

LEGISLATIVE BILL 258

Approved by the Governor February 28, 1986

Introduced by Warner, 25

AN ACT relating to appropriations; to amend sections 2-1503.01, 2-1577, 2-1585, 2-3407, 48-837, 50-423, 54-2004, 66-467, 71-2045.06, 72-232.07, 72-802, 79-1451, 79-1564, 81-132, 81-138, 81-138.01, 81-138.02, 81-138.03, 81-138.04, 81-184, 81-2,162.27, 81-829.42, 81-8,110.07, 81-1113, 81-1113.02, 81-1302, 81-1414.06, 83-1,143.01, 85-912, 85-916.01, 85-916.02, and 89-1,100, Reissue Revised Statutes of Nebraska, 1943, sections 2-1587, 68-721, 77-27,136, 79-4,140.07, 79-12,145, 79-2651, 81-125, 81-638, and 81-1102, Revised Statutes Supplement, 1984, sections 57-705 and 77-2715.01, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985; to provide for biennial appropriations; to harmonize provisions; and to repeal the original sections.

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

Section 1. Beginning in 1987, the Legislature shall make appropriations for the expenses of state government during the regular session held in each odd-numbered year for the biennium beginning July 1 of such year and ending June 30 of the next succeeding odd-numbered year.

Sec. 2. That section 2-1503.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1503.01. The State Treasurer shall create and establish the Small Watersheds Flood Control Fund. The State Treasurer shall credit to the fund such money as shall be specifically appropriated during any session of the Legislature. The State Treasurer shall also credit such fund with money contributed to or remitted by local organizations which was obtained through the sale or lease of property procured through the use of state funds as authorized in sections ~~2-1501 to 2-1565~~ 2-1502 to 2-1547. In addition, funds, services, and

properties made available by the United States; or one of its departments or agencies may be credited to this fund. The money in the Small Watersheds Flood Control Fund shall not be subject to fiscal year or biennium limitations. Any money in the Small Watersheds Flood Control Fund available for investment shall be invested by the state investment officer pursuant to the provisions of sections 72-1237 to 72-1259 72-1269.

Sec. 3. That section 2-1577, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1577. (1) There is hereby created the Nebraska Soil and Water Conservation Fund to be administered by the Nebraska Natural Resources Commission and to which the State Treasurer shall credit such money as shall (a) be appropriated to the fund by the Legislature, (b) be paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and (c) be donated as gifts, bequests, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to such fund if so directed by such department or agency.

(2) The money in the Nebraska Soil and Water Conservation Fund shall not be subject to any fiscal year limitation or lapse provision of unexpended balance at the end of any such fiscal year or biennium.

(3) Any money in the Nebraska Soil and Water Conservation Fund available for investment shall be invested by the state investment officer pursuant to the provisions of the Nebraska State Funds Investment Act, sections 72-1237 to 72-1269.

Sec. 4. That section 2-1585, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

2-1585. If the Nebraska Natural Resources Commission determines that more effective soil and water conservation could be achieved if financial assistance from the Nebraska Soil and Water Conservation Fund were available for multiyear implementation of comprehensive conservation plans, it may enter into long-term agreements with landowners for such purposes. Such long-term agreements shall be for a term not to exceed ten years and shall specify the eligible projects and practices to be installed and applied, the year of intended installation, and the estimated cost of each such project or practice. Such agreement shall also provide that financial assistance in any year of the

agreement shall be subject to the appropriation of adequate funds by the Legislature, but may provide that priority shall be given to funding such projects and practices over those not identified in other long-term agreements and over those identified in more recently executed long-term agreements. The commission shall not in any ~~fiscal year~~ biennium approve any long-term agreements which would cause the total of then existing state obligations under all such agreements to exceed the amount of new funds appropriated for that ~~fiscal year~~ biennium.

Sec. 5. That section 2-1587, Revised Statutes Supplement, 1984, be amended to read as follows:

2-1587. There is hereby created the Nebraska Resources Development Fund to be administered by the Nebraska Natural Resources Commission and to which the State Treasurer shall credit to carry out the provisions of sections 2-1586 to 2-1595 such money as shall be appropriated to the fund by the Legislature, be paid to the state as fees, deposits, payments, and repayments relating to the fund, both principal and interest, and be donated as gifts, bequests, or other contributions to such fund from public or private entities. Funds made available by any department or agency of the United States may also be credited to this fund if so directed by such department or agency. The money in the Nebraska Resources Development Fund shall not be subject to any fiscal year or biennium limitation requiring reappropriation of the unexpended balance at the end of the fiscal year or biennium. To aid in the funding of projects and to prevent excessive fluctuations in ~~annual~~ appropriation requirements for the Nebraska Resources Development Fund, the commission shall create a reserve fund to be used only for projects requiring total expenditures from the Nebraska Resources Development Fund in excess of five million dollars. Unless disapproved by the Governor, the commission may credit to such reserve fund that portion of any ~~annual~~ appropriation to the Nebraska Resources Development Fund which exceeds five million dollars. The commission may also credit to the reserve fund such other funds as it determines are available. Any money in the Nebraska Resources Development Fund available for investment shall be invested by the state investment officer pursuant to the provisions of the Nebraska State Funds Investment Act and the Nebraska Capital Expansion Act sections 72-1237 to 72-1269.

Sec. 6. That section 2-3407, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

2-3407. It is hereby declared to be the public policy of the State of Nebraska to protect and foster the health, prosperity, and general welfare of its people by protecting and stabilizing the poultry and egg industry and the economy of the areas producing poultry and eggs. The department shall be the agency of the State of Nebraska for such purpose. In connection therewith and in furtherance thereof, such department shall, only upon the approval of a majority of the advisory committee, have the authority to:

(1) Formulate the general policies and programs of the State of Nebraska respecting the discovery, promotion, and development of markets and industries for the utilization of poultry, eggs, and the products thereof;

(2) Adopt and devise a program of education and publicity;

(3) Cooperate with local, state, regional, or national organizations, whether public or private, in carrying out the purposes of ~~sections 2-3401 to 2-3416~~ the Nebraska Poultry and Egg Resources Act and to enter into such agreements as may be necessary;

(4) Adopt and promulgate such rules and regulations as are necessary to promptly and effectively enforce the ~~provisions of sections 2-3401 to 2-3416~~ Nebraska Poultry and Egg Resources Act;

(5) Conduct, in addition, any other program that would enhance the image of poultry, eggs, and the products thereof. Such programs may include, but not be limited to, consumer education, research, information, advertising, promotion, and market development of poultry, eggs, and the products thereof;

(6) Make refunds for overpayment of fees according to rules and regulations adopted by the department;

(7) Appoint the chief of the division and such deputies and assistants as may be necessary to carry out the intent and purposes of ~~sections 2-3401 to 2-3416~~ the Nebraska Poultry and Egg Resources Act;

(8) Develop a ~~biennial~~ annual budget with ~~biennial~~ annual fiscal year estimates of requirements to conduct the affairs of the division;

(9) Establish annually the fees to be collected; and

(10) Establish an administrative office, suitable for the furtherance of the intent and purposes of ~~sections 2-3401 to 2-3416~~ the Nebraska Poultry and Egg Resources Act, with Nebraska Poultry Industries,

Inc.

