;

(7) Designate the place of confinement of persons committed to the division department subject to the provisions of section 83-176;

(8) Collect, develop and maintain statistical information concerning persons committed to the division department, sentencing practices and correctional treatment as may be useful in penological research or in the development of treatment programs;

(9) Provide training programs designed to equip employees for duty in the facilities and related services of the division department and to raise and maintain the educational standards and the level of performance of such employees;

~~(10) Operate the division in conformity with the administrative practices of the Department of Public Institutions;~~

~~(11) (10)~~ Transmit annually to the Governor and the Director of Public Institutions a report of the operations of the division department for the preceding calendar year, which report shall be transmitted by the Governor to the Legislature; and

~~(12) (11)~~ Exercise all powers and perform all duties necessary and proper in carrying out his responsibilities.

Sec. 42. That section 83-174, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-174. The Director of Corrections Correctional Services shall annually review the adequacy of the division department in the light of the number of persons committed thereto as well as in the light of the need for diversified facilities. No later than his next annual report, the director shall report on any inadequacies of the division department, including his recommendations for the alteration or expansion of the existing facilities, for the construction of new facilities, or for such other measures to meet the situation as may be appropriate.

Sec. 43. That section 83-186, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-186. (1) The following persons shall be allowed to visit any facility in the Division of Corrections Department of Correctional Services at any

time:

- (a) Members of the Legislature;
- (b) Members of the judiciary;
- (c) Members of the Board of Pardons;
- (d) Members of the Board of Parole;
- (e) Members of the advisory committee to the Department of Public Institutions and the Department of Correctional Services; and
- (f) Members of the clergy, subject to the approval of the Director of ~~corrections~~ Correctional Services.

(2) The chief executive officer of a facility may permit any other person to visit the facility.

Sec. 44. That section 83-168, Revised Statutes Supplement, 1972, be amended to read as follows:

83-168. There is hereby created the Board of Parole. For administrative purposes only, the board shall be within the Board of Pardons. Nothing in this act shall be construed to give ~~the Director of Public Institutions; the Director of Corrections~~ Correctional Services, or the Board of Pardons any authority, power, or responsibility over the board, its employees, or the exercise of its functions under the provisions of this act.

Sec. 45. That section 83-1,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,136. There is hereby established a division within the Department of ~~Public Institutions~~ Correctional Services to be known as the Division of Juvenile Delinquency and to be headed by the Deputy Director for Juvenile Delinquency. Such deputy shall have a thorough academic background and broad practical experience in the field of institutionalized juvenile delinquents. He shall serve at the pleasure of the Director of ~~Public Institutions~~ Correctional Services, who shall fix his compensation.

Sec. 46. That section 83-409, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-409. The warden and deputy warden shall be furnished with suitable rooms at the Nebraska Penal and Correctional Complex, to be set apart for them by the Department of ~~Public-institutions~~ Correctional Services. They shall also be furnished with necessary fuel, food and light, to be supplied from the common stock of the prison free of charge.

Sec. 47. That section 83-428, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-428. All suitable rewards and money paid for advertising the escape of a convict shall be approved by the warden and the Director of ~~Public--institutions~~ Correctional Services, and shall be paid out of the state treasury.

Sec. 48. That section 83-443, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-443. No warden, deputy warden, inspector, guard, physician or other employee who has charge, control or direction of any convicts shall be in any manner whatever financially interested in the work or profit of the labor of any convict; nor shall he receive any pay, gift, gratuity or favor of a valuable character from any person interested either directly or indirectly in such labor. Any person guilty of a violation of the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the Nebraska Penal and Correctional Complex for a term of not less than two years and not more than five years. The offense may be reduced to a misdemeanor upon recommendation of the jury, if the court concurs in the recommendation; in such a case, the defendant shall be summarily discharged by the Director of ~~Public--institutions~~ Correctional Services. This section shall not prohibit the camp physician from the practice of his profession.