Sec. 7. That section 48-837, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

48-837. Public employees shall have the right to form, join, and participate in, or to refrain from forming, joining, or participating in, any employee organization of their own choosing. Public employees shall have the right to be represented by employee organizations to negotiate collectively with their public employers in the determination of their terms and conditions of employment, and the administration of grievances arising thereunder. ~~Any ; PROVIDED, that any~~ such agreements with the State of Nebraska or any agency thereof shall cover ~~an annual~~ a biennial period coinciding with the ~~annual~~ biennial budgeting period of the state and shall be subject to approval by the Legislature.

Sec. 8. That section 50-423, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

50-423. (1) The Governor shall present to each regular session of the Legislature his or her recommendations as to such deficiency funding requirements as he or she deems necessary for the continued operations of the various agencies, boards, and commissions of state government. The recommendations shall be in bill form and introduced to the Legislature as recommendations of the chief administrative office of the state, based upon the financial records and knowledge of the specific problems as brought to the attention of the Department of Administrative Services.

(2) For the purposes of subsection (1) of this section and the implementation of Article III, section 22, of the Constitution of Nebraska, deficiency shall mean ~~an~~ any decrease or increase in any fund source for any budget program for the ~~fiscal~~ year biennium in progress.

Sec. 9. That section 54-2004, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

54-2004. All license fees collected as provided by section 54-2002 shall be deposited in the state treasury and by the State Treasurer placed in the Livestock Market Fund, which fund is hereby created. All money so collected shall be appropriated to the uses of the Department of Agriculture for the purpose of administering the Nebraska Livestock Market Act

provisions of sections 54-2001 to 54-2019 and shall be paid out only on vouchers approved by the director, and upon the warrant or warrants issued by the Director of Administrative Services. Any unexpended balance in such fund at the close of any ~~fiscal year~~ biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding ~~fiscal year~~ biennium, otherwise it shall lapse into the General Fund. Any money in the Livestock Market Fund available for investment shall be invested by the state investment officer pursuant to the Nebraska State Funds Investment Act; ~~sections 72-1237 to 72-1269.~~

Sec. 10. That section 57-705, Revised Statutes Supplement, 1985, be amended to read as follows:

57-705. All taxes levied by Chapter 57, article 7, shall be paid to the Tax Commissioner. He or she shall pay to the State Treasurer all money so received. All such sums of money received by the State Treasurer shall be placed by him or her in a fund to be known as the Severance Tax Fund. An amount equal to one per cent of the gross severance tax receipts, excluding those receipts from tax derived from oil and natural gas severed from school lands, so placed in such fund shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Severance Tax Administration Fund; to be used for the expenses of administering Chapter 57, article 7. The balance of the Severance Tax Fund received from school lands shall be credited by the State Treasurer, upon the first day of each month, and shall inure to the Permanent School Fund as established in Article VII, section 7, of the Constitution of Nebraska. Of the balance of the Severance Tax Fund received from other than school lands prior to July 1, 1990, (1) five hundred thousand dollars annually shall be allocated to the Nebraska Energy Resource Fund, which is hereby created, and (2) the remainder shall be allocated to the School Weatherization Fund, which is hereby created. For fiscal years 1984-85, 1985-86, 1986-87, 1987-88, 1988-89, and 1989-90, the Legislature may appropriate for each year from the Nebraska Energy Resource Fund two hundred thousand dollars to the State Energy Office for the purpose of carrying out sections 66-1029 to 66-1055 and for energy conservation purposes and providing technical assistance in developing alternate sources of energy, one hundred thousand dollars to the Nebraska Gasohol Committee, and two hundred thousand dollars to the Department of Revenue to assist in the

administration of sections 66-1029 to 66-1055 and Chapter 57, article 7, except that money in the Nebraska Energy Resource Fund may be transferred to the General Fund at the direction of the Legislature. Commencing July 1, 1990, the balance of the Severance Tax Fund received from other than school lands shall be credited and inure to the Permanent School Fund.

Sec. 11. That section 66-467, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

66-467. There is hereby created a fund, to be known as the Agricultural Alcohol Fuel Tax Fund, to provide a Nebraska program for the implementation of a Nebraska agricultural alcohol industry for automotive fuels. The unexpended balance in such fund as of June 30, 1973, shall be appropriated for the next year and any unexpended balance in such fund at the close of each year biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding year biennium, otherwise it shall lapse into the General Fund, except that no part of the funds collected under section 66-467.01 shall lapse to the General Fund. In addition to such unexpended balance appropriation, there is hereby appropriated such amounts as are deposited in the fund pursuant to section 66-467.01 in each year.

The fund shall be used for the following purposes:

(1) Establishment, with cooperation of private industry, of procedures and processes necessary to the manufacture and marketing of agricultural ethyl alcohol-blended fuels;

(2) Establishment of a procedure for entering such blended fuel into the marketplace by private enterprise;

(3) Analysis of the marketing process and testing of marketing procedures to assure acceptance in the private marketplace of such blended fuels and byproducts resulting from its manufacture;

(4) Cooperation with private industry to establish privately-owned agricultural ethyl alcohol manufacturing plants in Nebraska to supply demand for such product; and

(5) Sponsoring research and development of industrial uses for byproducts resulting from the manufacture of agricultural ethyl alcohol in order to enhance economic feasibility.

Sec. 12. That section 68-721, Revised Statutes Supplement, 1984, be amended to read as follows:

68-721. If, at any point in the state ~~fiscal~~ year biennium, medical assistance funds are being expended at a rate that would exceed funds available for medical assistance expenditures for the ~~fiscal year~~ biennium, the Director of Social Services shall impose a pro rata reduction of all allowable costs for optional services under the Medical Assistance program, except for costs payable to Indian Health Service facilities which are subject to one hundred per cent federal reimbursement; costs which reflect manufacturers' actual cost of materials; skilled nursing care services for individuals twenty-one years of age and under; intermediate nursing care services for mentally retarded individuals; and inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals age sixty-five or older and age twenty-one and under in institutions for mental diseases. Such reduction shall be a percentage designed to bring the rate of expenditures into line with available funds.

If at any time such cuts for optional services amount to a pro rata reduction of ten per cent for such optional services covered by this section, the Director of Social Services shall impose a pro rata reduction on all services provided by medical assistance on an equal percentage for all such further reductions in payments.

For the purpose of this section, allowable costs shall mean the costs which may be paid to a provider for any goods or services covered by the medical assistance program prior to any adjustment due to payments available from other sources.

Sec. 13. That section 71-2045.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

71-2045.06. The board shall elect from its appointed members a chairperson, vice-chairperson, and such other officers as it deems necessary. The members of the board who are not officers or employees of the State of Nebraska shall, in addition to travel and other necessary expenses, receive a per diem of twenty dollars for each day actually engaged in the discharge of their duties, including compensation for the time spent in conducting the examination. Traveling and other necessary expenses shall be reimbursed as provided in sections 84-306.01 to 84-306.05 for state employees. All expenses of the board and in the administration of this act shall be paid from the fund by voucher signed by the head Director of the Bureau of Examining Boards, Department of Health. The board shall receive all

license renewal funds above the necessary operating expenses incurred by the Bureau of Examining Boards, Department of Health, for annual renewal of licensure. Any surplus in funds at the end of the fiscal year biennium shall be retained by the board for future expenditures. Expenses of members who are in the employ of the state shall be paid from the appropriation to their respective departments. Appointed members may be removed by the Department of Health for misconduct, incapacity, incompetence, or neglect of duty after being served with a written statement of charges and after opportunity for a hearing on such charges. The board, with the approval of the Department of Health, may employ and fix the compensation and duties of necessary personnel, including an executive secretary, to assist it in the performance of its duties.

Sec. 14. That section 72-232.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-232.07. The cost of administering unsold school lands shall include expenditures necessary for developing such school lands to their most productive use. All expenditures shall be directed by the board in exercising its responsibility as a trustee over the school land trust and shall not exceed twenty per cent of all rental and bonus payments of the previous year, which amount shall be annually appropriated for each year to the board for payment of development and improvement costs completed and approved by the board upon contracts let for this purpose. All rental and bonus payment deductions as authorized by this section shall be deposited by the board into the state treasury and by the State Treasurer credited to the Land Improvement Fund, which fund is hereby created, to be expended upon proper warrants in accordance with law. Any money in the Land Improvement Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 15. That section 72-802, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

72-802. Any officer or board charged with the general supervision of the erection and repair of the public buildings belonging to the state, shall prepare, or have prepared, plans and specifications of the building to be erected or repaired, and such plans shall be prepared in such a manner that the completed building, landscaping, and parking facilities, including the cost of equipment and fixtures necessary therefor,

or the completed repair cost, shall not exceed the amount authorized for that purpose. Construction may be commenced after contracts are awarded, but the obligation of the state in any ~~fiscal year~~ biennium under such contracts shall not exceed the amount appropriated for that purpose in such ~~fiscal year~~ biennium. ~~Where~~ When contracts are submitted to public bidding and a certain item is specified by trade name, make, or catalog number, a bid for the furnishing of an alternate item, equal thereto in the opinion of the architects and officers or board involved and submitted within the time limits set for receipt of bids, shall not be rejected solely on the basis that such item was not approved prior to the submission of bids. No officer, board, architect, superintendent, or contractor shall change any plan for any public building, for which an appropriation is made by the Legislature, so as to exceed such appropriation, and any officer, board, architect, superintendent, or contractor who ~~shall violate~~ violates any of the provisions of this section and section 72-801, shall be deemed guilty of a Class II misdemeanor.

Sec. 16. That section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative Bill 3, Eighty-ninth Legislature, Second Special Session, 1985, be amended to read as follows:

77-2602. Every person engaged in distributing or selling cigarettes at wholesale in this state shall pay to the Tax Commissioner of this state a special privilege tax. This shall be in addition to all other taxes. It shall be paid prior to or at the time of the sale, gift, or delivery to the retail dealer in the several amounts as follows: On each package of cigarettes containing not more than twenty cigarettes, twenty-three cents per package, and on packages containing more than twenty cigarettes the same tax as provided on packages containing not more than twenty cigarettes for the first twenty cigarettes in each package and a tax of one-twentieth of the tax on the first twenty cigarettes on each cigarette in excess of twenty cigarettes in each package. Eighteen cents of such tax shall be placed in the General Fund. The remaining proceeds of such tax shall be distributed in the following order:

First, there shall be placed in the State Office Building Fund the sum of one million two hundred thousand dollars each year for fiscal years 1974-75, 1975-76, 1976-77, and 1977-78 and three million six hundred thousand dollars for each fiscal year beginning

with 1978-79 through 1983-84. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year through June 30, 1984, are hereby reappropriated. Money in the State Office Building Fund may be transferred to the General Fund at the direction of the Legislature;

Second, there shall be placed in the Downtown Education Center and Office Rental Fund the sum of nine hundred sixty thousand dollars each year for fiscal years 1976-77 through 1983-84 and two million two hundred eighty thousand dollars each year for fiscal years 1984-85 and 1985-86. Such amounts are hereby appropriated and the unexpended balances existing in such fund at the end of each fiscal year or biennium through June 30, 1986, are hereby reappropriated. Money in the Downtown Education Center and Office Rental Fund may be transferred to the General Fund at the direction of the Legislature;

Third, beginning July 1, 1980, the equivalent of one cent of such tax shall be placed in the Nebraska Outdoor Recreation Development Cash Fund;

Fourth, beginning July 1, 1983, the equivalent of one cent of such tax shall be placed in the Nebraska Cancer Research Fund to carry out the provisions of sections 81-637 to 81-640;

Fifth, there shall be placed in the University Buildings Renovation and Land Acquisition Fund the sum of one million seven hundred sixty-five thousand one hundred fifty-three dollars and in the State College Buildings Renovation and Land Acquisition Fund the sum of three hundred sixty-one thousand two hundred twenty-two dollars each year for fiscal year 1984-85 through fiscal year 1993-94. Such amounts are hereby appropriated and the unexpended balances existing in such funds at the end of each fiscal year or biennium through June 30, 1994, are hereby reappropriated. The money in such funds shall be used for payment of the costs of building repair, remodeling, and renovation projects and land acquisition projects of the University of Nebraska and the Nebraska state colleges authorized by sections 85-1,111, 85-1,112, 85-322, and 85-323; and

Sixth, the balance of such proceeds shall be placed in a special fund to be known as the Nebraska Capital Construction Fund and disbursements from such fund shall be as the Legislature shall from time to time provide.

Sec. 17. That section 77-2715.01, Revised Statutes Supplement, 1985, be amended to read as follows:

77-2715.01. (1)(a) Commencing in 1984 the Legislature shall set the rate of the income tax imposed by section 77-2715 and the rate of the sales tax imposed by subsection (1) of section 77-2703.

(b) The Legislature shall set the rates of the sales tax and income tax so that the estimated funds available plus estimated receipts from the sales, use, income, and franchise taxes will be not less than three per cent nor more than seven per cent in excess of the appropriations and express obligations for the next two succeeding calendar fiscal years. The purpose of this subdivision is to insure that there shall be maintained in the state treasury an adequate General Fund balance, considering cash flow, to meet the appropriations and express obligations of the state.

(c) For purposes of this subsection, total sales and use taxes levied shall mean the total state sales and use tax liability of all taxpayers for the calendar year. Total income and franchise taxes levied shall mean the total state income and franchise tax liability of all taxpayers for the calendar year.

(d) For purposes of this section, express obligation shall mean an obligation which has fiscal impact identifiable by a sum certain or by an established percentage or other determinative factor or factors.

(2) The Speaker of the Legislature and the chairpersons of the Legislature's Executive Board, Revenue Committee, and Appropriations Committee shall meet with the Tax Commissioner within ten days after July 15 and November 15 of each year and shall determine whether the rates for sales tax and income tax should be changed. In making such determination they shall recalculate the requirements pursuant to the formula set forth in subsection (1) of this section, taking into consideration the appropriations and express obligations for any session, all miscellaneous claims, deficiency bills, and all emergency appropriations.