Sec. 49. That section 83-4,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,100. The Youth Diagnostic and Rehabilitation Center, which is hereby established, shall be located ~~between Lincoln and Omaha~~ on a site to be recommended by the Department of ~~Public-institutions--and approved-by--the--governor~~ Correctional Services. The initial appropriation for such center shall not exceed fifteen thousand dollars.

Sec. 50. That section 83-4,101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,101. (1) The juvenile court may commit any boy or girl to the Youth Diagnostic and Rehabilitation Center upon the same terms and conditions and subject to all provisions of law as govern boys committed to the ~~Boys'-Training-School~~ Youth Development Center-Kearney.

(2) The juvenile court may, without formal commitment, refer any boy or girl found in need thereof to the Youth Diagnostic and Rehabilitation Center for detention for purposes of observation, testing, and examination, both mental and physical.

Sec. 51. That section 83-4,102, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,102. Each boy or girl at the Youth Diagnostic and Rehabilitation Center, whether committed or referred, shall be subjected to such observation, testing, and examination, both mental and physical, as shall be necessary to ascertain the reasons for his antisocial attitudes and conduct and to indicate a program designed to be followed in order to accomplish his rehabilitation and permit his return to society free of his antisocial attitudes and conduct, which program shall be carefully followed.

Sec. 52. That section 83-4,104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-4,104. (1) Any boy or girl committed to the Youth Diagnostic and Rehabilitation Center may be released therefrom upon the same terms and conditions and subject to all provisions of law as govern the release of boys committed to the ~~Boys'-Training-School~~ Youth Development Center-Kearney.

(2) Any boy or girl referred to the Youth Diagnostic and Rehabilitation Center may be released therefrom upon order of the court by which he was referred or when the purposes of his referral have been accomplished.

Sec. 53. The purpose of this act is to establish an agency of state government for the custody, study, care, discipline, training, and treatment of persons in the correctional and detention institutions and for the study, training, and treatment of persons

under the supervision of other correctional services of the state so that they may be prepared for lawful community living. Correctional services shall be so diversified in program and personnel as to facilitate individualization of treatment.

Sec. 54. The Department of Correctional Services shall adopt a seal. Copies of all records or other instruments in the department, when certified by the department as true copies and bearing the seal thereof, shall be received in any court as prima facie evidence of the original records or instruments.

Sec. 55. No person holding an appointive office or serving as an employee of the Department of Correctional Services shall be eligible to be appointed or elected as an officer or employed as an employee of any other agency or department of the State of Nebraska.

Sec. 56. All furniture, equipment, books, files, and records in the possession of and used by the Division of Corrections shall be transferred and delivered to the Department of Correctional Services and in addition the Department of Public Institutions shall transfer at no cost building number fourteen, located on the Lincoln Regional Center campus to the Department of Correctional Services.

Sec. 57. The official names of the state institutions under the supervision of the Department of Correctional Services shall be as follows: (1) Nebraska Penal and Correctional Complex, (2) Youth Development Center-Kearney, (3) Youth Development Center-Geneva, (4) State Reformatory for Women, and (5) Youth Diagnostic and Rehabilitation Center.

Sec. 58. The Department of Correctional Services shall have oversight and general control of the Youth Development Center-Kearney, the Youth Diagnostic and Rehabilitation Center, the Youth Development Center-Geneva, the Nebraska Penal and Correctional Complex, and all penal institutions.

Sec. 59. The Department of Correctional Services shall prepare, annually, a detailed statement of the cost of maintaining each institution under its control, and shall furnish the Governor and the Legislature, annually, with a complete report of the condition and work of each institution, showing in detail every financial transaction and the dates of the official visits paid to each institution. The report shall include reports by the chief executive officer of each institution and shall be filed not later than the first

day of December of each year.

Sec. 60. The Department of Correctional Services shall prepare an estimate of the appropriations necessary for the support and needed improvements of the institutions under its charge, and a report of their operation during the preceding year, for the use of the legislature. The estimate shall be printed, and may include a report of the results of investigation of methods of institution management and of treatment of patients and inmates, with suggestions for the betterment of any or all conditions.