In the event it is determined by a majority vote that the rates must be changed as a result of a regular or special session or as a result of a change in the provisions of the Internal Revenue Code of 1954 and amendments thereto, other provisions of the laws of the United States relating to federal income taxes, and the rules and regulations issued under such laws, they shall petition the Governor to call a special session of the Legislature to make whatever rate changes may be necessary.

Sec. 18. That section 77-27,136, Revised

Statutes Supplement, 1984, be amended to read as follows:

77-27,136. Beginning in fiscal year 1982-83 and for each fiscal year thereafter, the Legislature shall appropriate seventeen million nine hundred thousand dollars of all funds collected by a general sales tax and income tax for aid to incorporated municipalities, seventeen million dollars for aid to counties, and seven hundred thousand dollars for aid to natural resources districts.

Sec. 19. That section 79-4,140.07, Revised Statutes Supplement, 1984, be amended to read as follows:

79-4,140.07. The State Department of Education shall identify exemplary curriculum materials for use in Nebraska schools. Such materials may include innovative programs, supplementary materials, unique approaches to presenting existing materials, and materials which make use of new technological developments. All such materials shall have a demonstrable capacity to improve the quality and effectiveness of instruction and shall have been developed in Nebraska or, if developed outside Nebraska, shall have been adapted for use in Nebraska. In order to make such materials fully available to Nebraska schools, the State Department of Education shall establish a dissemination program which shall include summer institutes conducted by teacher education institutions in the state. The Legislature shall appropriate an amount not to exceed two hundred fifty thousand dollars per fiscal year as is necessary for dissemination program activities, including, but not limited to:

(1) Grants to teachers who developed or adapted exemplary curriculum materials;

(2) Grants to teacher education institutions for the administrative costs of offering institutes; and

(3) Funds for reproducing and delivering trial materials to schools.

Sec. 20. That section 79-12,145, Revised Statutes Supplement, 1984, be amended to read as follows:

79-12,145. The financial assistance granted under the Nebraska Mathematics and Science Teacher Tuition Assistance Act shall be funded one hundred percent by funds appropriated from the School Weatherization Fund and, on and after July 1, 1986, from the School Foundation and Equalization Fund to the State Department of Education for the purposes of such act.

One hundred thousand dollars plus the costs of administration of such act shall be appropriated per fiscal year for such purposes.

Sec. 21. That section 79-1451, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1451. Budget estimates of the amounts of appropriations needed each ~~fiscal year~~ biennium for vocational rehabilitation services and for the administration of ~~said such~~ program shall be submitted in such manner as may be provided by law and sufficient funds for the purpose of carrying out the provisions of sections 79-1446 to 79-1456 shall be appropriated by the Legislature. In the event federal funds are available to the State of Nebraska for vocational rehabilitation purposes, the Division of Rehabilitation Services is authorized to comply with such requirements as may be necessary to obtain the maximum amount of federal funds and the most advantageous proportion possible insofar as this may be done without violating other provisions of the state laws and Constitution of the State of Nebraska.

Sec. 22. That section 79-1564, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1564. There is hereby established a fund, to be administered by the Public Employees Retirement Board, to be known as the Retired Teachers Supplementary Benefits Fund. This fund shall be considered an express obligation of the state. The appropriation for such fund shall be determined by the Public Employees Retirement Board as of January 1 of each odd-numbered year and included in the biennial budget to be adopted by each the regular session of the Legislature held in each odd-numbered year.

Sec. 23. That section 79-2651, Revised Statutes Supplement, 1984, be amended to read as follows:

79-2651. (1) The Legislature, in an effort to promote quality postsecondary education and to avoid excessive taxation upon the taxable property of each area, may appropriate each ~~year~~ biennium from such funds as may be available an amount for the aid and assistance of the technical community colleges. Such funds so appropriated by the Legislature shall be allocated and distributed to the area boards by the Department of Administrative Services as follows:

(a) Fifty-eight per cent of such funds appropriated by the Legislature for each fiscal year

shall be allocated to the technical community college areas in the same proportion as the first one thousand nine hundred audited reimbursable educational units or portion thereof for each area for the immediately preceding fiscal year is to the first one thousand nine hundred audited reimbursable educational units or portion thereof of all technical community college areas combined for such fiscal year; and

(b) The balance of such funds for each fiscal year shall be distributed to the areas in the same proportion as all audited reimbursable educational units in excess of one thousand nine hundred for each area for the immediately preceding fiscal year is to the audited reimbursable educational units in excess of one thousand nine hundred for all technical community college areas combined for such fiscal year.

(2) In the event the total funds allocated to any technical community college area for the current fiscal year, as determined in subsection (1) of this section, are less than the total funds received by such area board from the immediately preceding fiscal year's legislative appropriation, a percentage of the difference of the allocated amounts shall be distributed to such area and deducted from that portion of the funds which are distributed pursuant to subdivision (1)(b) of this section. Such percentage shall equal seventy-five per cent for fiscal year 1984-85, fifty per cent for fiscal year 1985-86, and twenty-five per cent for fiscal year 1986-87. This subsection shall not be applicable after fiscal year 1986-87.

(3) After all of the allocations and deductions required by subsection (2) of this section have been made, the adjusted balance to be allocated pursuant to subdivision (1)(b) of this section shall be reallocated according to such subdivision.

(4) The Department of Administrative Services shall distribute the total of such appropriated and allocated funds to the area boards in ten as nearly as possible equal monthly payments between the fifth and twentieth day of each month beginning September 1984 and each September thereafter.

Sec. 24. That section 81-125, Revised Statutes Supplement, 1984, be amended to read as follows:

81-125. The Governor shall on or before January 15 of each odd-numbered year present to the Legislature a complete budget for all the activities of the state receiving appropriations or requesting appropriations, except that the Governor during his or

her first year in office shall present such budget to the Legislature on or before February 1. Such budget shall be a tentative work program for the coming biennium, containing a full and itemized report of the expenditures from appropriations made by the previous Legislature and the items which the Governor deems worthy of consideration for the coming biennium, for the respective departments, offices, and institutions, and for all other purposes; the estimated revenue from taxation, the estimated revenue from sources other than taxation, an estimate of the amount required to be raised by taxation and the sales and income tax rates necessary to raise such amount, and recommendations as to deficiency funding requirements pursuant to section 50-423. The budget as transmitted to the Legislature shall show the estimated requirements for each activity of the state as prepared by the Department of Administrative Services and the final recommendation of the Governor. The budget shall comprise the complete report to the Legislature of all appropriations made by for the previous Legislature current biennium and expenditures therefrom by all agencies receiving appropriations, and the report of expenditures contained in the budget shall be in lieu of all other biennial or other financial reports required by statute to the Legislature by expending agencies of appropriations and expenditures for their own activities, except the biennial report of the State Treasurer and Director of Administrative Services.

Sec. 25. That section 81-132, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-132. It shall be the duty of all departments, offices, and institutions of the state government requesting appropriations, to file in the office of the Director of Administrative Services on or before September 15 of each even-numbered year the budget forms which were furnished them by the director under the provisions of section 81-1113 and section 81-1113.01, which forms shall show their total estimated requirements for the next biennium for each unit of their organization and activity, classified as to object of expenditure. With such forms, each department, office, institution, and expending agency shall file a report showing all money received by such department, office, institution, or expending agency, together with the estimated receipts for the coming biennium. Such estimates shall be accompanied by a statement in writing giving facts and explanations of reasons for each item

of increased appropriation requested.

Sec. 26. That section 81-138, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-138. No appropriation shall become available for expenditure to any expending agency until such department ~~shall submit~~ has submitted to the Director of Administrative Services quarterly estimates of the amount required in each fiscal year's quarter for each activity to be carried on, and such estimate shall estimates have been approved by the Governor. Accounts ~~and the accounts~~ shall be kept and reports rendered showing the expenditures for each such purpose.

Sec. 27. That section 81-138.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-138.01. For appropriation and expenditure purposes, encumbrances represent financial obligations which are chargeable to the current fiscal year's biennium's appropriation and for which a part of that appropriation is reserved. Encumbrances which are established in one fiscal year, biennium to be liquidated in a subsequent fiscal year, biennium shall be limited to the following types of transactions:

(1) A purchase order is issued, but the goods and accompanying invoice were not received and paid during the same fiscal period biennium;

(2) Goods or services were received, but an invoice has not been received and paid;

(3) Goods or services and an invoice were received, but payment could not be made during the same fiscal period biennium; or

(4) Salaries have been earned and are payable to the employees, but have not been paid as of the end of the fiscal period, biennium as a result of pay periods not being consistent with the end of the fiscal period biennium, except that higher education institutions may encumber payrolls for the remainder of the summer session which is in progress at the end of the state's fiscal year, biennium if they have been budgeted and appropriated in such manner.

Sec. 28. That section 81-138.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-138.02. Contracts, other than a purchase order, for goods or services to be provided in a subsequent fiscal year biennium do not represent valid encumbrances of current year biennium appropriations and will require specific reappropriation by the

Legislature. Only that portion of a contract which meets the criteria established in subdivision (2) of section 81-138.01 may be encumbered.

Sec. 29. That section 81-138.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-138.03. An encumbrance established in one ~~fiscal year~~ biennium may only be carried over into the subsequent ~~fiscal year~~ biennium. Any encumbrance shall be paid during the first ~~fiscal year~~ biennium following the ~~fiscal year~~ biennium in which established, or shall be lapsed to the fund from which appropriated at the end of the first fiscal period following the ~~year~~ biennium in which such encumbrance is established.

Sec. 30. That section 81-138.04, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-138.04. At the end of each ~~fiscal year~~ biennium, the state budget officer shall review all encumbrances established in the preceding ~~fiscal period~~ biennium and take appropriate action to lapse those encumbrances which do not meet the provisions of sections 81-138.01 to 81-138.04.

Sec. 31. That section 81-184, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-184. The cost of administration of the ~~provisions of sections 81-173 to 81-190~~ Deferred Building Renewal Act shall be paid from the Building Renewal Allocation Fund as the Legislature shall appropriate. The Governor shall each odd-numbered year submit a specific itemized appropriation request to cover such administrative costs.

Sec. 32. That section 81-2,162.27, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-2,162.27. All money received under the ~~provisions of this act~~ Nebraska Commercial Fertilizer and Soil Conditioner Act shall be paid to the state treasury and credited by the State Treasurer to the Fertilizers and Soil Conditioners Administrative Fund, which fund is hereby created. All money so received shall be appropriated to the uses of the department for defraying the expenses of administering the ~~provisions of this act~~. Any unexpended balance in such fund at the close of any ~~fiscal year~~ biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding ~~fiscal year~~ biennium. ~~Any unexpended balance in the Fertilizer Tonnage Tax~~

Fund as of January 1, 1976 shall be transferred to the Fertilizers and Soil Conditioners Administrative Fund. Any money in the Fertilizers and Soil Conditioners Administrative Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 33. That section 81-638, Revised Statutes Supplement, 1984, be amended to read as follows:

81-638. The Nebraska Cancer Research Fund is hereby created. The Legislature shall appropriate for each year from the Nebraska Cancer Research Fund to the Department of Health an amount derived from one cent of the cigarette tax imposed by Chapter 77, article 26, less any amount appropriated from the Nebraska Cancer Research Fund specifically to the University of Nebraska Eppley Institute for Research in Cancer and Allied Diseases. Any money in the Nebraska Cancer Research Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. The director shall, after deducting expenses incurred in the administration of such funds, distribute such funds exclusively for grants and contracts for research of cancer and smoking diseases. The University of Nebraska may receive such grants and contracts and other postsecondary institutions having colleges of medicine located in the State of Nebraska may receive such contracts.

Sec. 34. That section 81-829.42, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-829.42. (1) While ~~annual~~ appropriations are adequate to meet the normal needs, the Legislature recognizes the necessity for anticipating and making advance provision to care for the unusual and extraordinary burdens imposed on the state and its political subdivisions by disasters or a civil defense emergency as defined in section 81-829.39. To meet such situations, it is the intention of the Legislature to confer emergency powers on the Governor, acting through the Adjutant General and the state Civil Defense Agency, and vesting him or her with adequate power and authority within the limitation of available funds in the Governor's Emergency Fund to meet any such emergency or disaster.

(2) There is hereby established a fund to be known as the Governor's Emergency Fund. It shall be expended, upon direction of the Governor, for any state of emergency. The emergency declaration shall set forth

the emergency and shall state that it requires the expenditure of public funds to furnish immediate aid and relief. The Adjutant General shall administer such fund. Any money in the fund available for investment shall be invested by the state investment officer pursuant to ~~the provisions of sections 72-1237 to 72-1259~~ 72-1269.

(3) It is the legislative intent that the first recourse shall be to funds regularly appropriated to state and local agencies. If the Governor finds that the demands placed upon these funds are unreasonably great, he or she may make funds available from the Governor's Emergency Fund. Expenditures may be made upon direction of the Governor for any or all of the civil defense functions as defined in section 81-829.39, or to meet the intent of the state disaster plans as outlined in section 81-829.41. Expenditures may also be made to state and federal agencies to meet the matching requirement of any applicable assistance programs.

(4) Assistance shall be provided from the Governor's Emergency Fund to political subdivisions of this state which have suffered from a disaster to such an extent as to impose a severe financial burden exceeding the ordinary capacity of the subdivision affected. Applications for aid under this section shall be made to the state Civil Defense Agency on such forms as shall be prescribed and furnished by the agency and which shall require the furnishing of sufficient information to determine eligibility for aid and the extent of the financial burden incurred. The agency may call upon other agencies of the state in evaluating such applications. The Adjutant General shall review each application for aid under ~~the provisions of~~ this section and recommend its approval or disapproval, in whole or in part, to the Governor. If the Governor approves, he or she shall determine and certify to the Adjutant General the amount of aid to be furnished. The Adjutant General shall thereupon issue his or her voucher to the Director of Administrative Services, who shall issue his or her warrants therefor to the applicant.