Sec. 61. (1) The Department of Correctional Services shall gather information as to the expenditures of reformatory and penal institutions in this and other countries, and regarding the best and most successful methods of caring for criminals.

(2) The Department of Correctional Services shall encourage scientific investigation of the treatment of delinquency and crime, and shall publish in an annual report the result of the scientific and clinical work being done. The department shall provide forms for statistical returns to be made by the institutions in their annual reports. The department shall make an investigation of crime and delinquency. The department shall give special attention to the methods of care, treatment, education, and improvement of the inmates of the institutions under its control, and shall exercise a careful supervision of the methods to the end that, so far as practicable, the best treatment and care known to modern science shall be given to the inmates, and that the best methods of teaching, improving, and educating defectives shall be used.

(3) The result of the investigations of the Department of Correctional Services, as required by subsections (1) and (2) of this section, a description of the methods of treatment and care, together with complete statistical information regarding all state institutions under the control of the department, shall be embodied in an annual report to the Legislature.

Sec. 62. The director may examine any of the officers, attendants, guards, and other employees, and make such inquiries as will determine their fitness for their respective duties, and he shall investigate and report to the Governor any abuses or wrongs alleged to exist in the institution.

Sec. 63. The Director of Correctional Services shall be prepared to give any information desired by the

Legislature concerning the institutions under his control, and his administration shall be subject to examination under oath by a legislative committee touching any matter in regard to which the Legislature may desire information concerning the condition of the institutions, their inmates, and the performance of their duties by the director or his employees. The committee may call and examine under oath any other persons as witnesses in such investigation. Such examinations shall be conducted in the manner and subject to the provisions of section 83-114.

Sec. 64. Neither the Director of Correctional Services nor any employee of the Department of Correctional Services shall receive from any person, firm, or corporation having dealings with the department, or from any employee or representative of such person, firm, or corporation, any gift or gratuity, either directly or indirectly, for himself or for any other person. The director or any employee who receives such a gift or gratuity shall be deemed guilty of bribery under section 28-706 and shall be removed from office.

Sec. 65. All money derived from any source in any institution controlled by the Department of Correctional Services shall be remitted to the State Treasurer by the proper executive officer on the first day of each month. Detailed reports showing the source of all money received shall be made to the department every thirty days.

Sec. 66. An Emergency Revolving Fund, not to exceed three thousand dollars for any one institution, upon order of the Director of Correctional Services, shall be drawn from the State Treasurer, to be used by the chief executive officer of each institution as an emergency cash fund. The fund shall be drawn from the general maintenance appropriation for the director. An accounting of such fund shall be made by each executive officer once each month to the director.

Sec. 67. The chief executive officer of any state institution under the control of the Department of Correctional Services shall invest in United States government bonds any surplus of trust funds which he may have in his hands belonging to the inmates of the institution under his control. The income accruing from the investment shall be used for the general entertainment of the inmates of the institution.

Sec. 68. (1) The Department of Correctional Services shall have general charge of the erection of new buildings, the repair and improvement of buildings

including fire escapes, and the improvement of grounds.

(2) Buildings and other improvements costing more than fifteen thousand dollars, exclusive of equipment not germane to construction and building material made in the institution, shall be (a) constructed under the general charge of the department, as provided in subsection (1) of this section, and (b) let by contract to the lowest responsible bidder, after proper advertisement as set forth in subsection (5) of this section; Provided, that buildings costing more than fifteen thousand dollars, such as shops, warehouses, or a cannery, when declared necessary by the department and to be constructed within the walls of the Nebraska Penal and Correctional Complex, may be constructed by the use of convict labor, and any such construction shall have the approval of the department, the warden, and the chief engineer of the department.

(3) Convict labor or the labor of state charges shall be employed, wherever the department deems it practicable, in all construction, repairs, and improvements at state institutions.

(4) The successful bidder, at the letting referred to in subsection (2) of this section, shall enter into a formal contract with the department, prepared as provided for by subsection (5) of this section, and shall furnish a bond for the faithful performance of his contract.

(5) When contracts are to be let by the department, as provided for by subsection (2) of this section, advertisements shall be published in at least three daily Nebraska newspapers, one of which shall be published in Omaha and one in Lincoln, stating that sealed proposals will be received by the department at its office on the date therein stated for the furnishing of materials, the construction of buildings, or the making of repairs or improvements, and that plans and specifications can be seen at the office of the department. All bids or proposals shall be accompanied by a certified check or bid bond in a sum fixed by the department and payable thereto. All such contracts shall be awarded to the lowest responsible bidder, but the right shall be reserved to reject any and all bids. Whenever any material described in any contract can be obtained from any state institution, the department shall exclude it from such a contract. Upon the awarding of the contract or contracts therefor, the Attorney General shall prepare a contract or contracts to be entered into by the department and the contracting parties.

Sec. 69. The Director of Personnel shall establish the position of Director of Correctional Services within the state classification and pay plan. The compensation of all employees of the Director shall be as established in the state classification and pay plan.

Sec. 70. This act shall become operative on July 1, 1973.

Sec. 71. Whenever the words Director of Corrections appear in the sections hereinafter listed in this section, they shall after July 1, 1973 be construed to mean and apply to the Director of Correctional Services created by the provisions of this act. The sections wherein existing functions, powers, and duties are transferred and allotted to the Director of Correctional Services are:

Sections 83-175, 83-176, 83-177, 83-178, 83-180, 83-181, 83-183, 83-184, 83-185, 83-192, 83-196, 83-197, 83-1,102, 83-1,109, 83-1,111, and 83-420.

Sec. 72. Whenever the word division appears in the sections hereinafter listed in this section, they shall after July 1, 1973 be construed to mean and apply to the department created by the provisions of this act. The sections wherein existing functions, powers, and duties are transferred and allotted to the department are:

Sections 83-175, 83-176, 83-177, 83-178, 83-179, 83-180, 83-183, 83-184, and 83-1,105.

Sec. 73. Whenever the words Division of Corrections appear in the sections hereinafter listed in this section, they shall after July 1, 1973 be construed to mean and apply to the Department of Correctional Services created by the provisions of this act. The sections wherein existing functions, powers, and duties are transferred and allotted to the Division of Corrections are:

(1) Sections 83-176, 83-178, 83-180, 83-181, 83-183, 83-185, 83-187, 83-191, 83-193, 83-198, 83-1,100, 83-1,105, 83-1,106, 83-1,113, 83-1,118, 83-1,121, 83-1,123, 83-1,124, 83-1,131, and 83-1,133.

(2) Sections 83-415, 83-417, and 83-482.

Sec. 74. The Revisor of Statutes is authorized and directed to substitute the names of the appropriate officers or departments in accordance with the transfer

of functions, powers, and duties prescribed by the provisions of this act.

Sec. 75. That original sections 43-210.01, 43-219, 68-702.03, 68-703, 72-249, 72-710.01, 72-710.02, 72-1302, 72-1303, 72-1304, 79-4,147, 81-101, 81-102, 83-101.08, 83-108, 83-108.04, 83-112, 83-123.01, 83-134, 83-135, 83-139, 83-140, 83-144, 83-145, 83-147, 83-148, 83-149, 83-150, 83-153, 83-154, 83-155, 83-156, 83-170, 83-171, 83-172, 83-173, 83-174, 83-186, 83-1,136, 83-409, 83-428, 83-443, 83-4,100, 83-4,101, 83-4,102, and 83-4,104, Reissue Revised Statutes of Nebraska, 1943, sections 68-621, 83-107.01, and 83-188, Revised Statutes Supplement, 1972, section 43-210, Reissue Revised Statutes of Nebraska, 1943, as amended by section 1, Legislative Bill 58, Eighty-third Legislature, First Session, 1973, section 49-617, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 572, Eighty-third Legislature, First Session, 1973, and section 60-1001, Revised Statutes Supplement, 1972, as amended by section 1, Legislative Bill 201, Eighty-third Legislature, First Session, 1973, are repealed.

Sec. 76. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.