(5) When a disaster emergency has been proclaimed by the Governor, or in the event of a civil defense emergency, the Adjutant General, upon order of the Governor, shall have authority to expend funds to meet but not be limited to the following situations:

(a) The purposes of ~~sections 81-829-36 to 81-829-68~~ the Nebraska Disaster and Civil Defense Act of 1973 to include civil defense functions as defined in section 81-829.39, and the responsibilities of the

Governor and the state Civil Defense Agency as outlined in sections 81-829.40 and 81-829.41;

(b) Employing for the duration of the emergency additional personnel and contracting or otherwise procuring all necessary appliances, supplies, and equipment;

(c) Performing services for and furnishing materials and supplies to state government agencies, counties, and municipalities with respect to performance of any duties enjoined by law upon such agencies, counties, and municipalities which they are unable to perform because of extreme climatic phenomena, and receiving reimbursement in whole or in part from such agencies, counties, and municipalities able to pay therefor under such terms and conditions as may be agreed upon by the Adjutant General and any such agency, county, or municipality;

(d) Performing services for and furnishing materials to any individual in connection with alleviating hardship and distress growing out of extreme climatic phenomena, and receiving reimbursement in whole or in part from such individual under such terms as may be agreed upon by the Adjutant General and such individual;

(e) Performing services to counties and municipalities with respect to quelling riots and civil disturbances;

(f) Opening up, repairing, and restoration of roads and highways;

(g) Repairing and restoration of bridges;

(h) Furnishing transportation for supplies to alleviate suffering and distress;

(i) Restoration of means of communication;

(j) Furnishing medical services and supplies to prevent the spread of disease and epidemics;

(k) Quelling riots and civil disturbances;

(l) Training of individuals or governmental agencies for the purpose of perfecting the performance of emergency assistance duties as defined in the state disaster plans;

(m) Procurement and storage of special emergency supplies or equipment, determined by the Adjutant General as required to provide rapid response by state government to assist counties and municipalities in impending or actual emergencies;

(n) Clearing or removing from publicly or privately-owned land or water, debris and wreckage which may threaten public health or safety; and

(o) Such other measures as are customarily

necessary to furnish adequate relief in cases of catastrophe or disaster.

(6) The Governor may receive such voluntary contributions as may be made from any source to aid in carrying out the purposes of this section and shall credit the same to the Governor's Emergency Fund.

(7) All obligations and expenses incurred by the Governor in the exercise of the powers and duties vested in him ~~the Governor~~ by the provisions of this section shall be paid by the State Treasurer out of available funds in the Governor's Emergency Fund, and the Director of Administrative Services shall draw his or her warrants upon the State Treasurer for the payment of such sum, or so much thereof as may be required, upon receipt by him ~~or her~~ of proper vouchers duly approved by the Adjutant General.

(8) ~~The provisions of this~~ This section shall be liberally construed in order to accomplish the purposes of ~~sections 81-829-36 to 81-829-68~~ the Nebraska Disaster and Civil Defense Act of 1973 and to permit the Governor to adequately cope with any emergency which may arise, and the powers vested in the Governor by this section shall be construed as being in addition to all other powers presently vested in him, ~~or her~~ and not in derogation of any existing powers.

(9) Such funds as may be made available by the government of the United States for the purpose of alleviating distress from disasters may be accepted by the State Treasurer; and shall be credited to the Governor's Emergency Fund unless otherwise specifically provided in the act of Congress making such funds available.

Sec. 35. That section 81-8,110.07, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-8,110.07. The secretary of the board shall receive and account for all money derived from the operation of sections 81-8,108 to 81-8,127; and shall pay it to the State Treasurer, who shall keep such money in a separate fund to be known as the Land Surveyor Examiner's Fund. This fund shall be continued from year to year. When appropriated by the Legislature, this fund shall be expended only for the purposes of sections 81-8,108 to 81-8,127. When not reappropriated for the succeeding ~~year~~ biennium, the money in this fund shall not revert to the General Fund. The fund shall be paid out only upon vouchers approved by the board and upon warrants issued by the Director of Administrative Services and countersigned by the State Treasurer. The

expenditures of the board shall be kept within the income collected and deposited with the State Treasurer by such board. Any money in the Land Surveyor Examiner's Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269.

Sec. 36. That section 81-1102, Revised Statutes Supplement, 1984, be amended to read as follows:

81-1102. As used in this act, unless the context otherwise requires:

(1) Gender with reference to the masculine or feminine gender shall be construed to apply to either or both genders;

(2) Executive budget shall mean the budget proposed by the Governor to the Legislature as the basis of appropriations for the operation of and capital outlay by state government during the period covered by such budget;

(3) Approved budget shall mean the executive or Governor's budget as modified by appropriations actions of the Legislature;

(4) Budgetary allotments shall mean the plan of expenditures, by program, subprogram, activity, or object of expenditure under the approved budget for monthly or other applicable periods of time within each fiscal year, to which a department or agency may be held during such period of time within the fiscal year;

(5) Accrual system shall mean the recording of revenue when earned and the recording of expenditures as soon as they result in liabilities, notwithstanding the fact that the receipt of the revenue or payment of the expenditure may take place, in whole or in part, in another accounting period;

(6) Double entry system shall mean a system of bookkeeping which requires for every entry made to the debit side of an account or accounts an entry for a corresponding amount or amounts to the credit side of another account or accounts resulting in a self-balancing accounting system;

(7) Disbursement shall mean payment from the state treasury;

(8) Expenditure shall mean, when an accrual system has been established, total liability incurred by contract, purchase order, or payroll commitments or as otherwise provided by law, whether or not related disbursement has been made from the state treasury, and shall mean, until an accrual system has been established, disbursements from the state treasury;

(9) Revenue shall mean, when an accrual system has been established, additions to assets which do not increase any liability or represent the recovery of an expenditure or disbursement or any part thereof or the cancellation of liabilities without a corresponding increase in other liabilities or a decrease in assets. Until an accrual system has been established, this term shall mean additions to cash in the state treasury or for deposit in the state treasury only;

(10) Receipts shall mean cash received, unless otherwise qualified;

(11) Budgetary accounting shall mean a system of accounts designed to reflect budget operations and conditions such as estimated revenue, appropriations, and encumbrances as distinct from proprietary accounts designed to show the status of the assets, liabilities, and surplus of the state and its departments and agencies;

(12) Encumbrances shall mean charges to appropriation accounts to reflect obligations for which a part of the appropriation is reserved and which shall cease to be encumbrances when paid or when an actual liability is established in a proprietary account;

(13) Proprietary account shall mean those accounts designed to show actual financial position and operations such as actual assets, liabilities, revenue, surplus, revenue and expenditures, as distinguished from budgetary accounts;

(14) Program shall mean a major operation of the state government directed toward the achievement of a definite legal objective and which, in most instances, could be carried on independently of other major operations of the state as defined and described in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(15) Subprogram shall mean one or more operations of a department or agency of the state designed jointly to accomplish a major program objective as defined in the accounting and budgeting manuals on file in the office of the Director of Administrative Services;

(16) Activity shall mean one or more operations of a department or agency of the state designed jointly to accomplish the objective of a subprogram to which it is related as defined in the accounting and budgeting manual on file in the office of the Director of Administrative Services;

(17) Staffing pattern shall mean the number of positions in each class and the specific classes of

positions as may be authorized for each department or agency for such department or agency programs, subprograms, and activities;

(18) Approved project shall mean any acquisition of land or buildings, any construction or major remodeling of new or newly acquired buildings or structures or of existing state-owned buildings or structures, excluding state highways or state roads or aeronautical projects, or any additions to buildings or structures of land owned by the state, or its departments or agencies, for which an appropriation or other act of the Legislature shall make provision;

(19) Machine time shall mean the hours or fractions thereof of operation of each component of a machine data processing system together with the hours or fractions thereof of machine operator time for each such component devoted to the production of a report or tabulation or the processing of data necessary to such production and shall also include a proportional reflection of the hours or fractions thereof of supervisory time so that all costs of operation of the data processing service division may be reflected in billings to benefiting departments or agencies;

(20) Budget request shall mean the complete recitation, on forms prescribed by the budget division and in the manner prescribed by such division, of the operating and construction funds requests of a department or agency for the ~~fiscal period~~ biennium next following the then current ~~fiscal period~~ biennium;

(21) Department shall mean the Department of Administrative Services; and

(22) Director shall mean the Director of Administrative Services.

Sec. 37. That section 81-1113, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1113. The budget division shall prepare the executive budget in accordance with the wishes and policies of the Governor. The budget division shall have the following duties, powers, and responsibilities:

(1) Shall prescribe the forms and procedures to be employed by all departments and agencies of the state in compiling and submitting their individual budget requests, and shall set up a budget calendar which shall provide for (a) the date, not later than July 15 of the each even-numbered year, preceding convening of a regular legislative session, for distribution of instructions; (b) the date by which time requests for appropriations by each agency shall be

submitted; and (c) the period during which such public hearings as the Governor may elect shall be held for each department and agency. The budget request shall be submitted no later than on or before September 15 of the each even-numbered year preceeding convening of the regular session of the legislature, and shall include the intended receipts and expenditures by programs, subprograms, and activities, and such additional information as the administrator may deem appropriate for each fiscal year, and be made upon a biennial basis and shall include actual receipts and actual expenditures for each fiscal year of the most recently completed biennium, the first year of the current biennium and estimates for the second year of the current biennium and each year of the next ensuing biennium;

(2) Shall work with each governmental department and agency in developing performance standards for each program, subprogram, and activity to measure and evaluate present as well as projected levels of expenditures;

(3) Shall, following passage of legislative appropriations, be responsible for the administration of the approved budget through budgetary allotments;

(4) Shall be responsible for a monthly budgetary report for each department and agency showing comparisons between actual expenditures and allotments which report shall be subject to review by the director and budget administrator; and

(5) Shall be responsible for the authorization of employee positions. Such authorizations shall be based on the following:

(a) A requirement that a sufficient budget program appropriation and salary limitation exist to fully fund all authorized positions;

(b) A requirement that permanent full-time positions which have been vacant for ninety days or more be reviewed and reauthorized prior to being filled. If requested by the budget division, the Department of Personnel shall review such vacant position to determine the proper classification for the position;

(c) A requirement that authorized positions accurately reflect legislative intent contained in legislative appropriation and intent bills; and

(d) Other relevant criteria as determined by the budget administrator.

Sec. 38. That section 81-1113.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1113.02. For the purposes of legislative budget analysis, review, and approval, the budget forms, procedures, and instructions required pursuant to section 81-1113, shall provide that the Department of Agriculture, when submitting its budget request, list the proposed use of all checkoff or similar funds requested to be appropriated by the Legislature which are derived from a fee or assessment on agricultural products and list each contract and agreement that will be entered into during the upcoming ~~fiscal year~~ biennium which would utilize such funds.

Sec. 39. That section 81-1302, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1302. As used in sections 81-1301 to ~~81-1317~~ 81-1316, unless the context otherwise requires:

(1) Gender when referring to masculine also includes feminine;

(2) State personnel service shall refer to the personnel system established by the provisions of sections 81-1301 to 81-1317 81-1316 together with those aspects of personnel systems established under any other law as such systems may be affected by the provisions of sections 81-1301 to 81-1317 81-1316;

(3) Position shall mean an office or employment in an agency of this state, whether part time or full time, temporary or permanent, and whether occupied or vacant, or existing for the performance of specific duties;

(4) Employee shall mean any person in the employ of an agency or department who receives a salary or wage;

(5) Position title shall mean the title assigned a position having discrete characteristics relative to the duties, responsibilities, skills, training, experience, and other factors under the state position classification plan;

(6) Job description shall mean the description of duties, responsibilities, typical tasks to be performed, degree of supervision to which subject or for which responsible, and the conditions under which an incumbent in a given position shall perform, for each class and position in the state service;

(7) Pay grade shall mean a specified range of salary or wage, the starting and intermediate rates within such range, and the maximum rate of such range as may be approved by legislative enactment;

(8) Position classification plan shall mean the system of classifying each position in the state

service in accordance with the kinds of skills, experience, working conditions, and other factors peculiar to each and the structuring of classes of positions in accordance with the different kinds of treatment necessary for each class and the positions within each class;

(9) Salary or pay plan shall mean a plan by which positions, as previously arranged under the classification plan, are evaluated by classes in relation to one another, by which pay grades are specified for each class of positions, and which is governed by a set of fundamental rules authorizing and controlling changes in the pay of classes of positions and their incumbents as may be provided for by law and rules and regulations promulgated pursuant to such law;

(10) Fiscal year shall mean the twelve months between July 1 of one year and June 30 of the next succeeding year;

(11) Biennium shall mean the twenty-four months between July 1 of each odd-numbered year the calendar year in which the Legislature convenes in regular session and June 30 of the year following the next succeeding calendar year;

(12) Certification of employee or applicant shall mean the act of the Director of Personnel by which a candidate for employment by an agency of the state or an employee of an agency of the state shall have been found minimally qualified for the duties of the position sought or held and which shall then authorize such an applicant to be employed or retained, as the case may be;

(13) Certified employee shall mean an employee of the state who has been examined as deemed appropriate by the Director of Personnel and who has been found minimally qualified for the position he or she holds;

(14) Qualified shall mean, with reference either to a candidate for employment, or an employee, that he or she has been examined by appropriate means and found to possess the minimum ability, the minimum requirements of training, experience, and other requirements for the position sought or held and may therefor be certified as eligible for employment in such position;

(15) Job specifications shall mean a formal statement of skills, experience, personal qualities, education, and other factors to be required of persons who hold or seek employment for each position in the state's service;

(16) Recruiting shall mean the act or actions

through which potentially qualified persons are caused to apply for employment with any agency of the state;

(17) Examination shall mean the identification of minimum requirements for filling a position in the state's service through objectively rated written examination, performance tests, review of credentials, review of employment references, oral interview, or any combination of such activities as may be deemed appropriate by the Director of Personnel;

(18) Register shall mean an official list containing the names and other appropriate data on each person who shall have qualified for employment for each position in the state's service;

(19) Appointment shall mean the act by which a candidate for employment shall become an employee of the state;

(20) Classification shall mean the process by which the duties, responsibilities, working conditions, skills required, experience required, supervision received or exercised, or both, and other factors relative to a position are established in proper relationship to the same factors for all other positions in the state's service and from which there shall result a job description, job specifications, and assignment to a pay grade for the position so affected;

(21) Budget division shall mean the organizational subunit within the Department of Administrative Services having responsibility for preparation of recommendations for, prescribing procedures for compilation of, and administration of the Governor's budget;

(22) Staffing pattern shall mean the number of positions in each class and the specific classes of positions as may be authorized for each department or agency of state government by the budget division;

(23) Authorized position shall mean any position the creation of which has been approved by the budget division;

(24) Merit increase shall mean any increase in the rate of pay for any position in the state's service beyond the starting rate and which shall be provided for by the pay plan and which shall be granted in recognition of length of service, superior or outstanding performance, or as otherwise provided for by law;

(25) Certification of payrolls shall mean the review of all payrolls or payroll vouchers by the Director of Personnel to assure the propriety of rates of pay, position classification, merit increases,

staffing pattern, and other factors as may be provided by law and the affixing of his or her statement that each of the employees covered by such payroll or voucher is properly provided for thereon and may be issued a warrant for the amount provided thereon;

(26) Director shall mean the Director of Personnel; and

(27) Department shall mean the Department of Personnel.

Sec. 40. That section 81-1414.06, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1414.06. It is the intent of the Legislature of Nebraska to appropriate ~~annually~~ to the Nebraska Law Enforcement Training Center Fund an amount sufficient for the costs and payments to be made by the State of Nebraska to the city of Grand Island for the lease by the state of the Nebraska Law Enforcement Training Center including an amount sufficient for operation and maintenance and lease payments sufficient to pay the principal and interest on the bonds issued by the city of Grand Island to finance such building and to maintain any required amounts in any bond and bond reserve funds. There is hereby appropriated \$320,000 from the State Building Fund to the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1980. There is hereby appropriated \$320,000 plus any investment income from the Nebraska Law Enforcement Training Center Fund for the fiscal year ending June 30, 1980, to Agency 78 - Nebraska Commission on Law Enforcement and Criminal Justice for Program 901.

Sec. 41. That section 83-1,143.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

83-1,143.01. Each mental retardation region shall ~~biennially~~ annually, ~~prior to July 1, 1973, and each year thereafter,~~ prepare a proposed budget for the ~~fiscal year~~ biennium beginning July 1 of each odd-numbered year. The budgets shall show all expenditures proposed by the mental retardation region. Such budgets shall be submitted by August 1 of each even-numbered year to the Department of Public Institutions. The Department of Public Institutions shall review such budgets and attach its recommendations thereto and transmit them to the Director of Administrative Services not later than September 15 of each even-numbered year. The final budget for each mental retardation region shall be set by the Legislature.

Sec. 42. That section 85-912, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-912. Each public postsecondary institution in the state shall submit with its ~~annual~~ budget request on or before October 15, 1977, and each odd-numbered year thereafter, three copies of ~~an annual~~ a biennial report on the receipt and expenditure of all funds received from private, nongovernmental sources to include private enterprises, foundations, and any other nongovernmental fund source excluding student fees, when such funds are used for the purpose of supporting existing or establishing new programs within the institution. The form of such reports shall be prescribed by the Department of Administrative Services, Budget Division. It is the purpose of this section to provide for full disclosure of all financial activities dealing with program support by postsecondary institutions, but this section shall not be interpreted to require the disclosure of the names of private donors or be used to interfere with the internal operation or management of institutionally related foundations.

Sec. 43. That section 85-916.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-916.01. There is hereby created the Nebraska Coordinating Commission for Postsecondary Education Administrative Cash Fund. The fund shall contain only that money which is received from application fees from out-of-state institutions of higher and postsecondary education seeking authorization to offer courses and programs in the State of Nebraska and private colleges seeking provisional accreditation. Such fund shall be expended to cover the administrative costs of reviewing such applications. A report on the receipts and expenditures from such cash fund shall be included as a part of the ~~annual~~ operating budget request submitted to the Legislature and the Governor. Any money in the cash fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1259 ~~72-1269~~.

Sec. 44. That section 85-916.02, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

85-916.02. There is hereby created the Nebraska Coordinating Commission for Postsecondary Education Trust Fund. Such fund shall serve as a revolving fund to receive grants from foundations and institutions for specific studies which are a part of

the powers and duties of the commission. Such grant money shall be used only for purposes specified in the grant. A report of the findings of any studies done pursuant to such grants shall be included as a part of the ~~annual~~ operating budget request submitted to the Legislature and the Governor. Any money in the trust fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to ~~72-1259~~ 72-1269.

Sec. 45. That section 89-1,100, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

89-1,100. The director shall collect registration, laboratory, and inspection fees in accordance with ~~the provisions of~~ section 89-187 and all such fees collected shall be paid to the state treasury and by the State Treasurer credited to the Weights and Measures Administrative Fund, which fund is hereby created. All fees credited to the fund shall be appropriated to the uses of the Department of Agriculture to aid in defraying the expenses of administering ~~the provisions of~~ sections 89-183 to 89-1,103. Any unexpended balance in such fund at the close of any ~~year~~ year biennium shall, when reappropriated, be available for the uses and purposes of the fund for the succeeding year biennium; otherwise, it shall lapse into the General Fund. Any money in the Weights and Measures Administrative Fund available for investment shall be invested by the state investment officer pursuant to sections 72-1237 to 72-1269. The registration, laboratory, and inspection fees provided for in sections 89-183 to 89-1,103 shall constitute a lien on the weights and measures or standards registered or approved for use in this state until such fees are paid, and the director may sue therefor in the name of the state.

Sec. 46. That original sections 2-1503.01, 2-1577, 2-1585, 2-3407, 48-837, 50-423, 54-2004, 66-467, 71-2045.06, 72-232.07, 72-802, 79-1451, 79-1564, 81-132, 81-138, 81-138.01, 81-138.02, 81-138.03, 81-138.04, 81-184, 81-2,162.27, 81-829.42, 81-8,110.07, 81-1113, 81-1113.02, 81-1302, 81-1414.06, 83-1,143.01, 85-912, 85-916.01, 85-916.02, and 89-1,100, Reissue Revised Statutes of Nebraska, 1943, sections 2-1587, 68-721, 77-27,136, 79-4,140.07, 79-12,145, 79-2651, 81-125, 81-638, and 81-1102, Revised Statutes Supplement, 1984, sections 57-705 and 77-2715.01, Revised Statutes Supplement, 1985, and section 77-2602, Revised Statutes Supplement, 1985, as amended by section 1, Legislative

LB 258

LB 258

Bill 3, Eighty-ninth Legislature, Second Special Session, 1985, are repealed.